

# GATEWAY<sub>LAW CORPORATION</sub>

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## AUGUST SPOTLIGHT

Singapore's Proposed Workplace Discrimination Law

Public Consultation by MOM on designating Platform Workers as a Distinct Legal Class

Implementation of Non-Traditional Source Occupation List

Increase of Minimum Qualifying Salary and Levy Rates for S Passes from 1 September 2023

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## SINGAPORE'S PROPOSED WORKPLACE DISCRIMINATION LAW

In February 2023, the Tripartite Committee on Workplace Fairness issued an interim report recommending the establishment of workplace discrimination laws. Following extensive consultation with stakeholders like employers and employees, the committee has now published its final report, containing 22 recommendations, an increase from the initial 20.

These recommendations cover four key areas: (i) strengthening protection against workplace discrimination; (ii) supporting business and organisational needs; (iii) establishing processes for resolving grievances; and (iv) ensuring fair outcomes and penalties for breaches. The Singapore Government has accepted these final recommendations and plans to collaborate with the Tripartite Committee to implement them in 2024, aiming to foster fair and equitable workplaces in the nation.

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## **PUBLIC CONSULTATION BY MOM ON DESIGNATING PLATFORM WORKERS AS A DISTINCT LEGAL CLASS**

The Advisory Committee on Platform Workers had previously made 12 recommendations to strengthen legal protection for Platform Workers (e.g. taxi and private-hire car drivers, food and goods deliverymen etc.). All 12 recommendations were accepted by the Singapore Government in November 2022.

The Ministry of Manpower issued a consultation paper in August 2023 and invited members of the public to provide feedback on the definitions of Platform Operators and Platform Workers, treatment of a subcontracting scenario, as well as Platform Operators' duties towards the safety and health of their Platform Workers. The public consultation closed on 4 September 2023. As indicated in the consultation paper, this new legislation is expected to come into force in the second half of 2024.

## **IMPLEMENTATION OF NON-TRADITIONAL SOURCE OCCUPATION LIST**

The Ministry of Manpower has expanded the Non-Traditional Source Occupation List ("NTS OL") to include more sectors, allowing firms in the manufacturing and services sector to hire Non-Traditional Source ("NTS") Work Permit holders from countries like India, Sri Lanka, Thailand, Bangladesh, Myanmar, and the Philippines.

This expansion, effective from 1 September 2023, aims to assist companies in adapting to higher S Pass qualifying salaries and levies by granting access to NTS Work Permit holders for roles with significant manpower demands, limited local interest, and challenging automation prospects. The NTS OL now encompasses the following occupations: metal molders, core makers, riggers, cable splicers, sheet metal workers, structural metal preparers, welders, cooks (in Indian restaurants), food processing workers, housekeepers (in licensed hotels), and porters (in licensed hotels).

These workers must receive a minimum monthly salary of S\$2,000 and not exceed 8% of the firm's total workforce (excluding Employment Pass holders).

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## INCREASE OF MINIMUM QUALIFYING SALARY AND LEVY RATES FOR S PASSES FROM 1 SEPTEMBER 2023

Since September 2022, the Ministry of Manpower has been progressively increasing the minimum qualifying salary (“MQS”) required to obtain an S Pass and the levy rates for an S Pass, which is a work permit for skilled foreign employees.

The MQS and levy rates for an S Passes have increased again, effective from 1 September 2023.

## ENHANCEMENTS TO THE WORK PASS FRAMEWORK (COMPLEMENTARITY ASSESSMENT FRAMEWORK, COMPASS™)

From 1 September 2023, the new framework (COMPASS) will be used to assess Employment Pass applicants. It will be used to assess renewal EP applicants from 1 September 2024.

COMPASS is a points-based framework requiring applicants to score 40 points under its foundational criteria and bonus criteria.

## VERIFICATION REQUIREMENTS FOR EMPLOYMENT PASSES

Effective from 1 September 2023, more stringent verification requirements on the qualifications of Employment Pass (“EP”) applicants will be implemented.

Educational qualifications for post-secondary diploma and above that are declared in new EP applications must be supported with a verification proof. If the awarding institution is found in the drop-down list, employers must verify the authenticity of the qualification through (i) \*background screening companies, (ii) the government/awarding institution’s verification portion, or (iii) the OpenCerts portal. If the awarding institution is not found in the drop-down list, employers must verify both the authenticity of the qualification and the accreditation status of the institution through \*background screening companies.

## INCREASE TO MINIMUM FIXED MONTHLY SALARY FOR PERSONALISED EMPLOYMENT PASSES (“PEP”)

The PEP is a type of work pass for high-earning foreign professionals. From 1 September 2023, the applicants must now earn a fixed monthly salary of at least S\$22,500 to be eligible for a PEP.

## 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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