

The following is a summarised 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 focuses 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.

DPA supports the need for legislation that promotes fairness in the workplace and is happy that the law will recognise that the disability community should have access to legal protection from discriminatory behaviour, policies and acts at their places of employment. DPA wants this legislation to succeed in its goal and this is why we have been in discussion with the Ministry of Manpower (MOM) over the past year and continue to give constructive feedback, including publishing our response to the interim report. 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 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.

There are areas of the Interim Report that DPA is heartened by and welcomes. For example, while we are concerned that there are areas of recommendation, we have raised that have not made it into the Interim Report, DPA is appreciative that the government is consulting a wide range of stakeholders and we are thankful that we have been able to engage with government entities on the upcoming legislation and look forward to more conversations ahead.

DPA also welcomes the fact that some of the main guiding principles that have informed the Tripartite Committee's recommendations thus far have been 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. These are principles that DPA shares and supports.

Moreover, DPA is heartened that out of the 20 recommendations in the Tripartite Committee's Interim Report, there are a number that build off such aforementioned principles (i.e. Recommendation 6, 17, 19, 20). DPA also welcomes Recommendation 3 that notes that the upcoming legislation will cover all stages of employment.

However, there are questions that we have about other areas of the Interim Report that we would like to raise.

For example, while we note the positive step of including mental health conditions as a protected characteristic, we would like to reiterate our recommendation for the upcoming legislation to have an inclusive definition of disability that is based in the social model of disability. As Singapore has ratified the Convention on the Rights of Persons with Disabilities (CRPD), DPA recommends that psychosocial disabilities are included in how disability is defined in the upcoming legislation. Similarly, we note that the Interim Report is clear that the upcoming legislation will define what constitutes as discriminatory acts. However, it is not yet clear what this definition will be. As a result, DPA would like to reiterate our recommendation for the upcoming legislation to have an inclusive and expansive definition of discrimination to appropriately and adequately address the various discriminatory barriers that still exist for disabled persons in or entering the workplace. As we have previously commented, this definition of discrimination needs to cover both direct and indirect discrimination, harassment, as well as the denial of reasonable accommodation as a form of discrimination. Indeed, the denial of reasonable accommodation is one of the key indicators of discrimination in the workplace.

DPA would also like to seek clarification on particular exceptions to the legislation. For example, Recommendation 8 notes that employers can consider protected characteristics if they are part of “genuine and reasonable job requirements” (i.e., “a wellness establishment may require its therapists to be female, as their job is to carry out personal body massages and spa treatments for their female customers”, etc.). While DPA understands the need for such a provision, DPA recommends that the upcoming legislation either defines what constitutes as a genuine or reasonable job requirement” and/or there be measures in the upcoming legislation to require employers to explain why a particular job requirement is genuine or reasonable – especially if it pertains to disability.

Additionally, we would like to reiterate our recommendations regarding the need for accessibility to be made a requirement in all areas of the implementation and enforcement provisions in the upcoming legislation and provision for such accessibility requirements also be legislated in the upcoming law. Whether it be the various requirements for employers in their implementation of grievance handling and reporting processes (Recommendation 12), or the various processes of mediation and/or adjudication that a claimant might undergo at the Tripartite Alliance for Dispute Management (TADM) or the Employment Claims Tribunal (ECT) (Recommendations 13 and 14), DPA recommends that enforceable accessibility requirements also be legislated to ensure the removal or at the very least minimisation of access barriers for persons with disabilities undergoing such processes.