

Client Alert

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Singapore: Ministry of Manpower enforces fair and progressive employment practices against discriminatory employers

In brief

The Ministry of Manpower ("**MOM**") and the Tripartite Alliance on Fair and Progressive Employment Practices ("**TAFEP**") have consistently taken a stance against any form of workplace discrimination and employers must be aware of the severe penalties imposed for any practices which discriminate against age, gender, marital status, number of children, race, religion or nationality. MOM recently penalised five employers for age-discriminatory job advertisements, and imposed a 12-month bar from hiring foreign employees (and renewing their existing foreign employees work passes). MOM will also subject these employers to stiffer administrative penalties under the enhanced Fair Consideration Framework ("**FCF**"), which came into effect on January 2020.

Recommended Action

TAFEP and the FCF require all employers to treat their employees fairly in all aspects of employment, including:

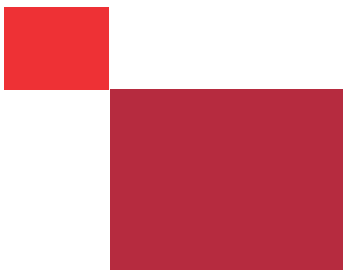
- hiring processes;
- employment terms and benefits;
- training;
- career development; and
- performance evaluation.

With regard to job advertisements, even where employers have sound commercial and business reasons to seek specific qualities in new hires, the application must not be seen to:

- be open only to certain categories of potential hires; or
- prefer only certain types of candidates.

Rather than, for example, stating that applicants will be restricted to within an age range, or below a certain age, or basing the application on any other discriminatory category set out above, such advertisements should instead be clearly worded:

- to state that the applicants will be assessed only on the basis of merit; and
- to focus on the requirements of the job (for example any physically intensive tasks).





When you are seeking to hire specific candidates, we would be happy to review your hiring processes, including job advertisements, applicant selection and other employment policies, for compliance with TAFEP and FCF principles and guidelines to avoid inadvertently raising adverse perceptions by job seekers and employees.

In more detail

Do note that MOM has publicly called for feedback and complaints against employers seen to be practising workplace discrimination. MOM's Labour Relations and Workplaces Division has stated it will continue efforts in weeding out employers who persist in discriminatory practices.

As a result of investigations and enforcement actions arising from such incidences, MOM has recorded a decrease in age, race or gender discrimination complaints from about 240 cases in 2016 to about 125 in 2019. Age discrimination complaints continue to form the highest share of complaints, and MOM has endeavoured address these issues, reducing these complaints from about 100 in 2016 to about 50 in 2019.

Of the five employers which MOM penalised for age discrimination, MOM provided the following summaries of the discriminating practices and non-compliant approaches:

Business of employer and discriminatory advertisement	Required applicant skills	Non-compliance with TAFEP and FCF
events company; posted three job advertisements for: <ul style="list-style-type: none">• Customer Relations Executive (Age 18 to 30);• Project Management Trainee (Age 18 to 45); and• Product Marketing Executive (Age 18 to 35).	candidates able to: <ul style="list-style-type: none">• cope with a fast-paced working environment;• pitch for sales and engage customers; and• project a vibrant image to appeal to a younger audience as events hosts at schools.	employer cannot assess candidates' suitability based on age.
security company; posted advertisements for two Security Officers, preference for candidates under the age of 40 years old and under the age of 50 years old.	candidates required to hold physically demanding Hazardous Materials (HAZMAT) certification	<ul style="list-style-type: none">• concern for safety cannot be a basis for indicating arbitrary age requirements;• employer should have focused on the job requirements and the physical intensity of the HAZMAT course;



educational centre; job advertisement for Senior Chinese Teacher younger than 30 years old.	"energetic" candidate who could engage with the students	<ul style="list-style-type: none">• candidates should be assessed on merit; in this case, whether they are able to engage the students well; and• all candidates, regardless of age, should be given fair opportunity to be considered for a job.
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