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WORKPLACE FAIRNESS BILL

Following the Government's acceptance of the final recommendations from the Tripartite Committee on Workplace Fairness ("**Final Recommendations**"), the first of two workplace fairness bills ("**Bill**") was introduced in Parliament on 12 November 2024. The first Bill sets out the scope of the workplace fairness legislation and is largely in line with the Final Recommendations. The second Bill will set out the procedure for making claims and will be tabled in Parliament next year. Both Bills, if passed, will take effect in 2026 or 2027.

We outline some key points from the first Bill below:

- The workplace fairness legislation will not apply to employers that employ fewer than 25 individuals.
- Protected characteristics are defined as: (i) age; (ii) nationality; (iii) sex; (iv) marital status; (v) pregnancy; (vi) caregiving responsibilities; (vii) race; (viii) religion; (ix) language ability; (x) disability; and (xi) mental health condition.

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- It is discrimination for an employer to do the following, unless an exception applies:
 - make an employment decision* that adversely affects an individual on the ground of a protected characteristic;
 - issue, communicate or publish any discriminatory direction, instruction, or policy that instructs or influences a person to make an employment decision that adversely affects an individual on the ground of a protected characteristic; or
 - publish in Singapore an advertisement or description relating to possible employment in Singapore that mentions a protected characteristic as a condition, criterion, requirement, advantage, disadvantage, or disqualification for employment.

*An employment decision includes: (i) hiring decisions, including taking any steps toward an offer of employment; (ii) decisions made during employment, including appraisals and promotions; and (iii) dismissals, retrenchments and terminations.

- The exceptions to the prohibitions against discrimination include the following:
 - if a genuine requirement of the job requires consideration of a protected characteristic;
 - if an employer decides not to hire an individual because the individual is younger than the prescribed age;
 - if an employer makes an employment decision that adversely affects an individual on the ground that the individual is not a Singapore citizen or permanent resident;
 - if a religious group employs an individual connected with the affairs of the religion; and
 - if an employer decides not to hire an individual because the individual does not have a disability.
- The requirements under the existing Fair Consideration Framework will be legally binding under the workplace fairness legislation. Employers must publish a job advertisement in the prescribed manner, and consider all applications in good faith and in a fair and objective manner.
- Employers must develop a grievance handling process under which they commit in writing to investigate each grievance raised by an employee. Employers must inform all employees in writing of the grievance handling process.

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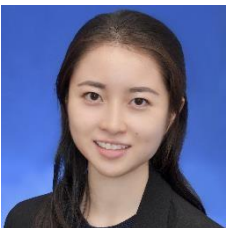
- Retaliation against an employee for bringing a proceeding against the employer for breach of the workplace fairness legislation, among other things, is prohibited.

COMMENCEMENT OF TRIPARTITE GUIDELINES FOR FLEXIBLE WORK ARRANGEMENT REQUESTS

The Tripartite Guidelines for Flexible Work Arrangements Requests came into effect on 1 December 2024. These guidelines set the minimum requirements for employers and recommend good practices for employers to consider in relation to formal flexible work arrangement requests.

Employers should review their flexible work arrangement policies to ensure that they are compliant with the Tripartite guidelines.

Should you have any queries as to how this update may affect you or your organisation or require further information, please do not hesitate to email us.



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This newsletter is intended to discuss the Employment Law Updates, and it is not intended to be comprehensive nor should it be construed as legal advice. This newsletter is updated as of 01 December 2024

ABOUT GATEWAY LAW CORPORATION:

Gateway Law is an Asia-Pacific regional full service legal practice with strengths in the areas of intellectual property, franchising, technology, media (and entertainment), telecommunications, data protection and cybersecurity as well as employment and immigration. In addition to our niche areas, Gateway also provides services in the general areas of litigation and dispute resolution, corporate and commercial law, real estate conveyancing and advisory, medical and family law.

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