



Singapore Employment Update

In the last few weeks, there have been a number of significant developments and announcements of upcoming changes to the Singapore employment law landscape. This alert pulls together the various changes which employers in Singapore should be taking note of and taking steps to plan ahead for.

Latest COVID-19 Measures

- **Work from home the default.** From 27 September 2021, work from home (WFH) will again be the default arrangement for employees who can do so. The workplace safe management measures have been revised accordingly.

Those who are able to WFH but need to return to the workplace for ad-hoc reasons are strongly encouraged to perform an Antigen Rapid Test (ART). They should be tested negative before returning onsite. Employees, contractors, and vendors who are unable to WFH are strongly encouraged to self-test weekly via an ART so that infected employees do not return to the workplace.

Despite Singapore having one of the highest vaccination rates in the world, the measures are considered to be necessary in light of a recent increase in case numbers which are placing pressure on public health services.

- **'Snap' work from home arrangement suspended.**

The Multi-Ministry Taskforce had earlier announced that from 8 September 2021, if a worker who has returned to the workplace in the past 7 days tests positive for COVID-19, employers must implement a 'snap' WFH regime for 14 days for all employees who are able to do so. This would mean vacating and cordoning off the section where the confirmed cases had worked and activating deep cleaning of the affected premises.

In view of the potential disruption this could cause to businesses, the above arrangement was revised on 22 September such that: (a) the duration of the snap WFH regime is reduced from 14 to 10 days; (b) the requirement will apply to companies with 3 or more COVID-positive cases working at the same premises / branch within a period of 7 consecutive days; and (c) affected workers (including on-site contractors and vendors) who have been placed on snap

WFH arrangements will be able to return to office for ad-hoc reasons if they test negative via an ART (which should be completed before they return, and not be more than 24 hours before the end of their ad-hoc return to the workplace).

With WFH now being the default arrangement for all employees who can do so, the snap WFH regime (10 days) will be suspended until further notice.

- **New advisory on employees who test positive.**

On 25 September 2021, the tripartite partners issued a further advisory to the effect that employees who test positive via an ART but who are physically well should self-isolate at home for 72 hours. There is no need for these employees to undergo a confirmatory Polymerase Chain Reaction (**PCR**) test after receiving the first positive ART result.

After 72 hours of self-isolation, the employee should repeat the ART. If the result is negative, the employee may return to work and daily activities. However, if the result is positive, the employee should continue to self-isolate, and take another ART every 24 hours until the employee receives a negative ART result.

Employees should immediately inform their employer when they test positive via an ART and begin their self-isolation at home. Employers should not ask ART-positive but physically well employees to report to the workplace. Such employees should be allowed to WFH if they are able to do so. If working from home is not possible, employers should treat the period of absence as paid sick leave – either paid outpatient sick leave or paid hospitalisation leave, without requiring a medical certificate. Employees should not be asked to take no-pay leave for the period of self-isolation. Employees may return to the workplace when they get a negative ART result after 72 hours.

Employees who are household members of ART-positive but physically well individuals should monitor their health for 10 days and do regular ART self-tests. Likewise, other employees who are workplace close contacts of the ART-positive employee are advised to do the same. There are no movement restrictions on these employees so long as their ART self-test results are negative. This means that they can return to the workplace if they are unable to WFH (although they should limit interactions with others as much as possible).

The full text of the Advisory can be accessed [here](#).

- **VoRT regime effective from 1 October.** The Government's 'vaccinate or regular test' (**VoRT**) regime will be rolled out from 1 October 2021. The VoRT regime will be compulsory for certain high risk sectors. However, employers in other

sectors are strongly encouraged to adopt it on a voluntary basis, and if they do this will allow them to treat employees differently depending on their vaccination status in certain respects. For further details of the regime, please refer to our [previous alert](#). Since our previous alert, the list of selected high risk sectors has been expanded to include retail mall workers, workers in supermarket outlets, taxi and private hire car drivers, last mile delivery personnel, driving school instructors/private driving instructors, and public transport frontline staff.

Employers who are not in high risk sectors and who still want to adopt the VoRT regime should take steps to prepare suitable policies and communicate these to employees as soon as possible.

Changes to Mandatory Retrenchment Notifications

From 1 November 2021, employers with at least 10 employees will be required to notify the Ministry of Manpower (**MOM**) of all retrenchments regardless of the number of employees affected.

The mandatory retrenchment notification has to be filed by employers within 5 working days after they provide notice of retrenchment to the affected employee(s).

Currently, such employers are only required to notify the MOM if they retrench 5 or more employees within a 6-month period. The revised notification enables the tripartite partners, Workforce Singapore, NTUC's Employment and Employability Institute as well as other agencies to better reach out to affected local employees to provide employment and job search support.

The updated requirements on mandatory retrenchment notification will be reflected in the Employment (Retrenchment Reporting) (Amendment) Notification 2021.

Employers who are planning, or in the process of implementing, retrenchment exercises should take note of the new requirement, as this may impact the project timetable.

The change is also likely to result in the MOM applying greater scrutiny to retrenchments more generally. In particular, under the Tripartite Advisory on Managing Excess Manpower and Responsible Retrenchment, employers are encouraged to carry out retrenchments with a view to maintaining a strong Singaporean core, and retrenchments should generally not result in a reduced proportion of local employees. The new requirement will give the MOM greater visibility over the extent to which employers are complying with this guidance.

Workplace Anti-Discrimination Legislation and Workplace Discrimination Tribunal to be Established

In his National Day Rally speech, Prime Minister Lee announced that the Singapore Government will enshrine into law some or all of the principles currently contained in the Tripartite Guidelines on Fair Employment Practices (**TGFEP**).

The TGFEP are a set of best practice guidelines for employers to adopt to prevent discrimination at the workplace. The Guidelines cover a range of topics including recruitment, HR systems, training and reward. At their heart is the principle of hiring and developing a Singaporean core, which encourages employers to make reasonable efforts to attract and consider local Singaporeans for job positions on merit and for training and development purposes.

Singapore does not currently have any legislation which expressly prohibits discrimination per se. While there is some limited protection in a handful of narrow areas (wrongful dismissal, pregnancy dismissal, retirement and re-employment, and enlistment discrimination), there are no direct remedies available for employees who have been subjected to discrimination on the grounds of attributes which may be protected in other countries such as race, nationality, ethnicity, religion, gender, disability or sexual orientation.

With the introduction of legislation, employees will for the first time likely be able to take legal action directly against their employers for discrimination that takes place in the workplace.

In terms of resolving disputes, the Prime Minister confirmed that the approach will be modelled on how employers currently deal with disputes over salaries and wrongful dismissal. This means that disputes will first go through a process of conciliation and mediation, and only if these are unsuccessful will they be determined judicially. A new workplace discrimination tribunal will be established to decide such cases.

The Prime Minister also confirmed that the new legislation will protect employees not only on the ground of nationality or race, but also on other grounds covered by the TAFEP including sex, age, race, religion and disabilities.

We still do not have all the details of the proposal and a number of questions still remain including:

- Will the new law only prohibit discrimination or will it also extend to harassment?
- Will the protections extend to grounds not currently recognised by the TGFEP such as sexual orientation?

- How will the new law interact with the Tripartite Guidelines on Wrongful Dismissal?
- How will the workplace discrimination tribunal be constituted and what remedies can an employee seek from their employer?

Regardless of the answers to these questions, the introduction of Singapore's first anti-discrimination legislation will expand the scope of protections for employees in Singapore. Employers should start preparing for change now by reviewing their existing discrimination and harassment policies to ensure they not only meet the minimum requirements under the current Singapore legal framework, but that they actively promote and protect attributes prescribed by the TGFEP such as gender, race, nationality, age, religion and disability. Multinational corporations may already be doing this in practice as they tend to adopt global standards which go above and beyond the local minimum legal framework.

A draft bill is expected to be announced in the first half of 2022.

Advisory Committee on Gig Economy Workers Convened

After the National Day Rally on 29 August 2021, the Ministry of Manpower announced the formation of the Advisory Committee on Platform Workers (**Advisory Committee**). The Advisory Committee aims to strengthen protections for self-employed persons who work for online platforms, specifically delivery persons, private-hire car drivers, and taxi drivers.

The Advisory Committee met for the first time on 15 September 2021 and reported that it will focus on 3 priority areas to ensure a fairer and more balanced relationship between platforms and platform workers:

- **Improving retirement and housing adequacy.** The Advisory Committee will explore ways to help platform workers save up for their retirement and housing needs. As self-employed persons, platform workers contribute about 8% – 10.5% of their income to their MediSave while platform operators currently do not make CPF contributions for their platform workers.
- **Ensuring adequate financial protection in case of work injury.** The Advisory Committee will explore how platform workers can be better protected financially if they are injured at work.
- **Closing the gap in bargaining power.** The Advisory Committee will look into ways to strengthen the bargaining power of platform workers, taking into account their unique employment circumstances. As platform workers are not employees, they are not able to form unions. Thus, they have no access to unions' collective bargaining and dispute resolution mechanisms.

The announcement indicates that the Advisory Committee will not be tasked with looking into whether a separate category of 'worker' should be created such as exists in the UK and other EU countries, or whether more wholesale changes should be made to the Employment Act to encompass independent contractors and other gig economy workers.

The Advisory Committee has said it will consult and engage platforms and platform workers as part of its work, which is expected to be completed by the second half of 2022.

Employment Pass/S Pass Salary Thresholds Likely to Increase

At his National Day Rally Speech, Prime Minister Lee announced there will be a further tightening of the criteria required to apply for an Employment Pass or S Pass.

He added that the criteria will not be tightened suddenly or sharply which could hurt businesses, but gradually and progressively. This is likely to result in the Government increasing the salary thresholds in order for an applicant to be eligible, which is currently set at:

- For Employment Pass: SGD4,500 per month (for applicants not in the financial services sector) or SGD5,000 per month (for applicants in the financial services sector) – but subject to higher thresholds which are set for older and more experienced candidates in their 40s, which is generally around double the minimum qualifying salary for the youngest applicants.
- For S Pass: SGD2,500 per month – but subject to higher thresholds which are set for older and more experienced candidates.

Further details of the new salary thresholds are likely to be announced in due course, and will likely impact both new applicants and existing employees who need to apply for renewal.

If you have any questions in relation to any of the above changes, please contact [David Smail](#).