

Singapore laws on discrimination and harassment

Workplace discrimination

At present, there is no specific laws in Singapore which directly regulate on workplace discrimination and related unfair employment practices. However, the employers are expected to adhere to the Tripartite Alliance for Fair and Progressive Employment Practices ("TAFEP") Fair Employment Guidelines.

The Fair Employment Guidelines set out five key principles :

1. Recruit and select employees on the basis of merit (such as skills, experience or ability to perform the job), regardless of age, race, gender, religion, marital status and family responsibilities, or disability.
2. Treat employees fairly and with respect and implement progressive human resource management systems.
3. Provide employees with equal opportunity to be considered for training and development based on their strengths and needs to help them achieve their full potential.
4. Reward employees fairly based on their ability, performance, contribution and experience.
5. Abide by labour laws and adopt the Fair Employment Guidelines.

Whilst the TAFEP Guidelines are presently not legally binding, there are some avenues for recourse against errant employers who fail to comply:

- An aggrieved employee may file a complaint of employment discrimination with TAFEP. TAFEP will first counsel the employer to improve its employment practices.
- Recalcitrant or unresponsive employers may be cautioned, and in serious cases may have their work pass privileges suspended by MOM for a period of time, typically 12 to 24 months.
- MOM also proactively identifies employers with indications of discriminatory hiring practices, e.g. based on their workforce profiles. These firms will be placed on the Fair Consideration Framework Watchlist. Employers placed on the Watchlist will have their work pass applications more closely scrutinised for any discriminatory hiring practices and will be counselled by TAFEP to improve their HR practices. Errant or uncooperative employers may have their work pass privileges suspended.
- Additionally, employees may file wrongful dismissal claims with the Tripartite Alliance for Dispute Management ("TADM") if they have been dismissed on discriminatory grounds.

Prime Minister Lee Hsien Loong has announced in the August 2021 National Day Rally that Singapore will be taking steps to [enshrine into law the current workplace anti-discrimination guidelines](#). It is expected that the legislation is [not seeking to change standards of fairness](#), but [more robust enforcement powers and penalties](#) are to be expected.

Employee grievance handling

With regards to employee grievance handling, the Fair Employment Guidelines also expects that employers have a grievance procedure in place, which ought to have the [following features](#):

- Levels of appeal;
- The first level of appeal for an employee with a grievance should be the immediate superior, unless the grievance is against the immediate superior;
- The existence of a time lag (i.e. a fixed period of time) before action can be taken, such that management is less likely to make capricious decisions; and
- The employee ought to have the right to move to the next level of appeal if no decision satisfactory to both parties is reached within the time lag.

Workplace harassment

Incidents of workplace harassment may constitute an offence under the Protection from Harassment Act 2014 ("POHA"). POHA prohibits behaviour which intentionally causes harassment, alarm or distress. Such behaviour includes using or making any threatening, abusive or insulting behaviour or communication, or engaging in conduct which causes fear, provocation or facilitation of violence, including vulgar tirades, cyber bullying and sexual harassment. If found liable under the POHA, an offender may be fined and/or imprisoned.

TAFEP has issued a [Tripartite Advisory on Managing Workplace Harassment](#) to assist employers and employees to prevent and manage workplace harassment. The advisory recommends that employers address workplace harassment by implementing a harassment prevention policy that provides recourse to victims of harassment, providing training on workplace harassment, as well as reporting and response procedures that are communicated to all the employees within the organisation.