
INFORMATION NOTE

Collective bargaining system in selected places

1. Introduction

1.1 At the meeting of the Panel on Manpower on 20 March 2008, the Panel requested the Research and Library Services Division (RLSD) to provide information about the collective bargaining¹ system of the overseas places covered in the research report entitled "Minimum wage system in selected places" (RP04/07-08). As such, this information note studies the following aspects of the collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States²:

- (a) background information;
- (b) regulatory framework;
- (c) coverage and scope of the collective bargaining system;
- (d) collective bargaining procedures;
- (e) resolution of industrial disputes related to collective bargaining; and
- (f) enforcement and penalty.

¹ According to the Collective Bargaining Convention of the International Labour Organization, "collective bargaining" refers to "all negotiations which take place between an employer, a group of employers or one or more employers' organizations, on the one hand, and one or more workers' organizations, on the other, for: (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organizations and a workers' organization or workers' organizations".

² As of the publication of this information note, relevant information in France, Guangdong, Shenzhen and Japan is not available.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Background information						
Labour force ³	11.08 million as at September 2007.	2.75 million in 2007.	24.37 million as at September 2007.	10.7 million in 2007.	31 million as at December 2007.	153.23 million as at December 2007.
Average unemployment rate ⁴	4.4% in 2007.	2.1% in 2007.	3.1% in 2007.	3.9% in 2007.	5.2% in 2007.	4.6% in 2007.
Number of labour unions ⁵	91 in 2007.	68 in 2007.	5 971 in 2005.	4 574 in 2007.	177 in 2007 ⁶ .	Information not available.
Labour union membership ⁷	1.7 million in 2007.	494 746 in 2007.	1.506 million in 2005.	3.026 million in 2007.	6.39 million in 2005.	15.67 million in 2007.

³ Australian Bureau of Statistics (2008); Ministry of Manpower (2007); Korea Labor Institute (2008); 行政院勞工委員會：《97年勞動統計年報》，2008年；Office for National Statistics (2008); and Bureau of Labor Statistics (2008a).

⁴ Australian Bureau of Statistics (2008); Ministry of Manpower (2008); Korea Labor Institute(2008); 行政院勞工委員會：《97年勞動統計年報》，2008年；Office for National Statistics (2008); and *Bureau of Labor Statistics* (2008).

⁵ Australian Industrial Relations Commission (2007); Ministry of Manpower (2008); Ministry of Labor (2008); 行政院勞工委員會：《97年勞動統計年報》，2008年；and Certification Officer (2007).

⁶ The figure refers to the number of labour unions which are registered under the Certification Officer on a voluntary basis.

⁷ Australian Bureau of Statistics (2007); Ministry of Manpower (2008); Ministry of Labor (2008); 行政院勞工委員會：《97年勞動統計年報》，2008年；Department of Trade and Industry (2006); and Bureau of Labor Statistics (2008b).

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Background information (cont'd)						
Percentage of employees covered by collective agreements ⁸	38.1% in 2006 ⁹ .	Information available ¹⁰ . not	Information available. not	Information available ¹¹ . not	35.3% in 2005 ¹² .	13.1% in 2006 ¹³ .

⁸ According to the Collective Agreements Recommendation of the International Labour Organization, the term "collective agreements" means "all agreements in writing regarding working conditions and terms of employment concluded between an employer, a group of employers or one or more employers' organizations, on the one hand, and one or more representative workers' organizations, or in the absence of such organizations, the representatives of the workers duly elected and authorized by them in accordance with national laws and regulations, on the other".

⁹ The figure refers to the percentage of employees whose pay is set by registered collective agreements. See Australian Bureau of Statistics (2008).

¹⁰ The Industrial Arbitration Court, which is responsible for the registration and certification of collective agreements and resolution of industrial disputes, certified 399 collective agreements in 2006 covering 39 843 employees.

¹¹ According to the Council of Labor Affairs, 71 business establishments had effective collective agreements as at end-2007.

¹² Department of Trade and Industry (2006).

¹³ European Foundation for the Improvement of Living and Working Conditions (2007).

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Regulatory framework						
Responsible authority	Department of Education, Employment and Workplace Relations.	Ministry of Manpower (MOM).	Ministry of Labor (MOL).	Council of Labor Affairs of the Executive Yuan.	Department for Business, Enterprise and Regulatory Reform.	Department of Labor (DOL).
Relevant legislation	<ul style="list-style-type: none"> • Workplace Relations Act 1996; and • Workplace Relations Regulations 2006. 	<ul style="list-style-type: none"> • Industrial Relations Act; • Trade Disputes Act; and • Trade Unions Act. 	<ul style="list-style-type: none"> • Act on the Establishment and Operation, etc. of Public Officials' Trade Unions; • Act on the Establishment, Operation, etc. of Trade Unions for Teachers; and • Trade Union and Labor Relations Adjustment Act. 	<ul style="list-style-type: none"> • Collective Agreement Law¹⁴; • Labor Union Law; and • Settlement of Labor Disputes Law. 	<ul style="list-style-type: none"> • Employment Relations Act 1999; • Employment Relations Act 2004; • Employment Tribunals Act 1996; and • Trade Union and Labour Relations (Consolidation) Act 1992.¹⁵ 	<ul style="list-style-type: none"> • Civil Service Reform Act; • Labor-Management Relations Act; • Labor-Management Reporting and Disclosure Act; • National Labor Relations Act; • Postal Reorganization Act; and • Railway Labor Act.

¹⁴ The Collective Agreement Law was amended in January 2008, but the amendments are not in effect yet pending the decision of the Executive Yuan.

¹⁵ Only some provisions in the relevant legislation apply in Northern Ireland.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Coverage and scope of the collective bargaining system						
Coverage of the system	<p>It covers employees working in:</p> <ul style="list-style-type: none"> constitutional corporations; entities that carry out activities in an Australian Territory; companies incorporated in an Australian Territory; the Commonwealth and Commonwealth authorities; and companies which employ flight crew officers, maritime employees or waterside workers. 	<p>It covers employees aged over 16 working in the private and public sectors except for those:</p> <ul style="list-style-type: none"> declared to be excluded by MOM; in the Singapore police force and armed forces; and in managerial and executive positions. 	<p>It covers:</p> <ul style="list-style-type: none"> workers in private enterprises; teachers; and public officials of grade six or below except for those responsible for supervising other officials, human resources management, correction or investigation duties, and industrial relations. 	<p>It covers employees in the public and private sectors except for:</p> <ul style="list-style-type: none"> executive level employees who have managerial responsibilities; government administrators; and employees in the ammunition industry. 	<p>It covers employees in the private and public sectors except for those:</p> <ul style="list-style-type: none"> in the naval, military and air forces of the Crown; in the police service; and who are excluded on the ground of national security. 	<p>It covers employees in the private sector except for:</p> <ul style="list-style-type: none"> agricultural workers; domestic workers; independent contractors; and those in supervisory positions. <p>It also covers federal government officials except for:</p> <ul style="list-style-type: none"> those in supervisory or management positions; members of the uniformed services; and officials in some federal government departments or agencies e.g. the Federal Bureau of Investigation, Central Intelligence Agency, Federal Labor Relations Authority.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Coverage and scope of the collective bargaining system (cont'd)						
Scope of bargaining agreement	<p>It can cover terms and conditions of employment such as wages and must cover dispute settlement procedures. However, it cannot cover prohibited content specified in the legislation such as:</p> <ul style="list-style-type: none"> • permitting any conduct that contravenes the provisions relating to freedom of association¹⁶; • allowing for industrial action during the term of an agreement; and • providing a remedy for unfair dismissal. 	<p>It can cover any industrial matters about terms and conditions of employment and relations of employers and employees. However, it cannot cover issues such as:</p> <ul style="list-style-type: none"> • promotion; • internal transfer; • appointments to fill vacancies; • retrenchment due to redundancy or reorganization; • dismissal and reinstatement of an employee who considers the dismissal unjustified; and • assignment of duties that are consistent with the terms of employment. 	<p>It can cover:</p> <ul style="list-style-type: none"> • terms and conditions of employment e.g. wages and welfare; • safety and health; • ways to enhance labour relations; • dispute resolution procedures; and • disciplinary procedures. <p>However, public officials and teachers cannot bargain on matters prescribed by laws and regulations or affected by budgets. Public officials cannot bargain on matters concerning the management and operation of the related organization.</p>	<p>It can cover:</p> <ul style="list-style-type: none"> • terms and conditions of employment e.g. wages, working hours and allowances; • collective bargaining procedures; • dispute resolution procedures; • operation of labour unions in the enterprise concerned; and • any other issues relating to the promotion of labour relations and working conditions. 	<p>Agreement under voluntary recognition¹⁷ can cover:</p> <ul style="list-style-type: none"> • terms and conditions of employment; • termination or suspension of employment of workers; • allocation of work among workers; • matters of discipline; • workers' membership or non-membership of a trade union; • facilities for officials of trade unions; and • machinery for negotiation or consultation, and other procedures relating to collective bargaining. <p>Agreement under statutory recognition¹⁸ can cover:</p> <ul style="list-style-type: none"> • pay, hours, holidays; and • any other matters agreed by the parties. 	<p>For the private sector, agreement can cover:</p> <ul style="list-style-type: none"> • wages, hours and other terms and conditions of employment; and • any matters that relate to negotiation of agreement. <p>For federal government officials, agreement can cover personnel policies and matters affecting working conditions. However, it excludes matters that:</p> <ul style="list-style-type: none"> • relate to political activities prohibited by legislation; • relate to the classification of any position; and • are specifically provided for by Federal statute.

¹⁶ Freedom of association refers to the right of employees and employers to join or not to join industrial associations without being discriminated against or victimized.

¹⁷ The employer concerned recognizes the trade union representation of the employees concerned in collective bargaining voluntarily upon receiving its request.

¹⁸ The employer concerned refuses to recognize the trade union representation of the employees concerned in collective bargaining upon receiving its request. The trade union obtains statutory recognition through application to the Central Arbitration Committee (CAC).

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Coverage and scope of the collective bargaining system (cont'd)						
Employment terms in collective agreement override those covered in individual employment contract of the concerned employees	Not specified in the relevant legislation.	Yes.	Yes.	Yes.	No, unless the collective agreement is in writing and contains a provision which states that it is a legally enforceable contract.	Not specified in the relevant legislation.
Provision to extend collective agreement to cover employees not represented in bargaining	No.	Yes. It can be extended by order of the Minister of Manpower in consideration of the public interest.	Yes. If a collective agreement applies to at least half of the workers performing the same type of job in a workplace, it will be extended to other similar workers in the workplace. If a collective agreement applies to more than two-thirds of the workers performing the same type of job in the same area, it can be extended to other workers in the same area upon the request of one or both parties to the agreement with the resolution of the Labor Relations Commission.	No.	No.	No.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Collective bargaining procedures						
Representation of bargaining	<p>Employees can be represented by:</p> <ul style="list-style-type: none"> • registered labour unions; • representatives selected by the employees concerned; or • bargaining agents or independent third parties appointed by the employees concerned. <p>Employers – representatives of the employers.</p>	<p>Employees – representatives of a labour union which is registered under the Trade Unions Act and is recognized by the employer concerned.</p> <p>Employers – representatives of the employers.</p>	<p>Employees – representatives of labour unions which are organized under the relevant legislation.</p> <p>Employers – representatives of the employers or employers' organizations.</p>	<p>Employees – representatives of a labour union which is organized under the Labor Union Law and fulfils one of the following conditions:</p> <ul style="list-style-type: none"> • being an enterprise union; • over half of the employees in the enterprise concerned being members of that union; or • being a labour union recognized through legal resolution procedures. <p>Employers – representatives of the employers or employers' organizations.</p>	<p>Employees – representatives of a labour union which is recognized by the employer concerned on voluntary or statutory¹⁹ basis.</p> <p>Employers – representatives of the employers or employers' organizations.</p>	<p>Employees can be represented by:</p> <ul style="list-style-type: none"> • representatives selected by the employees concerned; • labour unions supported by the majority of the employees concerned and recognized by the employer concerned; or • labour unions with majority support in a secret ballot ordered by the relevant agency²⁰ in case of dispute. <p>Employers – representatives of the employers.</p>

¹⁹ A labour union which is not controlled by any employer and is negotiating with an employer employing more than 20 employees can apply to CAC for statutory recognition if its written request for voluntary recognition is declined by the employer. CAC will consider the application if at least 10% of the employees concerned are its members and the majority of them are likely to favour recognition, and there is no competing application for representation of the same group of employees. CAC will declare recognition of the trade union if: (a) the majority of the employees concerned are members of that union; and/or (b) at least 40% of the employees concerned and a majority of the employees concerned who vote support the recognition in a ballot.

²⁰ The National Labor Relations Board handles disputes about employee representation in the private sector (other than the railroad and airline industries) and the postal service. The National Mediation Board handles representation disputes in the railroad and airline industries. The Federal Labor Relations Authority handles representation disputes between federal agencies and their employees.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Collective bargaining procedures (cont'd)						
Initiation of bargaining	Can be initiated by the employees or their bargaining agent, labour union or employer.	Can be initiated by the labour union or employer by sending a written invitation to the other party.	Can be initiated by the labour union or employer.	Can be initiated by the labour union or employer.	Can be initiated by the labour union by sending a written request to the employer.	Can be initiated by either party by sending a written notice to the other side at least 30 days ²¹ before the expiration date of an existing agreement or the intended date of executing a new agreement.
Time frame to respond to the invitation to bargaining	Not specified in the relevant legislation.	Within seven days of issuing the invitation.	Not specified in the relevant legislation.	Within 60 days of receiving the invitation.	Ten working days for the employer to respond and grant voluntary recognition to the labour union for bargaining if the union has not obtained statutory recognition previously ²² . Twenty additional days if the employer does not recognize the labour union but agrees to negotiate on the issue. The labour union can apply to the Central Arbitration Committee (CAC) for statutory recognition if their request for voluntary recognition is turned down by the employer at the end of the specified time period.	For the railroad and airline industries, the concerned parties have to agree on the time and place of bargaining within 10 days of receiving the notice. Not specified in the relevant legislation for other sectors and industries.

²¹ The required time period to send the written notice varies by industry i.e. at least 30 days for the railroad and airline industries, 60 days for industries other than railroad, airline and health care, 90 days for the postal service and the health care industry.

²² Statutory recognition of a labour union by CAC is valid for three years unless either the union or employer applies to CAC for derecognition during the period.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Collective bargaining procedures (cont'd)						
Time frame to reach agreement	Not specified in the relevant legislation.	Within 14 days of issuing the invitation.	Not specified in the relevant legislation.	Not specified in the relevant legislation.	There is no provision on the time limit to reach a final agreement. For bargaining under statutory recognition, a time limit of 30 days is specified for the parties concerned to agree on the collective bargaining procedures after recognition and additional 20 days when the parties apply to CAC for assistance to make an agreement on the issue.	Not specified in the relevant legislation. Nonetheless, the initiating party has to notify the Federal Mediation and Conciliation Service (FMCS) about the existence of a dispute if agreement cannot be reached within a specific period of time ²³ after the bargaining notice has been issued.
Registration of collective agreement	The employer must lodge an approved and signed collective agreement with the Workplace Authority Director within 14 days of conclusion. All agreements have to pass the no-disadvantage test of the Workplace Authority to ensure that the agreed terms are no worse than those in the reference agreements or awards. Otherwise, amendments will be required.	The signed collective agreement must be sent to the Industrial Arbitration Court (IAC) within one week of signing for certification. IAC may refuse to certify the agreement in its discretion on the ground of the public interest, unclear terms, or non-compliance with the related legislation, and require amendments of the agreement before certification.	The parties concerned have to report the conclusion of a collective agreement to the administrative authorities within 15 days of conclusion. The administrative authorities may order for amendment of the agreement if any provision is determined to be unlawful.	The employee side has to send the signed agreement to the competent authority (i.e. the city or county labour authority) for confirmation. Approval of the competent authority is required prior to signing the agreement for government institutions, public enterprises, and public schools.	Not specified in the relevant legislation.	For the railroad and airline industries, the signed agreement has to be sent to the National Mediation Board (NMB) for filing within 30 days after it has been executed. An agreement involving federal government employees has to be sent to the head of the respective agency for approval after conclusion. A copy of the signed collective agreement has to be filed at the Employment Standards Administration of DOL for access by the parties concerned and the general public.

²³ Forty-five days for the postal service, 60 days for the health care industry and 30 days for other industries.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Collective bargaining procedures (cont'd)						
Term period of collective agreement	Not more than two years.	Two to three years.	Not more than two years.	Can be fixed (three years or less), non-fixed or based on the time required to complete the work.	Not specified in the relevant legislation.	Not less than two years for the postal service if the agreement is concluded with a labour union recognized through statutory procedures. Not specified in the relevant legislation for other sectors and industries.
Requirement for open display of the signed collective agreement for access by the parties concerned	Not specified in the relevant legislation.	Yes. Employers are required to display the agreement in conspicuous position for access by the employees.	Not specified in the relevant legislation.	Yes. Both the employer and labour union are required to display the agreement for access by any parties concerned.	No, unless the agreement contains terms that restrict the right of employees to take industrial action.	Yes. The labour union has to ensure that the collective agreement is easily accessible to the members or employees who are directly affected by it.
Procedures of varying collective agreement	The employees, labour union or employer can initiate variation of a collective agreement in writing. The employer must lodge the variation with the Workplace Authority Director within 14 days after it is approved by the employees.	Either party can only apply to IAC for variation of a collective agreement to remove ambiguity or to ensure that it is in conformity with the terms of any award made after the commencement of the agreement.	Not specified in the relevant legislation.	Not specified in the relevant legislation.	Not specified in the relevant legislation.	Same as initiating a new agreement.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Resolution of industrial disputes related to collective bargaining						
Dispute resolution authority	Australian Industrial Relations Commission (AIRC).	IAC and MOM.	Labor Relations Commission (LRC).	Council of Labor Affairs and local labor authorities.	Advisory, Conciliation and Arbitration Service (ACAS) and CAC. ²⁴	FMCS, Federal Labor Relations Authority (FLRA), NMB and National Labor Relations Board (NLRB).

²⁴ The Labour Relations Agency and the Industrial Court are responsible for dispute resolution in Northern Ireland.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Resolution of industrial disputes related to collective bargaining (cont'd)						
Dispute resolution mechanisms	<p>The parties may refer a dispute to AIRC or a private dispute resolution provider for resolution according to the procedures agreed in the collective agreement.</p> <p>A dispute referred to AIRC will be resolved according to the functions and powers conferred on it by the collective agreement which can be mediation, conciliation and/or arbitration.</p> <p>AIRC may make recommendations about how to resolve a dispute but cannot issue order, make award or binding arrangements for disputes during negotiation of agreement; or make orders for other disputes referred to it under collective agreements.</p>	Will be settled through conciliation by MOM or mediation and arbitration by IAC if conciliation fails.	Can be settled through mediation or arbitration by LRC, or by an independent third party pursuant to mutual agreement or collective agreement.	<p>Right disputes which are related to rights specified in collective agreements will be settled through mediation or the court if mediation fails.</p> <p>Adjustment disputes which are related to the continuation or change in terms and conditions of employment will be settled through mediation or arbitration.</p>	<p>Before and during bargaining, labour unions or employers can apply to CAC for settlement of disputes relating to:</p> <ul style="list-style-type: none"> • statutory recognition of trade unions; • (for bargaining under statutory recognition) the employees to be covered in bargaining or the bargaining procedures; and • disclosure of information by the employers for bargaining purposes. <p>Labour unions or employers can also apply to ACAS for voluntary settlement of disputes that arise during bargaining or out of the agreement through conciliation, mediation, or arbitration.</p> <p>They can also apply to CAC for voluntary arbitration for disputes relating to the agreement.</p>	<p>Disputes about employee representation or labour union recognition prior to bargaining are resolved by NLRB, NMB or FLRA upon the application of either party.</p> <p>Other disputes that arise during bargaining or out of the agreement will be handled by NMB for the railroad and airline industries and FMCS for other industries (including the public sector and the postal service) for voluntary resolution.</p> <p>FLRA will be involved in mandatory resolution of disputes between federal agencies and their employees after voluntary resolution procedures have failed.</p>

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Resolution of industrial disputes related to collective bargaining (cont'd)						
Conciliation ²⁵ procedures	Either party may refer a dispute to AIRC for conciliation according to the procedures agreed in the collective agreement after the internal resolution procedures have failed. AIRC may make non-binding suggestions for resolution of the dispute in the process.	Either party can notify MOM if the other side refuses to engage in bargaining or agreement cannot be reached within the specified time frame. MOM may appoint a conciliation officer to facilitate the bargaining process through voluntary conciliation. MOM may impose compulsory conciliation if a collective agreement cannot be reached through voluntary conciliation.	Not specified in the relevant legislation.	Not specified in the relevant legislation.	Either party can refer a dispute to ACAS for conciliation after the internal resolution procedures have failed. If a claim is made to an Employment Tribunal, conciliation service of ACAS will be offered for consideration by the parties involved before a hearing is held. The ACAS conciliator will promote settlement of the dispute without putting forward any binding recommendations.	Either party may refer a dispute to FMCS or NMB for conciliation on voluntary basis. FMCS or NMB may proffer conciliation service upon receipt of the notice of dispute from the parties and get involved in settling the dispute upon their agreement.

²⁵ Conciliation generally refers to the process whereby an impartial third party or a conciliator helps the two parties involved in a dispute reach a mutually acceptable settlement on their own. The conciliator does not impose a solution but works with the parties to enable them to come to an agreement.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Resolution of industrial disputes related to collective bargaining (cont'd)						
Mediation ²⁶ procedures	<p>Either party may refer a dispute to AIRC for mediation according to the procedures agreed in the collective agreement after the internal resolution procedures have failed.</p> <p>AIRC will act as the facilitator of negotiations between the parties and help them resolve the dispute on their own.</p>	<p>Not specified in the relevant legislation.</p>	<p>Either party can apply to LRC for mediation when bargaining breaks down.</p> <p>MOL may order an emergency mediation if a dispute relating to public services will impair the national economy or the daily lives of the general public.</p> <p>For private businesses, a dispute will be settled by a mediation committee of three LRC members each representing employee, employer and the public interest, or a sole mediator.</p> <p>For public services, a dispute will be settled by a special mediation committee of three to five LRC members representing the public interest.</p> <p>The award of the committee will be a collective agreement.</p>	<p>Either party can apply to the competent labour authority for mediation or the authority can initiate such procedures if it finds necessary.</p> <p>A mediation committee will be set up comprising one to three representatives from the labour authority, and one representative each from the employees and employers to investigate the case.</p> <p>The award of the committee will be a collective agreement upon acceptance by both parties.</p>	<p>A dispute can be referred to ACAS for mediation upon consent of both parties after the internal resolution procedures and conciliation have failed.</p> <p>The ACAS mediator works on the terms of reference agreed by the parties concerned and offers non-binding recommendations on dispute settlement.</p>	<p>Either party can refer a dispute to FMCS or NMB for mediation on voluntary basis.</p> <p>FMCS may proffer mediation service upon receipt of the notice of dispute from the parties and get involved in settling the dispute upon their agreement.</p> <p>NMB may offer mandatory mediation service in the public interest if voluntary resolution procedures fail.</p>

²⁶ Mediation generally refers to the process whereby an impartial third party or a mediator helps the two parties involved in a dispute reach a mutually acceptable agreement and the mediator may make non-binding recommendations for dispute resolution for the two parties to consider during the process. As in conciliation, the final agreement is made by the parties concerned themselves.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Resolution of industrial disputes related to collective bargaining (cont'd)						
Arbitration ²⁷ procedures	Either party or both parties may refer a dispute to AIRC for arbitration according to the procedures agreed in the collective agreement after the internal resolution procedures and mediation by AIRC have failed. AIRC will make recommendation which is a binding resolution of the dispute upon agreement of both parties.	Application can be made to IAC by: <ul style="list-style-type: none"> • both parties for dispute arising out of a collective agreement; or • either party for seeking an interpretation of the agreement, seeking an order to prevent non-compliance, or applying for a referee to hear the dispute. A dispute may be submitted for compulsory arbitration when directed by the Minister of Manpower, or the President of Singapore in the public interest. The Registrar of IAC will help resolve the dispute through mediation upon receiving the application. A court hearing will only be convened after mediation has failed. The award of IAC is final and binding.	Both parties based on mutual agreement or either party based on the provision of a collective agreement can apply to LRC for arbitration, or the chairman of LRC can initiate arbitration for cases involving essential public services ²⁸ after mediation has failed. The case will be handled by an arbitration committee of three LRC members representing the public interest. The party who considers the arbitration award an act of illegality or arrogation can apply for review or bring an administrative suit. The finalized award will be a collective agreement.	Both parties can apply to the competent labour authority for arbitration with or without going through mediation, or the authority can initiate arbitration if it finds necessary. An arbitration committee will be set up comprising three to five representatives from the labour authority, three to four arbitrators selected by each party to investigate the case. The award is final and will be a collective agreement.	A dispute can be referred to ACAS or CAC for arbitration upon the consent of both parties after internal resolution procedures and conciliation or mediation have failed. For arbitration by ACAS, both parties have to agree on the terms of reference of the arbitrator and accept the award as binding before the process commences.	Either party or both parties can refer a dispute during bargaining or about the interpretation of an agreement to FMCS or NMB for voluntary arbitration. NMB may proffer voluntary and binding arbitration of dispute during bargaining in the railroad and airline industries after conciliation or mediation has failed. A Presidential Emergency Board may be set up to investigate a dispute involving essential transportation services and make non-binding settlement recommendation if voluntary arbitration is turned down. FMCS will order mandatory and binding arbitration of a dispute in the postal service if collective agreement cannot be reached within 90 days after the intended execution date of a new or renewed agreement. Dispute involving federal government employees will be referred to the Federal Service Impasses Panel of FLRA for final resolution after voluntary resolution procedures have failed.

²⁷ Arbitration refers to the process whereby an impartial third party, an arbitrator or a board of arbitrators settles a dispute by making an independent decision for the parties involved. The parties involved or their representatives will be required to attend a hearing in which they can present the evidence in support of their claims.

²⁸ Essential public services refer to public services the stoppage of which may endanger daily lives of the general public or undermine the national economy considerably, such as railroad services, water, electricity, gas supply, hospital and telecommunications services.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Resolution of industrial disputes related to collective bargaining (cont'd)						
Time frame to resolve industrial dispute	Not specified in the relevant legislation.	Not specified in the relevant legislation.	Mediation cases – 10 to 20 days for private businesses, 15 to 30 days for public services. Arbitration cases – not specified in the relevant legislation.	Mediation cases – 24 to 32 days. Arbitration cases – 27 to 35 days.	During bargaining under statutory recognition, dispute about definition of the employees to be covered by an agreement has to be settled within 30 days and dispute about bargaining procedures has to be settled within 20 days after the involvement of CAC. Timing is not specified in the relevant legislation for cases resolved under voluntary dispute settlement procedures.	Arbitration cases for the postal service – within 45 days after the set up of an arbitration board. No time frame is specified for resolution procedures taken by FMCS, NMB or FLRA for other cases.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Resolution of industrial disputes related to collective bargaining (cont'd)						
Regulation of industrial action ²⁹	<p>Industrial action is prohibited during the term of a collective agreement.</p> <p>However, it is allowed during bargaining of a collective agreement with authorization of the management committee of the employer or labour union concerned.</p> <p>For employees or unions, industrial action has to be authorized through a secret ballot with at least half of the affected members participating in the ballot and over half of those who vote supporting the action.</p> <p>AIRC can end any industrial action by suspending or terminating bargaining in the public interest or if the parties concerned do not comply with its order.</p>	<p>An industrial action or lockout is illegal if it supports a dispute which has been submitted to IAC for resolution.</p> <p>Labour unions cannot take industrial action without obtaining the consent of the majority of the affected members by a secret ballot.</p>	<p>No party can take any industrial action without going through public or private mediation or arbitration to settle the dispute, or during the mediation process.</p> <p>Industrial action is prohibited for 15 days from the date when the dispute is referred to public or private arbitration.</p> <p>Labour unions, except for those in the defence industry, utilities, civil service and teaching profession, can organize industrial action with the support of the majority of their members in a secret ballot.</p>	<p>No industrial action can be taken during the mediation or arbitration process.</p> <p>Labour unions can only go on strike with the support of over half of their members in a secret ballot if mediation or arbitration fails.</p>	<p>Labour unions can organize industrial action arising out of disputes about employment-related matters such as pay, conditions of work or discipline, with the support of the majority of the employees concerned in a secret ballot.</p> <p>Labour unions must give notice about any industrial action to the employer concerned at least seven days before it commences.</p>	<p>For the private sector, both parties cannot take any industrial action within a period of time after issuing the notice of bargaining (60 days for general businesses, 90 days for the health care industry) or before the expiration date of an existing contract, whichever occurs later.</p> <p>In case of any industrial action that will imperil the national health or safety, the President may appoint a board of inquiry to investigate the dispute and stop the industrial action.</p> <p>Labour unions of federal government employees cannot organize or participate in industrial action.</p>

²⁹ Industrial action refers to an action taken by the parties involved in an industrial dispute to obstruct the normal operation of a business such as a strike taken by the employees or a lockout or close-down of facility by the employers in order to achieve their claims in the dispute.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Enforcement and penalty						
Enforcement authority	Office of the Workplace Ombudsman.	MOM.	MOL.	Council of Labor Affairs.	Employment Tribunals ³⁰ .	DOL, FLRA and NLRB.
Penal provisions	<p>A party is punishable by a fine of up to AUS\$6,600 (HK\$48,906) for an individual and AUS\$33,000 (HK\$244,530) for a corporation for breaching the relevant provisions in the Workplace Relations Act 1996, such as:</p> <ul style="list-style-type: none"> • coercing the other party to sign an agreement; • coercing employees not to nominate a bargaining agent, or to withdraw such request; • failing to lodge a concluded agreement; or • lodging an agreement that contains prohibited content or has not been approved by the employees. 	<p>An employer or a labour union is punishable by a fine of not exceeding S\$1,000 (HK\$5,710) or imprisonment of not exceeding six months or both for:</p> <ul style="list-style-type: none"> • entering into a collective agreement which lasts for less than two years or more than three years; • sending an agreement to IAC without containing all the terms agreed; or • failing to bring the agreement to the notice of IAC. 	<p>Any employer who refuses or delays to engage in collective bargaining or conclude a collective agreement without justifiable reasons is punishable by imprisonment of up to two years or a fine of up to 20 million won (HK\$150,000).</p> <p>A person is punishable by a fine of up to 10 million won (HK\$75,000) for:</p> <ul style="list-style-type: none"> • violating the terms of a collective agreement relating to terms and conditions of employment, disciplinary procedures, safety and health, or industrial action; or • failing to comply with the mediation or arbitration award. 	<p>Any party who refuses to engage in collective bargaining without just case is punishable by a fine of NT\$100,000 – NT\$500,000 (HK\$26,100 – HK\$130,500).</p> <p>Any employer or employee who takes industrial action during mediation or arbitration is punishable by a fine of NT\$20,000 – NT\$200,000 (HK\$5,220 – HK\$52,200) or NT\$20,000 (HK\$5,220) or below respectively.</p> <p>Any party who makes false statements, or refuses to make statement before the mediation committee or written statement without just cause during investigation of a mediation case is punishable by a fine of NT\$10,000 (HK\$2,610) or below.</p>	<p>Any employee can make a claim for breach of contract related to employment to the Employment Tribunals which may make orders to comply with the contract or make awards of compensation to be paid by the employers.</p> <p>If CAC's order on the collective bargaining procedures is not followed during bargaining under statutory recognition, either party can apply to a court to order the other party to fulfil the order which is a legally binding contract. The party who ignores the order will be in contempt of court and may face a fine or imprisonment.</p>	<p>Any person who wilfully resists, prevents, impedes, or interferes with any member of NLRB or any of its agents or agencies in the performance of duties pursuant to the National Labor Relations Act is punishable by a fine of not more than US\$5,000 (HK\$39,000) or by imprisonment of not more than one year, or both.</p>

³⁰ In Northern Ireland, claims for breach of employment contract are made to the Industrial Tribunals.

Table – Collective bargaining system in Australia, Singapore, South Korea, Taiwan, the United Kingdom and the United States (cont'd)

	Australia	Singapore	South Korea	Taiwan	The United Kingdom	The United States
Enforcement and penalty (cont'd)						
Penal provisions (cont'd)		<p>Any employer or labour union breaching terms of a collective agreement or an award is punishable by a fine of not exceeding S\$1,000 (HK\$5,710).</p> <p>Any employer who makes a contract with an employee on terms and conditions less favourable than those in a collective agreement or an award is punishable by a fine of not exceeding S\$2,000 (HK\$11,420) or imprisonment of not exceeding 12 months or both.</p> <p>Any labour union which organizes industrial action without the consent of the majority of the affected members is punishable by a fine of not exceeding S\$3,000 (HK\$17,130) and any union member who participates in the industrial action is punishable by a fine of not exceeding S\$2,000 (HK\$11,420).</p> <p>Any person who organizes an illegal strike or lockout is punishable by a fine of not exceeding S\$2,000 (HK\$11,420) or S\$5,000 (HK\$28,550) respectively or imprisonment of not exceeding six months or both.</p>	<p>Any person who fails to report a concluded collective agreement to the administrative authorities is punishable by a fine of up to three million won (HK\$22,500).</p> <p>Any person who fails to amend a collective agreement upon the order of the administrative authorities is punishable by a fine of up to five million won (HK\$37,500).</p> <p>Any person who takes industrial action without settling the dispute through mediation or arbitration is punishable by imprisonment of up to one year or a fine of up to 10 million won (HK\$75,000).</p> <p>Any public official or teacher who engages in industrial action is punishable by imprisonment of up to five years or a fine of up to 50 million won (HK\$375,000).</p>		<p>Any employer can complain to a court for illegal industrial action taken by a labour union. The legal proceedings may result in a court order and the labour union which ignores the order will be ruled in contempt of court and may face a fine.</p>	<p>Under the Railway Labor Act, any carrier, its officers or agents are punishable by a fine of US\$1,000 – US\$20,000 (HK\$7,800 – HK\$156,000), or imprisonment of not more than six months, or both for each offence if they fail to comply with the regulations relating to designation of employee representatives, employees' right to organize and collective bargaining, and the bargaining procedures. Each day during which the regulations are violated will constitute a separate offence.</p> <p>Suits for violation of contracts between an employer and a labour organization representing employees may be brought in any district court of the United States having jurisdiction of the parties concerned, irrespective of the amount in controversy.</p>

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