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1 October 2010

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Dear Mr Adam

ILO Conventions and Singaporean Employment Law

1. Thank you for your request for advice of 27 September 2010 in relation to International Labour Organization (ILO) Conventions and Singaporean Employment Law.

QUESTIONS AND SHORT ANSWERS

Q1. *How do Australia and Singapore's ILO Convention obligations compare?*

A1. There presently exist 188 ILO Conventions, of which Australia has ratified 55 (47 remaining in force), and of which Singapore has ratified 24 (20 remaining in force).

We have not conducted in depth analysis of all of these Conventions, but have attached, with this advice, tables summarising the Conventions which both Australia and Singapore have ratified, which only Australia has ratified, and which only Singapore has ratified. In addition, we have highlighted certain Conventions which may be of particular interest to you.

Q2. *What employment conditions apply in Singapore and how do these compare to Australian employment conditions?*

A2. Employment contracts in Singapore and Australia are similar in nature in that they are individual contracts between an employee and an employer which must comply with certain minimum standards.

Minimum standards in Australia are principally provided for by the statutory NES and terms and conditions specified in awards or enterprise agreements negotiated by employers and employees, or in default in a minimum wage order. Minimum standards in Singapore are set out in the Employment Act and can be added to through collective agreements and awards. There is no equivalent to Australia's modern award in Singapore.

The minimum standards required under Singaporean law are fewer in number than in Australia, though Singaporean law does limit working hours and provide for annual, sick, carers and parental leave.

Q3. *What are the average wages in both Singapore and Australia (i) generally; and (ii) in the trades that will be typically employed to for the maintenance work on HMAS Success in both Singapore and Australia?*

A3. Singapore does not legislate a minimum wage, though the National Wages Council does publish annual guidelines on trends and recommendations for wages in Singapore. Minimum wages in Australia, relevant to your particular situation, appear to be covered by the Manufacturing and Associated Industries and Occupations Award 2010.

There is a substantial amount of information available on average wages in Singapore. We have extracted some of this, as it relates to the specific trades and occupations you have indicated particular interest in. We have also extracted similar information in relation to those occupations and trades in Australia, although less Australian information is available.

BACKGROUND

2. The Department of Defence is currently conducting a tender process for double hulling and maintenance work on HMAS Success. One of the tenderers is proposing to do the work in Australia, while the other two tenderers are proposing that the work be done in Singapore. This has led to recent media coverage with the Australian Manufacturing and Workers' Union stating that occupational health and safety standard and entitlements for workers are much lower in Singapore than in Australia.

Introductory Comments on legal effect of ILO Conventions

3. We set out below a brief description of general legal principles relating to treaties and their implementation, as general background to our advice.
4. International law is binding on subjects of international law, including sovereign states¹ such as Australia and Singapore. International law has no central law-making body, and no central law enforcement body. The rules of international law are created by the common consent of states, and derive principally from customary international law and treaties.²
5. Treaties (which can have various titles, including 'conventions') are written agreements between subjects of international law that are governed by international law. The procedure by which a State becomes bound by the Treaty is usually set

¹ In this advice, the word 'State' is used in the sense of sovereign States, and not as referring to the States of the Commonwealth eg NSW etc.

² Article 38(1) of the Statute of the International Court of Justice (the ICJ Statute).

out in the treaty itself. In the case of ILO Conventions, the procedure is ratification (without previous signature).

6. Once a treaty has been ratified (that is, when the state indicates its consent to be bound), the obligations set out in the treaty will be binding in international law upon the state. Generally, treaties do not dictate to the parties the way in which they are to ensure that they comply with the obligations imposed, but leave it to each state to determine what domestic measures are required. In some cases this will require changes to the domestic law. (Article 19(5)(d) of the ILO Constitution provides explicitly that a member is bound to take such actions as are necessary to make effective the provisions of a Convention it has ratified.)³
7. In Australia (like many other states), the provisions of a ratified treaty do not form part of domestic (ie Australian) law unless incorporated into domestic law by legislation. While a treaty will bind the government in its dealings with the other states parties to that treaty, it does not automatically confer rights or obligations on persons in Australia as a matter of Australian law. Therefore, international law obligations cannot be directly enforced in Australian courts. While the courts will take account of international obligations in interpreting legislation, where there is an inconsistency between international law and Australian domestic law, the courts must apply Australian law. If this leads to Australia being in breach of its international obligations, there may be potential for complaints being made against Australia in international fora or tribunals, particularly by other states parties to the treaty in question.
8. It appears that the requirement for domestic incorporation of international obligations applies in Singapore, as well as Australia.⁴ Therefore, an ILO Convention ratified by Australia/Singapore does not have automatic effect in domestic law in either country. If obligations under the Convention require a change to domestic law in Australia/Singapore, they need to be given effect by legislation.

ANALYSIS

Q1. How do Australia and Singapore's ILO Convention obligations compare?(to answer points 1, 2 and 4 on Ryan Adam's email of 27 September)

9. At the outset, we note that, as discussed with you, there exist 188 ILO Conventions. Australia has ratified 55 (of which 47 remain in force), and Singapore has ratified 24 (20 of which remain in force). Accordingly, this advice will not analyse in detail all of these ILO Conventions.

³ Article 19(5)(d) of the ILO Constitution.

⁴ See Kevin Tan, *The Singapore Legal System* (Singapore University Press, 2nd ed, 1999), 472-473; Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Singapore*, UN Doc CRC/C/51/Add.8 (17 March 2003), para 50.

10. We attach, with this advice, a table listing each of the Conventions to which Australia and/or Singapore are parties, with a brief description of those Conventions.⁵ The first part of the table shows the Conventions to which both are Parties; the second part shows Conventions to which Australia is a Party but Singapore is not; and the third part shows Conventions to which Singapore is a Party but Australia is not. Please note that this table has been prepared quickly, at short notice, and is intended as a very brief summary of the content of the various Conventions for assistance in this matter. It is not intended as legal advice on the full extent of the Convention contents, or on the legal obligations arising from those Conventions.

Conventions of note in the context of this request for legal advice

11. Some of the Conventions in the table may be of little or no relevance to your current concerns. We considered it useful to allow you to review the full list of the ILO Conventions that are binding on either country or both, as you are probably better placed than we are to judge which are likely to be significant for your purposes.
12. We particularly highlight the following conventions for your consideration, as they appear to us to be of significant relevance to your concerns. Please let us know if you wish us to provide further, more detailed, legal advice on the specific obligations under a convention or on Australia's or Singapore's implementation of Convention obligations. These Conventions are also marked on the table.
- 12.1. *Labour Inspection Convention* (No. 81, 8th in the table):
- a. Both Australia and Singapore are parties;
 - b. Deals with systems of labour inspection. Part 1 in particular deals with labour inspection in industrial workplaces;
 - c. Inspections relate to enforcement of laws relating to conditions of work and protections of workers, and bringing defects to the attention of authorities.
- 12.2. *Right to Organise and Collective Bargaining Convention* (No. 98, 10th in the table):
- a. Both Australia and Singapore are parties;
 - b. Deals with protections against acts of anti-union discrimination, especially with regard to limitations on employment due to union membership. Also deals with protection of organisations from interference.
- 12.3. *Minimum Wage-Fixing Machinery Convention* (No. 26, 17th in the table):
- a. Only Australia is a party;

⁵ We note that the table includes all conventions currently in force, and does not include denounced conventions. We further note that the ILO employs a further category, "shelved" conventions. Such conventions remain in force, but have reduced reporting obligations. The ILO does not encourage ratification of these conventions by any further member states.

- b. Requires machinery to be put in place to fix minimum wages in certain trades, in which wages are low and no arrangements exist for effective regulation of wages.
- 12.4. *Freedom of Association and Protection of the Right to Organise Convention* (No. 87, 25th in the table):
- a. Only Australia is a party;
 - b. Adds to protections in the *Right to Organise and Collective Bargaining Convention*;
 - c. Grants rights to workers and employers to establish representative organisations, and restricts public authorities from interfering in such organisations (including dissolution/suspension).
- 12.5. *Minimum Wage Fixing Convention* (No. 131, 34th in the table):
- a. Only Australia is a party;
 - b. Requires parties to set minimum wages for certain groups of employees (to be determined by a central authority in the state);
 - c. Requires also the creation of machinery for the fixing and adjusting of minimum wages for such groups.
- 12.6. *Workers Representatives Convention* (No. 135, 36th in the table):
- a. Only Australia is a party;
 - b. Builds on the *Right to Organise and Collective Bargaining Convention*;
 - c. Protects workers' representatives from prejudicial acts, such as dismissal, because of status as a representative or because of participation in a union;
- 12.7. *Occupational Safety and Health Convention* (No. 155, 41st in the table):
- a. Only Australia is a party;
 - b. Requires policy on occupational health and safety, and requires that a competent authority within the state undertake a range of activities. Such activities include inspections, as well as determinations of required conditions, safe work practices and procedures, and safety requirements of machinery and workplaces.
- 12.8. *Termination of Employment Convention* (No. 158, 43rd in the table):
- a. Only Australia is a party;
 - b. Prohibits termination of employment without valid reasons, and sets out certain reasons that will not be taken to be valid. Also requires procedural fairness machinery, including appeals against terminations.

- 12.9. *Minimum Age Convention* (No. 138, 55th in the table):
- a. Only Singapore is a party;
 - b. Requires parties to set a minimum age for admission to employment. Minimum age is to be 15, except for work that would “jeopardise the health, safety or morals of a young person”, in which case the minimum is 18.
13. In summary, Australia is a party to a greater number of ILO Conventions, although Australia and Singapore are both parties to a number of Conventions.
14. Of those Conventions to which Australia, but not Singapore, is a party, those Conventions that appear to be of greater relevance relate to the imposition of a minimum wage, the extent of rights for unions and workers’ representatives, and occupational health and safety.
15. We would also note that, even though Singapore may not have ratified the particular ILO Conventions above, it may have implemented domestic legislation or taken other actions on those points independently.⁶

Q2. What employment conditions apply in Singapore and how do these compare to Australian employment conditions?

Regulation of employment conditions in Australia – Outline

16. For the purposes of this advice, we have compared employment conditions in Singapore with Australian employment conditions under the *Fair Work Act 2009* (Cth) (FW Act) as we understand that if the HMAS Success work is undertaken in Australia it will be undertaken by Thales Australia. Thales Australia, as a company incorporated in Australia, is a constitutional corporation under s 51(xx) of the Constitution and is, therefore, a national system employer under the FW Act (s 14(1)(a)).
17. The FW Act sets minimum terms and conditions for employees, including 10 National Employment Standards (NES). The NES include minimum entitlements to leave, public holidays, notice of termination and redundancy pay. Other than in the limited circumstances provided by the FW Act (see s 55), the NES cannot be displaced (s 61).

⁶ For example, despite that Singapore is not a party to the Occupational Safety and Health Convention, the ILO Director-General stated, in a public address to the Singapore Workplace Safety and Health Conference in 2010:
 “My warmest congratulations to Singapore for the leadership it is demonstrating in the field of occupational safety and health.
 Singapore has been sharing its experience in improving OSH standards – from legislation, enforcement, training, and injury reporting systems to small business support and information dissemination in the ASEAN context and beyond.”
 Juan Somavia, *Embracing Challenges, Pushing WSH Frontiers* (September 2010), [http://www.ilo.org/asia/info/public/speeches/lang--en/docName--WCMS_141561/index.htm].

18. The FW Act also provides for minimum terms and conditions of employment to be set by other industrial instruments. The key instruments are:
- Modern awards (see Part 2-3, FW Act);
 - Enterprise agreements (see Part 2-4, FW Act);
 - National minimum wage orders (see Part 2-6, FW Act).

Modern awards

19. Modern awards set minimum terms and conditions for employees in a particular industry or occupation who perform the type of work that is covered by that award. Modern awards may contain terms about a number of matters, including minimum wages, penalty rates, hours of work, rest breaks, allowances, leave and leave loading, superannuation, and procedures for consultation, representation, and dispute settlement. Modern awards do not cover certain high income employees (see s 47(2) and Div 3, Part 2-9, FW Act).⁷
20. Employees who are covered by a modern award are entitled to be paid at least the minimum wage for their classification under that award. In this case, the tender relates to double hulling and maintenance work on HMAS Success. Employees who perform work refurbishing, repairing or maintaining ships may be covered by the Manufacturing and Associated Industries and Occupations Award 2010 (see cl 4.9(a)(iii) and 4.10 of that award), and would be entitled to be paid at least the minimum wage for their classification under that award.
21. However, this award would not apply to an employee while the employee is covered by an enterprise agreement (s 57 FW Act).

Enterprise agreements

22. Enterprise agreements set terms and conditions for employees of specific employers, rather than for an industry or occupation. Agreements can modify the terms and conditions that would otherwise apply to an employee under a modern award that covers their industry or occupation, provided an employee is better off overall than the employee would have been under the award.⁸
23. Employees who are covered by an enterprise agreement are entitled to be paid the applicable wage under that agreement. If Thales employees were performing the work it appears that they would be covered by the Thales Australia Naval Enterprise

⁷ Broadly, an employee may be a 'high income employee' where their employer guarantees in writing that the employee will earn more than the high income threshold, currently set at \$113,800 per annum - see *Fair Work Information Statement* available at: <http://www.fairwork.gov.au/FWISdocs/Fair-Work-Information-Statement.pdf>

⁸ See ss 186(2)(d) and 193 of the FW Act. The effect of these provisions is that an enterprise agreement cannot come into operation unless Fair Work Australia is satisfied that an employee would be better off overall under the agreement when compared to the relevant modern award.

Agreement 2009, and would be entitled to the applicable wage under that agreement.

National minimum wage order

24. If an employee is not covered by an award or agreement, they are entitled to the statutory minimum wage set out in the national minimum wage order (Part 2-6, FW Act).⁹ This wage applies to all national system employees who are award/agreement free.

Enforcing employment conditions under the FW Act

25. An employee is entitled to at least the minimum terms and conditions provided by the NES, as well as any terms and conditions in a modern award or agreement that applies to the employee, or if no award or agreement applies, the statutory minimum wage set by the national minimum wage order. Part 2-1 and s 293 of the FW Act creates civil penalties for failing to comply with the NES, modern awards, enterprise agreements, and the national minimum wage order.
26. Section 323 of the FW Act requires employers to pay their employees at least monthly.

Other protections

27. The FW Act also protects an employee's:
- workplace rights (these broadly cover rights to participate in negotiating employment terms and conditions and rights to rely on and use workplace terms and conditions);
 - freedom of association, including the right to engage in protected industrial action
 - freedom from workplace discrimination; and
 - rights in relation to unfair dismissal, including provision to apply to Fair Work Australia for a remedy, such as reinstatement or compensation (Ch 3, FW Act).
28. Matters such as superannuation, workers compensation and occupational health and safety (OH&S) are not dealt with in the FW Act but are covered by specific Commonwealth, State and Territory legislation. We understand that you are engaging a consultancy specialising in OH&S to provide a comparison of OH&S laws in Australia and Singapore and so have not considered this issue any further in this advice at this stage.

⁹ Note the national minimum wage does not apply to junior employees, employees with a disability or employees to whom training arrangements apply. Those employees are entitled to the applicable special national minimum wage for their category (eg the special national minimum wage for employees with a disability).

29. We note that the Australian Government has also developed 'Fair Work Principles'. All Commonwealth entities are required to obtain information from tenderers for all covered procurement activities (as defined in the Commonwealth Procurement Guidelines) about the tenderer's compliance with these Principles. The Fair Work Principles came into effect 1 January 2010 and apply to contracts with domestic and overseas suppliers.¹⁰

Regulation of Employment Contracts in Singapore – Outline

30. Subject to some exceptions¹¹ employment contracts in Singapore are regulated under the *Employment Act (Ch 91)*.¹² The Act specifically covers workmen which are relevantly defined as follows:

"workman" means —

- (a) any person, skilled or unskilled, who has entered into a contract of service with an employer in pursuance of which he is engaged in manual labour, including any artisan or apprentice, but excluding any seaman or domestic worker;
- (b) any person, other than clerical staff, employed in the operation or maintenance of mechanically propelled vehicles used for the transport of passengers for hire or for commercial purposes;
- (c) any person employed partly for manual labour and partly for the purpose of supervising in person any workman in and throughout the performance of his work:

Provided that when any person is employed by any one employer partly as a workman and partly in some other capacity or capacities, that person shall be deemed to be a workman unless it can be established that the time during which that workman has been required to work as a workman in any one salary period as defined in Part III has on no occasion amounted to or exceeded one-half of the total time during which that person has been required to work in such salary period;

(d) ...

31. Persons working within the trades that you have set out in the maritime industry (diesel mechanics, fitters/machinists, welders, electricians and painters) would appear to fall within the definition of workmen.

¹⁰ For application to overseas suppliers see *Fair Work Principles - User Guide* at 4.6 available at: <http://www.deewr.gov.au/WorkplaceRelations/Policies/FairWorkPrinciples/Documents/FWPUUserGuide.pdf>

¹¹ Relevantly the exceptions include any person employed in a managerial or an executive position. Persons in such position earning in excess of a \$2,500 (Singapore) a month (excluding overtime payments, bonus payments, annual wage supplements, productivity incentive payments and any allowance however described), or such other amount as may be prescribed by the Minister are not covered by the Employment Act at all, and persons earning under that salary are only partially covered (see definition of 'employee' in s 2(1) and s 2(2)).

¹² The Employment Act is available at <http://statutes.agc.gov.sg/>

32. Employment contracts under the Employment Act are called contracts of service (s 2(1)). Section 8 of the Employment Act provides as follows:

Illegal terms of contract of service

8. Every term of a contract of service which provides a condition of service which is less favourable to an employee than any of the conditions of service prescribed by this Act shall be illegal, null and void to the extent that it is so less favourable.

Section 19 of the Employment Act makes it an offence to enter into a contract of service or collective agreement contrary to the provisions of this Part

33. These provisions play a similar role to the NES which apply under the FW Act in Australia. Table 2 below sets out a comparison of the NES and the conditions of service specified in the Employment Act.
34. In addition we note that:
- Section 14 of the Employment Act provides a mechanism for an employee to challenge a dismissal they consider to have been without just cause or excuse by making representations to the Minister. The Minister must request a Commissioner for Labour to inquire into the matter and after considering the report can direct the employer to either reinstate or compensate the employee. It is an offence to fail to comply with such a direction.
 - Section 17 of the Employment Act prohibits a contract of service from restricting the right of employees to engage in industrial action.
 - Section 20 of the Employment Act requires employers to pay their employees at least monthly.
35. The *Industrial Relations Act (Ch 136)* provides for a process of collective bargaining involving employers and trade unions and collective agreements (which become operative upon certification by the Industrial Arbitration Court), as well as the making of awards by the Industrial Arbitration Court to settle industrial disputes. Collective agreements and awards can deal with 'industrial matters', which are defined in s 2 of the *Industrial Relations Act* to mean:
- matters pertaining to the relations of employers and employees which are connected with the employment or non-employment or the terms of employment, the transfer of employment or the conditions of work of any person
36. The Industrial Arbitration Court is a tripartite body – that is it is constituted by a president or deputy president, one employee representative and one employer representative (see s *Industrial Relations Act*).
37. Similarly to awards and enterprise agreements under the FW Act, a collective agreement or award under the *Industrial Relations Act* must not 'derogate from any right or privilege which an employee has under the provisions of any written law and

any term of an award shall, to the extent to which it would so derogate, be null and void' (s 38).

38. Similarly to Australia, matters such as superannuation, workers compensation and occupational health and safety (OH&S) are not dealt with in the *Employment or Industrial Relations Act* but are covered by other legislation (including the *Central Provident Fund Act (Ch 36)*, the *Work Injury Compensation Act 2008 (Ch 354)* and the *Workplace Safety and Health Act (No 7 of 2006)*).

Table 2 – Comparison of basic employment standards

Standards	Australia – FW Act	Singapore – <i>Employment Act</i>
Maximum weekly hours of work	NES 1 ^(a) - 38 hours per week, plus reasonable additional hours (subject to averaging)	44 hours per week with daily limit of 8 hours, and limit of 6 hours without a break (subject to averaging and exceptional circumstances) (s 38) ^(b)
Requests for flexible working arrangements	NES 2 - allows parents or carers of a child under school age or of a child under 18 with a disability, to request a change in working arrangements to assist with the child's care.	No equivalent
Parental leave and related entitlements	NES 3 - up to 12 months unpaid leave for every employee, plus a right to request an additional 12 months unpaid leave, and other forms of maternity, paternity and adoption related leave.	Entitlement to two lots of 12 weeks maternity leave with 4-8 weeks paid (subject to 90 days prior service) ^(c) No statutory right to paternity leave
Annual leave	NES 4- 4 weeks paid leave per year, plus an additional week for certain shift workers (subject to cashing out)	1-2 weeks per year based on length of service (no cashing out) (s 43) ^(b)
Personal / carer's leave and compassionate leave	NES 5 - 10 days paid personal / carer's leave, two days unpaid carer's leave as required, and two days compassionate leave	Up to 14 days paid personal leave per year where no hospitalisation is necessary, 14 days plus the period of hospitalisation up to a maximum

	(unpaid for casuals) as required (subject to cashing out)	<p>of 60 days where hospitalisation is necessary (based on length of service and subject to medical certificate obtained at employers expense) (s 89).</p> <p>2 days paid carer's leave per year for a child under the age of 7 up to a maximum of 14 days per child (s 87A)^(c)</p> <p>No statutory right to compassionate leave</p>
Community service leave	NES 6- unpaid leave for voluntary emergency activities and leave for jury service, with an entitlement to be paid for up to 10 days for jury service.	No equivalent
Long service leave	NES 7 - a transitional entitlement for employees who had certain LSL entitlements before 1/1/10 pending the development of a uniform national long service leave standard.	No equivalent
Public holidays	NES 8 - a paid day off on a public holiday, except where reasonably requested to work (subject to substitution)	A paid day off on a public holiday (subject to substitution) (s 89)
Notice of termination and redundancy pay	<p>NES 9 - up to 4 weeks notice of termination (5 weeks if the employee is over 45 and has at least 2 years of continuous service) and up to 16 weeks redundancy pay, both based on length of service</p> <p>No redundancy payments for</p>	<p>Employer/employee can agree on notice provisions. Default provisions apply in the absence of agreement (up to 4 weeks notice of termination based on length of service) (s 10)</p> <p>No mandated redundancy pay. No redundancy payments for employment of less than 3</p>

	employment of less than 1 year	years (s 45)
Provision of a Fair Work Information Statement	NES 10 - employers must provide this statement to all new employees. It contains information about the NES, modern awards, agreement-making, the right to freedom of association, termination of employment, individual flexibility arrangements, right of entry, transfer of business, and the respective roles of Fair Work Australia and the Fair Work Ombudsman.	No equivalent
National Minimum wage	569.90 per week (before tax) ¹³	No national minimum wage but older low wage workers receive a Workfare Income Supplement ^(d)

Note (a): Not all the NES apply to casual employees – for a summary of the modified NES applying to casual employees see <http://www.fairwork.gov.au/employment/national-employment-standards/pages/who-is-affected.aspx>

Note (b): Standards marked with a (b) apply only to:

- Workmen earning not more than \$4,500 (Singapore) basic monthly salaries; and
- Other employees earning not more than \$2,000 (Singapore) basic monthly salaries (excluding, overtime, bonus, Annual Wage Supplement, productivity incentives and allowances) (see s 35 of the Employment Act)

Note (c): Government-paid maternity leave of 16 weeks, 6 days of paid childcare leave per year for a child under 7, and 6 days of unpaid care for a child under 2 are also available under the *Children Development Co-Savings Act* to married couples where the child is a citizen of Singapore.

Note (d): The Workfare Income Supplement supplements the wages and superannuation savings of workers over 35 earning \$1,700 (Singapore) a month or less (see http://mycpf.cpf.gov.sg/NR/rdonlyres/614BD88D-2E60-4039-A809-022400EB0604/0/Factsheet_2010_WISchanges.pdf). For further information about the flexible wage system see:

¹³ See <http://www.fairwork.gov.au/pay/national-minimum-wage/pages/default.aspx>

http://www.business.gov.sg/EN/BusinessTopic/HiringNTraining/EmployersResponsibilities/WagesNBenefits/hiring_benefits_wagesystem.htm.

Summary comparison of Singaporean and Australian employment contracts

39. In summary, employment contracts in Singapore and Australia are similar in nature in that they are individual contracts between an employee and an employer which must comply with certain minimum standards.
40. Minimum standards in Australia are principally provided for by the statutory NES and terms and conditions specified in awards (determined by an independent body Fair Work Australia) or in enterprise agreements negotiated by employers and employees, or in default in a minimum wage order. Minimum standards in Singapore are set out in the Employment Act and can be added to through collective agreements and awards (both of which are employee-employer initiated). Thus there is no equivalent to Australia's modern award in Singapore.
41. The minimum standards required under Singaporean law are fewer in number than in Australia – for instance there is:
- no minimum wage;
 - no requirement to accommodate request for flexible working arrangements unless there are reasonable business grounds not to;
 - no provision for community, long service leave or compassionate leave;
 - no mandated notice periods for termination;
 - no mandated redundancy pay; and
 - no requirement to provide information about workplace rights
42. Singaporean law does limit working hours and provide for annual, sick, carers and parental leave however these entitlements differ in various respects from the Australian requirements as set out in the table above.

Q3. What are the average wages in both Singapore and Australia (i) generally; and (ii) in the trades that will be typically employed to for the maintenance work on HMAS success in both Singapore and Australia?

43. In addition to the question set out above, we note that you have provided by email a list of trades about which you are particularly concerned, being:
- diesel mechanic
 - fitter/machinist
 - welder
 - electrician
 - painter

44. As noted in question 2 above, Singapore does not have a legislated minimum wage. However, there is a central body in Singapore, the National Wages Council, which publishes guidelines each year on wages and wage related issues. That Council was formed in 1972, and is made up of representatives from employers, trade unions and the Government. The Council is described as meeting annually "to deliberate and forge national consensus on wage and wage-related matters." It then "issues guidelines on these matters every year based on the tripartite consensus reached during the deliberations."¹⁴ Guidelines were issued for the 2009/2010 financial year, and give a summary of current statistics and trends on wages in Singapore, as well as giving recommendations to businesses for the coming year.¹⁵

Average wages in Singapore

45. The Singapore Ministry of Manpower (MOM) publishes a significant amount of information and statistics on wages in Singapore, both generally and in relation to specific trades. The following is a table of average monthly nominal wages in Singapore, according to the MOM.¹⁶

Time period	Monthly average wage in Singapore dollars	Approximate Australian dollar equivalent ¹⁷
2 nd quarter 2010	4,310	3,389
1 st quarter 2010	3,819	3,003
2009	3,872	3,045
2008	3,977	3,127

46. In addition to the above general average wage information, the MOM publishes an annual report on wages, which contains significant amount of detailed average wage information on specific industries and occupations. The most recent published report is for the year 2009.¹⁸ From that report, we have extracted the wage information on a range of occupations, which appear to us to be particularly relevant to your

¹⁴ Singapore Tripartism Forum, "National Wages Council" (June 2009) [<http://www.tripartism.sg/index.aspx?id=27>]

¹⁵ National Wages Council Guidelines 2009/2010 (June 2009) [<http://www.mom.gov.sg/newsroom/Pages/PressReleasesDetail.aspx?listid=54>]

¹⁶ Ministry of Manpower, "Earnings and Wages" (September 2010) [<http://www.mom.gov.sg/statistics-publications/national-labour-market-information/statistics/Pages/earnings-wages.aspx>]

¹⁷ All conversions from Singapore Dollars (SGD) to Australian Dollars (AUD) are based on informal conversion information available at the time of writing this advice. These values are not intended to be exact, and may be subject to change.

¹⁸ Ministry of Manpower, "Report on Wages in Singapore 2009" (June 2010) [<http://www.mom.gov.sg/statistics-publications/national-labour-market-information/publications/pages/report-wages-singapore09.aspx>]

request, in light of your list above. We will also, however, send the full report with this advice, as you will be better placed to decide which information is most relevant to your concerns.

Occupation	Monthly Average Gross Wage¹⁹ in Singapore Dollars	Approximate Australian dollar equivalent²⁰
Electrical Engineer	4,246	3,339
Manufacturing Engineer	4,272	3,359
Marine Engineer	4,708	3,702
Mechanical Engineer	4,250	3,342
Machining and Tooling Technician	2,494	1,961
Electrical Fitter	2,032	1,598
Electrician	1,945	1,529
Machinery Fitter	1,965	1,545
Machinery Mechanic	2,163	1,701
Marine Engine Fitter	1,296	1,019
Metal Shipwright	1,888	1,485
Sheet Metal Worker	1,789	1,407
Structural Steel and Ship Painter	1,104	868
Spray Painter	1,645	1,294
Welder	2,259	1,776

¹⁹ "Gross Wage" includes all remuneration received by an employee before deductions of employee contributions to CPF (the Singapore social security savings plan) and income tax.

²⁰ As above, conversions from Singapore Dollars (SGD) to Australian Dollars (AUD) are based on informal conversion information available at the time of writing this advice. These values are not intended to be exact, and may be subject to change.

Average and Minimum Wages in Australia*Average Wages*

47. Unfortunately, the statistical information available for average wages in Australia does not appear to be as comprehensive as that for Singapore. However, we have found some data collected by the Australian Bureau of Statistics (ABS) that deals with some of your listed occupations of interest.
48. In more general terms, the ABS has produced a summary of Employee Earnings and Hours,²¹ broken down by industry and by occupation. We include below a small selection of the statistics for broad industry groups:

Industry	Average Weekly Cash Earnings (all part and full time employees, managerial and non-managerial)²²
Manufacturing	1,081
Construction	1,183
All Industries	957

49. The ABS has also prepared more detailed statistics, broken down by occupational groups.²³ We include below a selection of the statistics by occupation:

Industry	Average Weekly Cash Earnings (all part and full time employees, managerial and non-managerial)
Air and Marine Transport Professionals	1,818
Engineering Professionals	1,795
Building and Engineering Technicians	1,562

²¹ Australian Bureau of Statistics, "Employee Earnings and Hours", (August 2008) [[http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/1E07D323FDE698C2CA2575D700188C43/\\$File/63060_aug%202008.pdf](http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/1E07D323FDE698C2CA2575D700188C43/$File/63060_aug%202008.pdf)]

²² "Cash Earnings" is defined as an paid on a regular and frequent basis, including salary sacrificed amounts, superannuation tax and some other items.

²³ Australian Bureau of Statistics, "Employee Earnings and Hours, Australia, August 2008" (17 June 2009) [<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6306.0Aug%202008?OpenDocument>]

Automotive Electricians and Mechanics	1,134
Mechanical Engineering Trades Workers	1,377
Electricians	1,346
Machine Operators	1,004
Construction and Mining Labourers	1,248

Minimum Wage in Australia

50. As noted in question 2 above, minimum wages in many Australian industries are governed by specific awards. It seems to us, for the purposes of your particular request, that the Manufacturing and Associated Industries and Occupations Award 2010 would be most likely to apply. That Award covers employees throughout Australia in a very broad range of industries producing various products structures, articles, parts, components, materials and substances, including "ships, boats, barges and marine vessels of all descriptions, and components."²⁴
51. We have not conducted an in depth analysis of that award, and the various minimum wages that would apply under it, given the complexity of the award,²⁵ the need for further specific information and the time frame for the provision of this advice. If you would like more detailed advice on this issue, please let us know.

Summary of Findings

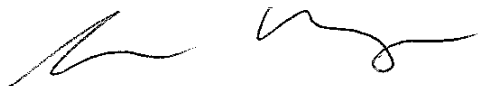
52. It will be noted that the average weekly earnings for employees in Australia appear to be higher than earnings for similar occupations in Singapore. However, we would also note that the above statistics do not take account of other variables, for example, relative cost of living. In addition, given the broad categories covered and the potential differences between job titles and duties, it is difficult to compare with precision the earnings of particular industries and occupations.
53. We would also note that the above statistics are all averages, and may not accurately reflect the terms and conditions of particular employment contracts and collective bargaining agreements in the workplaces under consideration in the tender process.

²⁴ Article 4.2 and 4.3 of the Manufacturing and Associated Industries and Occupations Award 2010, as consolidated up to 3 April 2009
[<http://www.airc.gov.au/awardmod/awards/manufacturing2.pdf>]


²⁵ See, eg, the interaction between articles 24, 32 and Sch A to the Award.

54. The Office of International Law, Attorney-General's Department, has been consulted in relation to the parts of this advice dealing with ILO Conventions.
55. Please let us know if we can be of further assistance.

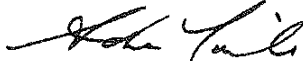
Yours sincerely



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APPENDIX – TABLES OF ILO CONVENTIONS

ILO CONVENTIONS TO WHICH BOTH AUSTRALIA AND SINGAPORE ARE PARTIES

	Name of Convention	Brief Summary of Subject Matter
1.	Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)	Grants to seamen an indemnity, provided by vessel owners, against unemployment resulting from the loss of foundering of the vessel.
2.	Right of Association (Agriculture) Convention, 1921 (No. 11)	Parties undertake to secure for persons engaged in agriculture the same rights of association and combination as for industrial workers.
3.	Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)	Parties undertake to extend to agricultural wage earners any laws and regulations providing for compensation for personal injury from accidents arising out of employment.
4.	Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)	Requires a medical certificate attesting fitness for work before a person under the age of 18 can be employed on a vessel (excluding vessels upon which only other family members are employed).
5.	Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	Where a national of a Party suffers a personal injury due to an industrial accident, the Parties undertake to grant to that person the same treatment in terms of workers compensation as it grants its own nationals.

6.	Seamen's Articles of Agreement Convention, 1926 (No. 22)	In relation to certain types of ship, stipulates that Articles of Agreement (which clearly set out each party's rights and obligations, amongst other things) are to be signed by a shipowner and seamen aboard the vessel, under supervision of a competent authority.
7.	Forced Labour Convention, 1930 (No. 29)	Except in limited circumstances as set out in the Convention, Parties undertake to suppress the use of forced or compulsory labour (meaning all labour exacted under pain of penalty, and which has not been volunteered for) in all its forms within the shortest possible period. Places strict limits and conditions upon the use of forced or compulsory labour, where it is allowed to be used under the Convention.
8. *	Labour Inspection Convention, 1947 (No. 81) (Australia not bound by Pt 2)	<p>Part 1 requires Parties to maintain a system of labour inspection in industrial workplaces. Such inspections is to secure enforcement of laws relating to conditions of work and protection of workers, to provide information and advice to workers in complying with laws, and bringing defects and abuses to the notice of a competent authority. A range of conditions and requirements of the authority and inspection staff, as well as powers and restrictions of inspection staff, are prescribed.</p> <p>Part 2 applies the same requirements as Part 1 to commercial workplaces.</p>

9.		Employment Service Convention, 1948 (No. 88)	Parties are to maintain a free public employment service, to ensure the best possible organisation of the employment market, towards full employment. Sets out requirements of such a service.
10.	*	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	Requires adequate protection against acts of anti-union discrimination, especially in relation to making employment subject to a condition not to join a union, or dismissing workers because of union membership or participation in certain union activities. Workers' and employers' organisations to enjoy adequate protection against any acts of interference from the other. Measures to be taken, where appropriate, to encourage use of machinery for voluntary negotiation between employers' and workers' organisations.
11.		Equal Remuneration Convention, 1951 (No. 100)	By appropriate means, Parties are to ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.
12.		Worst Forms of Child Labour Convention, 1999 (No. 182)	Parties to take immediate and effective measures to prohibit and eliminate the worst forms of child labour (including slavery, trafficking, prostitution, illicit activities or other activities likely to harm the health, safety or morals of a child). Also requires the provision of certain services, such as basic education.

ILO CONVENTIONS TO WHICH AUSTRALIA IS A PARTY, BUT SINGAPORE IS NOT

	Name of Convention	Brief Summary of Subject Matter
13.	Unemployment Convention, 1919 (No. 2)	Parties to communicate to the ILO available information on unemployment, including measures taken to combat unemployment. Parties to establish a system of free public employment agencies under a central authority. Where Parties have systems of unemployment insurance, arrangements to be made to extend same rates of insurance to workers belonging to other Parties.
14.	Minimum Age (Sea) Convention, 1920 (No. 7)	Children under the age of 14 not to be employed or work on vessels, other than vessels on which only other family members work. Shipmasters to keep a register of any persons under the age of 16 employed on board his vessel.
15.	Minimum Age (Agriculture) Convention, 1921 (No. 10)	Children under the age of 14 not to be employed or work in any private or public agricultural undertaking, save outside hours of school. If employed outside the hours of school, employment must not compromise attendance at school. Excludes practical vocational training and children in technical schools.
16.	Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)	Parties undertake to provide compensation to workers incapacitated or killed by occupational diseases. Sets out

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		diseases considered to be occupational diseases.
17.	* Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)	<p>Parties undertake to create or maintain machinery to fix minimum rates of wage employed in certain trades (in particular home working trades, and including manufacture and commerce), in which no arrangements exist for the effective regulation of wages and where wages are very low. Members to decide to which trades the machinery shall apply. System of supervision and sanction to be in place to ensure employers informed and adhering to minimum wages set.</p> <p>ILO to be informed annually the trades to which machinery is applied, and the applicable rates.</p> <p>Any package or object weighing over 1 metric ton, consigned for transport by sea or inland waterway, is to have its gross weight marked on the outside.</p> <p>As for Workmen's Compensation (Occupational Diseases) Convention, 1925.</p> <p>Parties undertake to provide compensation to workers incapacitated or killed by occupational diseases. Sets out diseases considered to be occupational diseases.</p> <p>Parties declare approval of the principle of a 40 hour working week, and taking measures to implement that principle. Principle to apply to classes of employment in accordance with</p>
18.	Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)	
19.	* Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)	
20.	* Forty-Hour Week Convention, 1935 (No. 47)	

		detailed provisions prescribed by other ratified conventions.
21.	Minimum Age (Sea) Convention (Revised), 1936 (No. 58)	As for Minimum Age (Sea) Convention, 1920, but with minimum age revised to 15.
22.	Certification of Ships' Cooks Convention 1946 (No. 69)	No person to be engaged as a ship's cook on board any vessel to which the Convention applies (as specified by a Party) unless the person holds a certificate of qualification as a ship's cook. Sets out minimum requirements for such a certificate, and recognition of certificates from other States.
23.	Medical Examination (Seafarers) Convention, 1946 (No. 73)	For certain defined sea-going vessels, and applying generally to every person engaged on board a vessel, no person is to be engaged for employment unless able to produce a certificate (from a medical practitioner) attesting to the person's fitness for the work he is employed to do. Nature of the certificate and information included to be decided by a competent authority in the State.
24.	Final Articles Revision Convention, 1946 (No. 80)	Recognises the creation of the League of Nations, and retrospectively substitutes certain language in previous Conventions accordingly.
25.	* Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	Grants the right to workers and employers to establish and join organisations of their own choosing without prior authorisation and without rules other than the rules of the organisations themselves. Such organisations to have the right to draw up their own rules and constitutions, and to organise their own administration, activities and programmes. Public authorities

		<p>are to refrain from interfering in any way that would restrict this right or impede the lawful exercise of the right, and authorities are not to dissolve or suspend such organisations.</p> <p>Organisations are to respect the law of the land, which in turn may not restrict the operation of the rights granted in the Convention.</p> <p>Parties undertake to ensure that workers and employers may exercise freely the right to organise.</p>
26.	Accommodation of Crews Convention (Revised), 1949 (No. 92)	<p>For certain defined vessels, the location and arrangement of crew accommodation on a plan for a ship to be built is to be approved by a competent authority. The majority of the Convention is taken up with setting out a long list of requirements of crew accommodation on vessels, which must be adhered to in order to get approval.</p>
27.	Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)	<p>Parties undertake to create or maintain machinery whereby minimum rates of wages can be fixed for workers in agricultural or related occupations. Parties to determine the occupations to which the machinery relates, and the particular machinery to be used. Parties to ensure workers and employers are aware of the minimum rates, and that the rates are enforced. ILO to be informed annually the trades to which machinery is applied, and the applicable rates.</p>
28.	Abolition of Forced Labour Convention, 1957 (No. 105)	<p>Extends provisions of the Forced Labour Convention, 1930. Parties undertake to suppress and not make use of forced or</p>

		compulsory labour as a means of political coercion or punishment, for mobilising economic development, as a means of labour discipline, as a punishment for strikes, or as a method of discrimination.
29.	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Parties undertake to pursue a national policy to promote equality of opportunity and treatment in employment and occupation, with a view to eliminating discrimination (including on the basis of race, colour, sex, religion, political opinion, national extraction or social origin). Legislation to be enacted to ensure compliance.
30.	Minimum Age (Fishermen) Convention, 1959 (No. 112)	Children under the age of 15 not to be employed on fishing vessels. In some certain circumstances allowed to work during school holidays. Children under the age of eighteen years shall not be employed or work on coal-burning fishing vessels as trimmers or stokers.
31.	Final Articles Revision Convention, 1961 (No. 116)	Substitutes, in previous Conventions, certain language regarding the presentation to the General Conference of reports on the working of the Convention.
32.	Employment Policy Convention, 1964 (No. 122)	Parties to declare and pursue an active policy designed to promote full, productive and freely chosen employment. Aims to ensure there is work available for those who seek it, that work is as productive as possible, and that there is freedom of choice for employment and the fullest opportunity for workers to qualify for jobs to which they are suited.

33.	Minimum Age (Underground Work) Convention, 1965 (No. 123)	Persons under a specified minimum age not to work or be employed underground in mines. Parties to set the specified age, but that age not to be less than 16. Parties to ensure enforcement of the minimum age. Employers to keep records of persons employed who are less than 2 years older than the specified minimum age.
34.	* Minimum Wage Fixing Convention, 1970 (No. 131)	Parties to establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate. The appropriate groups are to be determined by a competent authority, in consultation with employers' and workers' groups. Minimum wages to have the force of law, and not to be subject to abatement. Penalties to apply for not adhering to wages set. Parties to create and maintain machinery for the fixing and adjusting of minimum wages for groups of wage earners. Consultation and/or participation of workers' and employers' groups to take place in that process.
35.	Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)	For certain vessels, sets out further requirements for ship building and crew accommodation.
36.	* Workers' Representatives Convention, 1971 (No. 135)	Builds upon the Right to Organise and Collective Bargaining Convention, 1949. Workers' representatives to enjoy protection against prejudicial acts, including dismissal, based on status or activities as a

		<p>workers' representative or on union membership or participation in union activities, as long as those activities fall within existing laws. Facilities to be afforded to such representatives to allow them to do their jobs promptly and efficiently.</p>
37.	* Dock Work Convention, 1973 (No. 137)	<p>Provides that it shall be national policy to provide permanent or regular employment for dockworkers (as defined by national law or practice), and such workers to be assured minimum periods of employment or a minimum income, in a manner and to an extent depending on the economic and social situation of the country and port concerned.</p> <p>Registers to be maintained for occupational categories of dockworkers. Such workers to have priority of dock work and are required to be available for dock work.</p> <p>Parties to ensure that appropriate safety, health, welfare and vocational training provisions apply to dockworkers.</p>
38.	Human Resources Development Convention, 1975 (No. 142)	<p>Parties to adopt policies and programmes of open, flexible and complementary systems of general, technical and vocational education and training, linked with employment, in particular through public employment services. Such programmes meant to improve the ability of the individual to understand and influence the working and social environment, and to encourage and enable persons to develop and use their capabilities for work in their own best interests and in</p>

		accordance with their own aspirations.
39.	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	Parties undertake to operate procedures which ensure effective consultations, regarding the activities of the ILO, between government, employers and workers. Those consultations primarily to items on the agenda of the ILO, submission of Conventions and Recommendations of the ILO, examinations of unratified Conventions, issues arising out of reports required to be made to the ILO, and proposals for denunciation of Conventions.
40.	Labour Administration Convention, 1978 (No. 150)	Parties may delegate certain parts of labour administration to non-governmental organisations, must ensure the organisation and effective operation of a system of labour administration and shall facilitate consultation and cooperation between public authorities and representative organisations. A range of tasks for the competent body are set out, including participation in a range of activities and consultation processes.
41.	* Occupational Safety and Health Convention, 1981 (No. 155)	To apply to all branches of economic activity and all workers within those branches, though a Party may exclude some branches. Parties to create a coherent national policy on occupational safety, occupational health and the working environment. That policy is to take account of certain "main spheres of action". Each Party is to make the system enforceable (including penalties for non-compliance), and to allow for inspections to

		<p>ensure enforcement. The competent authority is also to: determine conditions for work undertakings; determine prohibited, authorised or controlled work processes and substances; establish procedures for notification of occupational accidents and diseases; hold enquiries into such occupational accidents and diseases; publish measures taken in furtherance of the national policy; and introduce systems for the examination of agents potentially causing risk to workers. Measures are also to be taken to ensure the safety of machinery, substances or equipment for occupational use.</p> <p>Employers are also to take steps to ensure that workplaces, machinery and equipment, processes, and substances are safe, and that there is adequate protective equipment. Rights are also granted to workers and representatives regarding training, consultation, provision of information and reporting.</p>
<p>42. *</p>	<p>Workers with Family Responsibilities Convention, 1981 (No. 156)</p>	<p>Designed to give rights to people who have responsibilities to care for their immediate family (including dependent children). Parties to aim to allow persons to carry out family care responsibilities without employment conflicts and without discrimination. Measures to be taken to allow free choice of employment and the taking into account of needs in terms and conditions of employment, and to develop community services such as child care and family services. Measures to be taken to allow re-integration into the workforce after an absence due to family responsibilities.</p> <p>Family responsibility is not to be a valid reason for termination</p>

	<p>of employment.</p> <p>To apply to all branches of the economy and all employed persons, though a Party (and, later, competent authorities) may exclude certain categories and persons.</p> <p>Worker shall not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking. The Convention further sets out reasons that will be taken not to be valid reasons for termination, including union membership, acting as a workers' representative, filing a complaint against an employer, grounds of discrimination, and temporary absence due to illness or injury.</p> <p>Workers are to be provided with an opportunity to defend themselves against allegations related to work or performance prior to termination, and a worker shall be able to appeal against termination to an impartial body.</p> <p>A worker to be terminated is entitled to a reasonable period of notice or compensation in lieu. A terminated worker is also entitled to severance benefits, as well as other assistance and benefits.</p> <p>Where terminations are contemplated for economic and some other reasons, employers to inform and consult with workers' representatives. Employers also to give notice to the</p>
43.	<p>* Termination of Employment Convention, 1982 (No. 158)</p>

		competent authority.
44.	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	<p>Parties to implement a national policy on vocational rehabilitation and employment of disabled persons, to ensure access to vocational rehabilitation and promoting employment possibilities, based on the principle of equal opportunity for disabled persons.</p> <p>Competent authorities to take steps to ensure the implementation of the above. In addition, Parties to aim to ensure the availability of rehabilitation counsellors, etc, for disabled persons.</p>
45.	Labour Statistics Convention, 1985 (No. 160)	Requires Parties to regularly collect, compile and publish basic labour statistics, covering a range of included subject areas, in accordance with ILO guidelines.
46.	Repatriation of Seafarers Convention (Revised), 1987 (No. 166)	<p>Sets out the circumstances in which seafarers shall be entitled to repatriation from Parties. States to prescribe the destinations to which seafarers may be repatriated. The Convention also covers arrangements for repatriation and the burden of the cost (to be on the shipowner).</p> <p>States to facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board.</p>
47.	Protection of Workers' Claims (Employer's Insolvency)	Australia accepts Part 2 of this Convention. That part allows for workers' claims arising out of their employment to be

	Convention, 1992 (No. 173)	protected, and paid out of the assets of an insolvent employer ahead of non-privileged creditors. Workers' claims are to include wages, holiday pay, other paid absences, and severance pay. Such protections may be limited by the Party.
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ILO CONVENTIONS TO WHICH SINGAPORE IS A PARTY, BUT AUSTRALIA IS NOT

	Name of Convention	Brief Summary of Subject Matter
48.	Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)	Regular approaches to waterside working places are to be maintained with regard to worker safety. Includes requirements regarding lighting, clear passage, dangerous working places, footways and passages, passage on to ships, transport vessels, access to holds, access points (eg hatches) on ships, hoisting gear, and the movement of cargo loads.
49.	Underground Work (Women) Convention, 1935 (No. 45)	Prohibits females from being employed in underground work in a mine, with certain limited exceptions, including women in management (or some other non-manual occupation), in training, or in health and welfare.
50.	Recruiting of Indigenous Workers Convention, 1936 (No. 50) (Shelved)	Provides protections to indigenous people from schemes of economic development involving recruitment (that is, obtaining the supply of services from people not spontaneously offering their services). Consideration is to be given to a wide range of effects of that recruitment on the population, including political and social structure, density, and health, etc. Recruitment shall not apply to non-adults. Any recruiting organisation must be licensed. Workers cannot be subjected to illegal pressures or misrepresentations in their recruitment. They must also be afforded certain benefits with regard to health and transport.

51.	Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64) (Shelved)	Contains certain safeguards for indigenous persons entering into some employment contracts. Amongst other things, the Convention requires certain contracts with indigenous persons to be in writing; contracts binding on families or dependents of workers must expressly state that is the case; contracts shall state each party's rights and obligations, as far as possible; contracts must be attested to by a public official; contracts cannot be entered into by non-adults; rights as to termination are stipulated; maximum lengths of service are stipulated; etc.
52.	Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65) (Shelved)	Provides that penal sanctions for any breach of contract to which the Convention applies are to be abolished progressively and as soon as possible. The Convention applies to all workers belonging to or assimilated to the indigenous population of a dependent territory of a Party.
53.	Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86) (Shelved)	Provides for maximum periods of service in different categories of contracts to which the Convention applies.
54.	Labour Clauses (Public Contracts) Convention, 1949 (No. 94)	Applies to certain contracts with public authorities. Where the Convention applies to the contract, the contract is to include clauses on conditions of work (such as wages, hours and other conditions) not less favourable than those for work of the same character in the trade or industry concerned, in the particular district where the work is to be carried on (or the general level in the industry in similar circumstances). This shall include provisions relating to the health, safety and welfare of workers.

		Sanctions are to apply for any transgressions.
55. * Minimum Age Convention, 1973 (No. 138)		<p>Parties to pursue a national policy for the abolition of child labour, and to raise the minimum age for admission to employment. Members to specify minimum age for admission to employment or work within its territory and on means of transport registered in its territory. That specified age is not to be less than 15. The minimum age for work which may jeopardise the health, safety or morals of a young person is not to be less than 18. These restrictions do not apply to training or vocational activities. Further, some "light work" may be permitted for persons between 13 and 15. Sanctions are to apply for non-compliance.</p> <p>Singapore has specified a minimum age of 15.</p>