

WORKPLACE FAIRNESS BILL: WHAT IT MEANS FOR EMPLOYERS AND EMPLOYEES

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Workplace Fairness Bill Passed

On the 8th of January 2025, Parliament passed the Workplace Fairness Bill (Bill No. 50/2024)(the "**Bill**"). Built upon the recommendations made by the Tripartite Committee on Workplace Fairness ("**the Committee**") which was formed in July 2021, the Bill aims to protect workers from discrimination in hiring, during employment, and in relation to termination ([Part 2 of the Bill](#)). The Bill is the first of two Bills concerning workplace fairness, and its scope covers the substantive rights and obligations of the employees.

The second Bill (which is currently a work in progress) will deal with private employment claims arising from workplace discrimination.

On the 7th of January 2025, during the **Second reading Speech** for this Bill, Minister for Manpower, Dr Tan See Leng, covered how the Bill will:

- First, strengthen protections for jobseekers and employees against discrimination, while retaining flexibility for employers.
- Second, provide grievance handling processes to promote to better communication and amicable resolution of issues.
- Third, complement the Singapore government's education-first approach with calibrated levers to deal with the small number of bad employers who persist in egregious discrimination.

Key Developments

1. Strengthening Protection Against Workplace Discrimination and Protected Characteristics

- The Bill prohibits employers from making an adverse employment decision on the grounds of a protected characteristic of the individual, or on the grounds of two or more reasons, one of which is a protected characteristic of the individual, This will cover decisions made during various stages of employment, from pre-employment (recruitment), in-employment (promotion, performance appraisal and training selection) to end-employment (dismissal, retrenchment and termination). It is not necessary to prove that the individual was treated or affected differently compared to any other individual to show that discrimination has occurred.
- On the other hand, a protected characteristic may be treated as a genuine requirement of a job if, having regard to the nature of the job, it cannot be reasonably performed unless the individual has or does not have the protected characteristic.
- Protected characteristics under the Bill are **age, nationality, sex, marital status, pregnancy, caregiving responsibilities, race religion, language ability, disability, and mental health condition**. These are areas where there is broad societal consensus, and together, they account for more than 95% of discrimination complaints received by the Tripartite Alliance for Fair and Progressive Employment Practices ("**TAFEP**") and the Ministry of Manpower ("**MOM**"). These areas also have national policy imperatives to prevent discrimination against the workplace.

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Protected Characteristics

(1) Age

Support the employment of older/senior workers given Singapore's ageing population. Also recognises that senior workers are disproportionately impacted by age discrimination.

(2) Nationality

Ensure that individuals in Singapore are fairly considered for job opportunities and in this regard, "nationality" means the individual's citizenship of any country or status as a resident of any country. At the same time, the Singapore government recognises the lived experiences and concerns of Singaporeans about whether foreigners are taking over their jobs. Section 22 of this Bill provides an exception that will allow employers to make employment decisions based on whether the person is part of the local workforce.

(3) Sex

Increase women's participation in the workforce and in this regard, "sex" means the sex assigned to the individual at birth or in the case of an individual who has undergone a sex re-assignment procedure, the sex to which the individual has been re-assigned. However, protected characteristics do not include sexual orientation or gender identity.

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(4) Marital Status

In this regard, “marital status” includes the fact that the individual is married, not married, divorced, widowed, married but is living separately and the number of times the individual has married.

(5) Pregnancy

Promote the aspirations of parenthood and in this regard, “pregnancy” covers the pregnancy period, statutory maternity leave, the period that a woman is breastfeeding or expressing breast milk for the purposes of feeding an infant. Further, the protection extends to women who has expressed a desire to bear children.

(6) Caregiving Responsibilities

Support caregivers who care for a family member(s) in need (e.g. parents and in-laws, spouse, biological and step-children), regardless of whether the caregiver is related to the individual by blood or marriage, or whether the caregiver is living in the same household, and “caregiving responsibilities” means the fact that an individual has a responsibility to care for or support any family member.

The protection for caregivers is in line with the Singapore government’s efforts to build a family-friendly environment and signals the important role fathers play as an equal partner to care for their children. It will also support the greater care needs of Singapore’s ageing population.

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(7) Race, Religion, Language

Preserve the multi-racial and multi-religious society of Singapore and in this regard, “language ability” means the ability of the individual to read, speak, write or understand any language.

Relatedly, Section 23 of this Bill does afford religious groups with some flexibility to make employment decisions for roles that are religious in nature.

(8) Disability

Help persons with one or more of the following disabilities (autism or any intellectual, physical, or sensory disability with substantial impact on his/her ability to carry out day-to-day activities) join and remain in the workforce.

Section 24 of this Bill goes further by providing an exception to facilitate employment opportunities for this group by allowing employers to favour persons with disabilities in their hiring decisions.

(9) Mental Health Conditions

Strengthen employment and employability of persons with mental health conditions, as diagnosed by a medical practitioner.

In this regard, the Singapore government advocates for an evidence-based approach to mental health issues at the workplace, rather than to perpetuate stigmas that limit the potential contributions of these members of society. This is especially since mental health issues are a growing challenge, both in Singapore and globally.

2. Retaining Flexibility for Employers

- Concurrently, the Bill provides room for genuine business needs. This is dealt with under section 20 of the Bill.
- First where selection is required for the reasonable performance of the Job. For example, an employer can consider if a jobseeker is fluent in a particular language for the role of an interpreter.
- Second, selection may be made for health and safety reasons, to protect the employee and or any other individual. For example, a security company can consider whether an officer with a recently diagnosed but untreated case of depression can carry firearms and this will have an impact on the safety of the said officer and others who may come into contact with said officer.
- Third, where selection is intended to preserve standards of privacy (whether reasonable or not). For example, a spa can choose to hire female therapists to serve their female clientele.
- Fourth, where selection is required for legal or regulatory reasons. For example, a bus company may only hire bus driver trainees above 21 years old as this is the regulatory age needed to obtain a bus driver’s vocational license.
- In designing these flexibilities, the Singapore government intends to assure employers that they will not be in breach of the law if they need to make employment decisions based on requirements set by the Singapore government, such as those involving public safety or national security.

3. Provide Grievance-handling Processes to Promote Better Communication and Amicable Resolution of Issues

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- Section 27 of this Bill requires employers to inquire into the grievance raised by the employee, review it, and inform the employee of the outcome. The employer must protect the employee's confidentiality by not disclosing, unless reasonably necessary, the identity of the employee and information in relation to the inquiry. The employer must commit to the process in writing and inform the process to its employees in writing.
- During the Second Reading Speech, it was stated that TAFEP has seen disputes arise from miscommunication that could have been quickly resolved if the parties had discussed openly from the start. As such, the Singapore government advocates that workplace disputes should, where possible, be resolved within the firm itself. It is believed that such processes encourage employers and employees to settle differences more amicably while minimising disruptions and building trust.
- It is to be noted that the Bill refrains from being overly prescriptive on the detailed requirements of the grievance-handling process, given the diversity of firms in Singapore's economy – a process that works for an MNC may not work for an SME.
- For firms that do not have such processes in place, it might be helpful to note that TAFEP provides online resources and guidance in this regard including a Grievance Handling Handbook.
- That said, the Singapore government recognises that formal processes alone may not be sufficient. Section 28 of the Bill serves to provide better assurance, by prohibiting employers from retaliating against those who have filed complaints and claims. A retaliatory act in relation to an employee includes a dismissal of employment, a refusal to offer re-employment under s 7A(1) of the Retirement and Re-employment Act 1993, deduction of salary and harassment, amongst other acts that are detrimental to the employee.

4. Complementing the Singapore Government's Education-first Approach with Calibrated Levers to Deal with Egregious Discrimination

- The Singapore government is taking an education-first approach with regard to workplace fairness. Efforts include clarifying what constitutes discrimination, providing accessible support channels, ensuring employers understand their obligations and providing sufficient time for employers to prepare themselves for the new legislation.
- TAFEP, in collaboration with key partners, have launched a one-stop resource webpage and will conduct briefings for the HR industry, including those catered to SMEs. There will also be training resources for companies and HR to incorporate into their in-house corporate training.
- Recognizing resource constraints, firms with fewer than 25 employees are temporarily exempt under Section 4 of this Bill from complying with this requirement, with a review to be undertaken in five years. The TGFEP will continue to apply in the interim.
- Notwithstanding the foregoing, Part 7 of the Bill seeks to provide calibrated levers that strike a balance between effective deterrence and rehabilitation. For less severe breaches, these include directions to attend educational workshops and administrative financial penalties imposed by MOM. For more severe breaches of the Bill, MOM can bring the offenders to Court

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and may recommend heavier civil penalties. It is to be noted that these are enforcement actions that the Singapore government may take, which are in addition to any private claims that employees may bring against errant employers.

Conclusion

The introduction of the Workplace Fairness Bill reflects thoughtful consideration in balancing the need for stronger protections against workplace discrimination while preserving Singapore's hard-earned workplace and societal harmony—at least, for the present workforce.

However, as emphasized by the Minister for Manpower, the Bill is not a panacea for workplace discrimination. Ageism is one such example: while the Bill, together with the Retirement and Re-employment Act, is likely to strengthen advocacy and promote equitable protection of older workers' rights relative to their younger counterparts, many age-related biases have remained subtle and are difficult to prove. Employers can still exclude older candidates using vague justifications, such as citing a lack of "cultural fit" or claiming someone is "overqualified."

Legislation alone cannot erase deep-seated stereotypes—such as the perception that older workers are less adaptable or technologically proficient. For meaningful change to happen, the Bill must be accompanied by education and cultural shifts in mindsets. Businesses should be encouraged to recognize the benefits of a multi-generational workforce, in tandem with positive steps taken towards eliminating other forms of workplace discrimination, such as condoning the stigma against employees with mental health conditions.

That said, this Bill is a step forward, towards the right direction. It strengthens avenues for recourse in areas where there is already broader societal consensus on fairness and impartiality, where an employee displays a protective characteristic. By bringing about awareness on the legal risks that employers may face, if they have participated in workplace discrimination, the Bill signals what is not permitted under Singapore laws, and what should be considered acceptable workplace practices.

This Bill is expected to take effect in 2026 or 2027, giving employers ample time to prepare for its implementation. In the meantime, businesses should take proactive steps to align its processes with the Bill, by undertaking the following:

- Conduct a workplace fairness audit to ensure that the hiring, promotion, and termination processes are free from discrimination against protected characteristics.
- Review and update employment policies to comply with fair employment guidelines.
- Train hiring managers to assess skills and experience objectively, rather than relying on potentially discriminatory factors.
- Strengthen grievance-handling and compliance mechanisms, such as appointing a dedicated committee to oversee workplace fairness policies.
- Leverage government grants and support, including the Senior Employment Credit and SkillsFuture

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programs. Employers should also participate in TAFEP-organized forums and workshops on best practices for workplace fairness.

Employers should not wait until 2026 or 2027 to implement these changes. Taking action now will help businesses minimize legal risks, foster a fairer work environment, and enhance their employer brand—potentially making them more attractive to top talents across all ages.

[Second reading Speech at Workplace Fairness Legislation Bill](#)

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