



Tripartite Alliance for  
Fair & Progressive Employment Practices

## Fair Employment Training Session

# Introduction to TAFEP

# Tripartite Alliance Limited Structure



Tripartite Alliance



TAFEP supports both employers and workers as part of efforts to build fair and progressive workplaces

***Resource for Employers:***

*Employers can approach TAFEP for tools, resource materials and assistance to implement fair and progressive practices at their workplaces.*

***Recourse for Employees:***

*Employees or individuals who encounter workplace discrimination or harassment can seek assistance and advice from TAFEP.*

# Tripartite Committee on Workplace Fairness Final Report

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# Legislation and TGFEP will shape Singapore's progress in cultivating fair workplaces for all

1. Most employers comply with TGFEP and FCF requirements, but discrimination is still a concern amongst our workforce.
2. August 2023 – Govt **accepts** recommendations to enact legislation, sending a stronger signal that Singapore does not tolerate workplace discrimination. Together, legislation and the TGFEP will:

## Protect workers

Prohibit common and familiar forms of workplace discrimination to prevent unfair employment outcomes

## Preserve harmonious workplaces

Resolve disputes through grievance handling and mediation, legal action as a last resort

## Support business growth

Fair employers benefit from a more productive and engaged workforce, and are better able to attract and retain talent

## 22 Recommendations by Tripartite Committee on Workplace Fairness

### Key Thrust A: Strengthen protections against workplace discrimination

1. Define discrimination as making an adverse employment decision because of any protected characteristic.
2. Prohibit workplace discrimination in respect of the protected characteristics\*.
3. Retain and enhance the TGFEF to work in concert with legislation. The TGFEF will continue to provide protection against all forms of discrimination
4. Cover all stages of employment.
5. Prohibit the use of words or phrases in job advertisements that indicate a preference for a protected characteristic.
6. Legislate the job advertisement requirement for submission of Employment Pass and S Pass applications.
7. Prohibit retaliation against those who report cases of workplace discrimination or harassment.
8. Update the TGFEF to clarify that service buyers and intermediaries should not discriminate.

#### **\*Protected characteristics**

*(i) age, (ii) nationality, (iii) sex, marital status, pregnancy status, caregiving responsibilities, (iv) race, religion, language, (v) disability and mental health conditions.*

## 22 Recommendation by Tripartite Committee on Workplace Fairness

### Key Thrust B: Provisions to support business / organisational needs and national objectives (exceptions)

9. Allow employers to consider a protected characteristic in employment decisions if it is a genuine and reasonable job requirement.

10. Exempt small firms (<25 employees) from the legislation for a start, to be reviewed in five years.

11. Allow religious organisations to make employment decisions based on religion and appropriate religious requirements.

12. Support employers in hiring persons with disabilities and seniors ( $\geq 55$  years).

13. Issue Tripartite Advisory on providing reasonable accommodations to persons with disabilities.



## 22 Recommendation by Tripartite Committee on Workplace Fairness

### Key Thrust C: Processes for resolving grievances and disputes while preserving workplace harmony

14. Require employers to put in place grievance handling processes. Employers should also protect the confidentiality of the identity of persons who report workplace discrimination and harassment, where possible.

15. TAFEP continues to serve as the first port of call outside the firm for workers who experience discrimination.

16. Require compulsory mediation for workplace discrimination claims at the Tripartite Alliance for Dispute Management (TADM) first, with adjudication at the Employment Claims Tribunals (ECT) as a last resort.

17. Unions to continue to play a constructive role in dispute resolution for workplace fairness. Allow unions to support their members in the claims process similar to other employment claims today.

## 22 Recommendation by Tripartite Committee on Workplace Fairness

### Key Thrust D: Ensuring fair outcomes through redress for victims of workplace discrimination and appropriate penalties for breaches

18. At TADM mediation, the focus should be on educating employers on correct practices and mending the employment relationship where practicable, and not primarily monetary compensation.

19. Provide for monetary compensation of up to \$5,000 for pre-employment claims; and, up to \$20,000 for non-union members and \$30,000 for union-assisted claims, for in-employment and end-employment claims, as with other employment claims today.

20. Empower the ECT to strike out frivolous or vexatious claims, and/or award costs against such claimants.

21. Where the claim involves a suspected serious breach of the workplace fairness legislation, allow the State to concurrently conduct investigations with a view to taking enforcement action.

22. Provide a range of penalties including corrective orders, work pass curtailment and financial penalties that can be imposed against firms and/or culpable persons, depending on the severity of breach.

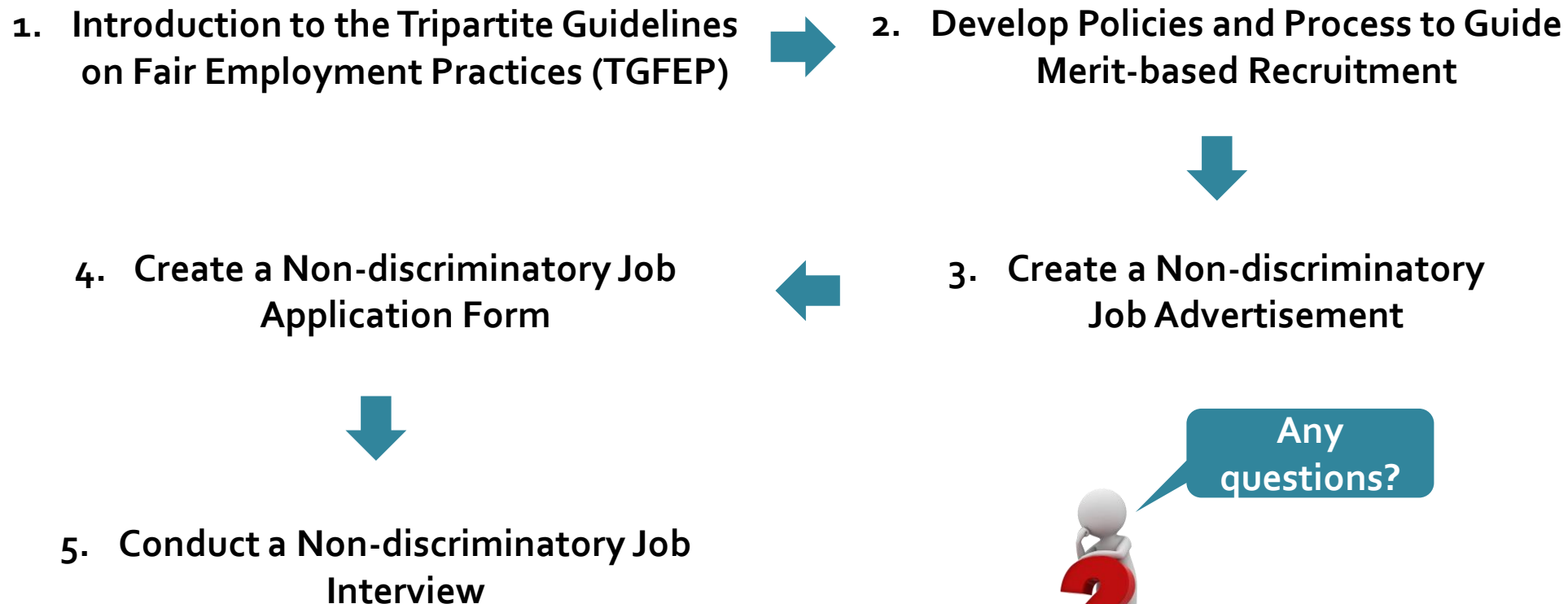
The Tripartite Guidelines on Fair Employment Practices (TGFEF) will continue to uphold overarching principles of fair and merit-based employment and provide protection against all forms of workplace discrimination.



- ➔ 5 Principles of Fair Employment
- ➔ Consistent & Fair Selection Criteria
- ➔ Hiring & Developing a Singaporean Core
- ➔ Fair Recruitment
  - Job Advertisements
  - Job Application Forms
  - Job Interviews
- ➔ Remuneration
- ➔ Performance Appraisal and Promotion
- ➔ Disciplinary Actions and Dismissals
- ➔ Grievance Handling
- ➔ Workplace Harmony
- ➔ Roles of Employees and Employers

# Fair Recruitment: Job Advertisements, Application Forms, Interviews

## Let's recap what you have learned from the e-learning course



## Why do people discriminate?



Discrimination can be **unintentional**.



Being unintentional doesn't make it acceptable. It is still **discrimination**.



Everyone can **learn, change and be fair** in their employment practices.

Quick recap: Employers should apply objective and fair selection criteria at all stages of recruitment

### The Tripartite Guidelines state...

- ✓ Selection criteria should be stated **clearly**
- ✓ They are related to the **qualifications, skills, knowledge** and **experience** of the candidates
- ✓ Avoid using words or phrases that can come across as discriminatory
- ✓ If you require a specific attribute which may be viewed as discriminatory, ensure it is a **job requirement** and **state the reason** in the job ad
- ✓ Words or phrases that exclude Singaporeans or indicate preference for non-Singaporeans should not be used in job advertisements



# "Protected Characteristics" recommended by the Tripartite Committee



Age



Nationality



Sex



Marital status, Pregnancy status  
& Caregiving responsibilities



Race,  
Language



Religion



Disability



Mental Health Conditions

***Note: TGFEP will still cover all forms of discrimination even if not listed here.***



# Fair Consideration Framework

# Employers are expected to comply with Fair Consideration Framework (FCF) and adhere to TGFEP

## FCF Job Advertising Requirement

- Advertise on MCF for  $\geq 14$  days and fairly consider all candidates before submitting EP/ S Pass applications
- Job advertisement must adhere to the TGFEP

The advertisement must also:

- ✓ Match the occupation in the EP/ S Pass application.
- ✓ Include the salary range
- ✓ Be kept open for another 14 days if there are changes to advertisement details (e.g. job title, salary or number of vacancies).

### Common Lapses:

- ✗ Did not fairly consider MCF applicants
- ✗ Treated advertising requirements as a “paper exercise”

For more  
information on FCF:



# Enhanced penalty for non-compliance of FCF or discriminatory practices



- Failure to abide by the TGFEF and FCF may be debarred from hiring foreign employees.
- Stiffer penalties under FCF
  - The minimum period of work pass debarment has increased from **6 months to 12 months**.
  - For more egregious cases, the debarment period can be up to a **maximum of 24 months**.
  - The debarment scope has expanded to include work pass renewals in addition to new work pass applications.



- Prosecution for false declaration
  - Employers found to have falsely declared in EP applications that SCs were fairly considered would be prosecuted and may face **imprisonment of up to 2 years, or fine up to \$20,000, or both**

## Learning Points

- All job requirements should be stated clearly in the job advertisement
  - Candidates will have a clearer idea on the job requirements and can highlight their relevant skillsets in their resumes/CVs.
- Employers must use a consistent set of shortlisting criteria across all candidates.
- Candidates should be assessed based on their ability to perform the role
  - Disqualifying candidates due to their seniority level in past employments or length of past work experience can be construed as discrimination on basis of age.

# In-employment Practices

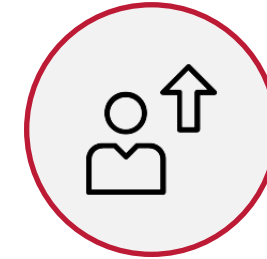
Fair employers ensure its HR policies & practices are implemented fairly and consistently across the organisation



Performance Appraisal  
Systems



Training and  
Development



Promotion and Posting



Grievance Handling



Fair Dismissals and  
Responsible Retrenchment



Retirement and  
Re-employment

These areas are **potentially contentious** and **can give rise to the perception of lack of fairness.**  
- Must be managed objectively and thoughtfully

# Progressive Human Resource Management Systems



## **Remuneration**

Remunerate employees fairly, taking into consideration factors such as ability, performance, contribution, skills, knowledge and experience



## **Performance Appraisal Systems**

Adopt fair and objective appraisal systems, with measurable standards for evaluating job performance



## **Training and Development**

Employers should provide employees with fair opportunity to be considered for training and development based on their strengths and needs to help them achieve their full potential.



## **Promotion and Posting**

Employers should inform all eligible employees whenever opportunities for posting arise, and all promotions must be based on merit using objective selection criteria.

# Fair Remuneration

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# Remuneration should be based on employee's contribution

## Principles of Fair Remuneration



- Ensure that you have in place a robust, fair and competitive wage system that will remunerate employees fairly, taking into consideration factors such as ability, performance, contribution, skills, knowledge and experience



- Take steps to ensure that you price the job appropriately and pay fairly for the job that the individual undertakes

## Note



- Salary history / current salary is not the most relevant information to use in determining a fair wage

## Key considerations to a fair wage structure

- **Organisation's wage policy and structure**
  - To set a strategy that attracts and retains talent
  - Flexible wage system that allow for wage adjustments to respond to changes in business conditions (e.g., AVC/MVC)
  - Policies are implemented fairly & equitably across the workforce
- **Value of job** based on scope and responsibilities
- **Benchmark salary** against other companies at the industry level for similar job role (e.g., MOM salary comparison, SNEF salary survey)
- **Objective criteria** to assess performance and how it is linked to rewards (e.g., increment or bonuses)

# Fair Performance Management System

Fair performance management system enable employees to contribute more effectively towards business goals

**A good performance management system:**

- Is an opportunity to give and receive constructive feedback and set goals collaboratively.
- Helps you gather information about underperforming employees and work out how they can perform better.
- Motivates high performers to tackle bigger challenges.

The image shows a stack of performance appraisal forms. The top form is titled "PERFORMANCE APPRAISAL" and "APPRAISAL FOR". It features a "Performance Rating" scale with five options: High, Above Average, Average, Below Average, and Low, each preceded by a checkbox. The form also includes sections for "Job Performance", "EMPLOYEE'S DETAILS", and "EMPLOYER'S DETAILS".

## Items to include when setting up a fair performance appraisal system



- Develop measurable indicators to evaluate job performance:
  - Key Performance Indicators (KPIs) must be communicated clearly to all employees
  - Be transparent on how employees are being evaluated using the indicators



- Review the criteria and indicators regularly to check against discriminatory practices



- Conduct regular and constructive performance reviews which enable employees to take steps to enhance their performance



- Document and keep all performance reviews for at least one year. This will help managers and supervisors appraise objectively during the next appraisal.



- Set up an internal appeal process to address employees' questions or concerns on their appraisals.



- Train managers and supervisors to conduct appraisals in a fair and objective manner, and to handle difficult and sensitive conversations regarding performance

## Common unfair performance management practices

- Number of Medical leave (MC) taken is used as a performance indicator
- Lack of clear and transparent performance indicators. This can lead to employees' perception of favouritism.
- Employees not aware of the performance standards / requirements lead to disputes over performance grade.
- No communication of performance to underperforming staff to provide them with an opportunity for improvement
- Lack of post appraisal channel to surface and address questions or concerns regarding performance.

### **Key principle to fair performance management**

Ensure appraisal systems which are fair and objective, with measurable standards for evaluating job performance.  
This would help ensure that employees are assessed and promoted on the basis of merit

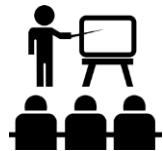
# Training and Development, Promotion and Posting

# Training and development opportunities should be available to all eligible employees

Lifelong learning and continuous professional development are more vital than ever to keep apace with the changing requirements of businesses.



➤ Have you identified the skills of your workforce for your company to succeed in the future?



➤ What are the training and development programmes you can put in place to prepare your current workforce to be equipped with ?



# Objectively consider employees for promotion and posting opportunities

## Equal Opportunities for Promotion and Posting



- Where opportunities for posting arise:
  - All eligible employees should be informed of the conditions and procedure for application
  - All interested candidates should be assessed based on objective selection criteria
  - Eligibility criteria should also be regularly reviewed to ensure that they are fair and objective



- Promotion opportunities should be open to all eligible candidates
  - Consideration should be based on merit using objective selection criteria

# Handling Grievances at Workplaces

# A fundamental TGFEP principle is to treat all employees fairly and with respect



Behaviours that are unprofessional and disrespectful (e.g. ostracisms, harassment, abuse) should not be tolerated.



To build a respectful and inclusive workplace:

- Develop an effective anti-harassment policy and grievance handling procedure.
- Examine and foster a safe and conducive culture that value differences.
- Communicate with respect and sensitivity and practice perspective-taking.

# Employers should set up formal grievance handling procedures to provide a safe channel to raise grievances

## Your grievance handling procedure should:



Outline how employees can raise grievances, who to approach, and how HR or supervisors can conduct an investigation



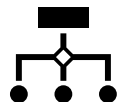
Involve the employee's union if your company is unionised



Define a reasonable amount of time for action to be taken



Ensure that discussions are well documented and carried out in confidence (i.e., maintaining staff confidentiality)



Include levels of appeal, depending on the hierarchical structure of your company

# Communication and training of managers/supervisors are the key to make grievance handling procedure work



Managers and supervisors should be trained on:

- Common types and causes of grievances
- Appropriate principles and procedures
- Relevant skills and techniques to manage grievances
- Engaging unions (if company is unionised)

Grievance handling procedure should be documented and communicated to all employees through official means. For example:

- Employee handbook
- Company circular
- Collective agreement (if company is unionised)



## Check out our resources on Grievance Handling



Tripartite Standards on Grievance Handling Procedure (Part 1)



Tripartite Standards on Grievance Handling Procedure (Part 2)





## Fair Dismissal and Responsible Retrenchment



*Tripartite Guidelines on Wrongful Dismissal*



*Tripartite Advisory on Managing Excess Manpower and Responsible Retrenchment*



## Retirement and Re-employment

Employers must offer re-employment to eligible employees who turn 63, up to age 68, to continue their employment in the organisation



*Tripartite Guidelines on Re-employment of Older Employees*

# Disciplinary Actions and Dismissals, and Responsible Retrenchment










# Tripartite Guidelines on Wrongful Dismissal illustrates on what constitutes wrongful dismissal under the Employment Act

## Dismissals

- A dismissal is defined as a termination of a contract of service between an employer and an employee at the initiative of the employer, with or without notice, including salary-in lieu of notice. It also includes involuntary resignation.
- Dismissing an employee without just or sufficient cause is wrongful.



# Valid vs wrongful reasons for dismissal

| Valid reasons   | Wrongful reasons  |
|---|---|
| <div>  <div> Misconduct (e.g., engaged in disorderly conduct at work) </div> </div>              | <div>  <div> On discriminatory grounds </div> </div>                                 |
| <div>  <div> Poor performance – didn't perform according to the required standards </div> </div> | <div>  <div> To deprive employee of benefits or entitlements </div> </div>           |
| <div>  <div> Redundancy (e.g., employee's old job scope no longer exists) </div> </div>         | <div>  <div> To punish an employee for exercising an employment right </div> </div> |
|   | <div>  <div> Involuntary (or forced) resignation </div> </div>                     |

# The Guidelines state what employers must to do as a fair employer

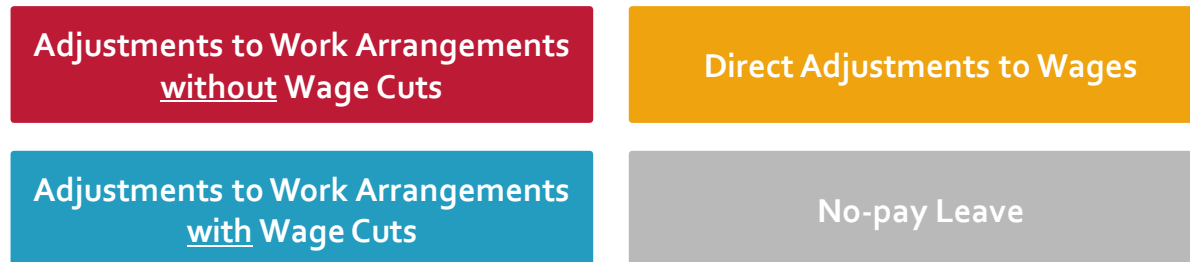
- ✓ Dismiss with notice or salary-in-lieu of notice, unless misconduct is the reason for dismissal.
- ✓ If misconduct is the reason for dismissal, prove the grounds for dismissal and conduct an inquiry to allow employees to present their case before you decide on dismissal.
- ✓ If redundancy is the reason for dismissal, practice responsible retrenchment.
- ✓ Pay your affected employee on the last day of employment or within three working days from the date of dismissal.



# Fair and Responsible retrenchment: The Tripartite Advisory (TAMEM) provides guidance on responsible cost-saving measures and retrenchments

- The tripartite partners strongly encourage employers to take a long-term view of their manpower needs, including the need to maintain a strong Singaporean core, and preserve jobs as far as possible.
- Retrenchment should always be the last resort, after other feasible options have been considered and exhausted

## Cost-saving Measures to Preserve Jobs:



## Note:

- When putting these measures into practice, employers should engage with unions (if applicable) and employees at an early stage.
- They should also ensure clear communication about the measures' effects to facilitate the development of a mutually acceptable arrangement, recognizing the significance of employees' livelihoods.
- Employers should review and restore any adjustments made when their businesses recover, beginning with rank-and-file workers and junior PMEs who experienced significant wage cuts.

Scan for more  
information on  
TAMEM:



# If retrenchment is inevitable, it should be carried out responsibly and sensitively

## Responsible Retrenchment:

### Objective Selection Criteria:

- Selection should rely on objective criteria like the employee's ability, experience, and skills to support the company's sustainability, workforce transformation, or future business needs
- Employers must apply the criteria consistently and not discriminate against any employees

### Maintaining a Strong Singaporean Core:

- Employers should also take a long-term view of their manpower needs, including the need to maintain a strong Singaporean core
- Retrenchments should generally not result in a reduced proportion of local employees

### Clear Communication and Notification:

- Communicate early to employees, the efforts to manage business challenges and the intent to retrench
- Ensure that the retrenchment is carried out in a respectful manner, and with compassion
- If the company is unionised, the relevant union(s) should be notified early, before affected employees are notified

### Support for Affected Employees:

- Provide retrenchment benefit in line with TAMEM
- Assist affected employees in finding alternative jobs
- Support affected employees by offering a post-retrenchment training package to help them maintain or develop relevant skills

# Re-employment

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# Since 1 July 2022, employers must offer re-employment to eligible employees who turn 63, up to the age of 68

The Tripartite Guidelines on the Re-Employment of Older Employees indicates the following good re-employment practices for employers to:



- Plan and prepare employees for re-employment



- Ready the re-employment contract



- Recognise the contributions of re-employed employee



- Assistance for eligible employees whom employers cannot re-employ

THE STRAITS TIMES

SINGAPORE

LOG IN

Retirement and re-employment ages in Singapore will be raised to 65 and 70



The Straits Times, 01 Nov 2021

## Key points

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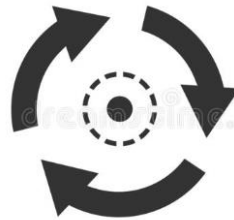


## Key pillars of a fair company



### Inclusive practices

Workplace practices are inclusive  
Diverse workforce that is treated fairly and with respect



### Consistent implementation

HR policies & practices are implemented fairly and consistently across the organisation



### Open communication

Communication channels are two-way, open, transparent and constructive

“

*Take care of your employees, and they  
will take care of your business.*

”

Mrs Josephine Teo, then-Minister for Manpower  
Tripartite Alliance Award Presentation Ceremony 2018

## Next steps: Review, Rectify and be Recognised

1. Review your current HR policies & practices,
2. Rectify to plug the gaps, and
3. Be Recognised as a Fair employer in Singapore

# Is your organisation aligned with the Tripartite Guidelines on Fair Employment Practices (TGFEPP)?

## Take the first step.

- ✓ Do a **quick self-assessment** for free with the **new** TGFEPP module\* in the
- ✓ Act on **recommendations & insights** provided in the FPEIndex report to **close any gaps**.

*\*Individual results are fully confidential and only available/visible to the user.*

Fair & Progressive  
Employment **INDEX**



Questions?  
Contact [fairprogressive@tafep.sg](mailto:fairprogressive@tafep.sg)

# Tripartite Standard on Recruitment Practices: Purpose and Practices



The Tripartite Standard on Recruitment Practices specifies a set of good recruitment practices that all employers should implement at the workplace.



## Purpose

- Adopting **fair, merit-based** and **inclusive hiring practices** is the right thing to do.
- Employers also benefit from having a **wider pool of candidates** to recruit from, hence increasing their chances of finding the best person for the job and **strengthening the organisation**.

## Practices

Ensure the following are in line with the Tripartite Guidelines on Fair Employment Practices (TGFEF):

1. **Job Advertisements**
2. **Job Application Forms**
3. **Job Interviews**

# Next step: Checklist for Adopting Tripartite Standards on Recruitment Practices

## Checklist for Signing Tripartite Standard on Recruitment Practices

- ✓ Job advertisements state only selection criteria that are related to qualifications, skills, knowledge and experience required for the job
- ✓ Job application forms require only information relevant to assess an applicant's suitability for a job
- ✓ A set of relevant and objective selection criteria is used consistently for shortlisting and selecting candidates
- ✓ A proper record of the interview, assessment process, test (if any) and job offer made is kept for at least one year
- ✓ Unsuccessful candidates are informed of the outcome of the interview
- ✓ HR practitioners, line managers and supervisors who have recruitment responsibilities are trained to conduct fair and unbiased interviews



Read more about TS and  
adoption at [tafep.sg](https://tafep.sg)

# Tripartite Standard on Grievance Handling: Purpose and Practices



The Tripartite Standard on Grievance Handling Practices specifies a set of good grievance handling practices that all employers should implement at the workplace.

## Purpose

- Singapore's workforce is inherently diverse. Companies with **diverse workforce** benefit from having a **larger talent pool** and **competitive edge**.
- Employers can put in place policies and procedures to **manage workplace grievances** and **build an inclusive and harmonious workplace**.

## Practices

Ensure the following are in place:

1. **Grievance Handling Procedure (GHP)**
2. **GHP Clearly Communicated**
3. **Supervisors and Appointed Staff are Trained to Manage Employee Feedback and Grievances**



## Next step: Checklist for Adopting Tripartite Standards on Grievance Handling

### Checklist for Signing Tripartite Standard on Grievance Handling

- ✓ A grievance handling procedure has been put in place for employees to raise grievances and for the employer to conduct proper investigations and respond to the affected persons
- ✓ The grievance handling procedure has been clearly communicated to all employees and documented
- ✓ The grievance handling procedure states the appropriate authority to hear the appeal and a reasonable period of time for action to be taken
- ✓ Discussions are documented and confidentiality of information is observed
- ✓ Supervisors and appointed staff are trained to manage employee feedback and grievances, and work with the union if the company is unionised



Read more about TS and  
adoption at [tafep.sg](https://tafep.sg)



# Resources

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# TAFEP is your go-to for resources and guidance in your journey as fair and progressive employers

## Self-help Resources



[Fair & Progressive Employment Index  
\(FPEIndex\)](#)



[Introduction to Fair Hiring  
e-Learning](#)

## Guide to Workplace Fairness Legislation



## Training Programmes

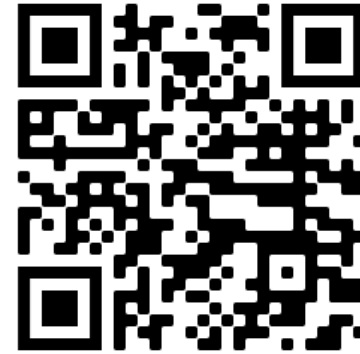
- Addressing Unconscious Bias
- TS Clinic on Grievance Handling
- TS Clinic on Recruitment Practices



## Consultancy Service (Paid Service)



# Follow us to stay updated



For partnerships and collaborations,  
contact us at [partnerships@tafep.sg](mailto:partnerships@tafep.sg)

# End of Workshop

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