

Mr Emmanuel Lem heads the Tripartite Alliance for Fair and Progressive Employment Practices' fair consideration management team. His team examines the human resource policies of companies flagged by the Manpower Ministry. This could include combing through resumes submitted for a job post to ensure the selection criteria were applied fairly, or asking for interview records to see who was present.
ST PHOTO: KELVIN CHNG



Improving workplace practices

Ensuring level playing field for S'porean job applicants

Tafep team probes firms flagged by MOM for unfairly favouring foreigners when hiring

Joanna Seow
Manpower Correspondent

A local information technology firm found to be unfairly favouring

job applicants who were foreigners was barred in mid-2017 from hiring foreign staff until it improved its practices.

But it was uncooperative until six months later, when Tripartite Al-

liance for Fair and Progressive Employment Practices (Tafep) officer Emmanuel Lem received a call from the firm's upset chief executive, who said he was unable to go on a holiday and might even have to sell his house and car as business was so bad.

Mr Lem, Tafep's senior assistant director for fair consideration management, told the employer: "Some locals who are not considered fairly

in hiring can't get a job and can't even put food on the table, much less go for a holiday."

That helped to put things in perspective and the company eventually improved its practices and was removed from the Manpower Ministry's (MOM's) Fair Consideration Framework (FCF) watch list a year later, said Mr Lem, 46.

Firms on the watch list may have

their work pass applications processed more slowly as they come under greater scrutiny, or be barred from hiring foreigners altogether.

The 20 officers in Mr Lem's team examine the human resource policies of companies flagged by MOM.

This could include combing through hundreds of resumes submitted for a job post to ensure the selection criteria were applied fairly, or asking for interview records to see who was present.

For instance, companies should not reject local applicants without degrees and hire foreigners with degrees if the job advertisement did not state a degree was required.

They should also have a panel present during interviews, instead of just one HR staff member, to ensure fairness.

These efforts are part of the FCF implemented by the Government in 2014 to boost the Singaporean core in the workforce.

The FCF watch list was introduced in 2016 and, as of March this year, there were 350 firms on the list while 260 had exited. Tafep assesses the firms every six months.

Mr Lem said only a handful of firms have been put back on the watch list after exiting it. He said the common reason companies cite for preferring foreigners is that they cannot find local manpower.

"Some consultancies will tell us, 'You don't have project management talent', but we will tell them that's not true as we even have master's degree programmes in project management in Singapore."

The officers' jobs can be stressful as some of them have been scolded by the companies they approach. However, there have also been firms which thanked the officers for their advice after they managed to exit the watch list.

Other officers at Tafep from the customer and case management team also handle complaints from the public, which could include discrimination based on gender, race, age or nationality.

For companies put on the watch list by MOM, Mr Lem's team will also provide guidance on how to improve and may suggest industry-specific courses that companies can use to train staff.

This turned out to be a blessing in disguise for one global consulting firm which opened a Singapore office 10 years ago. It was on the watch list for 18 months but has since exited, said its general manager for South-east Asia who wanted to be known only as Mr Kumar, 43.

"When an already-established organisation moves into a new market, they try to get up and running very fast. Especially in consulting where it's a trust game, you just bring in your trusted people," he said.

Mr Kumar added that after meeting Tafep officers, his firm started a graduate programme with local universities to train fresh graduates on its projects with clients overseas. Currently, there are five graduates in Toulouse, France, on 12- to 15-month stints where they are attached to a project team with a coach and mentor. Mr Kumar plans to send others to the United States, among other efforts to recruit locals.

"When we were first put on the watch list, it felt like the world had ended for us, but now I'm thankful that it happened... I would not have thought of these (ideas) otherwise," he said.

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Mediators help settle work disputes

Senior mediator Elvina Tan has handled over 1,000 workplace dispute cases, mostly related to dismissals.

A case she remembers vividly involved a shipping firm employee who was asked to leave after six years due to poor work behaviour. During mediation, the worker, in her early 30s, raised her voice and broke down a few times, alleging that the termination was due to workplace harassment and victimisation by the management.

"I had to call for a private session to allow her to ventilate, calm down and hear how the employer responded to her claims," said Ms Tan, 53, who is assistant director for mediation at the Tripartite Alliance for Dispute Management (TADM).

The woman saw eventually there might not have been a basis for her allegations. Ms Tan helped broker an amicable conclusion, where the employer paid the woman a pro-rated bonus and converted the termination to a resignation to make it easier for her to find a new job.

Learning to manage clients' emotions is par for the course for Ms Tan, who worked in human resources for more than 20 years before joining the Manpower Ministry as a conciliation officer in 2011. She moved to TADM when it was formed in 2017.

There are about 50 mediators at TADM, each of whom handles about 20 cases a month. Most cases are resolved at the mediation stage.

If a settlement agreement is reached, Ms Tan follows up to make sure the parties uphold it – so far, none has reneged on it – while a dedicated payment team follows up on the payment of salaries owed. If a settlement is not reached, the claim can be referred to the Employment Claims Tribunals under the State Courts, though the court process can be more protracted, she noted.

There were 17,038 employment claims and appeals lodged with TADM or the Manpower Ministry from April 2017 to December last year, according to a report on employment standards released earlier this month. About 87 per cent were pay-related. Among them were claims lodged last year by Mr Christophe Leyoanc and seven former colleagues. Their former employer, an international market research firm, was bought over in 2017. Last October, it told workers it would need some time to pay their salaries.

The Singapore team continued working but had received nothing



Mr Christophe Leyoanc and seven former colleagues approached the Tripartite Alliance for Dispute Management for help regarding salaries unpaid by their former employer, an international market research firm. It took more than six months but Mr Leyoanc eventually received close to two months' salary. PHOTO: LIANHE ZHAOBAO

by November and found that their calls and e-mails to the parent company overseas were brushed aside.

"Sometimes, we managed to reach them and they would give us dates for payments but the dates would come and go," said Mr Leyoanc, who is in his 50s and is a permanent resident here. "We were worried and anxious. We needed the money to

pay bills, some needed to pay school fees for their children."

Last December, the team approached TADM for help. The mediation officer managed to get the company's chairman to fly to Singapore in January to meet the employees and negotiate settlements.

It took more than six months but Mr Leyoanc eventually received

close to two months' salary – more than \$10,000 – from the company, which he has resigned from.

His advice to others caught in the same situation: "Don't wait too long to blow the whistle, because money might have piled up and it becomes too much for the employer to settle."

Joanna Seow