

Workplace Fairness Bill

Bill No. 50/2024.

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WORKPLACE FAIRNESS ACT 2024

(No. of 2024)

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A BILL

intituled

An Act to protect against certain discriminatory behaviour relating to employment and to establish fair employment practices, and to make related amendments to the Employment of Foreign Manpower Act 1990.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART 1
PRELIMINARY

Short title and commencement

5 1. This Act is the Workplace Fairness Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

General interpretation

2. In this Act —

10 “authorised officer” means any public officer appointed as an authorised officer under section 37(2);

“authorised person” means an individual appointed as an authorised person under section 37(3);

“civil contravention” means a civil contravention under section 29;

15 “collective agreement” has the meaning given by section 2 of the Industrial Relations Act 1960;

“Commissioner” means the Commissioner for Workplace Fairness appointed under section 37(1), and includes —

(a) a Deputy Commissioner for Workplace Fairness;

20 (b) a Principal Assistant Commissioner for Workplace Fairness; and

(c) an Assistant Commissioner for Workplace Fairness, appointed under that section;

25 “confinement” means the delivery of one or more children (including a stillborn child) from one pregnancy;

“contract of service” and “dismiss” have the meanings given by section 2(1) of the Employment Act 1968;

“discrimination” means discrimination within the meaning of section 17(1), 18(1) or 19(1);

“employee” means an individual who has entered into or works under a contract of service with an employer, but does not include any of the following:

- (a) any seafarer within the meaning given by section 2(1) of the Employment Act 1968; 5
- (b) any domestic worker within the meaning given by section 2(1) of the Employment Act 1968;
- (c) any employee in any prescribed category, class or description of employees;

“employer” means any person who employs or intends to employ another person under a contract of service, and includes — 10

- (a) the Government in respect of any category, class or description of officers or employees that may be prescribed; 15
- (b) any statutory authority in respect of any category, class or description of officers or employees that may be prescribed;
- (c) the duly authorised agent or manager of the employer; and 20
- (d) the person who owns or is carrying on or for the time being responsible for the management of the profession, business, trade or work in which the employee is engaged;

“employment decision” means an employment decision mentioned in section 5, 6 or 7; 25

“foreigner” means any person who is not a citizen of Singapore or permanent resident of Singapore;

“job” means the work performed or to be performed by an employee under a contract of service with an employer; 30

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management,

chief executive, manager, secretary or other similar officer of the body corporate, and includes any person purporting to act in any such capacity; and

(b) in relation to an unincorporated association (other than a partnership), means the president, secretary or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee, and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“permanent resident of Singapore” has the meaning given by section 2 of the Immigration Act 1959;

“platform work agreement” has the meaning given by section 2 of the Platform Workers Act 2024;

“retaliation” has the meaning given by section 28(3);

“serious civil contravention” means a serious civil contravention under section 30;

“stillborn child” has the meaning given by section 2(1) of the Registration of Births and Deaths Act 2021;

“work pass” means a work pass issued under section 7 of the Employment of Foreign Manpower Act 1990.

Purposes of Act

3. The purposes of this Act are —

(a) to protect individuals from discrimination by employers on the ground of protected characteristics;

(b) to establish fair employment practices;

(c) to ensure that citizens of Singapore and permanent residents of Singapore are fairly considered for employment opportunities and continue to form the core of the workforce in Singapore, with foreigners as a complement; and

(d) to preserve harmonious workplace relations in Singapore.

Application of Act

4.—(1) This Act does not apply to the following employers:

(a) (except for section 26) an employer that employs fewer than the prescribed number of individuals; 5

(b) any prescribed employer or class of employers.

(2) In subsection (1), “prescribed number” means 25 or any other number that the Minister may, by notification in the *Gazette*, prescribe in substitution.

(3) To avoid doubt, the following arrangements do not constitute employment: 10

(a) any contract for service;

(b) any arrangement under a platform work agreement;

(c) any prescribed arrangement or class of arrangements.

PART 2

15

EMPLOYMENT DECISIONS

Employment decisions — hiring

5.—(1) An employer makes an employment decision if the employer hires or decides not to hire an individual.

(2) An employer hires an individual if the employer — 20

(a) offers to employ the individual (whether or not the offer is accepted); or

(b) takes any step towards an offer of employment to the individual (whether or not the employer eventually offers to employ the individual), including any of the following steps: 25

(i) inviting the individual to an interview, test or examination for the purposes of possible employment;

- (ii) asking for information or documents from the individual for the purposes of possible employment.

Employment decisions during employment

5 **6.**—(1) An employer makes an employment decision during employment if the employer does any of the following:

 (a) appraises, evaluates or measures the performance of any employee;

 (b) promotes or decides not to promote any employee;

 (c) reduces the rank or status of any employee;

10 (d) provides or does not provide any training to any employee.

 (2) For the purposes of subsection (1)(b), an employer promotes an employee if the employer increases the rank or status of the employee.

15 (3) For the purposes of subsection (1)(d), an employer provides training to an employee if the employer provides or facilitates any activity, course, lesson, programme, deployment, attachment or secondment (whether formal or informal) for the purpose of developing or upgrading the employee’s skills, expertise or knowledge (whether or not relevant to the employee’s job).

20 Employment decisions — dismissal, retrenchment and termination

7.—(1) An employer makes an employment decision if the employer dismisses or retrenches, or terminates the contract of service of, an employee.

25 (2) In subsection (1), “retrench”, in relation to an employee, means to terminate the employee’s contract of service at the initiative of the employer because of redundancy or any reorganisation of the employer’s profession, business, trade or work.

PART 3

PROTECTED CHARACTERISTICS

Protected characteristics

8. The protected characteristics are —

- (a) age; 5
- (b) nationality;
- (c) sex;
- (d) marital status;
- (e) pregnancy;
- (f) caregiving responsibilities; 10
- (g) race;
- (h) religion;
- (i) language ability;
- (j) disability; and
- (k) mental health condition. 15

Meaning of “nationality”

9. The protected characteristic of nationality, in relation to an individual, means —

- (a) the individual’s citizenship of any country; or
- (b) the individual’s status as a resident of any country 20
(including the status as a permanent resident of Singapore).

Meaning of “sex”

10.—(1) The protected characteristic of sex, in relation to an individual, means —

- (a) the sex assigned to the individual at birth; or 25
- (b) in the case of an individual who has undergone a sex re-assignment procedure, the sex to which the individual has been re-assigned.

(2) The protected characteristic of sex, in relation to an individual, does not include the following characteristics of the individual:

- (a) sexual orientation;
- (b) gender identity.

5 (3) For the purposes of this Act —

(a) if an individual is registered under the National Registration Act 1965 — the sex of the individual as registered under that Act is prima facie evidence of the sex of the individual;

10 (b) if an individual is not registered under the National Registration Act 1965 but has been issued with any pass under the Immigration Act 1959 or regulations made under the Immigration Act 1959 — the sex of the individual as recorded in that pass is prima facie evidence of the sex of the individual;

15 (c) if an individual is not registered under the National Registration Act 1965 and has not been issued with any pass under the Immigration Act 1959 or regulations made under the Immigration Act 1959, but has been issued with a work pass — the sex of the individual as recorded in the work pass is prima facie evidence of the sex of the individual; and

20 (d) if an individual is not registered under the National Registration Act 1965, is not issued with any pass under the Immigration Act 1959 or regulations made under the Immigration Act 1959 and has not been issued with a work pass — the sex of the individual as recorded in the individual's passport is prima facie evidence of the sex of the individual.

30 **Meaning of “marital status”**

11. The protected characteristic of marital status, in relation to an individual, includes —

- (a) the fact that the individual is married;

- (b) the fact that the individual is not married;
- (c) the fact that the individual has been divorced;
- (d) the fact that the individual is widowed;
- (e) the fact that the individual is married but is living separately from the individual's spouse; and 5
- (f) the number of times the individual has married.

Meaning of “pregnancy”

12.—(1) The protected characteristic of pregnancy, in relation to a woman on any day, means —

- (a) the fact that the woman is pregnant; 10
- (b) the fact that the woman was pregnant —
 - (i) at any time during the prescribed period before that day; or
 - (ii) if no period is prescribed for the purposes of sub-paragraph (i) — at any time before that day; 15
- (c) the fact that the woman has expressed a desire or intent to bear children;
- (d) the fact that the woman is breastfeeding an infant or expressing breast milk for the purpose of feeding an infant;
- (e) the fact that the woman breastfed an infant or expressed breast milk for the purpose of feeding an infant — 20
 - (i) at any time during the prescribed period before that day; or
 - (ii) if no period is prescribed for the purposes of sub-paragraph (i) — at any time before that day; 25
- (f) the fact that the woman —
 - (i) is, on that day, exercising her entitlement to absent herself from work under a maternity leave provision; or

(ii) has exercised her entitlement to absent herself from work under a maternity leave provision —

(A) at any time during the prescribed period before that day; or

5 (B) if no period is prescribed for the purposes of sub-paragraph (A) — at any time before that day; or

(g) the fact that the woman —

10 (i) is pregnant on that day and contracted an illness related to the pregnancy during the pregnancy; or

(ii) was pregnant —

(A) at any time during the prescribed period before that day; or

15 (B) if no period is prescribed for the purposes of sub-paragraph (A) — at any time before that day,

and contracted an illness related to the pregnancy during the pregnancy or in the 6 weeks immediately after the day of her confinement.

20 (2) In subsection (1)(f), “maternity leave provision” means section 9(1), (1A) or (1B) of the Child Development Co-Savings Act 2001 or section 76(1) of the Employment Act 1968.

Meaning of “caregiving responsibilities”

25 **13.—**(1) The protected characteristic of caregiving responsibilities, in relation to an individual on any day, means the fact that the individual has a responsibility to care for or support any family member —

(a) on that day;

(b) at any time during the prescribed period before that day; or

30 (c) if no period is prescribed for the purposes of paragraph (b) — at any time before that day.

(2) In subsection (1), “family member”, in relation to an individual, means —

- (a) a spouse of the individual;
- (b) a child of the individual, including an adopted child or a stepchild; 5
- (c) a parent of the individual, including an adoptive parent;
- (d) a father-in-law or mother-in-law of the individual;
- (e) a brother or sister of the individual;
- (f) a grandparent or grandchild of the individual; or
- (g) any other individual who — 10
 - (i) is related to the firstmentioned individual by blood or marriage; and
 - (ii) lives in the same household as the firstmentioned individual.

Meaning of “language ability” 15

14. The protected characteristic of language ability, in relation to an individual, means the ability of the individual to read, speak, write or understand any language.

Meaning of “disability”

15. The protected characteristic of disability, in relation to an individual, means the fact that the individual has any one or more of the following: 20

- (a) autism;
- (b) any intellectual disability;
- (c) any physical disability; 25
- (d) any sensory disability.

Meaning of “mental health condition”

16. The protected characteristic of mental health condition, in relation to an individual, means the fact that the individual has been diagnosed with any mental disorder by a medical practitioner registered under the Medical Registration Act 1997.

PART 4

DISCRIMINATION

Discrimination against individuals

17.—(1) It is discrimination for an employer to make an employment decision that adversely affects an individual —

(a) on the ground of a protected characteristic of the individual; or

(b) on the ground of 2 or more reasons, one of which is a protected characteristic of the individual,

unless any of the exceptions in sections 20 to 24 applies in relation to that employer and individual.

(2) For the purposes of subsection (1), it is not necessary to prove that the individual was treated or affected differently compared to any other individual.

(3) An employment decision made only on the ground of a protected characteristic of a relative or an associate of the individual is not discrimination.

(4) For the purposes of subsection (1), a protected characteristic of an individual means —

(a) in the case of a protected characteristic mentioned in section 12 or 13, the protected characteristic —

(i) as it exists on the day or at the time mentioned in section 12 or 13; or

(ii) as it is suspected, assumed or believed, by the person making the employment decision, to exist on the day or at the time mentioned in section 12 or 13; or

(b) in any other case, the protected characteristic —

- (i) as it exists at the time the employment decision is made; or
- (ii) as it is suspected, assumed or believed, by the person making the employment decision, to exist at the time the employment decision is made.

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Discrimination by direction, instruction or policy

18.—(1) It is discrimination for an employer to issue, communicate or publish any discriminatory direction, instruction or policy, in writing, unless any of the exceptions in sections 20 to 24 applies in relation to that employer.

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(2) In subsection (1), any direction, instruction or policy is discriminatory if it directs, instructs or influences any officer, member, partner, employee or agent of the employer to make, on behalf of the employer, any employment decision that adversely affects an individual, or such employment decisions generally, on the ground of any protected characteristic.

15

(3) For the purposes of subsection (1), it is immaterial whether the employer in fact makes any employment decision on the ground of a protected characteristic.

20

Discrimination by advertisement or description

19.—(1) It is discrimination for an employer to publish in Singapore, or cause to be published in Singapore, an advertisement or description relating to possible employment in Singapore by the employer that mentions (expressly or by implication) a protected characteristic as a condition, criterion, requirement, advantage, disadvantage or disqualification for employment (called in this Act a discriminatory advertisement), unless any of the exceptions in sections 20 to 24 applies in relation to that employer.

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(2) In subsection (1), an advertisement or description that is published electronically is treated as published in Singapore if the advertisement or description —

30

(a) originates in Singapore, even if none of the persons capable of having access to the advertisement or description is physically present in Singapore; or

(b) is —

5 (i) accessible by persons physically present in Singapore; and

(ii) published or caused to be published by a Singapore-connected person or by way of a publication in which a Singapore-connected person
10 takes part.

(3) In this section —

“advertisement” or “description” means every form of advertisement or description, regardless of whether the advertisement or description is —

15 (a) directed to the public at large; or

(b) communicated to a particular individual or group of individuals;

“Singapore-connected person” means —

20 (a) a citizen of Singapore or permanent resident of Singapore;

(b) an individual in Singapore;

(c) a company or other body corporate incorporated in, or having its central management and control in, Singapore; or

25 (d) an unincorporated body established in Singapore,

and includes any person or persons constituting or responsible for the management of a person in paragraph (c) or (d).

PART 5

EXCEPTIONS

Exception — genuine requirement of job

20.—(1) It is not discrimination for an employer to do any act mentioned in section 17(1), 18(1) or 19(1) on the ground of or in relation to any protected characteristic, if the protected characteristic is a genuine requirement of a job. 5

(2) In subsection (1), a protected characteristic is a genuine requirement of a job if —

- (a) having regard to the nature of the job, the job cannot be reasonably performed by an individual unless the individual has (or does not have) the protected characteristic; 10
- (b) the job needs to be performed by an individual who has (or does not have) the protected characteristic to preserve the health or safety of the individual or any other individual; 15
- (c) the job needs to be performed by an individual who has (or does not have) the protected characteristic to preserve standards of privacy (whether reasonable or not) of the individual or any other individual; or 20
- (d) the job must, under any written law or by any requirement imposed under any written law, be performed by an individual who has (or does not have) the protected characteristic.

(3) For the purposes of subsection (2)(a), the ability to read, speak, write or understand a language is not reasonably necessary for the performance of a job merely because other employees of the employer regularly communicate in that language. 25

Exception — age

21.—(1) It is not discrimination for an employer to decide not to hire an individual because the individual is younger than the prescribed age. 30

(2) It is not discrimination for an employer to issue, communicate or publish any direction, instruction or policy —

(a) not to hire an individual because the individual is younger than the prescribed age; or

5 (b) generally not to hire individuals younger than the prescribed age.

(3) It is not discrimination for an employer to publish an advertisement or description that mentions (expressly or by implication) —

10 (a) being older than the prescribed age as a condition, criterion, requirement or advantage for employment; or

(b) being younger than the prescribed age as a disadvantage or disqualification for employment.

Exception — citizens and permanent residents

15 **22.**—(1) It is not discrimination for an employer to make an employment decision that adversely affects an individual on the ground that the individual is neither a citizen of Singapore nor a permanent resident of Singapore.

20 (2) It is not discrimination for an employer to issue, communicate or publish any direction, instruction or policy to —

(a) make an employment decision that adversely affects an individual on the ground that the individual is neither a citizen of Singapore nor a permanent resident of Singapore; or

25 (b) make all employment decisions, or all employment decisions of a type, in a manner that would adversely affect individuals, on the ground that those individuals are neither citizens of Singapore nor permanent residents of Singapore.

30 (3) It is not discrimination for an employer to publish an advertisement or description that mentions (expressly or by implication) that —

- (a) being an individual who is either a citizen of Singapore or a permanent resident of Singapore is a condition, criterion, requirement or advantage for employment; or
- (b) being an individual who is neither a citizen of Singapore nor a permanent resident of Singapore is a disadvantage or disqualification for employment. 5

Exception — religious groups

23.—(1) Despite sections 17, 18 and 19, it is not discrimination for any religious group that employs, or seeks to employ, an individual for any office or employment — 10

- (a) which is connected with the affairs of the religion, including any function related to the profession, practice or propagation of the religion or instruction in the religion; or

- (b) the purpose of which is to perform any function relating to the establishment, maintenance, administration or operation of — 15

- (i) any place of worship that is used by the religious group;

- (ii) any institution the primary purpose of which is religious instruction, that is managed by the religious group; or 20

- (iii) any institution the primary purpose of which is to manage, govern or organise —

- (A) the affairs of the religion; or 25

- (B) other religious groups that profess, practise or propagate the same religion,

to restrict such office or employment to persons professing that religion.

(2) In subsection (1) —

“place of worship” means any place —

(a) that is consecrated or dedicated generally or specifically, or is associated with or regularly used, for the conduct of religious services (such as a mosque, temple, church, cathedral or synagogue); and

(b) the use of which as a place of worship is not a breach of planning control under the Planning Act 1998;

“religious group” means a body of persons (whether corporate or unincorporate) whose primary purpose is the profession, practice or propagation of a religion.

Exception — disability

24.—(1) It is not discrimination for an employer to decide not to hire an individual because the individual does not have a disability.

(2) It is not discrimination for an employer to issue, communicate or publish any direction, instruction or policy —

(a) not to hire an individual because the individual does not have a disability; or

(b) generally not to hire individuals who do not have a disability.

(3) It is not discrimination for an employer to publish an advertisement or description that mentions (expressly or by implication) that —

(a) having a disability is a condition, criterion, requirement or advantage for employment; or

(b) not having a disability is a disadvantage or disqualification for employment.

PART 6

FAIR EMPLOYMENT PRACTICES

Interpretation of this Part

25. In this Part —

“grievance” means any grievance, allegation or complaint raised by an employee to his or her employer in relation to — 5

(a) any discrimination by the employer; or

(b) any harassment —

(i) by the employer; or

(ii) by another employee of the employer; 10

“harassment” means any act or conduct mentioned in section 3(1), 4(1), 5(1) or (1A) or 7 of the Protection from Harassment Act 2014, and “harass” has a corresponding meaning.

Fair consideration

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26.—(1) An employer must not apply under section 7(1) of the Employment of Foreign Manpower Act 1990 for a work pass belonging to a prescribed category of work passes unless —

(a) the employer has published a job advertisement that satisfies the requirements in subsection (2); 20

(b) the employer has considered, in good faith and in a fair and objective manner, all responses to the advertisement mentioned in paragraph (a);

(c) under the application, the foreigner in respect of whom the application is made is to perform the job advertised in the advertisement mentioned in paragraph (a); and 25

(d) under the application, the foreigner in respect of whom the application is made is to be paid a salary within the range advertised in the advertisement mentioned in paragraph (a). 30

(2) For the purposes of subsection (1)(a), the job advertisement must —

- (a) be published in the prescribed manner;
- (b) be published for the prescribed length of time;
- 5 (c) be published no more than the prescribed number of days before the date of the application;
- (d) state a salary range in the prescribed manner; and
- (e) comply with any other prescribed requirements.

(3) Subsection (1) does not apply to —

- 10 (a) any application of a type or class that may be prescribed;
- (b) any application made by an employer that employs fewer than the prescribed number of individuals; and
- (c) any application made by a prescribed employer.

Handling of grievances

15 **27.**—(1) An employer must develop a process under which the employer commits in writing to —

- (a) inquiring, in a stated manner, into each grievance raised by an employee to the employer;
- 20 (b) reviewing, in a stated manner, each grievance raised by an employee to the employer;
- (c) informing each employee who has raised a grievance, in a stated manner, of the outcome (if any) of the review mentioned in paragraph (b);
- (d) keeping, for a stated period, a written record of —
 - 25 (i) every inquiry mentioned in paragraph (a); and
 - (ii) every review mentioned in paragraph (b); and
- (e) not disclosing to any person, unless reasonably necessary —
 - 30 (i) the identity of any employee mentioned in paragraph (a); or

- (ii) any information in relation to any inquiry mentioned in paragraph (a) or any review mentioned in paragraph (b).

(2) An employer must inform all its employees in writing of the process mentioned in subsection (1). 5

Prohibition against retaliation

28.—(1) An employer must not do any retaliatory act in relation to an employee —

(a) because the employee or any other person has —

- (i) brought proceedings against the employer or any other employee of the employer under this Act; 10
- (ii) given evidence or information in connection with proceedings brought against the employer or any other employee of the employer under this Act;
- (iii) alleged that the employer or any other employee of the employer has committed an act which (whether or not the allegation so states) would amount to a civil contravention or serious civil contravention under this Act; 15
- (iv) raised a grievance to the employer; or 20
- (v) otherwise done anything under or by reference to this Act in relation to the employer or any other employee of the employer; or

(b) because the employer —

- (i) knows that the employee or any other person intends to do any of those things mentioned in paragraph (a); 25
or
- (ii) suspects that the employee or any other person has done, or intends to do, any of them.

(2) For the purposes of subsection (1), an employer does a retaliatory act in relation to an employee if the employer — 30

(a) dismisses the employee;

- (b) refuses to offer either —
- (i) re-employment to the employee under section 7A(1) of the Retirement and Re-employment Act 1993; or
 - (ii) an employment assistance payment to the employee under section 7C(1)(a) of the Retirement and Re-employment Act 1993 (unless section 7C(1)(b) of that Act applies to that employee);
- (c) deducts the salary of the employee;
- (d) fails to fulfil any obligation in its contract of service with the employee;
- (e) harasses the employee; or
- (f) subjects the employee to any other detriment in relation to the employee’s employment.

(3) In this Act, an employer retaliates against an employee if the employer contravenes subsection (1), and “retaliation” has a corresponding meaning.

PART 7

PENALTIES AND DIRECTIONS

Civil contraventions

- 29.** An employer commits a civil contravention if the employer —
- (a) commits an act of discrimination mentioned in section 17(1) against an individual;
 - (b) issues, communicates or publishes a discriminatory direction, instruction or policy mentioned in section 18(1);
 - (c) publishes or causes to be published a discriminatory advertisement mentioned in section 19(1);
 - (d) applies for a work pass in contravention of section 26(1);
 - (e) fails to develop the process in writing mentioned in section 27(1);

- (f) fails to inform all its employees in writing of the process mentioned in section 27(1), in contravention of section 27(2);
- (g) retaliates against an employee in contravention of section 28(1); 5
- (h) contravenes any provision of any regulations made under section 44 that is prescribed as a contravention to which this section applies; or
- (i) provides inaccurate information or particulars to the Commissioner, an authorised officer or an authorised person under this Act, inadvertently or without intent to mislead or defraud. 10

Serious civil contraventions

30. An employer commits a serious civil contravention if the employer — 15

- (a) commits a second or subsequent civil contravention mentioned in section 29(a) after any previous civil contravention mentioned in that provision committed by the employer at any time, whether or not in relation to the same employee; 20
- (b) commits an act of discrimination mentioned in section 17(1) that is directed, instructed or influenced by a discriminatory direction, instruction or policy mentioned in section 18(1);
- (c) retaliates against an employee in contravention of section 28(1) by — 25
 - (i) dismissing the employee; or
 - (ii) refusing to offer re-employment to the employee under section 7A(1) or an employment assistance payment under section 7C(1)(a) of the Retirement and Re-employment Act 1993 (unless section 7C(1)(b) of that Act applies to that employee); or 30

- (*d*) commits a second or subsequent civil contravention mentioned in section 29(*g*) against an employee less than one year after any previous civil contravention mentioned in that provision against that employee.

5 **Administrative penalty for civil contraventions**

31.—(1) If it appears to an authorised officer that an employer has committed a civil contravention, the authorised officer may issue a contravention notice to the employer requiring the employer to pay an administrative penalty of the prescribed amount as follows:

- 10 (*a*) for a civil contravention under section 29(*a*) — each act of discrimination against an individual;
- (*b*) for a civil contravention under section 29(*b*) — each discriminatory direction, instruction or policy issued, communicated or published;
- 15 (*c*) for a civil contravention under section 29(*c*) — each publication of a discriminatory advertisement;
- (*d*) for a civil contravention under section 29(*d*) — each application for a work pass in contravention of section 26(1);
- 20 (*e*) for a civil contravention under section 29(*e*) — the failure to develop the process mentioned in section 27(1);
- (*f*) for a civil contravention under section 29(*f*) — the failure to inform all its employees of the process mentioned in section 27(1), in contravention of section 27(2);
- 25 (*g*) for a civil contravention under section 29(*g*) — each occasion of retaliation;
- (*h*) for a civil contravention under section 29(*h*) — each contravention of any provision of any regulations made under section 44 that the Minister has prescribed as a
- 30 contravention to which section 29 applies;
- (*i*) for a civil contravention under section 29(*i*) — each occasion of provision of inaccurate information or particulars to the Commissioner, an authorised officer or

an authorised person under this Act, inadvertently or without intent to mislead or defraud.

(2) A contravention notice must —

- (a) specify the amount of administrative penalty to be paid;
- (b) specify the date by which the administrative penalty must be paid; and
- (c) set out the brief details of the contravention and any other particulars that may be prescribed.

(3) For the purposes of subsection (1), different amounts of administrative penalty may be prescribed for different civil contraventions or different circumstances in which a civil contravention takes place.

(4) Subject to section 32, any employer who is issued a contravention notice under subsection (1) must pay the administrative penalty specified in the notice to the authorised officer within the time, in any mode of payment and at any place that is specified in that notice.

(5) Any administrative penalty collected under this section must be paid into the Consolidated Fund.

Appeal, etc.

32.—(1) Any employer who is issued a contravention notice by an authorised officer under section 31(1) (called in this section the initial authorised officer) may —

- (a) within the prescribed period and in accordance with the prescribed procedure, request for an internal reconsideration of the contravention notice by another authorised officer (called in this section the reviewing authorised officer); or
- (b) within the prescribed period (and despite not requesting for an internal reconsideration), appeal to the General Division of the High Court which may hear and determine the matter afresh.

(2) A reviewing authorised officer reconsidering a contravention notice issued to an employer must not be subordinate to the initial authorised officer who issued the contravention notice.

5 (3) A reviewing authorised officer may, after reconsidering the issue of a contravention notice by the initial authorised officer —

(a) confirm the contravention notice issued by the initial authorised officer; or

(b) cancel the contravention notice.

10 (4) Any employer who is aggrieved by the reviewing authorised officer's decision under subsection (3)(a) may, within the prescribed period, appeal to the General Division of the High Court which may hear and determine the matter afresh.

(5) The procedure governing any such appeal to the General Division of the High Court is as provided in the Rules of Court.

15 (6) The enforcement of the payment of any administrative penalty required by a contravention notice to be paid under section 31 is stayed —

20 (a) if a request for an internal reconsideration under subsection (1)(a) is made, until after the reconsideration is completed; or

(b) if an appeal under subsection (1)(b) or (4) is filed, until after the appeal is completed.

(7) In relation to a contravention notice issued to an employer under section 31(1), if —

25 (a) an appeal to the General Division of the High Court has been filed under subsection (1)(b) or (4) and the appeal is dismissed;

30 (b) the prescribed period for requesting an internal reconsideration under subsection (1)(a) has lapsed without the request made, and the prescribed period for filing an appeal to the General Division of the High Court under subsection (1)(b) has lapsed and no appeal is filed; or

- (c) the prescribed period for filing an appeal to the General Division of the High Court under subsection (4) has lapsed and no appeal is filed,

the contravention notice may, by permission of a District Court, be enforced against the employer in the same manner as a judgment of the District Court, and if permission is so given, judgment may be entered in terms of that contravention notice.

(8) The initial authorised officer may, in any case in which the initial authorised officer thinks fit, waive, remit or refund in whole or in part any administrative penalty paid or required to be paid under section 31.

Directions

33.—(1) In lieu of or in addition to issuing an employer a contravention notice under section 31, an authorised officer may —

- (a) issue any directions to the employer that the authorised officer thinks appropriate to bring the civil contravention to an end; and
- (b) if necessary, require the employer to take any action that is specified in the direction to remedy, mitigate or eliminate any effects of the civil contravention and to prevent the recurrence of the civil contravention.

(2) An employer who, without reasonable excuse, fails to comply with a direction given to the employer under subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) if the employer is a body corporate, partnership or unincorporated association — to a fine not exceeding \$5,000; or
- (b) if the employer is an individual — to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 6 months or to both.

Civil penalty for serious civil contraventions

34.—(1) Whenever it appears to the Commissioner that any employer has committed a serious civil contravention, the

Commissioner may, with the consent of the Public Prosecutor, bring an action in a court against the employer to seek an order for a civil penalty in respect of that serious civil contravention.

5 (2) If the court is satisfied, on a balance of probabilities, that the employer has committed a serious civil contravention, the court may make an order against the employer for the payment of a civil penalty of a sum not exceeding —

(a) if the employer is a body corporate, partnership or unincorporated association —

10 (i) in the case of the first order against the employer under this subsection — \$50,000; and

(ii) in any other case — \$250,000; and

(b) if the employer is an individual —

15 (i) in the case of the first order against the employer under this subsection — \$10,000; and

(ii) in any other case — \$50,000.

20 (3) Despite subsection (2), the court may make an order against an employer against whom an action has been brought under this section if the Commissioner, with the consent of the Public Prosecutor, has agreed to allow the employer to consent to the order with or without admission of a serious civil contravention, and the order may be made on any terms that may be agreed between the Commissioner and the employer.

25 (4) A civil penalty imposed under this section must be paid into the Consolidated Fund and is to be treated as a judgment debt due to the Government for the purposes of section 10 of the Government Proceedings Act 1956.

30 (5) If the employer fails to pay the civil penalty imposed on the employer within the time specified in the court order mentioned in subsection (3), the Commissioner may recover the civil penalty on behalf of the Government as though the civil penalty were a judgment debt due to the Commissioner.

Action under section 34 not to commence in certain situations

35.—(1) An action under section 34 must not be commenced after the expiry of 6 years from the date of the serious civil contravention.

(2) An action under section 34 must not be commenced if an authorised officer has issued a contravention notice under section 31 to the employer for an act that relates to the serious civil contravention.

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Civil contraventions, serious civil contraventions and offences by bodies corporate, etc.

36.—(1) If a civil contravention, serious civil contravention or offence committed by an employer that is a body corporate is proved to have been committed with the consent or connivance of an officer of the body corporate, the officer and the body corporate are both to be treated as having committed the contravention or offence.

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(2) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

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(3) If a civil contravention, serious civil contravention or offence committed by an employer that is a partnership is proved to have been committed with the consent or connivance of a partner, the partner and the partnership are both to be treated as having committed the contravention or offence.

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(4) If a civil contravention, serious civil contravention or offence committed by an employer that is an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body, the officer or member, and the unincorporated association, are both to be treated as having committed the contravention or offence.

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(5) A contravention notice may be issued under section 31(1) to, and proceedings for a civil penalty or an offence may be commenced against, an individual mentioned in subsection (1), (2), (3) or (4) whether or not a contravention notice is issued or proceedings are

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commenced against the corresponding body corporate, partnership or unincorporated association, as the case may be.

5 (6) To avoid doubt, an individual treated as having committed a civil contravention or serious civil contravention under this section is to be treated as an individual for the purposes of sections 33(2) and 34(2).

10 (7) The Minister may make regulations to provide for the application of any provision of this section, with any modifications that the Minister considers appropriate, to any body corporate, partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

PART 8

ADMINISTRATION AND INVESTIGATIONS

Appointment of officers

15 **37.—**(1) The Minister may appoint —

(a) an officer as the Commissioner for Workplace Fairness (called in this Act the Commissioner); and

(b) one or more officers as —

(i) a Deputy Commissioner for Workplace Fairness;

20 (ii) a Principal Assistant Commissioner for Workplace Fairness; or

(iii) an Assistant Commissioner for Workplace Fairness, who, subject to any limitations that may be prescribed, may perform all duties imposed and exercise all powers conferred on the Commissioner by this Act, and every duty so performed and power so exercised is deemed to have been duly performed and exercised for the purposes of this Act.

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30 (2) The Minister may appoint any number of public officers as authorised officers that the Minister may consider necessary or expedient for the purposes of this Act.

(3) The Commissioner may in writing appoint an individual (who may or may not be a public officer) as an authorised person for the purpose of carrying out any function or duty of the Commissioner under this Act.

(4) The Commissioner must, in writing, issue to each authorised person an authorisation specifying — 5

(a) the functions and duties of the Commissioner that the authorised person is authorised to carry out;

(b) the powers of the Commissioner that the authorised person is authorised to exercise; 10

(c) the conditions of the authorisation; and

(d) the limitations to which the authorisation is subject.

Powers of Commissioner, authorised officers and authorised persons

38.—(1) For the purposes of this Act, the Commissioner or an authorised officer has the power to do all or any of the following: 15

(a) enter and search at any reasonable time any premises when he or she has reasonable cause to believe that evidence of an offence, civil contravention or serious civil contravention can be found in those premises; 20

(b) require by written order the attendance before him or her of any person who, from information given or otherwise, appears to be acquainted with the facts and circumstances relevant to an alleged offence, civil contravention or serious civil contravention, and that person must so attend as required; 25

(c) take any photographs, or audio or video recording, that he or she thinks necessary, of the premises and persons reasonably believed to be acquainted with the facts and circumstances relevant to an alleged offence, civil contravention or serious civil contravention. 30

(2) For the purposes of this Act, the Commissioner, an authorised officer or an authorised person has the power to do all or any of the following:

5 (a) require any person that he or she has reason to believe has any document or information relevant to an alleged offence, civil contravention or serious civil contravention, to produce the document or give the information;

10 (b) retain or make copies of any document relevant to any alleged offence, civil contravention or serious civil contravention;

15 (c) orally examine any person supposed to be acquainted with the facts and circumstances of any alleged offence, civil contravention or serious civil contravention and to reduce into writing the answer given or statement made by that person;

20 (d) require any person to produce any article which is relevant to any investigation into an alleged offence, civil contravention or serious civil contravention and, if necessary, to take into custody the article;

 (e) require an employer to produce all or any of the employer's employees for the purposes of any investigation into an alleged offence, civil contravention or serious civil contravention.

25 (3) If any person —

 (a) intentionally offers any resistance to or wilfully delays the Commissioner, an authorised officer or an authorised person in the exercise of any power under this section;

30 (b) fails to comply or prevents any person from complying with any requirement of the Commissioner, an authorised officer or an authorised person under this section; or

- (c) intentionally makes a statement to the Commissioner, an authorised officer or an authorised person exercising any power under this section, either orally or in writing, which is false in a material particular,

the person shall be guilty of an offence and shall be liable — 5

- (d) on the first conviction — to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and

- (e) on a second or subsequent conviction — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both. 10

(4) A Deputy Commissioner for Workplace Fairness, Principal Assistant Commissioner for Workplace Fairness or Assistant Commissioner for Workplace Fairness may represent the Commissioner in court in any proceedings under section 34. 15

(5) In this section, “offence” means an offence under this Act.

Protection from personal liability

39. No liability shall lie personally against any person appointed under section 37 or any other person acting under the direction of the Commissioner for anything which is done in good faith and with reasonable care in the execution or purported execution of this Act. 20

PART 9

MISCELLANEOUS

Protection for complainants

40.—(1) Any individual who complains in good faith to the Commissioner, an authorised officer or an authorised person of an alleged civil contravention or serious civil contravention (called in this section a complainant) — 25

- (a) must not be held, in any proceedings before any court or in any other respect, to have breached any code of professional etiquette or ethics, or to have departed from 30

any accepted form of professional conduct, by reason of the complaint; and

- (b) is not to incur any civil or criminal liability in respect of the complaint or the provision of any information contained in the complaint.

(2) Any person appearing as a witness in any proceedings under this Act must not be compelled to disclose the identity of any complainant, or any information likely to lead to the disclosure of the identity of the complainant.

Restriction on contracting out

41. Any term of a contract of service or collective agreement is void insofar as it purports —

- (a) to exclude or limit the operation of any provision of this Act; or

- (b) to preclude any person from making a complaint or allegation or raising a grievance under this Act.

Composition of offences

42.—(1) The Commissioner may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;

- (b) \$5,000.

(2) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

Exemption

43. The Minister may, by order in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act, either

generally or in a particular case and subject to any conditions that the Minister may impose.

Regulations

44.—(1) The Minister may make regulations necessary or convenient for carrying out or giving effect to this Act. 5

(2) In particular, the Minister may make regulations for all or any of the following matters:

(a) to prescribe the administrative penalties for civil contraventions under Part 7 of an amount not exceeding \$5,000 for each occasion of a civil contravention, and \$10,000 in the case of a second or subsequent occasion of the civil contravention; 10

(b) the manner in which any request for an internal reconsideration may be made under section 32(1)(a) and the procedure for the reconsideration; 15

(c) any matter that is required or permitted to be prescribed under this Act.

(3) All regulations made under this Act must be presented to Parliament as soon as possible after publication in the *Gazette*.

PART 10 20

RELATED AMENDMENTS

Related amendments to Employment of Foreign Manpower Act 1990

45. In the Employment of Foreign Manpower Act 1990, in section 7 — 25

(a) in subsection (2), replace “On” with “Subject to subsection (2A), on”; and

(b) after subsection (2), insert —

“(2A) On receiving an application under subsection (1), the Controller may refuse to issue 30

any work pass if the applicant has not complied with section 26(1) of the Workplace Fairness Act 2024.”.

PART 11

SAVING AND TRANSITIONAL PROVISION

5 **Saving and transitional provision**

10 **46.** For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe any provisions of a saving or transitional nature consequent on the enactment of that provision that the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to achieve the following main purposes:

- (a) to protect individuals from discrimination by employers on the ground of protected characteristics;
- (b) to establish fair employment practices;
- (c) to ensure that citizens of Singapore and permanent residents of Singapore are fairly considered for employment opportunities and continue to form the core of the workforce in Singapore, with foreigners as a complement;
- (d) to preserve harmonious workplace relations in Singapore.

The Bill also makes related amendments to the Employment of Foreign Manpower Act 1990.

The Bill is divided into 11 Parts.

PART 1

PRELIMINARY

Part 1 sets out preliminary provisions of the Bill.

Clause 1 relates to the short title and commencement.

Clause 2 is a general interpretation provision. The clause contains definitions of terms used in the Bill, including key terms such as “discrimination”,

“employee”, “employer” and “employment decision”. The Bill only applies to the Government and statutory authorities in relation to prescribed classes of employees. The Bill does not apply in relation to prescribed employees.

Clause 3 sets out the purposes of the Bill.

Clause 4 provides for the scope of application of the Bill. The Bill, other than clause 26, does not apply to employers that employ fewer than the prescribed number of individuals. The Bill also does not apply to any prescribed employers or class of employers.

PART 2

EMPLOYMENT DECISIONS

Part 2 sets out the employment decisions made by employers that come within the scope of the Bill.

Under clause 5, hiring and not hiring are employment decisions. Hiring extends to taking steps toward an offer of employment, including steps such as inviting a candidate for an interview.

Clause 6 deals with employment decisions during employment. An employer makes an employment decision if the employer appraises, evaluates or measures the performance of any employee, promotes or decides not to promote any employee, reduces the rank or status of any employee, or provides or does not provide any training to any employee.

Under clause 7, dismissal, retrenchment and termination of contracts of services are employment decisions.

PART 3

PROTECTED CHARACTERISTICS

Part 3 sets out and defines the protected characteristics under the Bill. Generally, a protected characteristic is a characteristic of an individual on the ground of which an employer cannot discriminate when making an employment decision.

Clause 8 sets out the protected characteristics, which are —

- (a) age;
- (b) nationality;
- (c) sex;
- (d) marital status;
- (e) pregnancy;

- (f) caregiving responsibilities;
- (g) race;
- (h) religion;
- (i) language ability;
- (j) disability; and
- (k) mental health condition.

Clause 9 defines the protected characteristic of nationality. The protected characteristic of nationality refers to an individual's citizenship of any country or an individual's status as a resident of any country (including the status as a permanent resident of Singapore).

Clause 10 defines the protected characteristic of sex. The protected characteristic of sex in relation to an individual is the sex assigned to the individual at birth; or, in the case of an individual who has undergone a sex re-assignment procedure, the sex to which the individual has been re-assigned.

The protected characteristic of sex does not include an individual's sexual orientation or gender identity.

Clause 11 defines the protected characteristic of marital status.

The protected characteristic of marital status includes the following facts:

- (a) the fact that the individual is married;
- (b) the fact that the individual is not married;
- (c) the fact that the individual has been divorced;
- (d) the fact that the individual is widowed;
- (e) the fact that the individual is married but is living separately from the individual's spouse;
- (f) the number of times the individual has married.

Clause 12 defines the protected characteristic of pregnancy. The protected characteristic of pregnancy in relation to a woman on any day means the fact that the woman is pregnant on the day in question or at any time during the prescribed period before the day in question (or at any time, if no period is prescribed); the fact that the woman has expressed a desire or intent to bear children; the fact that the woman breastfeeds an infant or expresses breast milk for the purposes of feeding an infant on the day in question or at any time during the prescribed period before the day in question (or at any time, if no period is prescribed); the fact that the woman is on maternity leave on the day in question or at any time during the prescribed period before the day in question (or at any time, if no period is prescribed); or the fact that the woman (being pregnant on the day in question or at

any time during the prescribed period before the day in question (or at any time, if no period is prescribed)) contracted an illness related to her pregnancy during the pregnancy or in the 6 weeks immediately after the day of her confinement.

Clause 13 defines the protected characteristic of caregiving responsibilities. The protected characteristic of caregiving responsibilities in relation to an individual on any day refers to the individual having a responsibility to care for or support any family member on the day in question or at any time during the prescribed period before the day in question (or at any time, if no period is prescribed). Clause 13 also sets out a definition of “family member”.

Clause 14 defines the protected characteristic of language ability as the ability of an individual to read, speak, write or understand any language.

Clause 15 defines the protected characteristic of disability. The protected characteristic of disability refers to the fact that an individual has any one or more of the following:

- (a) autism;
- (b) any intellectual disability;
- (c) any physical disability;
- (d) any sensory disability.

Clause 16 defines the protected characteristic of mental health condition, which, in relation to an individual, means the fact that the individual has been diagnosed with any mental disorder by a medical practitioner registered under the Medical Registration Act 1997.

PART 4

DISCRIMINATION

Part 4 defines discrimination for the purposes of the Bill.

Clause 17(1) provides that it is discrimination for an employer to make an employment decision that adversely affects an individual on the ground of a protected characteristic of the individual, or on the ground of 2 or more reasons, one of which is a protected characteristic of the individual.

“Employment decision” is defined in clause 2 and Part 2.

Under clause 17(3), an employment decision made only on the ground of the protected characteristic of a relative or an associate of an individual (and not the individual himself or herself) is not discrimination.

Under clause 17(4), a protected characteristic includes a characteristic as it is suspected, assumed or believed to exist by the person making the employment decision, whether or not it exists in fact.

To illustrate clause 17, an employer discriminates against a woman (*A*) if the employer dismisses *A* because *A* is pregnant. An employer also discriminates against *A* if the employer dismisses *A* for many reasons, one of which is that *A* is pregnant. An employer also discriminates against *A* if the employer dismisses *A* because the manager who decided on *A*'s dismissal thought that *A* was pregnant, even though *A* was not in fact pregnant.

However, an employer does not discriminate against *A* if the employer dismisses *A* on the ground of the race of *A*'s husband.

Clause 18 provides for discrimination by a discriminatory direction, instruction or policy, which is when an employer issues, communicates or publishes in writing a direction, instruction or policy relating to employment decisions on the ground of a protected characteristic. An example of such a direction, instruction or policy is a written direction to hiring managers to hire only men. Another example is a written policy in a company handbook stating that pregnant women are not to be selected for a training programme.

Clause 19 deals with discrimination by advertisement or description. It is discrimination for an employer to publish in Singapore, or cause to be published in Singapore, a job advertisement or description that mentions a protected characteristic as a condition, criterion, requirement, advantage, disadvantage or disqualification for employment. An example of such an advertisement or description is a job advertisement stating that persons of a certain race are preferred for the job.

PART 5

EXCEPTIONS

Part 5 sets out exceptions where discrimination on the ground of a protected characteristic is not unlawful. These are circumstances where it is not unlawful to discriminate against individuals, by direction, instruction or policy, or by advertisement or description, on the ground of certain protected characteristics.

Clause 20 provides for an exception where a protected characteristic is a genuine requirement of a job.

A protected characteristic is a genuine requirement of a job if, having regard to the nature of the job, the job cannot be reasonably performed by an individual unless the individual has (or does not have) the protected characteristic. For example, a job as an audio production manager cannot be reasonably performed by an individual with a hearing impairment. Discrimination against the hearing-impaired individual is not unlawful in relation to the job.

A protected characteristic is a genuine requirement of a job if the job needs to be performed by an individual who has (or does not have) the protected characteristic to preserve the health or safety of the individual or any other

individual. For example, a job as a high access window cleaner cannot be performed by a woman who is 36 weeks pregnant without endangering the health of the woman. Discrimination on the ground of pregnancy is not unlawful in relation to the job.

A protected characteristic is a genuine requirement of a job if the job needs to be performed by an individual who is of a particular sex to preserve standards of privacy (whether reasonable or not) of any individual. For example, customers of a spa serving mainly female customers stipulate that all its masseuses should be female to preserve the customers' standards of privacy. Discrimination against men on the ground of sex is not unlawful in relation to the job of a masseuse at the spa.

A protected characteristic is a genuine requirement of a job if any written law or any requirement imposed under any written law requires that the job be performed by an individual who has (or does not have) the protected characteristic. For example, under section 62A of the Road Traffic Act 1961, a person who has attained the prescribed age under that section must not drive a heavy locomotive, light locomotive, motor tractor or heavy motor car. Discrimination against persons who are above that prescribed age is not unlawful in relation to the job of a driver of a heavy locomotive, light locomotive, motor tractor or heavy motor car.

Clause 21 provides for an exception that allows employers to prefer older workers by allowing discrimination in favour of persons older than a prescribed age in hiring, and discrimination against persons younger than that age in hiring. Advertisements, descriptions, directions, instructions and policies in relation to hiring are accordingly permitted to discriminate on that same ground.

Clause 22 provides for an exception that allows discrimination in favour of citizens of Singapore and permanent residents of Singapore.

Clause 23 provides for an exception for religious groups in relation to certain jobs.

Clause 24 provides for an exception that allows discrimination in favour of disabled individuals in hiring, and allows discrimination against abled individuals in hiring. Advertisements, descriptions, directions, instructions and policies in relation to hiring are accordingly permitted to discriminate on that same ground.

PART 6

FAIR EMPLOYMENT PRACTICES

Part 6 sets out certain fair employment practices required of employers, namely, in relation to fair consideration of job applications, investigation and review of grievances, and prohibition of retaliation.

Clause 25 sets out the definitions for Part 6.

Clause 26 prohibits employers from applying under section 7(1) of the Employment of Foreign Manpower Act 1990 for a work pass in a prescribed category of work passes if the employer has not fulfilled certain requirements relating to advertising and fair consideration.

Clause 27 requires employers to develop a grievance-handling process under which the employer commits, among other things, to investigating and reviewing all grievances raised by its employees.

Clause 28 prohibits employers from retaliating against an employee (by taking certain retaliatory actions set out in clause 28(2)) because the employee has, among other things, brought proceedings against the employer under the Bill or given evidence or information against the employer under the Bill.

PART 7

PENALTIES AND DIRECTIONS

Part 7 provides for penalties and directions under the Bill.

Under clause 29, generally, acts of discrimination under Part 4 and contraventions of fair employment practices under Part 6 are civil contraventions.

Under clause 30, certain civil contraventions are serious civil contraventions.

There are generally 3 penalties that may result from a civil contravention.

First, an administrative financial penalty may be imposed by way of a contravention notice issued under clause 31. Reconsideration of a contravention notice may be requested under clause 32(1), and an appeal to the General Division of the High Court may also be made under clause 32(4). A contravention notice may be enforced against an employer, with the permission of a District Court, in the same manner as a judgment of that court.

Second, a direction may be issued to an employer under clause 33 in lieu of or in addition to an administrative financial penalty. Failure to comply with such a direction, without a reasonable excuse, is an offence.

Third, for serious civil contraventions, the Commissioner for Workplace Fairness (the Commissioner) may, with the consent of the Public Prosecutor, bring an action in court to seek an order for a civil penalty under clause 34. Under clause 35, such an action cannot commence after the expiry of 6 years from the date of the serious civil contravention or if an administrative financial penalty has been imposed for an act that relates to the serious civil contravention.

Clause 36 provides that individual officers, members or partners of contravening employers who are bodies corporate, partnerships or unincorporated associations are to be treated as having committed the

contravention if the contravention is proved to have been committed with the consent or connivance of the individual. Action may accordingly be taken against the individual under clause 31, 33 or 34.

PART 8

ADMINISTRATION AND INVESTIGATIONS

Part 8 provides for the administration and investigations under the Bill.

Clause 37 provides for the appointment by the Minister of the Commissioner for Workplace Fairness, as well as Deputy Commissioners for Workplace Fairness, Principal Assistant Commissioners for Workplace Fairness and Assistant Commissioners for Workplace Fairness. The Minister may also appoint any public officer as an authorised officer, and any individual as an authorised person.

Clause 38 provides for the investigative powers of the Commissioner (including Deputy Commissioners for Workplace Fairness, Principal Assistant Commissioners for Workplace Fairness and Assistant Commissioners for Workplace Fairness), authorised officers and authorised persons.

Clause 39 provides for the protection of the Commissioner, authorised officers and authorised persons from personal liability in their performance of functions under the Bill in good faith and with reasonable care.

PART 9

MISCELLANEOUS

Part 9 sets out miscellaneous provisions.

Clause 40 provides for protection for complainants from liability for breaches of any code of professional etiquette or ethics, from civil and criminal liability, and from identification by witnesses in proceedings under the Bill.

Clause 41 voids any term of a contract of service or collective agreement that excludes or limits the operation of any provision of the Bill, or precludes any person from making a complaint or allegation or raising a grievance under the Bill.

Clause 42 provides for the composition of offences.

Clause 43 provides that the Minister may exempt any person or class of persons.

Clause 44 empowers the Minister to make regulations.

PART 10

RELATED AMENDMENTS

Part 10 consists of clause 45, which makes related amendments to the Employment of Foreign Manpower Act 1990 to provide that the Controller of Work Passes under that Act may refuse to issue a work pass if the applicant has not complied with the fair consideration requirements under clause 26(1).

PART 11

SAVING AND TRANSITIONAL PROVISION

Part 11 consists of clause 46, which empowers the Minister to make regulations to prescribe any provisions of a saving or transitional nature consequent on the enactment of any provision of the Bill for a period of 2 years after the date of commencement of the provision.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
