

Enhanced Tripartite Guidelines on Exercising Sensitivity for Harmonious Workplace

The Tripartite Guidelines on Fair Employment Practices (**TGFEP**), issued by the tripartite partners comprising the Ministry of Manpower (**MOM**), National Trades Union Congress and Singapore National Employers Federation, is a set of guidelines setting out various fair and merit-based employment practices aimed at preventing workplace discrimination and encouraging employers to adopt progressive employment practices. Employers who do not abide by the TGFEP may face scrutiny from the MOM and have their work pass privileges curtailed.

On 30 January 2023, the tripartite partners announced that the following guidelines would be added to the TGFEP in mid-February 2023 (**additional guidelines**):¹

- (a) Employers should be sensitive to the diverse cultures, values and beliefs of their employees when developing, promoting or implementing events, programmes and policies that are not related to work.
- (b) Support for any cause should not lead to bullying, harassment or ostracism at the workplace in any circumstances. Employers should provide employees with a safe environment to raise their concerns, including through a proper grievance handling process.
- (c) Employees should be assessed for performance, promotion and related areas based only on work-related requirements, as stipulated in the TGFEP.
- (d) Employees should not be required or pressured to participate in events, programmes and policies that are not related to work. Non-support or non-participation should not affect their employment outcomes.
- (e) Employers should continue to demonstrate and communicate the importance of an inclusive and harmonious workplace.

While the TGFEP already provides that employers must assess and promote employees based on merit², it only prohibits workplace discrimination on the grounds of “age, race, gender, religion, marital status and family responsibilities, or disability”. As the TGFEP does not currently expressly prohibit workplace discrimination on the ground of supporting (or not supporting) a cause, the additional guidelines were introduced for greater clarity.

¹ <https://www.mom.gov.sg/newsroom/press-releases/2023/0130-enhanced-tripartite-guidelines-on-exercising-sensitivity-for-a-harmonious-workplace>

² TGFEP, p 13. See <https://www.tal.sg/tafep/-/media/tal/tafep/getting-started/files/tripartite-guidelines.ashx>.

Our Comments

The additional guidelines aim to promote harmonious workplaces where employees of different backgrounds, beliefs and abilities are able to thrive.

While compliance with the TGFEP is expected, employers may encounter difficulties in implementing the additional guidelines. We therefore suggest the following action points, which we hope will be helpful:

(a) **Set the direction clearly**

- (i) Articulate clear policies (e.g., in handbooks) stating the employer's stand on inclusion and non-discrimination.
- (ii) Conduct training, especially for managers. For instance, be aware of unconscious bias, particularly in the hiring or appraisal process. Persons who can affect hiring / promotion decisions should be trained in what not to ask during interviews. Managers should also be taught how to deal with cases of discrimination.
- (iii) Ensure diversity among decision makers.

(b) **Walk the talk**

- (i) Be sensitive when organising non-work related events. Upper management should avoid strongly suggesting that employees participate in such events. Also, employees should not be pressed for their reasons for any expressed unavailability at such events.
- (ii) Avoid jokes / banter which are discriminatory in nature.
- (iii) During appraisals, non-attendance at / non-participation in non-work related events should not be referred to as showing lack of "team spirit" or unity.
- (iv) Take clear action if employees raise any concerns about bullying, harassment or ostracism at the workplace. At the very least, the employer should consider taking immediate steps to ensure employees' safety. Thereafter, investigations may be required to determine if there are any breaches of the employer's policies. Remediation and/or disciplinary actions should follow in cases where breaches are identified.

The government will soon be enshrining the TGFEP in law. It is therefore of utmost importance that employers take steps to ensure that their policies and culture are properly aligned with the TGFEP.

The additional guidelines as well as the upcoming statutory changes are highly welcomed as Singapore continues to uphold its status both as a global hub and a multi-racial society.

If you would like information or assistance on the above or any other area of law, you may wish to contact the Partner at WongPartnership whom you normally work with or any of the following Partners:



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