



Tripartite Alliance for
Fair & Progressive Employment Practices

Tripartite Guidelines On Fair Employment Practices



Produced by:



Tripartite Alliance for
Fair & Progressive Employment Practices

tafep.sg

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Introduction

Singapore is a meritocratic society and implementing fair and merit-based employment practices is the right thing to do. Singapore also has a diverse workforce in terms of its ethnic, religious, age and gender makeup. It will be increasingly so in terms of age and gender, as our population ages and as we encourage more women to enter or re-join the workforce. Implementing fair and merit-based employment practices widens the pool of candidates that employers can recruit from, increasing their chances of finding the best person for the job. Treating employees fairly and with respect also helps employers to retain valued employees to sustain and grow their businesses. Employees will also be more motivated to put in their best for the organisation.

The Tripartite Guidelines on Fair Employment Practices, formulated by the Tripartite Alliance for Fair and Progressive Employment Practices, sets out fair employment practices for adoption by employers. This will not only help prevent discrimination at the workplace, but also encourage employers to adopt progressive HR practices that will benefit both employers and employees. The Guidelines build on previous Guidelines including the “Code of Responsible Employment Practices” issued in 2002 and the “Tripartite Guidelines on Non-Discriminatory Job Advertisements” issued in 1999 and revised in 2006. The Guidelines were first launched in 2007 and enhanced in 2011 to include Hiring and Developing Singaporean Core.

TAFEP and MOM will make reference to this set of guidelines in promoting fair and responsible employment practices. Employers are expected to abide by the principles of fair employment and adopt the recommended good practices. If services of employment agencies or labour suppliers are used to fill job vacancies, end-user companies should also encourage the agencies and suppliers to adopt these Guidelines.

Principles of Fair Employment Practices

The five principles of Fair Employment Practices are:

- a. Recruit and select employees on the basis of merit (such as skills, experience or ability to perform the job), and regardless of age, race, gender, religion, marital status and family responsibilities, or disability.
- b. Treat employees fairly and with respect and implement progressive human resource management systems.
- c. 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.
- d. Reward employees fairly based on their ability, performance, contribution and experience.
- e. Abide by labour laws and adopt the Tripartite Guidelines on Fair Employment Practices.





Consistent and Fair Selection Criteria

Employers should apply relevant and objective selection criteria consistently for all aspects of employment, including recruitment, training, promotions, postings and retrenchments. These criteria should be related to the job requirements. This will help ensure that applicants / employees are fairly and objectively assessed on their suitability. Examples of acceptable requirements include:

- a. Educational qualifications, e.g. degree in engineering / Workplace Literacy and Numeracy (WPLN) Level 5.
- b. Type of experience required for the job, e.g. marketing experience.
- c. Amount of experience, e.g. three years in relevant field.
- d. Specific skills, e.g. proficient in IT applications.
- e. Employee's willingness to commit to particular job requirements / characteristics, e.g. frequent travel or a particular shift pattern or physically demanding work conditions.

As long as they are able to perform the requirements of the job, employers should consider disabled applicants / employees on a consistent and fair basis.

The selection criteria should be:

- a. Made known to all employees and job applicants; and
- b. Reviewed regularly to ensure that they remain relevant.

Hiring and Developing a Singaporean Core

Singaporeans aspire to have good jobs and prospects, while businesses need to compete and grow well in a globalised economy. An open and diverse employment market is key to achieving both these outcomes.

Singaporeans must remain the core of our workforce. At the same time, foreigners play a valuable role in complementing our workforce. Foreigners with relevant qualifications and experience help to fill gaps in skills and expertise.

Employers are advised to make reasonable efforts to attract and consider Singaporeans for job positions on merit, and to train and develop their potential and careers. Examples of such efforts include:

- i) Ensuring that jobs advertised must be open to Singaporeans;
- ii) Working with educational institutions, career centres and recruitment agencies to attract and recruit Singaporeans;
- iii) Developing skills and expertise of Singaporean employees for higher level jobs.

TAFEP and MOM will make reference to this set of guidelines in promoting fair and responsible employment practices.



Recruitment

Objective and fair selection criteria should be consistently applied at all stages of the recruitment process. This will help ensure that the best candidate, assessed based on the candidate's ability to perform the job, is recruited to fill the post. Staff involved in the recruitment process, including Human Resource (HR) staff, hiring managers, line supervisors and staff handling queries about job vacancies, should be trained to recognise and avoid discriminatory practices.

JOB ADVERTISEMENTS¹

Selection criteria should be stated clearly in the job advertisements, and should principally be related to qualifications, skills, knowledge and experience. Employers should avoid using words or phrases in the job advertisements that could be perceived as discriminatory. Employers who advertise a position requiring a specific attribute which may be viewed as discriminatory should ensure it is indeed a requirement of the job and state the reason for the requirement in the advertisement. This will ensure that the job requirements are well understood, expand the range of eligible candidates, and avoid negative perceptions of the employer concerned. Words or phrases that exclude Singaporeans or indicate preference for non-Singaporeans should not be used in job advertisements. Employers, including their appointed intermediaries (job portals and employment agencies), should review all job advertisements to ensure that they are non-discriminatory before posting.

For information on words or phrases to avoid in job advertisements, refer to TAFEP's website at tafep.sg.



¹ Adapted from the "Tripartite Guidelines on Non-Discriminatory Job Advertisements" (2006).

Age

Employers should not stipulate age as a requirement for employment unless there are legal or regulatory requirements which must be stated clearly. Words or phrases that suggest preference for job candidates of a particular age group should also not be used in job advertisements. Examples include “young” or “youthful working environment”.

If the nature of the job is physically demanding such as the handling of heavy cargo, the required physical attributes or other job-related criteria should be clearly described in the job advertisements, rather than indicating an age cut-off. Examples:

- Candidates are required to load and unload sacks of rice of at least 10kg each.
- Candidates are required to handle heavy equipment.

In support of national efforts to enhance employment opportunities for older workers, employers may state in their job advertisement that the job is suitable for older workers. Example:

- Recruiting cashiers. Job is suitable for older workers.

Race

Race should not be a criterion for the selection of job candidates as multiracialism is a fundamental principle in Singapore. Selection that is based on or suggests a preference for a particular race is unacceptable and job advertisements should not feature statements like “Chinese preferred”, “Malay preferred” or “Chinese / Malay / Tamil speaking environment”.

Language

If a job entails proficiency in a particular language, employers should justify the need for the requirement. This would reduce ambiguity and minimise incidence of misunderstanding between the job seekers and the recruiting party. Examples:

- Chinese-language teacher for pre-school centre, good credit in 'O'-Level Chinese.
- Translator for a leading Malay sports magazine. Proficiency in Malay is a must.
- Tour Guides to take Chinese / Japanese / Indian tourist groups. Knowledge of Mandarin / Japanese / Indian dialects is essential.

The job advertisement must be in the language of the advertising medium. If the job advertisement specifies proficiency in a particular language or has other language text, employers should provide the reasons, which must be job-related.

Gender

Employers should not stipulate gender as a requirement for employment. However, where the practical requirements of a job dictate the need for employees of a particular gender, the reason should be clearly stated. Example:

- Health spa requires female therapists to do personal body massage and spa treatments for its female customers.

Words or phrases that suggest preference for job candidates of a particular gender such as "female working environment" should not be used in job advertisements. For gender-centric job titles (e.g. waitress, steward), employers should use gender-neutral titles or state "both genders may apply".

Marital Status and Family Responsibilities

Marital status and family responsibilities are irrelevant criteria in employment, as jobs can be performed equally well by married persons, single persons and those with family care responsibilities.

Religion

Religion is unacceptable as a criterion for recruitment except in cases where employees have to perform religious functions or fulfil religious certification standards as part of the job requirements. In such cases, the requirements should be clearly, objectively and sensitively presented.

JOB APPLICATIONS

Job Application Forms

Employers should review the fields in their job application forms to ask only information relevant to assessing an applicant's suitability for a job. This not only streamlines the application form but also ensures that the job application will be assessed fairly and based on merit. Examples:

a. For the job of a clerical assistant, examples of information which would be relevant in assessing the applicant's suitability could be:

- Whether the applicant has the required skills, such as literacy skills and familiarity with the use of IT applications; and
- Whether the applicant has experience in a similar job.

Similarly, when requesting for resumes, employers should refrain from asking information that is not relevant in assessing an applicant's suitability for a job.

b. For the job of an accountant servicing clients in the Asia-Pacific region, examples of information which would be relevant in assessing the applicant's suitability could be:

- Whether the applicant has the relevant professional qualification, i.e. a degree in accountancy; and
- Whether the applicant is able and willing to make frequent overseas trips.



- c. For the job of a goods delivery personnel, examples of information which would be relevant in assessing the applicant's suitability could be:
- Whether the applicant has the required skills, such as the relevant class of driving licence; and
 - Whether the applicant is physically able to handle heavy cargo.

In brief, examples of information that are not relevant to ask in the application form would be age, date of birth, gender, race, religion, marital status and family responsibilities including whether an applicant is pregnant or has children, and disability.

As NRIC details can be telling of age, if there are identification needs, employers should accept as an alternative and provide the 'NRIC/Passport Number' option in the form.

If employers need personal information, they can ask for it at point of job offer. Where there are specific requirements for employers to ask for this, before job offer, such as in the job application form, employers should state the reasons, which should be job-related for such personal data collection.

Employers should not request for other personal details, for example photograph and national service liability, as these generally should not be considerations in assessing an applicant's suitability. This personal information can be obtained at point of job offer. If there is a need for the information before the job offer, the job application form should state the reasons, which should be job-related.

JOB INTERVIEWS

Selection interview is one of the most important steps in the recruitment process. Employees involved in recruitment should be appropriately trained on the principles of fair employment practices and to recruit and select employees based on merit. They should ensure that the interviewing process is fair and unbiased. To help ensure an objective assessment of the applicant, employers should have:

- A list of selection criteria relevant to the job to be applied consistently to all candidates;
- A list of interview questions directly related to the selection criteria identified;
- A proper record of the interview, assessment process and job offer made, and should be kept for at least one year.
- More than one interviewer, if possible, and interviewers should be familiar with the principles of fair employment.

As employer representatives, interviewers should be conscious not to stereotype candidates based on criteria that are not relevant for the job. They should refrain from asking sensitive questions or making non-job related comments. Interviewers should confine questions to those relevant to the job requirements in assessing an applicant's suitability. Should questions which may be perceived as discriminatory be asked, the reasons for asking such information should be made known to the interviewee. This will help avoid the misunderstanding that discriminatory criteria will be used in the employment decision. Examples:

- a. For the job of a call centre operator, examples of questions which could be asked to assess an applicant's suitability could be:
 - To describe relevant experience in handling customers; and
 - To explain how he or she coped when encountering a difficult customer.

b. For the job of a project manager, examples of questions which could be asked to assess an applicant's suitability could be:

- To describe past projects handled, and how he or she contributed to the outcomes achieved; and
- To explain why the applicant thinks he or she is suitable for the position.

Questions related to age, race, religion, gender, marital status and family responsibilities, or disability should not be asked during an interview. Examples include "How old are you?", "What is your race and religion?", "Are you married?" or "Are you planning to have children soon?"

If the position requires a commitment which is over and above usual job requirements, such as a willingness to travel frequently, interviewers should give full details of the job requirements and ask the candidates if they will be able to meet all the requirements.

Employers should also explain clearly and sensitively if there are requirements which candidates should adhere to if employed, for example a dress code or uniform policy.

If employers have considered but are not able to accommodate any candidates' religious practices that candidates may surface in the interview, due to operational requirements, the reasons should be explained clearly and sensitively.

Candidates should be informed on how the interview results would be communicated. Unsuccessful candidates should also be informed of the results.

TESTS

If tests are to be used for selection purpose, they should be:

- a. Related to the job requirements; and
- b. Reviewed regularly to ensure that they remain relevant and free from bias in content or scoring.

Remuneration

Employers should remunerate employees fairly, taking into consideration factors such as ability, performance, contribution, skills, knowledge and experience.



Performance Appraisal and Promotion



Employers should adopt 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. Employers should conduct regular and constructive performance reviews which enable employees to take steps to enhance their performance. All performance reviews should be documented and retained for at least one year.

An internal appeal process should be put in place to address employees' questions or concerns on their appraisals.

Posting and Training

Where opportunities for posting and training arise, employers should inform all eligible employees of the conditions and procedure for application. Employers should assess all interested candidates based on objective selection criteria to ensure that no one is overlooked. The eligibility criteria should also be regularly reviewed to ensure that they are not discriminatory.

Disciplinary Actions and Dismissals

Employers should communicate to employees on the conduct expected at the workplace. They should set out their disciplinary procedure and policy for breaches of conduct and make known to employees.

Employers should keep records of their employees' performance and conduct. A decision to dismiss an employee should be based on documented poor performance or misconduct. An inquiry should be conducted to allow the employee to present his or her case before any decision is made with regard to dismissing the employee.

Retrenchments

Employers facing situations of excess manpower should refer to the latest "Tripartite Guidelines on Managing Excess Manpower and Responsible Retrenchment" for alternatives to avoid or minimise the need for retrenchments.

Where retrenchments are necessary, the retrenchment exercise should be carried out responsibly in consultation with the union (if the company is unionised), or with the employees affected (if the company is not unionised).

When conducting a retrenchment exercise, the selection of employees for retrenchment should be based on objective criteria.

Grievance Handling

Employers should set up mechanisms to deal with complaints of discrimination. Employers should handle all complaints of discrimination seriously, conduct proper investigations into complaints and respond to the affected person. These procedures should be clearly communicated to employees. HR staff, line managers and supervisors with staffing responsibilities should be trained to manage and investigate grievances independently and objectively. Employers should also make reference to the TAFEP's Grievance Handling Handbook. Confidentiality should be observed and both the complainant and respondent should be treated fairly. Unionised employees can also seek advice from their unions in situations where they feel that they have been discriminated against.

Job applicants and employees who perceive that they have been discriminated against should seek clarification or an explanation from the employer concerned before escalating the issue further. This will give the employer an opportunity to explain his decision and clarify his position, or where necessary, take corrective action. This would help avoid misunderstanding, and in cases where the employee is still in employment, help preserve a positive employer-employee relationship.



Roles of Employers and Employees

Employers should:

- a. Abide by the Tripartite Guidelines on Fair Employment Practices;
- b. Communicate the Guidelines and educate both management and employees, so that they understand their roles and appreciate the sensitivities and issue involved; and
- c. Create an environment of mutual respect and understanding and adopt employment practices that will enable employees to perform at their best.
- d. Ensure that their hiring staff are trained to conduct fair recruitment and selection based on merit, regardless of age, race, gender, religion, marital status and family responsibilities, or disability; and to handle sensitive issues without giving rise to misunderstanding and perception of discrimination.



Employees also have a role in helping to promote fair employment practices.

Employees should:

- a. Familiarise themselves with the Tripartite Guidelines on Fair Employment Practices;
- b. Exercise mutual-respect and understanding at the workplace to enhance workplace harmony; and
- c. Seek to resolve grievances arising from discrimination at work in a reasonable manner through dialogue, discussion and established mechanisms.

The Ministry of Manpower and the Tripartite Alliance for Fair and Progressive Employment Practices will make reference to this set of Guidelines when addressing complaints of alleged unfair employment practices.

C onclusion

The successful implementation of fair employment practices requires the cooperation and commitment of employers and their intermediaries (job portals and employment agencies), the unions and employees, with the support of the Government. It involves the changing of mindsets and entrenched employment practices which could be more effectively achieved through education and promotional efforts over time. Given Singapore's strong labour management relations and tripartite partnership, the Tripartite Alliance for Fair and Progressive Employment Practices is confident that fair employment practices would eventually be an integral part of Singapore's HR system, one which is progressive and contributes to organisational excellence and the well-being of all employees.

About TAFEP

The Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) promotes the adoption of fair, responsible and progressive employment practices among employers, employees and the general public.

Leveraging its unique tripartite identity, TAFEP works in partnership with employer organisations, unions and the government to create awareness and facilitate the adoption of fair, responsible and progressive employment practices.

Services for Organisations

TAFEP provides tools and resources, including training workshops, advisory services, and educational materials, to help organisations implement fair, responsible and progressive employment practices.

Services for the Public

Persons who have encountered workplace discrimination can approach TAFEP for advice and assistance.

Contact Information

Tel : 6838 0969

Website : tafep.sg

Notes

tafep.sg