

TRIPARTITE GUIDELINES ON FAIR EMPLOYMENT PRACTICES

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I. Introduction

The Tripartite Guidelines on Fair Employment Practices¹ sets out fair employment practices that should be adopted by employers to help prevent discrimination in the workplace. Employers are encouraged to abide by the principles of fair employment and adopt the recommended good practices. If services of employment agencies or labour suppliers are used to fill job vacancies, end-user companies should require them to abide by these Guidelines.

II. Principles of Fair Employment Practices

2. The five principles of Fair Employment Practices are:

- a. 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, family status or disability.
- b. Treat employees fairly and with respect and implement progressive human resource management systems.
- c. Provide employees with equal opportunity to be considered for training and development based on their strengths and needs, to help them achieve their full potential.
- d. Reward employees fairly based on their ability, performance, contribution and experience.
- e. Abide by labour laws and adopt Tripartite Guidelines which promote fair employment practices.

III. Consistent and Fair Selection Criteria

3. Employers should apply relevant and objective selection criteria consistently for all aspects of employment, including recruitment, training, promotions, postings, and retrenchments. Criteria should be specific and related to the job requirements. Any criterion that has no relevance to the requirements of the job should not be used. Examples of acceptable requirements include:

- a. Type of experience required for the job, e.g. marketing experience.
- b. Amount of experience, e.g. three years in relevant field.
- c. Educational qualifications, e.g. degree in engineering/ ESS Level 5.
- d. Specific skills, e.g. proficient in short-hand writing.

¹ This set of Guidelines replaces the “Code of Responsible Employment Practices” issued by SNEF/SBF and NTUC in 2002.

- e. Employee's willingness to commit to particular job characteristics, e.g. frequent travel or a particular shift pattern.
4. As long as they are able to perform the key requirements of the job, employers should consider disabled applicants/employees on a consistent and fair basis.
5. The selection criteria should be:
 - a. made known to all employees and job applicants; and
 - b. reviewed regularly to ensure that they remain relevant.

IV. Recruitment

6. Consistent and fair selection criteria should be applied at all stages of the recruitment process. This will help ensure that the best candidate, assessed based on the candidate's ability to perform the job, is recruited to fill the post. Staff involved in recruitment should be trained to recognise and avoid discriminatory practices.

Job Advertisements

7. Employers should abide by the "Tripartite Guidelines on Non-Discriminatory Job Advertisements (2006)" when advertising job vacancies. Selection criteria should be stated clearly in the job advertisements, and should principally be related to qualifications, skills, knowledge and experience. Employers who advertise a position requiring a specific attribute which may be viewed as discriminatory should ensure it is indeed a requirement of the job and state the reason for the requirement in the advertisement. This will ensure that the job requirements are well understood, expand the range of eligible candidates, and avoid negative perceptions of the employer concerned.

Criteria which should NOT be in Job Advertisements

Age

8. Employers should not stipulate age as a requirement for employment. Words or phrases that suggest preference for job candidates of a particular age group should also not be used in job advertisements. Examples include "young", "youthful working environment" or "fresh school leaver/ fresh graduate".

9. If the nature of the job is physically demanding such as the handling of heavy cargo, the required physical attributes or other job-related criteria should be clearly described in the job advertisements, rather than indicating an age cut-off. Examples:

- a. Candidates are required to load and unload sacks of rice of at least 10 kg each.
- b. Candidates are required to handle heavy equipment.

Race

10. Race should not be a criterion for the selection of job candidates as multi-racialism is a fundamental principle in Singapore. Selection based on race is unacceptable and job advertisements should not feature statements like “Chinese preferred” or “Malay preferred”.

Language

11. If a job entails proficiency in a particular language, employers should justify the need for the requirement. This would reduce ambiguity and minimise incidence of misunderstanding between the job seekers and the recruiting party. Examples:

- a. Chinese-language teacher for pre-school centre, good credit in ‘O’-Level Chinese.
- b. Translator for a leading Malay sports magazine. Proficiency in Malay is a must.
- c. Tour Guides to take Chinese/ Japanese/ Indian tourist groups. Knowledge of Mandarin/ Japanese/ Indian dialects is essential.

Gender

12. Where the practical requirements of a job dictate the need for employees of a particular sex, the reason should be clearly stated.

Example:

Women’s Fashion Boutique requires salesgirl to model clothes while on the job.

Words or phrases that suggest preference for job candidates of a particular gender such as “female working environment” or “waitress” should not be used in job advertisements.

Marital Status

13. Marital status is generally an irrelevant criterion in employment, as jobs can be performed equally well by either married or single persons.

Religion

14. Religion is unacceptable as a criterion for recruitment except in cases where employees have to perform religious functions as part of the job requirement. In such cases, the requirements should be clearly and objectively presented.

Job Applications

Job Application Forms

15. After having made clear the job requirements in the job advertisements, employers should not ask for information in job application forms which are not relevant to determining the applicant's suitability for the job. This includes:

- a. Age;
- b. Race;
- c. Gender;
- d. Religion;
- e. Photograph;
- f. Marital status; and
- g. Whether a female applicant is pregnant

16. Requesting such information may give rise to the perception that the employer is making preliminary assessments about the candidate based on these attributes.

17. If it is necessary to require such information (e.g. for security screening), employers should explain the need for such information. This additional information should then be made available only to the person who needs to use it for security screening etc., and not to persons involved in the selection process. Such a procedural safeguard should be made known to applicants.

18. If a standard application form is used which requests information which may not be relevant to a specific position, employers should explain in the form that it is a standard form and require the applicant to fill in only relevant parts of the form.

19. After the selection has been made, the employer may elicit personal data from the candidate for administrative purposes.

Job Interviews

20. Interviewers should be conscious not to stereotype candidates on the basis of their age, race, gender, religion or family status. Questions related to these areas should not be asked, including questions such as whether the applicant intends to have children or any more children. Such questions may be perceived as discriminatory even though there may be no intention to discriminate, and may lead to complaints of unfair treatment.

21. If the position requires a commitment which is over and above usual job requirements, such as a willingness to travel frequently, interviewers should give full details of the job requirements and ask the candidate if they will be able to meet all the requirements.

22. Interviewers should record the assessment they have formed of the applicant's ability to meet the selection criteria. This will help to ensure a systematic and unbiased assessment of the applicant's strengths and weaknesses, and a fair selection.

23. Unsuccessful candidates should also be informed of the results.

Tests

24. If tests are to be used for selection purpose, they should be:

- (a) Specifically related to the job requirements and professionally designed to objectively measure applicants' actual or potential ability to do or be trained for the job; and
- (b) Reviewed and updated regularly to ensure that they remain relevant and free from bias in content or scoring.

V. Remuneration

25. Employers should pay employees wages commensurate with the value of the job. Regardless of age, gender, race, religion and family status, employees should be paid and rewarded based on the value of their job, and their performance, contribution and experience.

VI. Appraisal, promotion, posting and training

26. Employers should adopt formal appraisal systems which are fair and objective, with measurable standards for evaluating job performance. This would help ensure that employees are assessed and promoted on the basis of merit.

27. Where opportunities for posting and training arise, employers should inform all eligible employees of the conditions and procedure for application. Employers should assess all interested candidates based on fair selection criteria, to ensure that no one is overlooked. The eligibility criteria should also be regularly reviewed to ensure that they are not discriminatory.

VII. Dismissals and retrenchments

28. Employers should keep records of their employees' performance and conduct. A decision to dismiss an employee should be based on documented poor performance or misconduct. An employee should be given an opportunity to present his or her case before being dismissed, with a final decision being referred to an independent panel for assessment.

29. Employers facing situations of excess manpower can refer to the "Tripartite Guidelines on Managing Excess Manpower" for alternatives to help stave off retrenchments and guidelines on responsible retrenchment practices.

30. Where retrenchments are necessary, the retrenchment exercise should be carried out responsibly in consultation with the union (if the company is unionised), or with the employees affected (if the company is not unionised).

VIII. Grievance handling

31. Employers should set up proper mechanisms to deal with complaints of discrimination. Employers should take all complaints of discrimination seriously, conduct proper investigations into complaints and respond to the affected person in writing. Confidentiality should be observed and both the complainant and respondent should be treated fairly. Unionised employees can also seek advice from their unions in situations where they feel that they have been discriminated against. Non-unionised employees should approach the Ministry of Manpower.

32. Job applicants and employees are urged not to reach conclusions about decisions taken by employers in employment matters, without seeking clarification from the employer. Rather, if a candidate or an employee feels that he has been discriminated against, he should seek an explanation before escalating the issue further. This will give the employer an opportunity to explain his decision and clarify his position, or where necessary, take corrective action. This would be more conducive to a positive long-term employment relationship.

IX. Conclusion

33. Employers should:

- a. Abide by this set of Guidelines;
- b. Endorse the principles of the Employers' Pledge of Fair Employment Practices; and
- c. Publicise the Guidelines and educate both management and employees, so that they understand their roles and appreciate the sensitivities and issues involved.

34. Employees also have a role in helping to eliminate unfair practices.

35. Employees should:

- a. Familiarise themselves with this set of Guidelines;
- b. Exercise tolerance and understanding at the workplace to enhance workplace harmony; and
- c. Seek to resolve grievances arising from discrimination at work in a reasonable manner through dialogue, discussion and agreed mechanisms.

36. The Ministry of Manpower will make reference to this set of Guidelines when addressing complaints of alleged unfair employment practices.