

INTRODUCTION OF WORKPLACE FAIRNESS LEGISLATION AND OTHER LEGAL UPDATES IN 2024

January 2024
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A. Mandatory updates to employment handbooks and contracts

Prior to 1 January 2024, employers should update their employment handbooks, leave policy and/or employment contracts to increase the periods of paternity leave and unpaid infant care leave that are legally granted to parents of Singaporean children.

On 19 September 2023, Parliament passed the Child Development Co-Savings (Amendment) Act 2023 that amended the Child Development Co-Savings Act 2001 of Singapore to, *among other amendments*, increase: government-paid paternity leave for working fathers of Singaporean children born on or after 1 January 2024 from 2 weeks to 4 weeks; and unpaid infant care leave from 6 to 12 days per year for each parent with Singaporean children aged under 2 years. Such amendments have legally commenced on and from 1 January 2024.



B. Employers to implement HR policies and processes

Employers should also begin to implement appropriate policies and processes to facilitate compliance with the [Tripartite Committee's Final Recommendations on Workplace Fairness Legislation](#), which will be introduced in 2024 as national legislation to work in concert with the Tripartite Guidelines on Fair Employment Practices, that are non-binding "best practice" guidelines to ensure employers treat jobseekers and employees fairly and based on merit, and the [Tripartite Guidelines on Flexible Working Arrangements](#), which will be introduced by 2024 as "best practice" guidelines for employers to manage employees' flexible working arrangements.

Such policies include but are not limited to fair recruitment policy, performance appraisal and promotion policy, training selection policy, progressive discipline ladder policy, grievance handling procedures, whistle-blowing policy, employee punctuality and attendance policy, and remote working policy. Such policies and procedures may be consolidated into one master human resource policy or constitute separate forms.

C. Introduction of Workplace Fairness Legislation

The Workplace Fairness Legislation, when enacted as binding law, shall prohibit employers from making adverse employment decisions at all stages of employment e.g. recruitment, promotion and dismissal stages, because of the following protected characteristics — age, nationality, sex, marital status, pregnancy status, caregiving responsibilities, race, religion, language, disability, and mental health conditions — where such

characteristics are the most reported forms of workplace discrimination as they account for more than 95% of discrimination complaints from 2018 to 2022.

For example, prospective employers are prohibited from using words or phrases that prefer a protected characteristic in job advertisements unless they are reasonably required. Furthermore, unless exempted, employers submitting employment pass applications will need to first advertise the job vacancy for a specified period and fairly consider all candidates that apply. Additionally, employers are prohibited from retaliating against those employees who report cases of workplace discrimination, and corporate service buyers and intermediaries should not discriminate based on characteristics that are not related to the job.

However, employers are exempted from such legislation if:

- (a) the protected characteristics form genuine and reasonable occupational requirements. For example, a wellness establishment hires only female therapists as their job is to carry out personal body massages for female customers. Thus, the requirement for female therapists is a genuine and reasonable job requirement;
- (b) employers are small firms with fewer than twenty-five employees. This is because such firms may not have the expertise and resources to fully implement the legislated requirements at the start. Such an exemption will be reviewed by the Singapore government after five years. In the meantime, exempted firms will still be subject to the Tripartite Guidelines on Fair Employment Practices and existing statutory protections on wrongful dismissal; and
- (c) religious organisations are recruiting employees based on appropriate religious requirements of those organisations. Thus, a mosque hiring an administrative assistant may recruit only Muslim applicants. All other religion-affiliated entities that have a secular purpose will continue to be allowed to make employment decisions based on religion only if such job requirement is genuine and reasonable.

The Workplace Fairness Legislation, when enacted, shall also require employers to put in place proper grievance handling processes to resolve disputes on discriminatory practices and promote a more harmonious and more inclusive workplace. The proposed grievance handling requirements at a firm level to be legislated include putting in place a proper inquiry and documentation process; informing employees of the firm's grievance handling procedures; communicating the outcome of the inquiry to the affected employee; and protecting the confidentiality of the identity of persons who report workplace discrimination and harassment, where possible.

D. Mediation and adjudication of workplace discrimination disputes

Where such disputes on discriminatory practices cannot be resolved at a firm level or at a trade union level, the Tripartite Alliance for Fair and Progressive Employment Practices continues to serve as the first port of call outside the firm for employees who experience discrimination. When such legislation is enacted, aggrieved employees shall refer their claims to compulsory mediation under the Tripartite Alliance for Dispute Management. At mediation, the focus is on educating employers on correct practices and mending employment relationships instead of monetary compensation.

Such cases may be challenging to mediate but the aim is still to resolve most cases at mediation, in line with the guiding principle to maintain a non-litigious workplace culture. In addition, seeking an amicable settlement supports the preservation of the employment relationship between employers and aggrieved employees, where it is still practicable.

If mediation fails, the claim is referred to the Employment Claims Tribunal for adjudication. Remedies will be limited to monetary compensation of up to S\$5,000 for pre-employment (recruitment) claims and S\$20,000 for non-union members and S\$30,000 for union-assisted claims for in-employment (e.g. promotion) and end-of-employment (e.g. dismissal) claims, and reinstatement to the job for end-of-employment claims.

The Employment Claims Tribunal will also have the power under the new legislation to strike out frivolous and vexatious claims made by the claimant and award costs of up to S\$5,000 to the respondent. Where the claim involves a suspected serious breach of the new legislation, the State may concurrently conduct investigations with a view to taking enforcement actions that vary according to the severity of the breach e.g. corrective orders issued by the Ministry of Manpower for low severity breaches, administrative penalties of up to a few thousand dollars imposed by the Ministry of Manpower for moderate severity breaches, and civil penalties for high severity breaches.

E. Summary

A summary of the Workplace Fairness Legislation in our infographic chart can be found [here](#).

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After working at a leading law firm in Japan, Tetsuo joined one of Singapore's top law firms as a partner. He then became the head of Asian operations of an international law firm. Since the establishment of One Asia Lawyers Group in July 2016, he has provided legal advice on various cross-border legal transactions, including M&A and international trade disputes. In 2014, he became the first qualified Japanese lawyer to advise Singapore commercial law (Foreign Practitioner certificate for Foreign Lawyer to Practise both Singapore Law and Foreign Law in Singapore (Section 36B))

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Victoria was admitted as an advocate and solicitor to the Singapore Bar. She started her legal career at Singapore Telecommunications Limited, which is the biggest telecommunications conglomerate in Singapore, where she negotiated, drafted, and reviewed commercial legal contracts in the group network procurement and indirect procurement departments.

Victoria practises corporate, commercial, employment, and data protection legal work, including but not limited to venture capital and mergers and acquisitions. She currently works on the Japan Desk.

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