

FAQs on the New Fair Recruitment Requirements [Employment Agencies Licence Conditions #4A.(a)-(f) and #5.(b)]

General FAQs	
Q1	What is the rationale for introducing the fair recruitment Employment Agencies Licence Conditions (EALCs)?
A1	<ul style="list-style-type: none"> • Employment agencies (EAs) are key labour market intermediaries who help many employers to fill their vacancies. They are expected to equally uphold the Tripartite Guidelines on Fair Employment Practices (TGFEF) when performing work on behalf of the employers. • Hence, the EALCs are amended to introduce fair recruitment requirements on EAs, which are aligned with the TGFEF that employers today are required to adhere to. • This will go towards uplifting the professional standards of EAs, and ensuring fair opportunities for Singaporeans. <ul style="list-style-type: none"> ○ Errant EAs who practise unfair employment practices will be taken to task. ○ EAs are encouraged to strengthen their local recruitment presence and capabilities. EAs may be eligible for Government enterprise support schemes, such as the Enterprise Development Grant and Productivity Solutions Grant. For more information on these schemes, please visit https://www.enterprisesg.gov.sg.
Q2	Which licence types and placement types do these new EALCs apply to?
A2	<ul style="list-style-type: none"> • The new EALCs will apply to all licence types – Comprehensive Licence (All/Local/non-FDW) and Select Licence, but exempt foreign domestic workers (FDW) referrals and placements.
Q3	What are the penalties for failing to comply with the new EALCs?
A3	<ul style="list-style-type: none"> • Each case will be fairly and properly investigated by the Ministry of Manpower. Failure to comply with the new requirements is a violation of the licence conditions and would lead to demerit points, and licence suspension or revocation. Egregious EAs that engage in serious discriminatory practices may be prosecuted.
<p>FAQs on EALCs #4A.(a) and #4A.(b) – EA to apprise employer of the prevailing guidelines on recruitment in the Tripartite Guidelines on Fair Employment Practices (TGFEF) and retain documentary proof.</p>	
Q4	Why are EAs asked to brief employers on TGFEF?
A4	<ul style="list-style-type: none"> • EAs should be more familiar with fair and progressive hiring standards than employers as recruitment is their core business. <ul style="list-style-type: none"> ○ EAs are also in a position to influence employers’ recruitment process.

	<ul style="list-style-type: none"> Like intermediaries in other sectors (e.g. financial advisors), they should be held to a higher duty of care and ensure that employers receive adequate and appropriate advice.
Q5	How often must the EAs brief employers on the Tripartite Guidelines on Fair Employment Principles (TGFEF)?
A5	<ul style="list-style-type: none"> EAs are required to brief existing and new employers at least once on the TGFEF recruitment guidelines when they engage the EAs' services from 1 October 2020 onwards (i.e. when the new EALCs take effect). There is no need to brief for every job order. EAs are to refer to prevailing chapters on Consistent and Fair Selection Criteria; Hiring and Developing a Singaporean Core; and Recruitment of the TGFEF for the list of the guidelines on recruitment. EAs can download a copy of the TGFEF via https://www.tal.sg/files/tripartite-guidelines.pdf. If the TGFEF recruitment guidelines change, EA are required to brief the employers on the updated guidelines as well. EAs can decide either to brief immediately or when they next receive job orders from employers. EA will retain documentary proof whenever they brief employers.
Q6	What kind of documentary proof is accepted?
A6	<ul style="list-style-type: none"> Any electronic and non-electronic correspondences with the employer are accepted. EA is required to furnish the documentary proof as and when requested by Ministry of Manpower.
FAQs on EALC #4A.(c) – EA cannot post discriminatory job ads.	
Q7	What are considered as discriminatory job advertisements?
A7	<ul style="list-style-type: none"> Discriminatory job advertisements are where employers use language that is discriminatory, including language that excludes Singaporeans or indicates preference for non-Singaporeans. Employers should recruit and select employees on the basis of merit (such as skills, experience or ability to perform the job), and regardless of age, race, gender, religion, marital status and family responsibilities, or disability. For more information, EAs can refer to the prevailing TGFEF, which can be downloaded via https://www.tal.sg/files/tripartite-guidelines.pdf.
Q8	Does this apply to all kinds of job advertisements?
A8	<ul style="list-style-type: none"> Yes, it applies to all job advertisements – e.g. physical channels (e.g. job fairs), online job boards (e.g. MyCareersFuture.sg) and print media (e.g. newspapers).

FAQs on EALC #4A.(d) and Annex A1 – EA must make reasonable effort to attract Singaporeans for every job order from the employer, unless the employer instructs otherwise.

Q9	What is considered as “reasonable effort” to attract Singaporeans for a job position?
A9	<ul style="list-style-type: none"> • Some examples of reasonable effort (but not exhaustive) could include: <ul style="list-style-type: none"> ○ Advertising available openings through physical channels (e.g. job fairs) or online job boards (e.g. MyCareersFuture.sg) that have reasonable levels of public traffic ○ Working with educational institutions, or career centres (e.g. Workforce Singapore (WSG)/NTUC’s Employment and Employability Institute (NTUC’s e2i)) to develop pipeline of jobseekers
Q10	I am from an EA that specialises in placing foreign workers. Do I need to make reasonable effort to attract Singaporeans for all job positions?
A10	<ul style="list-style-type: none"> • All EAs are expected to make reasonable effort to attract Singaporeans for job positions on merit and to the best of their ability. EAs can consider diversifying their business model by putting in some effort to attract and place Singaporeans to better serve employers. There are schemes out there to help them do so (e.g. ESG’s grants). • If an EA (upon discussion with the employer) comes to a mutual agreement with the employer that the EA does not need to make reasonable effort to attract Singaporeans for a given job order, the EA should capture this in writing using Annex A1. <ul style="list-style-type: none"> ○ In signing Annex A1, the employer acknowledges that the EA will not be responsible for attracting Singaporeans for the job order. ○ The employer is expected to be responsible for doing so, in line with the TGFEF on “Hiring and Developing a Singaporean core”. • This means that employers cannot rely on these foreign-specialist EAs to attract Singaporeans for a given job order and are required to make other reasonable efforts to attract Singaporeans to comply with the TGFEF.
Q11	What if I already have suitable candidates that I want to recommend to my existing employers, even if there is no specific opening that I was aware of beforehand?
A11	<ul style="list-style-type: none"> • Regardless, all EAs are expected to cast their net sufficiently wide and demonstrate reasonable effort to attract Singaporeans for the specific opening (when it is known) on merit and to the best of their ability.

FAQs on EALC #4A.(e) and #4A.(f) – EA will shortlist and refer applicant(s) to the employer based on merit and not discriminate the applicant(s) on ground(s) which is irrelevant to the job position. EA will retain information on the recruitment process.

Q12	What does it mean to consider candidates on “merit”?
A12	<ul style="list-style-type: none"> • EAs have to consistently apply objective and fair selection criteria to all stages of the recruitment process

	<ul style="list-style-type: none"> ○ This will help ensure that the best candidate, assessed based on the candidate’s ability to perform the job, is recruited to fill the vacancy. ● For example (but not exhaustive): <ul style="list-style-type: none"> ○ EAs should ensure that the fields in the job application forms only ask for information relevant to assessing an applicant’s suitability for a job. In general, examples of information that are not relevant would be age, date of birth, gender, race, religion, marital status, and family responsibilities. EAs who request such information should justify how it is related to the job requirements. ○ Good practices to ensure a fair and unbiased interviewing process include ensuring: <ul style="list-style-type: none"> ○ A list of selection criteria (and hence interview questions) is applied consistently to all candidates. ○ More than one interviewer, if possible, and interviewers should be familiar with the principles of fair employment. ○ A proper record of the interview, assessment process and job offer made. ● For more information, EAs can refer to the prevailing TGFEP, which can be downloaded via https://www.tal.sg/files/tripartite-guidelines.pdf.
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FAQs on EALC #5.(b) – EAs to submit returns to MOM on referrals (changes to existing requirement).

Q13	Why are EAs required to submit returns to MOM on referrals?
A13	<ul style="list-style-type: none"> ● EAs play a key role in the employment and job matching landscape, and are in a good position to support fair consideration of locals and to enable a strong Singaporean core in the workforce. ● These returns from EAs are important for MOM to understand industry practices, and assess how we might help support the industry to uplift standards of professionalism and capabilities. ● To help improve the user experience of EAs when submitting returns, we have reduced the number of required fields from 10 to 4.
Q14	Under the Personal Data Protection Act (PDPA), are EAs allowed to collect personal data (e.g. NRIC number or Foreign Identification Number (FIN))?
A14	<ul style="list-style-type: none"> ● Under the new EALCs, EAs will be required to collect the personal data (e.g. NRIC number or FIN) of applicants referred to employers for permanent or contract job positions of at least six months with a fixed monthly salary of \$3,300 and above. ● PDPA requirements on collection, use, and disclosure of personal data would not be applicable to EAs that are collecting such information as it is a regulatory requirement.

	<ul style="list-style-type: none"> EAs should <u>not</u> share this information with any other parties, including their clients.
Q15	How should EAs submit referral data for overseas candidates who do not have assigned Foreign Identification Numbers (FIN)?
A15	<ul style="list-style-type: none"> For overseas candidates whose work pass applications have been submitted to MOM for approval, EAs should enquire with MOM for the FIN assigned to the candidate, and submit the assigned FIN where available. For overseas candidates with no assigned FIN, EAs should submit a valid passport number instead.