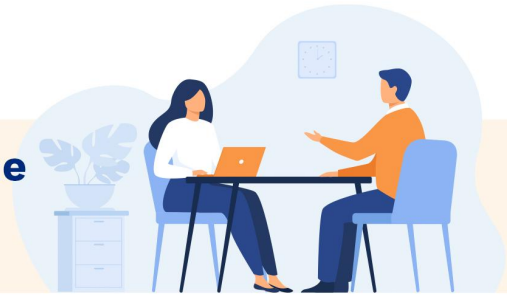
For Employers

Ministry of Manpower

Here's what you need to know about the Workplace Fairness Act

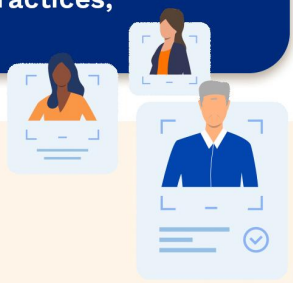


Improves protections against workplace discrimination, strengthening our fair and merit-based workplace practices.

Emphasises resolving disputes amicably. Workers are strongly encouraged to raise disputes through the firm's grievance handling process. Failing which, workers must seek to apply for mediation. Only when mediation has been attempted, can a claim proceed to the Employment Claims Tribunals (ECT) or the High Court.

For claims that proceed to the ECT, the process is accessible, expeditious and affordable, with systematic safeguards in place to deter frivolous and unfounded claims.

Being a fair and responsible employer contributes to your company's success. Most employers should not see an increase in obligations under the WFA. Support will be made available to help employers shape up their practices, prepare for the WFA and navigate the dispute resolution process.



As an employer, what is required of my company under the Workplace Fairness Act?

→ There are 5 protected characteristics under the Workplace Fairness Act:

- Age
- Nationality
- Sex, Marital Status, Pregnancy, & Caregiving Responsibilities
- Race, Religion, & Language Ability
- Disability & Mental Health Conditions

→ Employers must make employment decisions based on an individual's skills and abilities, and not on these protected characteristics. Employment decisions include hiring, performance appraisal, promotion and training opportunity, and dismissals.

→ Job advertisements cannot list protected characteristics as a requirement.

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→ Employers must put in place a grievance handling process:

- Review the complaint
- Inform employee of the result
- Protect confidentiality of employees who file complaints

→ Employers are prohibited from retaliating against workers who file complaints.

What if I have a genuine reason to make an employment decision due to a protected characteristic?

→ Employers may do so in these scenarios:

For the reasonable performance of the job	For example, an employer can consider if a jobseeker is fluent in a particular language for the role of an interpreter.
For health and safety reasons	To protect the individual and the people around them. For instance, a security company can consider whether an officer with a diagnosed case of depression can carry firearms – for the safety of the officer and others.
For privacy reasons	For instance, a spa can choose to hire female therapists to serve their female clientele.
For legal and regulatory reasons	For example, a bus company may only hire bus driver trainees above 21 years old as this is the regulatory age needed to obtain a Bus Driver's Vocational License.

How am I protected from frivolous or unfounded claims?

→ Employers can apply to strike out claims which have little to no evidence.

→ The Employment Claims Tribunals (ECT) and High Court can strike out claims if they find no strong grounds for the case.

→ Employees who file weak claims can -
- Have costs awarded against them,
- Be restricted from commencing further legal proceedings, and
- Be investigated under the Administration of Justice (Protection) Act.

With the expansion of the ECT's threshold to $250,000, how will claim amounts be determined?

→ The maximum limit for the ECT is $250,000 and as with any civil claim, the claimant is responsible for justifying the compensation sought. MOM will look into developing guidance for different claim amounts and claim categories.

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Protections against Workplace Discrimination under the Workplace Fairness Act: What it looks like

Characteristics	Scenario	Explanation
Age	Mr. Tan, 62, has consistently met his sales targets. A few months before his 63rd birthday (retirement age), his company refuses to renew his contract, telling him it's time to "make space for younger staff." A younger employee is hired to take over from him, despite no performance issues.	The company ended his employment based on his age, not his performance.
Caregiving Responsibilities	Ms. Jana, a qualified engineer, is passed over for a supervisory role. In an email reply, her manager says the job "requires long hours and late nights, and a mother with young children like Ms. Jana might face challenges in coping." A less experienced male colleague is promoted instead.	The employer assumed Ms. Jana could not handle the job due to personal commitments, not her ability.
Language	Mr. Kumar was rejected for a retail role because he does not speak Mandarin. The job description did not require proficiency in Mandarin, nor is it a genuine requirement to use it during business operations.	Since Mandarin is not genuinely required for the job, rejecting Mr. Kumar for not speaking it is discriminatory.
Nationality	Ms. Tan, a Singaporean project coordinator with regional experience, noticed her new foreign manager consistently assigning more important tasks to her colleagues from the same country, leaving less important tasks to Ms. Tan. She was told they were "better suited for bigger projects due to shared nationality as they can work better together". As a result, she was eventually passed over for a promotion.	The manager favoured staff from his own country, not based on skill or performance.
Disability	Ms. Ong, who has a mild hearing impairment, applies for a project manager role. She explains that she uses a hearing aid and can perform all duties in the job description, effectively. The manager rejects her, saying "we need someone without any hearing difficulties to avoid communication issues" despite her ability to perform it.	Ms. Ong is able to do the job but was unfairly excluded because of her condition.

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On the other hand, here are some scenarios that are NOT considered discriminatory under the Workplace Fairness Act

Characteristics	Scenario	Explanation
Age	Mr. Tan, 62, has not met his sales targets for several quarters despite receiving support and training. His company decides not to renew his contract due to consistently poor performance. A younger employee is hired after an open recruitment process.	The decision is based on objective performance issues, not age.
Caregiving Responsibilities	Ms. Jana, a qualified engineer, applies for a supervisory role that requires frequent travel and night shifts. She informs her employer that she cannot take night assignments due to caregiving duties. The company selects another candidate who can commit fully to the schedule.	The selection is based on availability for essential job duties, not caregiving responsibilities.
Language	Mr. Kumar applies for a retail role requiring daily communication with Mandarin-speaking customers and suppliers. He is rejected because he cannot speak	The language requirement is a genuine business need.
Nationality	Ms. Tan, a Singaporean project coordinator, applies for a regional project lead role requiring fluency in the client's language and prior experience in that market. A foreign colleague with that language ability and experience is selected.	The decision is based on relevant experience and skills, not nationality.
Disability	Ms. Ong, who has a hearing impairment, applies for an emergency hotline operator role requiring instant verbal communication for safety. She did not pass the listening test and was not selected.	The rejection is due to job-specific hearing requirements.

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Workplace Fairness Act

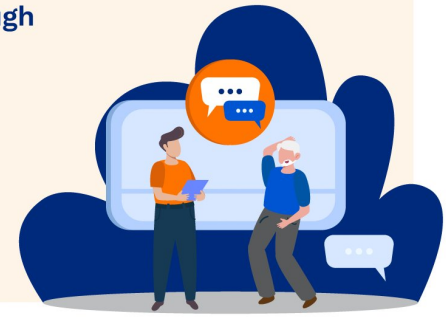
Understanding the claims process:

Mr Tan's case of age discrimination

Step 1

Mr Tan attempted to resolve his grievance through his employer's internal grievance process.

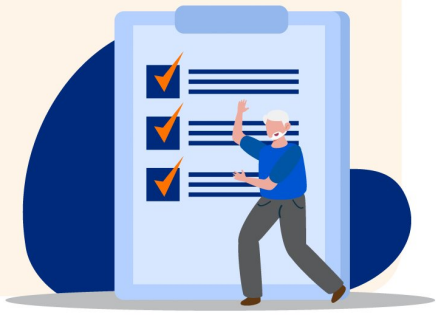
- Employers must have a clear process for handling complaints of workplace discrimination and harassment.
- Employees should first try to resolve disputes through this internal process.
- This helps both sides settle issues more amicably, maintain good working relationships, and saves time and money.



Step 2

After he is unable to resolve his dispute through the employer's internal grievance process, Mr Tan submitted a mediation request.

- Mr Tan must state the incident he believes was discriminatory and provide supporting evidence.
- As the claimant, Mr Tan can provide various types of evidence, including:
  - Text messages,
  - Email communications, and
  - Signed testimonies of verbal communications.



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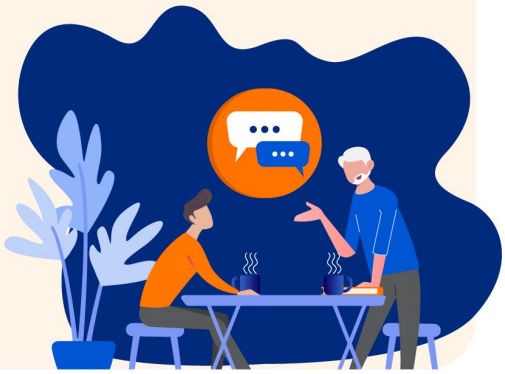
Step 3

Mr Tan and his employer undergo mandatory mediation but were unable to reach an agreement.

- Mediation is a mandatory step before a claim can be pursued at the ECT or High Court.
- Resolving disputes through mediation is strongly encouraged as it allows parties to come to a mutually agreeable outcome resulting in a more durable agreement and saves time and money.



Step 4

Mr Tan pursues the claim at the ECT (up to $250,000) or High Court (above $250,000).

- If Mr Tan's claim is between $30,000 and $250,000, both parties may be represented by their respective unions (e.g., SNEF for employers) at the ECT if Mr Tan is a union worker in a unionised company.
- Employers can file for the claim to be struck out if Mr Tan failed to provide evidence.

How can I prepare for the Workplace Fairness Act?

- You can approach the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP), the Singapore National Employers Federation (SNEF) or the Association of Small & Medium Enterprises (ASME) for assistance.
- You can also refer to the TAFEP's One-Stop Resource page to learn more about the Workplace Fairness Act.

TAFEP's One-Stop Resource Page — Guide to Workplace Fairness for Employers

go.gov.sg/wfaemployer

TAFEP's Advice and Assistance Form

go.gov.sg/tafepcontactform