

## Introduction of Workplace Fairness Legislation to Preserve and Entrench Fair and Harmonious Workplace Norms

12 November 2024 | [Employment practices](#)

### Our Workplace Fairness Journey

Over the past decades, the Tripartite Partners have consistently advocated for fair employment practices. In 2007, we introduced the Tripartite Guidelines on Fair Employment Practices (TGFE), which set out principles for employers to make fair employment decisions based on merit. These efforts have contributed to an overall declining trend of workplace discrimination faced by employees and jobseekers.

2 Building on this progress, the Workplace Fairness Legislation (WFL) will strengthen protections and expand the range of actions we can take against the small group of errant employers. The WFL does not aim to change, but rather to preserve and entrench, our existing fair and harmonious workplace norms. It will enable us to operate in a similar way as today, but with improvements to further enhance our workplace fairness framework.

### WFL introduced in two Bills

3 To this end, the WFL will be introduced through two Bills. The first Bill, which is the Workplace Fairness Bill, will be introduced in Parliament in November 2024. This will provide more time to educate and enable employers and workers to be familiar with the key features and requirements of the legislation.

4 The Workplace Fairness Bill will set out the following:

- a. Protections against discrimination for employees who possess protected characteristics, while supporting the business needs of employers and our national objectives
- b. Processes to preserve harmonious workplaces and resolve disputes amicably
- c. Range of levers to augment MOM's education-first approach to address errant workplace practices

5 There will be a second Bill which will introduce the procedural rights and processes for individuals to make private claims under the WFL. This includes expanding the ambit of the existing Employment Claims Tribunals. The second Bill will be tabled in Parliament at a later date. The intention is for both Bills will come into force at the same time.

### Details of the Workplace Fairness Bill

6 The key features of the Bill are aligned with the final recommendations that were extensively consulted, deliberated and agreed upon by the Tripartite Committee on Workplace Fairness. They comprise three key areas of improvements:

- a. Reinforce fair and merit-based practices as norms in our workplaces
- b. Introduce more avenues for recourse and redress
- c. Provide a safer and more constructive space for employees to discuss grievances with their employers

### A. Strengthen protections for employees while allowing flexibility for employers

7 The WFL provides protections against the common and familiar forms of workplace discrimination by prohibiting employers from making adverse employment decisions because of any protected characteristics. These adverse employment decisions covers all employment stages and include:

- a. Hiring decisions
- b. In-employment decisions, such as performance appraisals, and promotion and training opportunities
- c. Dismissals

8 The protected characteristics covered in the WFL are (i) age, (ii) nationality, (iii) sex, marital status, pregnancy status, caregiving responsibilities, (iv) race, religion, language, and (v) disability and mental health conditions. These characteristics account for more than 95% of discrimination

complaints received by the Tripartite Alliance for Fair & Progressive Employment Practices (TAFEP) and MOM. The TGFEP will be retained to cover other forms of discrimination beyond those in the WFL.

9 We will continue to ensure fair access to opportunities for the local workforce. The WFL will legislate the Fair Consideration Framework (FCF) job advertisement requirements, where employers submitting Employment Pass or S Pass applications must first advertise on MyCareersFuture and fairly consider all local candidates. Foreigners with relevant skillsets play a valuable role in complementing our local workforce, but employers must give fair consideration to locals.

10 Employers may prefer to hire local employees for various business and occupational considerations. This will continue to be allowed under the WFL. The WFL also supports employers who choose persons with disabilities and senior workers in their hiring decisions over those without these characteristics.

11 The WFL provides flexibility for the genuine needs of businesses. Employers will be allowed to make employment decisions because of a protected characteristic if it is a genuine occupational requirement. The WFL sets out four circumstances where a protected characteristic is a genuine occupational requirement:

- a. First, for the reasonable performance of the job. For instance, an employer may consider if a jobseeker is fluent in a particular language for an interpreter role.
- b. Second, for health and safety reasons. For instance, a firm may consider the mental health condition of a security officer carrying weapons.
- c. Third, for privacy reasons. For example, a spa may hire female therapists to serve their female clientele.
- d. Fourth, for legal and regulatory reasons. For example, a bus company can only hire bus driver trainees above 21 years old as this is the regulatory age needed to obtain a Bus Driver's Vocational Licence.

12 For a start, small firms with fewer than 25 employees will be exempted from the legislation as they may not have the corporate capabilities to comply with the requirements. Small firms will still have to adhere to the TGFEP. Tripartite partners will monitor the situation and review the exemption in five years.

13 Religious organisations will also be permitted to make employment decisions based on religion, given the importance of preserving Singapore's multi-racial and multi-religious society.

## **B. Preserve harmonious workplaces by resolving disputes amicably**

14 The WFL legislates the requirement for employers to put in place grievance handling processes to facilitate dispute resolution at the firm level:

- a. Employers need to inquire into the grievance, review it, and inform the employee of the result. All employees must also be informed of this process.
- b. Throughout the process, the employer must preserve the employee's confidentiality.

15 To facilitate constructive communication between employer and employee, and assure employees that reporting workplace discrimination or harassment is safe, the WFL protects those who step forward to report from retaliation by employers.

## **C. Emphasis on education to shape positive workplace norms**

16 Discrimination, at its root, is a mindset issue and Singapore's educational approach has worked well thus far in shaping fair and harmonious workplace norms, as seen from employers' broad-based compliance with the TGFEP. We will continue to take an educational approach to help all employers understand their obligations and to support those who inadvertently breached WFL to rectify their practices.