



MEDIA RELEASE

NEW DISPUTE RESOLUTION PLATFORM FOR WRONGFUL DISMISSAL CLAIMS

1 April 2019

1 From 1 April 2019, all employees (excluding seafarers, domestic workers and public servants¹) who wish to file a claim against their employers for wrongful dismissal will first undergo mediation at the Tripartite Alliance for Dispute Management (TADM). If the dispute remains unresolved after mediation, they can file the claim at the Employment Claims Tribunals (ECT). This change follows the amendments to the Employment Act and Employment Claims Act to enhance the employment dispute resolution framework.

2 Claims for wrongful dismissal may be filed where an employee believes the dismissal was without just or sufficient cause, or for reasons such as discrimination, deprivation of benefits, to punish for exercising an employment right, or where the reason for dismissal given by the employer was false.

3 Under the enhanced employment dispute resolution framework, employees with a wrongful dismissal claim must first undergo mediation at TADM before filing the claim at the ECT. Should the dispute remain unresolved after mediation, they will receive a Claim Referral Certificate (CRC) from TADM. With the CRC, they may file the claim online through the State Courts' Community Justice and Tribunals System for their dispute to be adjudicated by the ECT. When adjudicating the claim, the ECT will refer to the Tripartite Guidelines on Wrongful Dismissal published by the Ministry of Manpower (MOM).

4 Prior to 1 April 2019, employees with both salary-related and wrongful dismissal claims had to file their claims separately – salary-related claims mediated at TADM and adjudicated by the ECT, and wrongful dismissal claims dealt with by the MOM. With the enhanced employment dispute resolution framework, they now have access to a one-stop service for both types of claims.

###

Enclosed:

Annex A: Factsheet: Tripartite Alliance for Dispute Management and Employment Claims Tribunals

Annex B: Translation of key terms

¹ Including employees employed by statutory boards. However, female employees, including public servants, covered under s 12(1) of the Child Development and Co-Savings Act may file claims at the ECT.

For further information or clarification, please contact:

State Courts

Bryan Jacob
Executive
Communications Directorate
Tel: 6435 5088 / 9722 6139
Email: bryan_jacob@statecourts.gov.sg

Tripartite Alliance for Dispute Management

Priscilla Maran
Assistant Head
Corporate Communications
Tel: 6302 2761 / 9368 7448
Email: priscilla_maran@tal.sg

Michelle Chiang
Senior Assistant Director
Communications Directorate
Tel: 6435 5179 / 9722 6139
Email: michelle_chiang@statecourts.gov.sg

Melvin Chia
Senior Manager
Corporate Communications
Tel: 6302 2759 / 9856 5050
Email: melvin_chia@tal.sg

About the Employment Claims Tribunals

The Employment Claims Tribunals (ECT) was established in April 2017 under the Employment Claims Act 2016 to provide an effective and affordable dispute resolution forum to assist employees and employers to resolve their employment-related disputes.

The ECT has jurisdiction to hear claims of up to S\$20,000 or up to S\$30,000 if the dispute has undergone mediation assisted by the unions.

The ECT sees the following types of claims:

- Statutory salary-related claims are those relating to employee entitlements under the Employment Act, Retirement & Re-employment Act and the Child Development Co-Savings Act. These include unpaid salary, overtime pay, salary in lieu of notice of termination, employment assistance payments, and maternity benefits.
- Contractual salary-related claims which include, among other things, payment of allowances, bonuses, commissions, salary in lieu of notice and retrenchment benefits, provided that these are expressed in monetary terms in the contract.
- Wrongful dismissal claims under the Employment Act and Child Development Co-Savings Act for dismissals without just or sufficient cause.

To bring a claim before the ECT, parties must first register their claim at the Tripartite Alliance for Dispute Management (TADM) and undergo mandatory mediation. Only disputes which remain unresolved after mediation at TADM may be referred to the ECT. A claim referral certificate has to be issued by TADM before a claim is filed at the ECT.

About the Tripartite Alliance for Dispute Management

The Tripartite Alliance for Dispute Management (TADM) was established by the Ministry of Manpower (MOM), National Trades Union Congress (NTUC) and Singapore National Employers Federation (SNEF) on 31 March 2017.

TADM provides advisory and mediation services to help employers and employees manage employment disputes, and self-employed persons to manage payment-related disputes amicably.

TADM, together with other partners, also provide other forms of support to cater to the needs of employees and self-employed persons. The support available includes assessment and referral for:

- Job search and training
- Social and emotional support
- Financial assistance
- Basic legal service

For more information about TADM, please visit the website at www.tadm.sg.

Factsheet: Tripartite Alliance for Dispute Management (TADM) and Employment Claims Tribunals (ECT)

A. Who can file a claim for reinstatement/compensation for wrongful dismissal

A claim for reinstatement/compensation for wrongful dismissal can be filed by:

- (a) Employees employed in a managerial or executive position who have been dismissed
 - i) without notice or payment of salary in lieu of notice; or
 - ii) with notice or payment of salary in lieu of notice, provided that they have served the employer for at least 6 months in any position before a dismissal notice was issued
- (b) Employees not employed in a managerial or executive position who have been dismissed with or without notice or payment of salary in lieu of notice
- (c) Female employees who are given a notice of dismissal at any time during their pregnancy (as certified by a medical practitioner before the notice of dismissal is given), after serving the employer for at least 3 months immediately preceding the day the notice is given.

For further information, please refer to sections 14(2A) and 84(1) of the Employment Act (Cap 91, 2009 Rev Ed).

B. Time-limit for filing wrongful dismissal claims

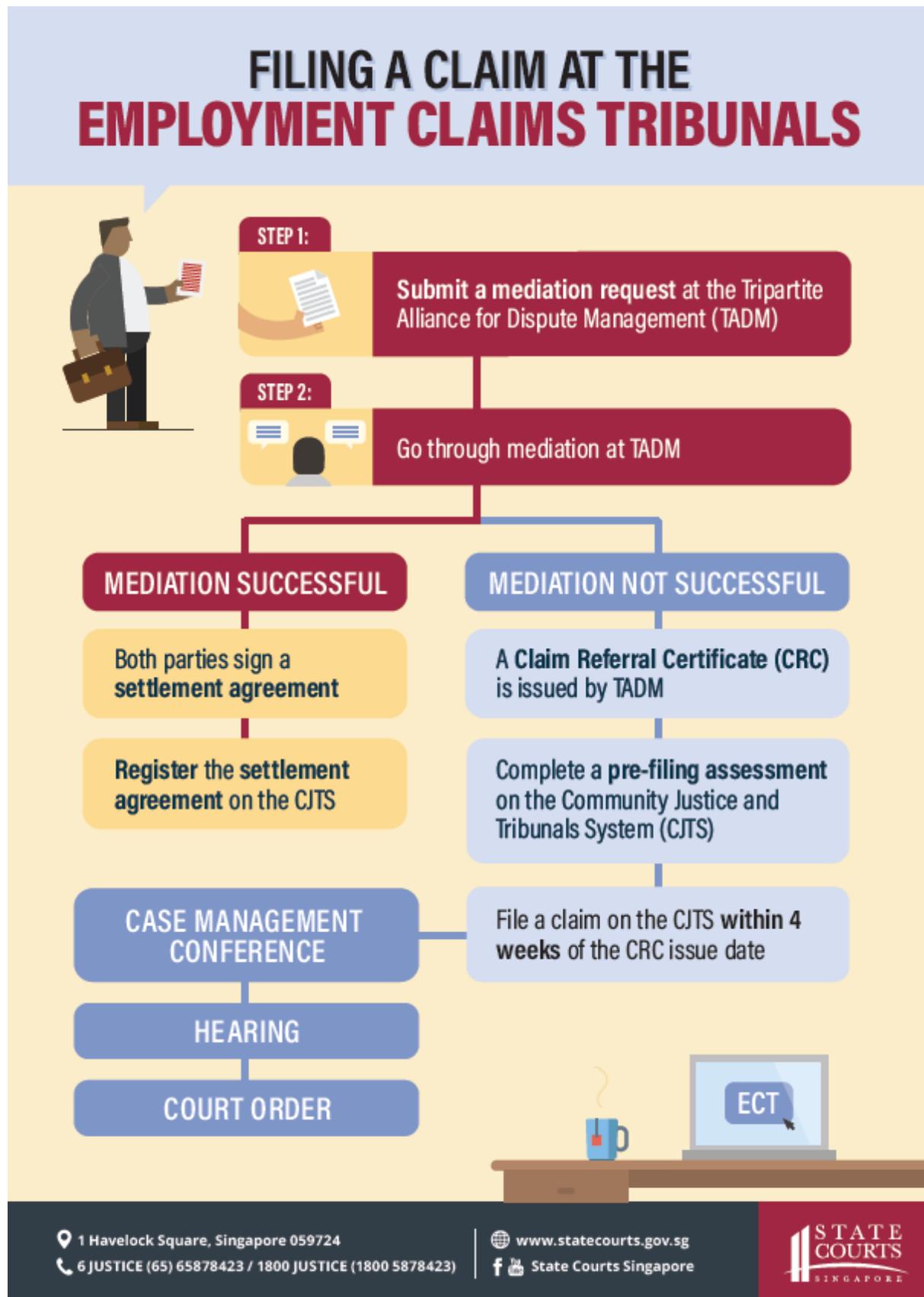
Employees who wish to file a claim against their employers for wrongful dismissal may do so **within one month after the employees' last day of employment.**

Example:

Last day of employment	Last day to submit wrongful dismissal claim
31 August 2019	30 September 2019

For female employees who are pregnant, they must file claims for wrongful dismissal within 2 months of the birth of their child.

C. How to file a claim at TADM and ECT



D. Fees for filing a claim at TADM and ECT

	TADM	ECT
Fees	<ul style="list-style-type: none"> • Non-refundable registration fee: <ul style="list-style-type: none"> ○ \$10 per claim if your claim is \$10,000 or less; ○ \$20 per claim if your claim exceeds \$10,000. 	<ul style="list-style-type: none"> • Non-refundable lodgement fee <ul style="list-style-type: none"> ○ \$30 per claim if your claim is \$10,000 or less; ○ \$60 per claim if your claim exceeds \$10,000.

Employees with both a salary-related claim and a wrongful dismissal claim will be required to file 2 separate mediation requests/claims at TADM and ECT. The fees payable to the respective agencies will be based on the amount for each mediation request/claim.

Example:

If an employee submits to TADM 2 mediation requests, one for a salary-related claim of \$12,000 and another for a wrongful dismissal claim of \$3,000, and subsequently pursues both claims at the ECT, the following fees will be payable:

- TADM: \$20 for salary-related claim and \$10 for wrongful dismissal claim (Total: \$30)
- ECT: \$60 for salary-related claim and \$30 for wrongful dismissal claim (Total: \$90)

E. Jurisdiction of the ECT with effect from 1 April 2019

Statutory salary-related claims	Claim Limit
By employees* under the Employment Act, Retirement & Re-employment Act and the Child Development Co-Savings Act for: unpaid salary, overtime pay, salary in lieu of notice of termination, employment assistance payments, and maternity benefits	Up to S\$20,000 or up to S\$30,000 if the dispute has undergone mediation assisted by the unions (Separate claim limits apply to salary-related claims and wrongful dismissal claims)
Contractual salary-related claims	
By all employees* for: payment of allowances, bonuses, commission, salary in lieu of notice and retrenchment benefits, provided that these are expressed in monetary terms in the contract	
Wrongful dismissal claims	
By all employees* under the Employment Act and Child Development Co-Savings Act** for dismissals without just or sufficient cause	

* Exclude:

- Public servants (including employees employed by statutory boards) who have recourse through the Public Service's internal processes
- Domestic workers who can approach their employment agencies and the Ministry of Manpower to resolve employment disputes
- Seafarers who can settle disputes, including salary-related disputes, under the Merchant Shipping (Maritime Labour Convention) Act

** Female employees, including public servants, are covered under s 12(1) of the Child Development and Co-Savings Act and may file claims in the ECT for wrongful dismissal (i.e., dismissal without sufficient cause).

Translation of Key Terms

Term	Chinese	Malay	Tamil
Claim referral certificate	索偿转介证书	Sijil rujukan tuntutan	கோரிக்கை பரிந்துரை சான்றிதழ்
Community Justice and Tribunals System	社区司法与仲裁系统	Sistem Keadilan Masyarakat dan Tribunal	சமூக நீதி மற்றும் நடுவர் மன்றங்கள் செயல்முறை
Employment Act	僱傭法令	Akta Pekerjaan	வேலை நியமனச் சட்டம்
Employment Claims Tribunals	僱傭糾紛索償庭	Tribunal Tuntutan Pekerjaan	வேலை சார்ந்த கோரிக்கைகள் நடுவர் மன்றங்கள்
Ministry of Manpower (MOM)	人力部	Kementerian Tenaga Manusia	மனிதவள அமைச்சு
Salary related disputes/claims	涉及薪金的糾紛/索償	Pertikaian/ Tuntutan yang berkaitan dengan gaji	சம்பளம் தொடர்பான சர்ச்சைகள் / கோரிக்கைகள்
State Courts	國家法院	Mahkamah Negara	அரசு நீதிமன்றங்கள்
Statutory and contractual salary-related claims	涉及法定與合約薪金的索償	Tuntutan berkaitan gaji berkanun dan berkontrak	சட்ட மற்றும் ஒப்பந்த அடிப்படையிலான சம்பளம் தொடர்பான கோரிக்கைகள்
Statutory and contractual salary-related disputes	涉及法定與合約薪金的糾紛	Pertikaian berkaitan gaji berkanun dan berkontrak	சட்ட மற்றும் ஒப்பந்த அடிப்படையிலான சம்பளம் தொடர்பான சர்ச்சைகள்
Tripartite Alliance for Dispute Management	勞資政糾紛調解聯盟	Perikatan Tiga Pihak bagi Penyelesaian Pertikaian	சர்ச்சை நிர்வாகத்துக்கான முத்தரப்புக் கூட்டணி
Wrongful dismissal	不當解僱	Pemecatan salah	முறையற்ற வேலை நீக்கம்