

Singapore: Ministry of Manpower adopts mandatory Tripartite Guidelines on Flexible Work Arrangement Requests

Employers expected to adopt mandatory Flexible Work Arrangement (FWA) guidelines setting out how employees should request FWAs and how employers and supervisors should handle FWA requests

In brief

The Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) has issued the mandatory Tripartite Guidelines on Flexible Work Arrangement Requests (TG-FWAR), which will come into effect on 1 December 2024, as **announced by the Ministry of Manpower (MOM) on 16 April 2024**.

The TG-FWAR applies to the employee's documented, formal request for Flexible Work Arrangements (FWAs) and:

- Provides guidance on the procedures for:
 - Employees' request for FWA as set out in the **Guide to Requesting and Using Flexible Work Arrangements (For Employees)**
 - Employers' and supervisors' consideration of FWA requests, including good practices to adopt, as set out in the **Guide to Managing Flexible Work Arrangement Requests (For Employers)**
- Sets out the minimum requirements that all employers are required to abide by

We provide the background to this development as well as summaries of the formalised FWA request procedures in this client alert.

Background and range of FWAs

The TG-FWAR is the latest development in the MOM's continued effort to retain and attract talents of all ages, with the **MOM noting the potential appeal of FWAs to Singapore's ageing demographic as early as 2019** to combat a shrinking work force and the employee's growing care-giving needs. The recent COVID-19 pandemic demonstrated the possibility of implementing FWAs on a larger scale, with the MOM releasing the **Tripartite Statement on Flexible Work Arrangements** in April 2022 to encourage employers to sustain and promote work-life programmes, including FWAs as then set out in TAFEP's **Tripartite Standard on Flexible Work Arrangements** (released in 2019).

In September 2023, TAFEP (composed of the MOM, the National Trades Union Congress and the Singapore National Employers Federation), together with representatives from the government, employers associations and employee unions, formed the Tripartite Workgroup to develop guidelines and resources to promote the effective and sustainable provision and utilisation of FWAs.

On 15 April 2024, the MOM adopted the TG-FWAR, as well as the 10 recommendations by the Tripartite Workgroup. While the TG-FWAR is aimed at making it easier for employees to request for FWAs, employers continue to have the prerogative to decide on work arrangements.

When in force, the TG-FWAR will supersede the Tripartite Standard on Flexible Work Arrangements.

The range of FWAs may fall under one **or more** of these three broad categories:

- Flexi-place: where employees work flexibly from different locations aside from their usual office location (e.g., telecommuting, work-from-home)
- Flexi-time: where employees work flexibly at different timings with no changes to total work hours and workload (e.g., flexi-hours, staggered hours, flexi-shift, compressed work schedule)
- Flexi-load: where employees work flexibly with different workloads and with commensurate remuneration (e.g., job sharing, part-time work)

Provision of this range addresses the following:

- The common misperception that FWAs mainly refer to telecommuting
- The assumptions by employers and employees that FWAs are not suitable for industries with heavy reliance on frontline operations or that FWAs are only feasible for office-based workers

Guide to requesting and using FWAs (for employees)

The TG-FWAR applies to all employees who have completed their probationary period (as stipulated by the employer) and requires employees to:

- Request and use FWAs responsibly. Prior to raising the FWA request, employees should first consider the following operational aspects:
 - Reason for FWA request
 - Type of work schedule and location, if any
 - Start and end dates for the proposed FWA
 - Impact on their workload and performance, including strategies for remaining contactable and responsive to the employee's team and customers while working flexibly, and how the employee will continue to deliver on work outcomes
 - Alternative work arrangements if the proposed FWA is unsuitable or not feasible

(The employee will have to include information resulting from the above consideration when submitting the formal FWA request.)

- Use the organisation's existing FWA request process, if available; if there is none, then use the [Template FWA Request Form in Annex A](#). The submitted formal FWA request should include the following information:
 - The date of the request
 - The FWA requested for, including its expected frequency and duration
 - Reason for the FWA request
 - Requested start date and end date (if relevant)
- Have an open and constructive discussion with their employer.
- Seek a mutually beneficial solution that satisfies individual and organisational needs.
- Understand that the final decision on FWA requests is the employer's prerogative, and may be rejected based on reasonable business grounds.

In the case of disagreements that cannot be mutually resolved, employees should raise their concerns through internal grievance handling processes. Unionised employees can also seek union advice and assistance.

The employee should receive a written decision from their employer within two months of receipt of the formal FWA request.

Where the request is rejected, the employer should carry out the following:

- Communicate the reason for rejection in a written decision
- Discuss alternatives with the employee

Guide to managing FWA requests (for employers)

The TG-FWAR obliges all employers to:

- Adopt and implement a process for the submission and management of formal FWA requests, to harness the advantages of FWAs for its workforce and organisation. This process informs employees the particulars to be included in a formal written FWA request, such as the following:

- Date of the request
- Type of FWA requested, including its expected frequency and duration
- Reason for the FWA request
- Requested start date and end date (if relevant)
- Communicate the process of submission and management of these requests. Employers with an existing formal or non-formal process in place to effectively manage FWA requests may continue these practices if they are aligned with the TG-FWAR.
- Discuss FWA requests in an open and constructive manner and come to a mutual agreement on how to best meet the needs of the organisation and employee.
- Provide a timely response to formal FWA requests within two months from receiving the request. The time sensitivity of the request should be factored in (for example, urgent ad hoc requests may require a more immediate response, while more long-term FWA requests may require a deeper discussion between employer and employee).
- Properly consider FWA requests, focusing on factors related to the employee's job, including impact on the following:
 - The business/organisation (e.g., impact on business operations, employee's working conditions such as compensation, benefits and safety)
 - The employee's performance of the job (e.g., performance expectations and assessment, suitability of the employee, needs of the job role)
- Base rejections on reasonable business grounds, include the reason for rejection in the written decision, and discuss alternatives with the employee. The examples of reasonable business grounds provided in the TG-FWAR include the following:
 - Significant increase in cost burden to the employer
 - Detrimental to productivity or output:
 - Leads to significant decrease in the quantity or quality of individual, team or the organisation's productivity or output
 - Negatively impacts the organisation's ability to meet customer needs
 - Not feasible or impractical due to nature of job role, there is no capacity to change other employees' work arrangements, or requires the need to hire new employees to accommodate the FWA request

The following will not be accepted as reasonable:

- Management does not believe in FWAs.
- Supervisor prefers to have direct sight of employee in office to see if they are working, despite employee's consistent satisfactory work performance.
- Organisation's norm is to not offer FWAs (e.g., staff have always been required to be in the office during regular office hours, and the organisation does not want to agree to an FWA request, in case other employees may make similar requests).
- Manage concerns and grievances through internal grievance handling processes, which may adopt **TAFEP's suggested policies and processes**.

Although it is an employer's prerogative to approve or reject FWA requests, the TG-FWAR expects employers to explore ways to accommodate FWA requests where reasonably practical and to evaluate FWA requests on a case-by-case basis, with such evaluation taking into account business viability.

Ensuring statutory compliance and alignment with other TAFEP work-life programmes

Employers adopting the processes for considering FWAs as mandated under the TG-FWAR must also be aware of their statutory obligations, which will impact the design of FWAs, including the following:

- Employment Act 1968, which regulates working hours, overtime and part-time work
- Workplace Safety and Health Act 2006, which requires the employer to protect the safety and health of its employees working under its direction, as well as persons who may be affected by their work, including making sure that the work environment is safe
- Work Injury Compensation Act 2019, which covers any local or foreign employee under a contract of service and allows them to claim for compensation for injury or contracted disease as a result of work

Employers should also note the other types of FWAs, enhanced leave schemes, and employee support schemes suggested by TAFEP's [Work-Life Programmes](#).

We would be happy to advise you on aligning your policies and human resource processes to adopt the TG-FWAR, in a manner compliant with existing regulations and taking into account the full suite of work-life programme options.

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