

## Employment

# Recommendations for Workplace Fairness Legislation by Tripartite Committee on Workplace Fairness Accepted by Government and to be Implemented in 2024

On 4 August 2023, the Ministry of Manpower announced that the Government has accepted the final set of recommendations by the Tripartite Committee on Workplace Fairness ("**Committee**") for the Workplace Fairness Legislation ("**WFL**").

By way of background, on 13 February 2023, the Committee released its interim report which set out its key recommendations to sustain fair employment standards and enhance workplace fairness. It proposed the enactment of legislation to encapsulate its recommendations. A month-long public consultation was conducted to seek the views of various stakeholders including employers, employees and the Human Resources (HR) on the Committee's recommendations. We previously issued a Legal Update which outlines the recommendations made in the interim report (available [here](#)). Overall, there was broad support for the recommendations. The Committee had taken into account the feedback received and updated its recommendations in its Final Report: Building Fairer & More Harmonious Workplaces.

## Benefits of Enacting Legislation on Workplace Fairness

Enacting legislation on workplace fairness will set out clear parameters on what constitutes discrimination in the workplace. The WFL will benefit employers, employees and the society in general in the following ways:

- (a) Employers who follow the recommendations to implement a fair workplace will have a more productive and engaged workforce. This in turn will help attract and retain talent in their workforce.
- (b) With protection against discrimination, employees will be assured that they can report anti-discriminatory practices without fear of reprisal. In addition, employees and jobseekers will have fair access to job opportunities.
- (c) Social cohesion is made stronger when unfair treatment at workplaces is addressed. This is especially vital in a multi-racial, multi-religious society like Singapore with a diverse workforce.

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## Committee's Final Recommendations

The Committee's final recommendations for the WFL are divided into four key areas. It is reported that the implementation of these recommendations will take place in 2024.

<b>A. Increase in protection against workplace discrimination</b>	
1.	Define discrimination as making an adverse employment decision because of any protected characteristic
2.	Prohibit workplace discrimination in respect of the following characteristics: (i) age; (ii) nationality; (iii) sex, marital status, pregnancy status, caregiving responsibilities; (iv) race, religion, language; (v) disability and mental health conditions (" <b>protected characteristics</b> ")
3.	Retain and enhance the Tripartite Guidelines on Fair Employment Practices (" <b>TGFEP</b> ") to work in unison with the legislation
4.	Cover all stages of employment (i.e. pre-employment, in-employment and end-employment) (" <b>employment decisions</b> ")
5.	Prohibit job advertisements from using words or phrases that indicate a preference based on any of the protected characteristics
6.	Legislate the job advertisement requirement under the existing Fair Consideration Framework (FCF) for the submission of Employment Pass and S Pass applications
7.	Prohibit employers from retaliating against those who report workplace discrimination or harassment
8.	Enhance the TGFEP to clarify that corporate service buyers and intermediaries should not discriminate by selecting candidates based on characteristics that are not related to the job
<b>B. Provisions to support business/organisational requirements and national objective</b>	
9.	Allow employers to consider a protected characteristic in employment decisions where there is a genuine and reasonable job requirement
10.	Allow initial exemption of small firms (i.e. with fewer than 25 employees) from the legislation, with a view to reviewing this exemption in five years
11.	Allow religious organisations to make employment decisions based on religion and appropriate religious requirements
12.	Support employers in hiring persons with disabilities and seniors (i.e. those who are 55 years and above)
13.	Issue Tripartite Advisory on providing reasonable accommodations to persons with disabilities

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<b>C. Processes for resolving grievances while safeguarding workplace harmony</b>	
14.	Require employers to have proper grievance handling processes. Where possible, employers should also protect the identity of persons who report workplace discrimination and harassment.
15.	Ensure that the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) continues to serve as the first port of call outside of the firm for workers who experience discrimination
16.	Require compulsory mediation for workplace discrimination claims at the Tripartite Alliance for Dispute Management ("TADM") first. Adjudication at the Employment Claims Tribunals ("ECT") is a last resort.
17.	Ensure that unions continue to play a constructive role in workplace fairness dispute resolution and allow them to support their members in the claims process
<b>D. Ensuring fair outcomes through remedies for victims of workplace discrimination and appropriate penalties for breaches</b>	
18.	Ensure that at TADM mediations, the focus should be on educating employers on correct practices and restoring employment relationships where applicable, and not primarily monetary compensation
19.	Allow monetary compensation of up to S\$5,000 for pre-employment claims, and up to S\$20,000 for non-union members and S\$30,000 for union-assisted claims for in-employment and end-employment claims
20.	Empower the ECT to strike out frivolous or vexatious claims, and/or award costs of up to \$5,000 against such claimants
21.	Allow the State to concurrently conduct investigations on claims that involve suspected serious breaches of the WFL, with a view to taking enforcement action
22.	Provide a range of penalties that can be imposed against firms and/or culpable persons, depending on the severity of the conduct

The Committee's recommendations provide a clearer understanding of the focus and requirements of the forthcoming WFL. The implementation of the recommendations in the Final Report through the WFL will be a significant milestone in enhancing the workplace fairness framework of multi-racial, multi-religious Singapore. Needless to say, achieving a fairer workplace is a joint effort among employers, employees and the Government, and they must continue to work together to uphold fair and progressive employment practices in Singapore.

For any queries on the WFL including the measures that may be put in place preparatory to the enactment of the same, please contact our Employment Law partners.

Click on the following links for more information (available on the MOM website at [www.mom.gov.sg](http://www.mom.gov.sg)):

- [MOM Press Release titled "Government Accepts Tripartite Committee's Final Recommendations for WFL"](#)

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- [Tripartite Committee on Workplace Fairness Final Report: Building Fairer](#)

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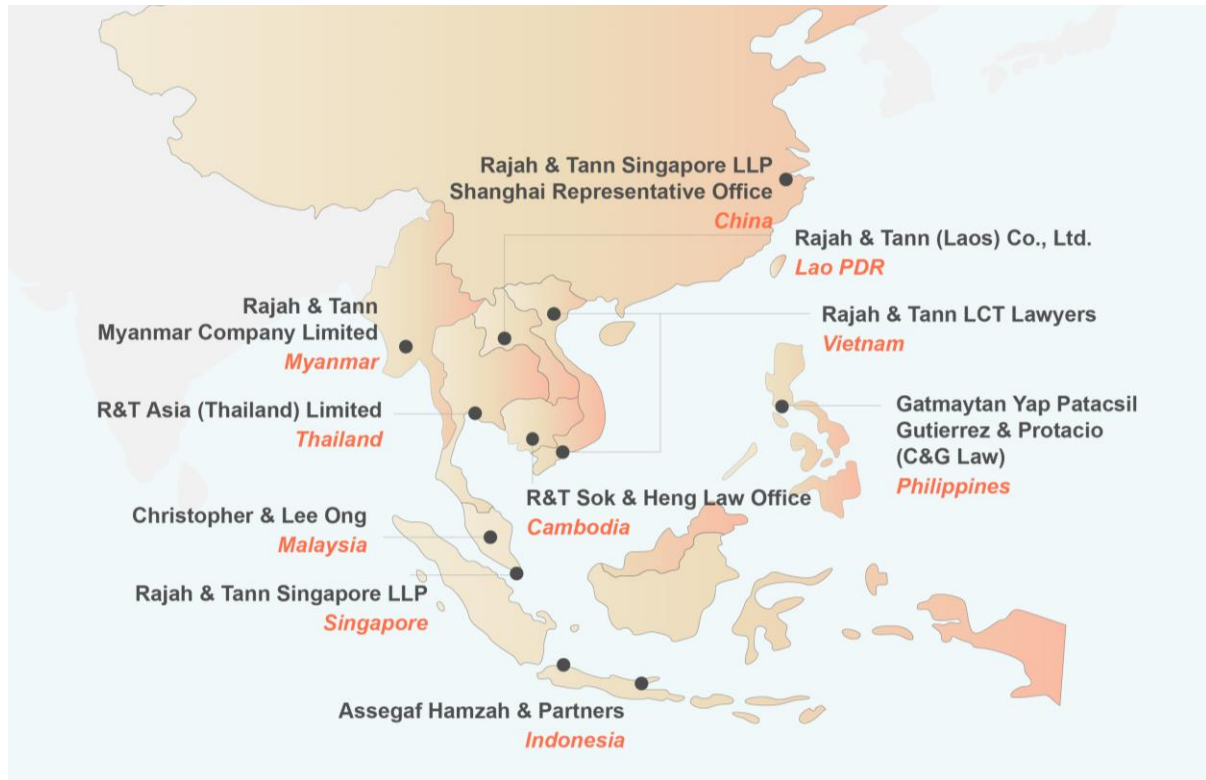
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