


SMRT BUS DRIVERS' ILLEGAL STRIKE

Tripartism's stress points are showing

EUGENE K B TAN



In managing our heavy reliance on foreign manpower, has complacency crept in? Is tripartism under threat?

The SMRT illegal strike last week is a wake-up call to all industrial relations stakeholders. It pointedly reminds us that the stable industrial relations here is not a given but needs to be nurtured in tandem with the changing landscape.

For the Singaporean public, many of whom were affronted by the brazen action of the mainland Chinese bus

drivers, it is also time we examine and reflect on our attitudes and mindsets towards foreign workers in Singapore.

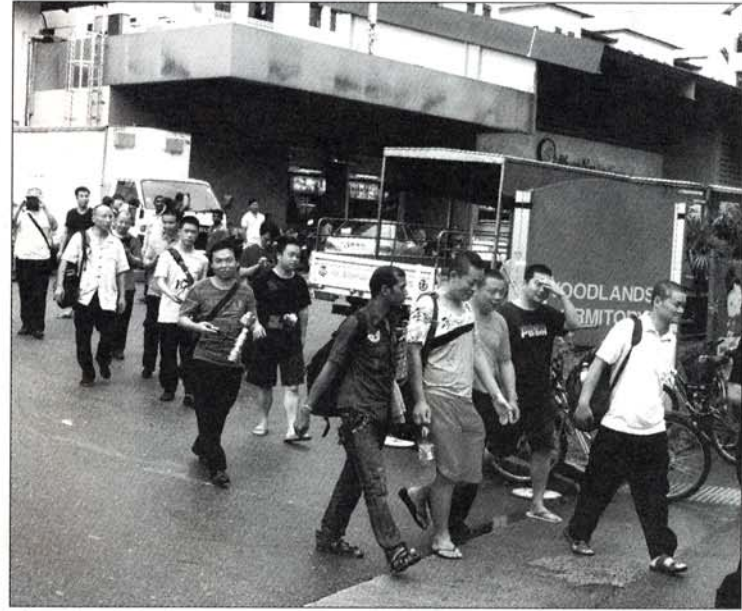
SEND A MESSAGE

The episode suggests that there are deep, systemic issues within SMRT.

Last December's massive train breakdowns and disruptions to the Circle Line revealed significant engineering challenges, and poor internal and external communication. Prior to that, there were security issues at SMRT train depots. The public transport operator needs to get its house in order urgently.

Beyond a rare rebuke from the Government and possible fines as a re-

● Eugene K B Tan is assistant professor of law at the Singapore Management University School of Law, where he regularly teaches ethics and social responsibility. He is also a Nominated Member of Parliament.



The strike at Woodlands dormitory over pay and inadequate living conditions is one more sign that SMRT needs to get its house in order urgently. TODAY FILE PHOTO

Perhaps it is time to impose legal liability on employers like SMRT if they fall short of minimum standards in employment relations... It is troubling if companies here need advisories on treating their employees fairly.

sult of not meeting service standards, SMRT is unlikely to face any criminal or legal action, notwithstanding their poor treatment of their own foreign employees.

Perhaps it is time to impose legal liability on employers like SMRT if they fall short of minimum standards in employment relations.

For the SMRT employees involved in the strike, the authorities sent a very clear message to them and all workers, foreign and local, in Singapore.

The swift and uncompromising action — including charging five service leaders under the Criminal Law (Temporary Provisions) Act, and revoking the work permits and quick repatriation of 29 others — all within days reiterated the Government's zero-tolerance for illegal industrial action.

The Government underscored its stance that workers must comply with

the strict regime governing strikes and not take matters into their hands.

Collectively, these actions signal the long-standing preference for setting a deterrent tone. But the act of revoking their work permits without charging the 29 bus drivers, as well as letting off another 150 with a warning, suggests a measured expedient approach as well.

UNIONS' REACH NOT BROAD ENOUGH

The strike also puts the spotlight on our much-vaunted tripartism — a partnership involving the Government (represented by the Manpower Ministry), employers (represented by the Singapore National Employers Federation) and workers (led by the National Trades Union Congress).

Both the Manpower Ministry and NTUC describe tripartism as "a key competitive advantage for Singapore" underpinning the harmonious labour-management relations. The partners collaborate and seek consensus through aggregating and aligning their individual interests towards national objectives, even as they advocate for the broad interests of their respective stakeholders.

● CONTINUED ON PAGE 10

Tripartism's stress points are showing

● CONTINUED FROM PAGE 8

However, most workers in Singapore may not be adequately represented. About 27 per cent of local workers are union members; only 11 per cent of foreign workers are unionised. With a third of our regular workforce comprising foreigners, the bulk of whom are on transient work permits, there is a patent need to reach out to all workers, regardless of nationality.

First, the SMRT saga demonstrates the need for unions to keep tabs on developments affecting the non-unionised majority, since what affects them will invariably affect the unionised minority.

Unions also need to make union memberships more attractive, especially to foreign workers. Companies could perhaps pay for the union subscriptions of their foreign employees, as is the practice in the ship-building industry.

More importantly, they need to convince workers that being unionised is to their individual and collective advantage. This is particularly so when many of the foreign workers are on transient work permits and

have little, if any, bargaining power. Employers of such workers hold the "trump card" of being able to cancel the work permits any time and without cause, effecting the workers' immediate repatriation.

In this case, could the National Transport Workers' Union (NTWU) and NTUC have done more? Certainly so. For NTWU to seek to mediate or negotiate after the strike had broken out was too late since the bus drivers had decided to go for broke, with all the attendant consequences.

Were they aware of the brewing unhappiness among the drivers?

Any collective agreement entered into by a union and an employer is of limited efficacy if most employees are not unionised.

STAMP OUT DISCRIMINATION

What the saga also demonstrates is that what affects one segment of the transport workers ultimately affects the entire sector and the public. Tripartism took a big hit as well.

How can we, as an advanced economy, tolerate the fact that workers doing the same job with the same qualifications and experience, are being paid differently on the basis of nationality?

Although SMRT's overall package for its China national drivers includes housing and transport provisions as well as ex-gratia payments at the end of their contractual service, the fact remains that they were paid less

“If employers discriminate against one segment of their workforce, there is no stopping bosses from discriminating against other segments.”

than their Singaporean and Malaysian counterparts (who also have employer CPF contributions and yearly bonuses) for doing the same job.

The argument that there was a binding work contract does not wish away troubling questions about the legitimacy and equity of those contracts.

If employers discriminate against one segment of their workforce, there is no stopping bosses from discriminating against other segments. So even as we do not condone the actions of the strikers, discrimination is the elephant in the room and should be most troubling to Singaporeans.

ANOTHER TROUBLING SIGN

Given that the last legal strike was in 1986, Singaporeans now realise — if they did not before — how difficult it is for workers, even with legitimate grievances, to strike here.

This is important because it ostensibly gives employers and the Government the upper hand in the management of industrial relations, as the ultimate action that workers can take to protect their rights is more apparent than real. The prevailing concern with competitiveness means that a premium is placed on harmony at the workplace and industrial peace.

However, industrial peace is not pre-ordained — if one stakeholder is always giving in or having to bend backwards, then all bets are off that tripartite trust can be maintained.

Once that trust is lost, regaining it is an arduous task.

SMRT's abject failure — in allowing their foreign drivers' grievances to fester — is an important lesson for all employers as well. It is not merely "corporate social responsibility", to use Acting Manpower Minister Tan Chuan-Jin's description, to engage and look after one's workers well. CSR is not seen as mandatory. Conversely, it is of fundamental importance for employers to accord respect and dignity to employees.

It is troubling if companies in Singapore need advisories on how to treat their employees fairly. Meaningful and truly harmonious industrial relations have to be anchored in trust and a deep commitment to fairness. Employers need to review their mindsets towards workers, especially foreign ones, and act ethically, equitably and responsibly given the default imbalance of power in the workplace.

During the strike debacle and in most of its aftermath, the vocabulary of "interests" (industrial peace, competitiveness, jobs etc) has been dominant. This is not surprising because it is often the "bottom line" that motivates people to do things. Ideals and rights may seem abstract by comparison, but fairness and justice matter immensely in confidence building.

The tripartite partners have their work cut out for them: How they respond will be of crucial importance if tripartism is not to lose its relevance.