

TRIPARTITE GUIDELINES ON THE JOB FLEXIBILITY SCHEME

I. Background

1. This set of Guidelines on providing job flexibility for work permit holders (WPHs) in the Services sector is issued by the Ministry of Manpower (MOM), in consultation with the National Trades Union Congress (NTUC) and Singapore National Employers Federation (SNEF).

2. Before 1 July 2013, WPHs in the Services sector can only perform the occupation that is specified in their work permit cards. This is to ensure that employers deploy their WPHs only to perform tasks that their WPHs were hired to do. As an example, a WPH hired by a hotel as a waiter is allowed to serve food, but cannot be asked to multi-task in Front Desk or Housekeeping operations.

3. As part of the Government's broader policy to support productivity improvements, MOM will allow businesses in the Services sector the flexibility to deploy their WPHs to work in other occupations within the same business, with effect from 1 July 2013. This is already in practice for local workers. Using the same example of the hotel, the WPH who is a waiter will be able to help to serve customers at Front Desk or clean rooms. This could potentially help lead to overall manpower savings and support productivity growth in the Services sector.

4. Employers should ensure they are responsible and fair in adopting this flexibility; most notably in sharing productivity gains with all employees. These Guidelines explain how employers may apply job flexibility practices in their businesses and apply to both unionised and non-unionised businesses in the Services sector.

5. The Guidelines are divided into two parts:

- (a) Guiding Principles for employers and employees that describe the manner by which employers and employees are to benefit from this policy; and
- (b) Legal and Contractual Obligations reiterating employment and employment-related laws that employers and employees are expected to comply with.

II. Guiding Principles

6. As an employer, you should:

- (a) **Use job flexibility as part of a comprehensive plan to raise productivity.** Employers should review their existing manpower practices, and assess how job flexibility can be applied to support a more holistic move towards raising productivity. For example, employers could start by redefining occupational roles by regrouping similar tasks, to enable more multi-tasking. Work processes and scheduling arrangements can also be realigned to support multi-tasking.
- (b) **Fairly remunerate and share the productivity gains with employees.** With job flexibility, employers can optimise their manpower, thereby improving productivity. Productivity benefits should be shared with employees by way of additional remuneration or other similar rewards, especially those who have

contributed by performing multiple job functions, in a manner that is fair and commensurate with the employees' contributions.

- (c) **Give every employee a choice and opportunity to multi-task.** All employees should have opportunities to multi-task, together with opportunities for training and development to pick up new skills. This includes employees on non-traditional work arrangements such as those on flexi-work arrangements (including part-time) and term contracts. Employees should not be penalised for declining to perform additional job functions.
- (d) **Ensure that employees are adequately trained before performing the additional work functions.** To maximise the benefits of jobs flexibility, employers should provide employees with adequate training, before assigning them new tasks. A good approach would be to incorporate such training as part of a structured development programme that supports the training needs of employees. For example, employers can send their employees to Workforce Development Agency (WDA)'s Workforce Skills Qualifications (WSQ) training courses, or conduct in-house training for employees, which may include on-the-job learning.
- (e) **Use job flexibility sensibly and reasonably.** It is reasonable for employees to multi-task across job functions that require similar skills, or as part of the same business activity. For example, it is reasonable for an employer who operates a restaurant and bakery, to ask an employee, whose usual occupation is a waiter, to serve customers in the restaurant during peak hours, and to take on cashier duties in the bakery during off-peak hours. Conversely, it would be unreasonable for the same employee, without the necessary training, to be asked to repair kitchen equipment.

III. Legal and Contractual Obligations

7. The job flexibility initiative for WPHs in the Services sector does not relieve employers or employees from any other legal obligations. In particular:-

(i) Notice and Consent

- (a) Employers and employees are strongly advised to give each other sufficient notice and consent **in writing**, when taking on additional roles, reverting to original roles, or taking on other roles. This includes, but is not limited to the following:
 - i. Employers shall give **notice** to their employees of the offer of additional roles under multi-tasking and the corresponding remuneration arrangements, and obtain their employees' **consent** before they are multi-tasked to additional roles.
 - ii. Employees shall give **notice** to their employers if they gave consent to be multi-tasked to additional roles, but subsequently wish to withdraw consent. Sufficient time should be given for the employer to restructure the employee's work responsibilities and remuneration.

(ii) Workplace Safety and Health laws

8. Employers are reminded to comply with all workplace safety and health laws specific to the occupation and multi-tasking occupations of their employees; which include but are not limited to obligations under the Workplace Safety and Health Act, related subsidiary legislation and guidelines. For more information, please refer to the MOM website (<http://www.mom.gov.sg/workplace-safety-health>).

(iii) Employment laws – Rest days, hours of work and other conditions of service

9. Employers are reminded to comply with all requirements of the Employment Act, related subsidiary legislation and guidelines where applicable; which include but are not limited to obligations relating to rest days, caps on work hours, appropriate remuneration for overtime and provision of annual leave and sick leave. For more information, please refer to the MOM website (<http://www.mom.gov.sg/employment-practices>).

(iv) Employment of Foreign Manpower laws

10. Notwithstanding the job flexibility initiative, employers are reminded that foreign employees are required to work for the same company and sector specified in their Work Permit cards.

(v) Other laws - specific licensing requirements

11. Employers are reminded to comply with all licensing requirements specific to the occupation and multi-tasking occupations of their employees. Employers and employees are not relieved from having to comply with licensing obligations under other laws. For example, an employee multi-tasked to be employment agency personnel must still apply to the Commissioner for Employment Agencies to be registered as such before the WPH performs any such work.

IV. Non-Compliance with the Guidelines

12. Employees who believe that their employers have not met standards of the Guiding Principles should first seek recourse through channels within the employer's business. If not resolved, employees should consult their union (if unionised) for follow up. Additionally, foreign employees may contact the Migrant Workers' Centre (MWC) at 6536 2692.

13. MOM reserves the right to curb work pass privileges against companies in egregious cases of non-compliance with the Guiding Principles.

14. In cases of contravention of any of the Legal and Contractual Obligations, (such as an employer requiring an employee to work beyond 12 hours a day or 72 hours of overtime in a month, an employer failing to pay appropriate remuneration for overtime to an employee, an employer failing to take reasonably practicable measures to ensure the safety and health of an employee, an employer sending a foreign employee to be employed by a different business, etc.), any person may contact MOM online via <http://www.mom.gov.sg/contact-us/Pages/report-to-us.aspx>, or seek advice from the MOM contact centre at 6438 5122.