

Employment & Industrial Relations

Key amendments introduced by the Industrial Relations (Amendment) Regulations 2025

The Industrial Relations (Amendment) Regulations 2025 came into force on 15 May 2025. Some of the important changes involve provisions on:

Recognition of Trade Unions

Regulation 4 of the Industrial Relations Regulations 2009 is **substituted** with a provision which provides that if an employer or trade union of employers is satisfied that the scope of membership of a trade union of workmen making the claim for recognition to represent workmen or class of workmen is in accordance with the constitution of the trade union of workmen, the employer or trade union of employers shall voluntarily accord recognition to such trade union of workmen.

Whilst the above amendment seems to suggest that an employer or trade union of employers must accord recognition if the scope of membership of the trade union is in accordance with the constitution of the union, it should be highlighted that an employer or trade union of employers may still decline to accord recognition on any grounds in accordance with **section 9(3)(b)** of the **Industrial Relations Act 1967**.

Secret Ballots

Regulation 13D of the Industrial Relations Regulations 2009 is amended, whereby it is provided that if a trade union competing for sole bargaining rights fails to attend the secret ballot meeting after two attempts or declares its intention to not participate in the determination of sole bargaining rights, the trade union shall be presumed uninterested and excluded from the decision on sole bargaining rights. In such a case, the Director General of Industrial Relations (“DGIR”) shall decide on which trade union that is to be vested with sole bargaining rights.

The new **Regulation 13GA** provides:

- i. The trade union with the highest number of votes in the secret ballot shall be vested with sole bargaining rights.

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- ii. In the event of a tie, the DGIR shall conduct a further secret ballot among the trade unions of workmen receiving equivalent highest number of votes, until one union obtains the highest number of votes.
- iii. For any further secret ballot, in consequence of (ii):
 - The DGIR shall decide the date, time, venue, and any other matter which is necessary for conducting the secret ballot in a new Form FF;
 - The employer or trade union of employers shall affix copies of the notice for the secret ballot in a new Form FG at a conspicuous place in the premises of the employers concerned for seven consecutive days immediately preceding the day of the casting of the secret ballot;
 - Only workmen listed in the existing Appendix 1 of Form FE or Appendix 1 of Form FF are entitled to vote.

Deemed Withdrawal of Representation for Unfair Dismissal

Where a workman/employee has filed a representation for unfair dismissal under **section 20(1)** of the **Industrial Relations Act 1967** but fails to attend the final conciliation meeting without giving any reasonable excuse for such absence within 30 days (as compared to the previous period of 60 days), the DGIR may treat the representation as withdrawn.

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