

Disabled People's Association's Response to the Interim Report by the Tripartite Committee on Workplace Fairness

Last updated on 13 March 2023

The following is in response to the recently published Interim Report by the Tripartite Committee on Workplace Fairness – a report outlining the current state of discussions by the Tripartite Committee on Singapore's upcoming workplace anti-discrimination legislation.

The Disabled People's Association of Singapore (DPA) has made advocating for the optimisation of this legislation one of our key policy advocacy focuses in the past year not only because this will be Singapore's first workplace anti-discrimination legislation, but also because we have heard many reports through our research and from our members about the various discriminatory and attitudinal barriers that still exist for persons with disabilities in or entering the workforce in Singapore.

While the Interim Report by the Tripartite Committee on Workplace Fairness contains necessary provisions that we welcome, the Interim Report does not address important points that DPA believes are necessary to address in the upcoming legislation.

DPA has raised such points in our discussions and feedback to the Ministry of Manpower (MOM) and the Tripartite Alliance for Fair Employment Practices (TAFEP) over the past year. In fact, DPA is listed in Annex B of the Interim Report as one of the non-governmental and community organisations that have been engaged with in formulating the Interim Report – as such why we feel it is important to make the following statement about points that have not been addressed in the Interim Report – along to make clear what DPA's position on the upcoming legislation is.

The Interim Report is divided into four sections. It begins with introductory remarks about the state of workplace fairness in Singapore, the approach taken in formulating the recommendations of the Interim Report, a discussion of the 20 recommendations thus far of the Tripartite Committee on Workplace Fairness (divided in the report into four areas or "thrusts") and concluding remarks.

The following is DPA's response to each of the four areas of the Interim Report.

(1) The State of Workplace Fairness

The Interim Report opens with a discussion of the state of workplace fairness in Singapore. In this section, it provides a brief analysis of the assessment of Singapore workplace fairness. While not the focus of the report, DPA would like to discuss a few points made in this section as a discussion of the current state of workplace fairness is important as it will determine the gaps and discriminatory barriers that remain in forming a more inclusive Singapore.

For example, Para. 4 of this section in the Interim Report reads:

“Employers have taken the TGFEP seriously and workplace fairness standards have improved over time. In recent years, the number of discrimination complaints received by TAFEP has come down. In addition, MOM’s Fair Employment Practices Survey (2021) showed a decline in the proportion of resident job applicants who said that they experienced discrimination during their job search between 2018 (43%) and 2021 (25%). For resident employees, the proportion who said that they had experienced discrimination at work was 8% in 2021, lower than the EU average of 11% as recorded in the 2021 European Working Conditions Telephone Survey.”

While there are employers who strive to promote workplace fairness, it is difficult to categorically state this of employers across the board in Singapore. DPA has heard many reports of employers conducting their hiring practices showing little regard for or understanding of both general and specific guidelines in the Tripartite Guidelines on Fair Employment Practices (TGFEP). [Please refer to pp. 11 – 12 of [DPA 2022 Parallel Report](#) for specific examples.]

Even if a majority of employers abide by the TGFEP, we at DPA feel that measuring how employers align with the TGFEP may not necessarily capture the current state of workplace fairness at least as it pertains to disability.

For example, in the current TGFEP, there is quite a thorough listing of examples of what to include and what to avoid in job advertisements; however, an example pertaining to disability is absent from the list in the current guidelines. There are in fact a number of disability-related provisions that the TGFEP does not adequately address or include – such as a clear definition of disability or a clear definition of disability-based discrimination. Moreover, important terms such as “fairly” and “objective” are used frequently throughout the guidelines to describe what to do and yet do not have a clear definition.

Thus, in its current state, it is difficult to formulate a proper measure that will accurately capture the level of employers’ adherence to the TGFEP, but even if such a measure is formulated, it will not accurately capture the current state of workplace fairness in Singapore – at least as it pertains to disability.

Secondly, DPA would like to note that a decrease in the number of complaints received by TAFEP is not necessarily an accurate indicator of the current state of workplace fairness in Singapore.

As TAFEP has noted on several occasions, they encourage internal mediation before complaints are made to TAFEP, and thus if this advice is heeded, the total number of complaints is not a reflection of the number of incidents of discrimination that occurs in Singapore workplaces. Furthermore, the Tripartite Committee has itself noted in a later section of the Interim Report that: “Some employees may hesitate to come forward to report workplace discrimination or harassment out of fear of subsequently being disadvantaged in the workplace. This sentiment was raised by participants during the 2020 – 2021 Conversations on Singapore Women’s Development. In addition, the MOM Fair Employment Practices Survey (2021) showed that only one in five employees who experienced workplace discrimination sought help.” This is further supported by other studies such as a recent [August 2022 comprehensive study on workplace discrimination](#) conducted by the Association of Women for Action and Research (AWARE) in partnership with consumer research company, Milieu Insight, which showed that up to 54% of respondents to their survey who had faced discrimination did not report it to any channels.

Additionally, the number of disability-related discrimination complaints received by TAFEP [as stated in 3b of the “Recommendations” section of the Interim Report] may not be reflective of the actual prevalence of disability-based discrimination in Singapore because of the unique barriers that persons with disabilities face in reporting incidents of discrimination. From our research, persons with disabilities have shared that they often do not report incidents of discrimination as the reporting mechanisms and channels available to them are not accessible (i.e. whether it be websites that are not screen reader accessible, offices to deal with discrimination claims being located in parts of an office or building that is not wheelchair accessible, instructions on the reporting process not made available in easy-read plain text formats, etc.) – making reporting either unfairly arduous or impossible for disabled persons to do so in ways that will protect their anonymity or confidentiality. Furthermore, persons with disabilities have shared that even if such channels were made accessible, they at times would still find it difficult to report incidents of discrimination in a way that will protect their anonymity and confidentiality as (due to systemic barriers in accessing employment) many persons with disabilities still find themselves as one of the few if not the only person with a disability in their workplace.

DPA notes that the report of the MOM’s Fair Employment Practices Survey (2021) showing a decline in the proportion of resident job applicants who said that they experienced discrimination during their job search between 2018 (43%) and 2021 (25%) is a step in the right direction and thus in this regard of looking for work, it is fair to say that there are indicators showing improvement. However, it is worth noting that 25% is still a significant percentage especially for just this stage of employment.

DPA acknowledges the statistic of 8% of resident employees experiencing discrimination at work in 2021. However, it is also worth noting other studies that use a more expansive and comprehensive definition of discriminations that covers more of recent timespan (as the effects of discrimination often last more than a year) – such as that of the AWARE and Milieu Insight August 2022 study that includes direct discrimination, indirect discrimination, and discrimination-related harassment. With a more robust definition of discrimination, the AWARE and Milieu Insight August 2022 study suggests that approximately 55% of workers in Singapore have experienced discrimination at work on at least one occasion over the past five years.

DPA believes that more expansive definitions of discrimination that cover a wider timespan would improve the assessment of the state of workplace fairness in Singapore. Thus, while we do not dismiss the 8% statistic of the MOM Fair Employment Practices Survey, it is important to that this statistic is not considered in isolation, but alongside other studies such as that conducted by AWARE and Milieu Insight.

(2) Approach Taken in Developing Recommendations

Regarding the approach that the Tripartite Committee undertook in formulating their recommendations within the Interim Report, DPA would like to highlight two main areas of feedback: intentionality of consultations and guiding principles in developing their recommendations.

(a) Intentionality in consultations

Regarding consultations, para. 11 of this section of the Interim Report notes:

“Given the far-reaching impact of the legislation on different segments of society, the Committee has consulted widely. Since September 2021, the Committee has reached out to a diverse group of stakeholders, including employees, unions, employers, human resource and legal professionals, grassroots, non-governmental organisations, and community organisations.”

DPA agrees that the legislation has the potential to have far-reaching impacts and thus DPA commends the government for consulting a wide variety of stakeholders in developing the upcoming workplace anti-discrimination legislation. DPA is very appreciative that we have been able to engage with MOM and TAFEP regarding the upcoming workplace anti-discrimination legislation and we look forward to further conversations on this topic and others going forward.

However, as mentioned in the introduction to this response, some points and areas of concern we have raised through the different settings and communications with MOM and TAFEP did not make it into the Interim Report, nor do we have any clarification as to why they have not been included. We hope that such points and areas of concern (as highlighted in this response statement) will be included in the final draft of the legislation.

Furthermore, on the note of intentionality of consultations, DPA would like to enquire if intentionality has been given to consult and include the feedback of sub-populations within the disability community – i.e. women with disabilities, ethnic and religious minorities with disabilities, cultural and linguistic minorities with disabilities, etc. The experiences of discrimination faced by such subpopulations are unique and require particular attention. From our research, DPA would like to note that an individual who belongs to more than one historically marginalised community often faces barriers that multiply together to create a whole that is greater than the sum of its parts. For example, women with disabilities face discriminatory barriers that neither women without disabilities nor men with disabilities face – and remedies in legislation and policy should ensure that such double marginalisations are addressed. It is thus important to consult women with disabilities and other such populations specifically and not only women or people with disabilities.

(b) Guiding Principles of Tripartite Committee in Developing Recommendations

Before outlining their recommendations, the Interim Report presents a list of guiding principles that formed the basis of their recommendations. DPA welcomes a number of such principles – especially the principle on giving more assurance to workers in reporting incidents of discrimination or harassment without fear of retaliation and principles pertaining to strengthening enforcement mechanisms and avenues for redress in incidents of discrimination.

DPA would also like to highlight several questions – particularly principles pertaining to the upcoming legislation’s relation to the TGFEP and principles pertaining to exceptions for national objectives.

Firstly, para. 13a in the “Guiding Principles” section of the Interim Report notes:

“Legislation should complement and not replace the TGFEP. The TGFEP have worked well and hold up desirable and overarching principles of workplace fairness for employers. Legislation is more suited to proscribing unacceptable behaviour and can complement the TGFEP by drawing a clear line at unacceptable discriminatory acts.”

DPA agrees that the upcoming legislation can and must assist with clarifying various statements within the TGFEP. However, what DPA would like to enquire is if there will be new provisions within the legislation that are currently not present in the TGFEP or will the legislation mainly be an elaboration of points already in the TGFEP. Furthermore, para. 2 of the “Recommendations” section of the Interim Report notes that:

“The Committee recommends prohibiting specified forms of discrimination in legislation, while retaining the overarching principles of fair employment in the TGFEP for all employers’ adherence. The TGFEP will continue to cover all forms of workplace discrimination beyond the areas covered by legislation. It will also provide guidance on complying with the legislative requirements, while capturing other important tripartite guidelines on fair employment.”

DPA would like to seek clarification as to what “specified forms of discrimination” refers to. Moreover, DPA would like to clarify if the statement “The TGFEP will continue to cover all forms of workplace discrimination beyond the areas covered by legislation” will mean that there are forms and areas of discrimination that are currently covered in the TGFEP that will not be covered in the upcoming workplace anti-discrimination legislation. DPA is concerned that this is what the above paragraph implies. As it currently is, the TGFEP requires more elaboration on if not additions regarding expanding the forms of discrimination that exist in the workplace.

Secondly, the fourth principle mentioned in this section (para. 13d under “Guiding Principles” in the Interim Report) explicitly mentions disability. DPA agrees with the sentiment of this principle, but we have concerns about the phrasing and the potential characterisation of people with disabilities that the phrasing of this principle might convey. [Please refer to (3)(b) (iii) below for more.]

(3) Recommendations

The 20 recommendations of the Interim Report outlined in the “Recommendations” section are divided into four areas or “key thrusts”. DPA’s comments and response to the recommendations shall thus be group accordingly.

(a) Key Thrust A: Strengthen Protections Against Workplace Recommendations

The first key thrust in the Interim Report entitled “Strengthen Protections Against Workplace Recommendations” contains seven recommendations. The following highlights three areas within these seven recommendations that we welcome and where we have concerns and questions.

(i) Definition of Protected Characteristics and Discrimination

DPA acknowledges the inclusion of mental health conditions as a protected characteristic and notes that this is a step in the right direction.

Having noted this, DPA would like to reiterate that two of the most essential provisions for the disability community in the upcoming legislation are an inclusive definition of disability and an inclusive and expansive definition of discrimination.

An inclusive definition of disability:

There currently is no clear definition of disability in the TGFEP. This leaves ambiguity on the part of both employers and employees in cases where disability-based discrimination may have occurred. DPA recommends that an inclusive definition of disability that includes psychosocial disability, which is not rooted in medical and diagnosis models of disabilities and instead encompasses the social model of disability is included in the upcoming legislation.

DPA recommends the following definition of disability to be adopted in the legislation:

“Disability” means a physical, mental, intellectual or sensory impairment which when interacting with various barriers hinders a person’s full and effective participation in society and substantially limits one or more major life activities.”

The law can go on and specify the types of disabilities each category in the above definition is referring to. The South Korean “Act on Welfare of Persons with Disabilities” contains similar clarifications. Additionally, the law can also specify what constitutes as a “major life activity”. The United States’ “Americans with Disabilities Act” (ADA) contains such clarifications.

An inclusive and expansive definition of discrimination:

DPA acknowledges that Recommendation 2 (para.5 under the “Recommendations” section in the Interim Report”) notes that the upcoming legislation “will define prohibited discriminatory acts” and DPA would like to reiterate our recommendations that discrimination in the upcoming legislation be defined to encompass direct and indirect discrimination, along with harassment and the denial of reasonable accommodations as forms of discrimination.

These are all essential forms of discrimination that the upcoming legislation needs to cover. However, DPA would like to emphasise the need for provisions to ensure reasonable accommodations if the upcoming legislation is to have a meaningful impact for the disability community.

DPA remains hopeful that the upcoming legislation clearly defines discrimination with reference to the denial of reasonable accommodations in order to have a meaningful impact on workplace fairness.

(ii) Scope of legislation in the employment cycle

DPA is heartened to know that the legislation will cover all stages of employment as noted in Recommendation 3 in the Interim Report. DPA also agrees that the recruitment phase is a significant area where discrimination occurs, and we thus welcome provisions to ensure that job advertisements are worded to minimise or eliminate prejudicial language – as noted in Recommendation 4 of the Interim Report. However, DPA would like to enquire if there will be provisions to remove prejudicial language in other areas of the recruitment process – such as during the hiring process. DPA notes that currently there are such guidelines in the TGFEF pertaining to refraining from prejudicial language during the hiring process and would like to enquire if such guidelines will be elaborated, expanded upon, and included in the upcoming legislation.

Similarly, DPA recommends that there be provisions to ensure that other stages of the employment cycle are conducted in a manner that removes prejudicial language in addition to attitudinal barriers. For example, DPA heard from persons with disabilities that employers still use prejudicial definitions and criteria during performance reviews in ways that disadvantages persons with disabilities. Thus, it is important that the upcoming legislation expands on Recommendations 3 and 4 and ensure that attitudinal barriers – whether manifested through written or oral means of communication – are addressed.

(iii) Prohibition of retaliation

DPA is encouraged to learn that there will be provisions to prohibit retaliation towards individuals who report incidents of discrimination. We also welcome the list of prohibited retaliatory behaviours as listed in para. 17 of the “Recommendations” section in the Interim Report. We recommend that the list of such prohibited retaliatory behaviours or specify disability-specific/related provisions (i.e. denial of reasonable accommodation as a prohibited retaliatory behaviour).

(b) Key Trust B: Provisions to Support Business/Organisational Needs and National Objectives

The second key thrust in the Interim Report entitled “Provisions to Support Business/Organisational Needs and National Objectives” contains four recommendations. The following highlights three main areas within these four recommendations that we welcome and where we have concerns and questions.

(i) Exceptions for occupational requirements

DPA recognises the importance of allowing exceptions for occupational requirements as outlined in Recommendation 8 in the Interim Report. As Recommendation 8 notes: “the Committee recommends allowing employers to consider a protected characteristic in employment decisions if the protected characteristic is a genuine and reasonable job requirement. This has been a well-established principle in the TGFEF.”

DPA would like to recommend that the upcoming legislation not only provide examples but also a definition of what constitutes as “genuine and reasonable” – especially pertaining to disability. Persons with disabilities have commented that they still come across job advertisements and employers who still list requirements that they deem as “genuine and reasonable” that not only disadvantage persons with disabilities but are at times not “genuine and reasonable” or essential to the job.

The pandemic has underscored this with flexible work arrangements (FWAs) and work from home accommodations. It is now common to hear about the benefits of work-from-home accommodations. Many employers have continued work-from-home protocols even after such mandates have been lifted in Singapore – with many of such employers and employees citing better ease in balancing professional and personal commitments leading to better productivity – with up to 50% of individuals and up to 73% of women saying that flexible work arrangements should be the new norm according to a paper released in 2022 by the Institute of Policy Studies (IPS).

However, prior to the pandemic, persons with disabilities often had to fight hard for accommodations such as work from home measures. DPA has heard accounts of individuals with disabilities expressing frustration regarding how several of the jobs and positions they were turned down for prior to the pandemic primarily because of work-from-home requests were made into work-from-home positions during the pandemic. Often when such individuals with disabilities were denied from such positions during pre-pandemic times, the reason provided was that in-person work for the position was a “genuine” or “reasonable” requirement.

DPA thus recommends that the upcoming legislation include either examples and a definition of what constitutes as “genuine and reasonable requirements” and/or the upcoming legislation should require employers to explain in accordance with protected characteristics how such requirements do not discriminate in line with an inclusive and expansive definition of discrimination as recommended.

(ii) Recommendations pertaining to firms with 25 or fewer employees

“The Committee also recommends exempting small firms with fewer than 25 employees from the legislation for a start, with a view to lowering this exemption in five years. This approach recognises that smaller firms may not have the expertise and resources to fully implement the legislated requirements at the start. With this exemption, the legislation will still cover 75% of employees. Exempted firms will still be subject to the TGFEF as is the case today, and tripartite partners will step up education and capability development of these firms to better enable them to implement the requirements in time to come. Tripartite partners will monitor the situation after the legislation is introduced, with a view to lowering the exemption threshold of 25 employees for small firms in five years.”

DPA agrees that smaller firms may not have the same human resource capacity and resources as larger firms and that more attention and capacity need to be afforded to smaller firms to be able to apply the requirements of the upcoming legislation.

However, DPA recommends that the smaller firms of 25 employees or fewer not be subjected to a blanket exception but rather be given greater access to resources and capacity building from the get-go and/or have the monetary penalties waved till a later date but still require such smaller firms to abide by the upcoming legislation.

We note that with a blanket exception, 75% of employees will still be covered; however, that still subjects persons with disabilities to a significant percentage of fewer opportunities that are protected by the upcoming law.

(iii) Recommendations pertaining to affirmative action protocols

DPA notes that Recommendation 11 in the Interim Report explicitly mentions persons with disabilities and thus it is important to comment in particular on this recommendation. Recommendation 11 in the Interim Report notes:

“The Committee recommends allowing employers to favour persons with disabilities and seniors (≥55 years) over other groups in hiring decisions, even if there are other equally or more qualified candidates. This supports the ongoing tripartite agenda to promote and facilitate employment opportunities for these groups. To uphold the principle of merit, the candidate must still meet baseline job requirements, and in-employment decisions such as promotion would still be based on merit. The Committee does not recommend extending the exception to other groups as hiring should ultimately be based on merit and needs of the job. We will continue to support fair representation for women and minorities in the workplace through other approaches such as ensuring access to education, upskilling and job opportunities.”

DPA recognises that this is to support “the ongoing tripartite agenda to promote and facilitate employment opportunities” for groups such as people with disabilities and seniors. However, DPA finds the phrasing of this recommendation potentially problematic in its messaging about the Tripartite ongoing efforts to increase the employment prospects of persons with disabilities, as well as the overall messaging of hiring persons with disabilities.

DPA supports the Tripartite ongoing efforts to facilitate and increase employment of vulnerable populations such as persons with disabilities. However, the phrasing of the recommendation unintentionally mischaracterises the nature of affirmative action and what persons with disabilities bring to the work force.

The recommendation reads: “The Committee recommends allowing employers to favour persons with disabilities and seniors (≥ 55 years) over other groups in hiring decisions, even if there are other equally or more qualified candidates.”

A key basis for affirmative action measures is to recognise that historically marginalised groups such as persons with disabilities bring perspectives that add to the strengths of the organisation – perspectives that have been historically and continue to remain excluded. Yet, the above phrasing of the recommendation does not emphasise this important aspect of affirmative action measures. Additionally, the phrasing in the recommendation of “even if there are other equally or more qualified candidates” reinforces prevailing misconceptions of affirmative action measures of special favouritism and advantages that benefit historically marginalised groups over others, or inaccurate depictions of persons with disabilities as beneficiaries of charitable practices (when in reality persons with disabilities usually have to work harder to get to the same professional level as non-disabled individuals). We know that this is not the intent of the Tripartite Committee and thus we recommend that Recommendation 11 be reworded to avoid such inaccurate depictions and characterisations of affirmative action measures and persons with disabilities.

(c) Key Thrust C: Process for Resolving Grievances and Disputes While Preserving Workplace Harmony

The third key thrust in the Interim Report entitled “Process for Resolving Grievances and Disputes While Preserving Workplace Harmony” contains four recommendations. The following highlights two main areas within these four recommendations that we welcome and where we have concerns and questions.

(i) Requirements on implementing grievance handling procedures

Recommendation 12 in the Interim Report notes that employers are required to put in place “proper grievance handling processes”. In para. 33 of the Interim Report elaborating on this recommendation, it lists four requirements of such processes that will be legislated:

- Putting in place a proper inquiry and documentation process
- Informing employees of the firm’s grievance handling procedures
- Communicating the outcome of the inquiry to the affected employee
- Protecting the confidentiality of the identity of persons who report workplace discrimination and harassment, where possible

DPA is concerned that there is no mention in such requirements about ensuring accessibility for persons with disabilities in accessing and undergoing grievance handling processes while upholding anonymity and confidentiality.

As noted above in our analysis of the Interim Report's assessment of the state of workplace fairness, and as we have noted in other reports and communications, persons with disabilities have shared that one barrier in reporting incidents of discrimination is inaccessibility in their workplace grievance handling processes.

We thus recommend that all steps of such legislated grievance handling requirements be also required to be accessible for persons with disabilities in a manner that also protects anonymity and confidentiality, and that strong enforcement mechanisms be used to not only ensure that employers comply with such requirements as outlined by Recommendation 12, but to ensure compliance to making such steps accessible.

DPA understands that there may be additional costs required for particular accessibility upgrades and thus we recommend that with requirements for accessibility, that MOM/TAFEP provide expanded access resources that go beyond the current ODP that covers the recruitment process.

(ii) Accessibility requirements for claims assessments

Recommendations 13 and 14 in the Interim Report outline the current procedures for employment-related complaints – noting the various entities that are currently and will oversee processing employment related disputes or discrimination claims (i.e. entities such as TAFEP, the Tripartite Alliance on Dispute Management (TADM) and the Employment Claims Tribunal (ECT).

DPA would like to enquire if there are current enforceable accessibility requirements that all personnel and/or bodies within such entities as TAFEP, the TADM, and the ECT have to abide by and if there currently are not, DPA recommends that a set of enforceable accessibility requirements be put in place to ensure that persons with disabilities seeking redress through such entities can do so with optimal ease of access in a way that also protects anonymity and confidentiality.

(d) Key Thrust D: Ensuring Fair Outcomes Through Redress for Victims of Workplace Discrimination and more Appropriate Penalties for Breaches

The fourth key thrust in the Interim Report entitled "Ensuring Fair Outcomes Through Redress for Victims of Workplace Discrimination and more Appropriate Penalties for Breaches" contains five recommendations. The following highlights areas within these five recommendations that we welcome and where we have potential concerns.

DPA appreciates the list of monetary and non-monetary remedies as outlined in Recommendations 16 and 17 in the Interim Report, along with the list of enforcement levers listed in Recommendation 20 of the Interim Report.

DPA believes that such provisions have potential to lead to the intended outcomes of minimising discrimination especially for persons with disabilities in the workplace. However, such provisions are likely to achieve the intended outcomes only if the recommendations we have outlined – especially pertaining to the need for an inclusive definition of disability and an inclusive and expansive definition of discrimination [as noted above in (3)(a)(i)] are included in the upcoming legislation.

For example:

(i) in the mediation process:

Recommendation 16 in the Interim Report focuses on the mediation process that will be offered through TADM. The Interim Report notes that TADM will focus on mediation and only once mediation is unsuccessful, then the case will go to the ECT. It further notes that in the mediation process at TADM, “the focus should be on correcting errant practices and mending the employment relationship where practicable, and not primarily monetary compensation”.

DPA believes that such an approach has potential to educate and potentially provide supports in formulating a more inclusive workplace. However, if an inclusive and expansive definition of discrimination as recommended is not a part of the definition of “errant practices”, then DPA is concerned that attempts by persons with disabilities who have experienced discriminatory acts will not receive the necessary levels of mediation and attention necessary in addressing the concerns and barriers faced by persons with disabilities in the workplace.

(b) in attaining remedies through ECT

Furthermore, Recommendations 17 in the Interim Report notes the current range of monetary remedies recommended for the ECT to enforce. Additionally, Recommendation 18 in the Interim Report notes that to “address the issue of frivolous or vexatious claims, (e.g. where a claimant wilfully persists with a claim despite having no evidence of discrimination), the Committee recommends empowering the ECT to strike out frivolous or vexatious claims or to award costs of up to \$5,000 to be paid by the unsuccessful claimant to the respondent in these situations”.

Similar to our concerns about mediation, if there are limited forms of discrimination addressed in the upcoming legislation, it will not only be difficult for persons with disabilities to seek redress, but persons with disabilities may find themselves hesitant to appeal decisions out of concern that their appeals might be deemed as a persistent “frivolous or vexatious” claim.

(iii) Enforcement levers

Likewise, DPA is heartened to know that there will be enforcement levers in the upcoming legislation and that Recommendation 20 in the Interim Report lists the three main tiers of enforcement levers that MOM will have the authority to enact.

Similar to our concerns with mediation processes, para. 45b in the Interim Report notes the phrase “errant practices” – underscoring our points above in (3)(d)(i) about the need for inclusive and expansive definitions of discrimination to adequately ensure that all discriminatory barriers faced by persons with disabilities, especially the barrier of denial of reasonable accommodations – will be addressed and enforced in the upcoming legislation.

(4) Conclusion

In the Interim Report's concluding remarks, it notes that:

"This legislation will be an important next step in enhancing our workplace fairness framework, but it is not a panacea. To strengthen workplace fairness, a coordinated and sustained effort by employers, employees, unions and the Government is required. Continued education of all employers and workers is also important. The Committee is confident that this new legislation, coupled with other enforcement measures and continued education efforts, will help to advance fair and progressive employment practices in Singapore."

DPA would like to conclude our response by noting that we agree with this sentiment by the Tripartite Committee and would like to reiterate that while not a panacea, we believe that with the recommendations that DPA has put forth, the upcoming legislation, coupled with the necessary recommended enforcement and implementation measures, has the potential to address and eradicate many of the discriminatory barriers faced by disabled people in Singapore.

DPA looks forward to continued engagement with MOM and TAFEP on such recommendations and would welcome collaboration with any other partners on assisting in the remaining efforts of the drafting and codification of the upcoming legislation.