



# **ACHIEVING FAIRNESS IN EMPLOYMENT FOR PERSONS WITH DISABILITIES IN SINGAPORE**

DISABLED PEOPLE'S ASSOCIATION (DPA) SINGAPORE

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# INTRODUCTION

## Background

The topic of fairness in employment will be a key area of focus in Singapore in 2024 – with the country set to codify its first workplace anti-discrimination law known as the Workplace Fairness Legislation (WFL) later this year. Prime Minister Lee Hsien Loong first announced plans for the WFL during his National Day Rally (NDR) speech in August 2021.<sup>1</sup>

Since that announcement, the Disabled People’s Association (DPA) has made advocating for the optimisation of the WFL a top policy advocacy priority. This is not only because the WFL will be Singapore’s first workplace anti-discrimination law, but more importantly because of the accounts we have received over the years of discriminatory and attitudinal barriers that still exist towards people with disabilities in or entering the workforce in Singapore.<sup>2</sup> This is underscored by other recent studies such as a 2022 comprehensive survey on workplace discrimination conducted by the Association of Women for Action and Research (AWARE) and Milieu Insight which showed that Persons with disabilities experienced discrimination at a significantly higher rate (78%) than persons without disabilities (50%).<sup>3</sup>

We have thus spent the past two years in conversations with individuals from the Tripartite Committee on Workplace Fairness – a government committee formed in 2021 to oversee development of the WFL, along with other relevant individuals from the Ministry of Manpower (MOM) and the Tripartite Alliance on Fair Employment Practices (TAFEP).

As part of our advocacy efforts, we conducted qualitative research and held dialogues and conversations between 2022 – 2023 where we gathered feedback from persons with disabilities focusing primarily on their thoughts and experiences on workplace fairness and discrimination. In our various engagements with the Tripartite Committee on Workplace Fairness over the last two years, we had already begun sharing the feedback from persons with disabilities from our research and conversations (while preserving the anonymity of persons with disabilities from our research and conversations), along with our recommendations based on such research and conversations. Additionally, we also have shared portions of our findings and recommendations from our research and conversations in different platforms through published op-eds in various outlets, position papers, articles, and explainers on our website, or DPA webinars (all while also preserving the anonymity of persons with disabilities from our research and conversations). Additionally, there are important insights from persons with disabilities through our research and conversations between 2022 – 23 that we have not had the opportunity yet to publish.

We thus decided to consolidate our recommendations from our advocacy work on the WFL between 2022 – 23, based on our research and conversations with persons with disabilities and other relevant experts on the topic of fairness in employment, into the following report.

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<sup>1</sup> Jalelah Abu Baker, 29 August 2021, “NDR 2021: Singapore to enshrine into law workplace anti-discrimination guidelines,” CNA. <https://www.channelnewsasia.com/singapore/ndr-2021-anti-discrimination-law-tafep-pm-lee-2143101>

<sup>2</sup> Disabled People’s Association (DPA) Singapore, 2018, “Discrimination Faced by People with Disabilities in the Workplace,” DPA. <https://dpa.org.sg/wp-content/uploads/2022/05/Discrimination-Faced-by-People-with-Disabilities-at-the-Workplace-Study.pdf>

<sup>3</sup> Association of Women for Action and Research (AWARE), 20 September 2022, “1 in 2 experienced workplace discrimination in Singapore over the past five years,” AWARE. <https://www.aware.org.sg/2022/09/1-in-2-experienced-workplace-discrimination-aware-milieu-survey/>

## Objective and Purpose

It is our hope and objective that the information and recommendations presented in this report will serve as a resource, and assist in enhancing the discussions both amongst policy makers and the general public on matters of disability equity and inclusion in the employment landscape in Singapore for the upcoming year and beyond – not only for conversations around the WFL in 2024 but also in other dialogues pertaining to fairness in employment in the years ahead.

As we gathered feedback from persons with disabilities on the topic of workplace fairness as part of our advocacy efforts on the WFL, persons with disabilities shared their insights not only on the WFL, but also on other aspects and barriers of the employment landscape. We therefore present recommendations in this report that directly focus on the WFL, but also on other areas that are important in achieving fairness in employment for persons with disabilities in Singapore.

In addition to the WFL, it is our hope that the information and recommendations in this report will also assist with other efforts – such as assisting with optimising the goals of EMP2030, and assisting with bringing Singapore closer to the standards of the UN CRPD on areas of employment.

### EMP2030:

In 2022, the Singapore government released its Fourth Enabling Masterplan– Enabling Masterplan 2030 (EMP2030) – charting out the government’s plans and initiatives to enhance disability inclusion from 2022 – 2030. Pertaining to employment, EMP2030 notes that the government’s goal is that “by 2030, persons with disabilities who can work will be recognised for their abilities, knowledge and skills, and are able to achieve gainful employment”.<sup>4</sup> EMP2030 further notes that to accomplish this goal, the government will be aiming to increase the number of employers that commit to disability-inclusive employment and widen the range of alternative and supported models of employment. To accomplish such goals, EMP2030 notes new initiatives that the government has been working on such as the new Enabling Business Hubs (EBHs) and the Enabling Mark and Enabling Employment Pledge.<sup>5</sup> Currently, the employment rate of persons with disabilities remains less than half that of the general public – at 32.7% to 66.2% respectively; however, EMP2030 has set the target of achieving 40% employment rate amongst persons with disabilities by 2030.<sup>6</sup>

When laying out the recommendations of EMP2030, the government noted that the recommendations of EMP2030 will “evolve along the way” and that the government welcomes contributions and a collective effort.<sup>7</sup> This was reiterated by the government during the recent 2024 Committee of Supply (COS) debates where they noted that EMP2030 is a “live plan” and that the government is open to evolving some of the strategies and methods of EMP2030.<sup>8</sup>

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<sup>4</sup> Ministry of Social and Family Development (MSF), 2022, "Enabling Masterplan 2030 (EMP2030)," MSF.gov.sg. [https://www.msf.gov.sg/docs/default-source/enabling-masterplan/emp2030-report-\(final2\).pdf](https://www.msf.gov.sg/docs/default-source/enabling-masterplan/emp2030-report-(final2).pdf)

<sup>5</sup> Ibid.

<sup>6</sup> Ministry of Manpower (MOM), 7 February 2024, "Statistical Table: Employment Outcomes of Persons with Disabilities," MOM.gov.sg. Accessed March 2024. <https://stats.mom.gov.sg/Pages/Employment-Outcomes-of-Persons-With-Disabilities-TimeSeries.aspx>; Ministry of Manpower (MOM), 31 January 2024, "Labour Force in Singapore 2023," MOM.gov.sg. Accessed March 2024. <https://stats.mom.gov.sg/Pages/Labour-Force-In-Singapore-2023.aspx>

<sup>7</sup> MSF, 2022, "Enabling Masterplan 2030 (EMP2030),"

<sup>8</sup> Hansard - Parliament of Singapore, 6 March 2024, "Committee of Supply – HEAD I (Ministry of Social and Family Development)," Parl.gov.sg. <https://sprs.parl.gov.sg/search/#/sprs3topic?reportid=budget-2390>

We at DPA appreciate the government's efforts. We have been able to provide our feedback to EMP2030 and it is our hope that this report on fairness in employment can assist towards optimising and enhancing the goals set out in EMP2030.

The UN CRPD:

In addition to the launch of EMP2030, 2022 was also an important year for disability in Singapore as it was the first time representatives from the Singapore government met with the United Nations Committee on the Rights of Persons with Disabilities as part of the Singapore government's obligations to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD).

The UN CRPD is a UN international convention outlining what it means to respect, protect, and fulfil the rights of persons with disabilities. It is an internationally-agreed upon document by disability rights experts around the world that outlines the standards, principles, and practices required for disability rights and inclusion. Countries that ratify the UN CRPD enter into an agreement with the United Nations to work towards achieving the standards, principles, and practices of the UN CRPD.

The Singapore government ratified the UN CRPD in 2013 and in August 2022, representatives from the Singapore government met for the first time with members from the UN Committee of the Rights of Persons with Disabilities (the UN body in charge of assisting governments in implementing the UN CRPD) to discuss the state of disability rights and inclusion in Singapore. Proceeding the two days of meetings, the UN Committee on the Rights of Persons with Disabilities published their Concluding Observations – noting their recommendations on areas where the Singapore government needs to make improvements to meet the standards, principles, and practices outlined in the UN CRPD.<sup>9</sup>

We believe that the recommendations in this report, based on our research and conversations with persons with disabilities and other relevant experts, can thus assist the government and other relevant stakeholders in not only meeting the objectives and goals of EMP2030, but also that of the recommendations laid out by the UN Committee on the Rights of Persons with Disabilities in their 2022 Concluding Observations to Singapore, pertaining to topics of employment.

The recommendations in this report are intended to be not exhaustive as our advocacy work is always on-going. If anything, the recommendations in this report as a bare minimum of what DPA believes, based on our research and conversations with persons with disabilities and other relevant experts, needs to be addressed in achieving fairness in employment for persons with disabilities in Singapore. Therefore we intend for this report to be just one reference point in our continuing advocacy work for an inclusive Singapore.

This report builds on DPA's previous work and publications on advocating for inclusion and equity in employment for persons with disabilities. Most notably, in 2018, DPA, in collaboration with the Institute for Policy Studies (IPS), published a report entitled "Discrimination Faced by Persons with Disabilities in the Workplace".

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<sup>9</sup> United Nations Committee on the Rights of Persons with Disabilities, 9 September 2022, "Concluding observations on the initial report of Singapore," United Nations.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSGP%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSGP%2fCO%2f1&Lang=en)

## Development of Report

As noted in the previous section, the report is an outline of DPA recommendations on the topic of fairness in employment for persons with disabilities in Singapore based on our research and conversations with persons with disabilities and other relevant experts between 2022 – 23.

Additionally, the UN CRPD does well to outline what constitutes as fairness in employment for persons with disabilities and therefore the UN CRPD guided much of the development of this report. For example, many of the concepts found in the UN CRPD guided our questions when gathering feedback from persons with disabilities through our research and conversations, and ultimately such concepts guided the formation of our recommendations. We thus make frequent references to such concepts found in the UN CRPD throughout the various sections of the report.

Our recommendations have been guided by our research and conversations with persons with disabilities through a series of interviews, focus groups, dialogues, and correspondences. When gathering feedback from persons with disabilities, accessibility and anonymity were of top priority. [see Annex B for an outline of the data collection process for the research that went into the report]

Persons with disabilities who participated in our research and conversations from 2022 – 23 comprised of the following disabilities: physical disability, D/deaf/hard-of-hearing, blind/visually impaired, neurodiverse/autistic, mild intellectual disability, developmental disability, and psychosocial disability/mental health condition. In the interest of preserving anonymity, when referencing particular quotes or accounts from persons with disabilities in the report, we do not make reference to their specific condition or disability but left the description of their disability to these broad seven categories. While we took efforts to optimise representation amongst various disability groups, we received more feedback from particular disability communities.

We take this opportunity to thank all persons with disabilities who took the time to provide their feedback, insights, and experiences as we advocate for a fair and inclusive employment landscape in Singapore

When forming our recommendations, we also spoke with various relevant subject matter experts, such as legal, social service, and policy professionals, and would also like to thank such individuals who took the time in providing their insights.

Other than DPA staff and board members, several volunteers provided their time and expertise during various phases of the report– whether it be in the research or drafting phases – and we thus take this opportunity to thank our volunteers in their assistance in the development of this report.

## Outline of Report

The report is divided into two parts. Part I outlines our recommendations on the WFL, and is divided into two sections – section 1.1 highlighting our recommendations on the need for the WFL to cover all forms of discrimination, and section 1.2 focusing on our recommendations on other areas of the legislation that are important to address for the WFL to be effective.

As outlined, when gathering feedback from persons with disabilities on the topic of workplace fairness, persons with disabilities spoke of not only areas that directly related to the WFL but also of other areas in the employment landscape in Singapore that have a direct impact on achieving fairness in employment.

Part II thus highlights such other areas and outlines our recommendations based on such topics. Part II is divided into three sections – section 2.1 focusing on the topic of indicators of fair and gainful employment, section 2.2 focusing on the means by which disability-inclusive employment is promoted in Singapore, and section 2.3 focusing on the importance and need for strong protections and provisions in not only the WFL but in other areas of Singapore society that have a direct impact on employment.

Each of the above sections contains subsections where we begin with outlining the issue at hand followed by an explanation of DPA's recommendations.

The report outlines a total of 14 recommendations. [see Annex A for a list of the 14 recommendations] As noted in the previous section, these recommendations are not designed to be exhaustive, and if anything, represent the bare minimum of what DPA believes, based on our research and conversations with persons with disabilities and other relevant experts, is necessary in achieving fairness in employment for persons with disabilities in Singapore.



## PART I: The Workplace Fairness Legislation (WFL)

In August 2023, the Tripartite Committee on Workplace Fairness released its final report containing their recommendations for the upcoming workplace fairness legislation (WFL).<sup>10</sup>

Part I of this report contains DPA's commentary and response to the recommendations in the Tripartite Committee's final report, along with DPA's recommendations on the WFL as it heads towards Parliament in 2024 – guided by our research and conversations with persons with disabilities and other relevant experts. [For more on how our recommendations pertaining to the WFL can translate into legal provisions, we refer to AWARE's position paper on the WFL which presents a legal framework of examples on how recommendations to prohibit all forms of discrimination and be inclusive of all disability groups (among other legislative areas) can be worded in the law itself.]<sup>11</sup>

Part I is divided into two sections:

section 1.1 focuses on our recommendations on the need to ensure the WFL addresses all forms of discrimination. As many of the concerns raised by persons with disabilities in our research and conversations relate to the importance of ensuring reasonable accommodations, a significant portion of section 1.1 is dedicated to outlining our recommendations on reasonable accommodations.

Section 1.2 focuses on other areas of the Tripartite Committee's final report that we believe are important to address for the WFL to be effective in meeting the realities and concerns of persons with disabilities.

### 1.1 Scope of Legislation to Address All Forms of Discrimination

In their final report, the Tripartite Committee recommends that the WFL limit its definition of discrimination to direct discrimination, which they recommend defining as “making an adverse employment decision because of any protected characteristic”.<sup>12</sup>

The Tripartite Committee recommends that “employment decision” will refer to “the preemployment (e.g. recruitment), in-employment (e.g. promotion, performance appraisal, training) and end-employment (e.g. dismissal) stages”.<sup>13</sup> The Tripartite Committee recommends that the WFL cover the following five protected characteristics:<sup>14</sup>

- Nationality
- Age
- Sex, Marital Status, Pregnancy Status, Caregiving Responsibilities
- Race, Religion, Language
- Disability and Mental Health Conditions

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<sup>10</sup> Ministry of Manpower (MOM), August 2023, "Tripartite Committee on Workplace Fairness Final Report," MOM.gov.sg. <https://www.mom.gov.sg/-/media/mom/documents/press-releases/2023/tripartite-committee-on-workplace-fairness-final-report.pdf>

<sup>11</sup> Association of Women for Action and Research (AWARE), 6 March 2023, "Beyond Fairness: A legal framework for anti-discrimination in the workplace," AWARE. <https://www.aware.org.sg/wp-content/uploads/AWARE-Beyond-Fairness-Workplace-Discrimination-Position-Paper-7-March-2023.pdf>

<sup>12</sup> Ministry of Manpower (MOM), August 2023, "Tripartite Committee on Workplace Fairness Final Report.": “Recommendations”, para. 3

<sup>13</sup> Ibid, “Recommendations”, para. 9.

<sup>14</sup> Ibid, “Recommendations”, para. 5

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However, as section 1.1 will outline, persons with disabilities have expressed concerns of the prevalence of other forms of discrimination – including denial of reasonable accommodations, indirect discrimination, and discriminatory-related harassment.

Therefore, if the WFL will only have a narrow definition of discrimination that only pertains to direct discrimination as the Tripartite Committee is recommending, and not include other frequent forms of discrimination such as indirect discrimination or denial of reasonable accommodation, it is difficult to say that the WFL will be effective in addressing the concerns and discriminatory barriers that persons with disabilities face in employment in Singapore – this is one of our main concerns.

Ensuring persons with disabilities are protected against all forms of discrimination is important for Singapore to remain in obligation to the UN CRPD. The UN CRPD specifically emphasises that there should be prohibition of “all forms of discrimination” and “legal protection against discrimination on all grounds” as outlined in Article 5 of the UN CRPD.<sup>15</sup> More specifically, when clarifying the obligations of governments that have ratified the UN CRPD, the United Nations, through the UN Committee on the Rights of Persons with Disabilities General Comment on equality and non-discrimination, has noted that “all forms of discrimination”, in accordance with international human rights practice, includes not only direct discrimination, but also in particular, indirect discrimination, discriminatory-related harassment, and the denial of reasonable accommodations.<sup>16</sup>

Furthermore, in their 2022 Concluding Observations to Singapore, the UN Committee on the Rights of Persons with Disabilities noted their concern about “The absence of a comprehensive definition of discrimination against persons with disabilities” in Singapore, and their recommendation for Singapore to “Adopt a comprehensive definition of discrimination on grounds of disability” and to “ensure that persons with disabilities are comprehensively protected from discrimination”.<sup>17</sup>

Ensuring that the WFL includes these other forms of discrimination in the definition of discrimination is not only important for Singapore to fulfil its obligations under the UN CRPD, but also for the WFL to properly address the various forms of discriminatory barriers facing persons with disabilities in employment in Singapore. As noted, from our research and conversations, persons with disabilities shared their concerns about attitudinal barriers that still exist in the workplace that relate not only to direct discrimination but also other forms of discrimination such as indirect discrimination, discriminatory-related harassment, and the denial of reasonable accommodations.

### **1.1.1 The Importance of Reasonable Accommodation Provisions in the WFL**

In our research and conversations, many of the concerns shared by persons with disabilities relate to the denial of reasonable accommodations.

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<sup>15</sup> United Nations, "Article 5 | Convention on the Rights of Persons with Disabilities," <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-5-equality-and-non-discrimination.html>

<sup>16</sup> United Nations Committee on the Rights of Persons with Disabilities, 26 April 2018, "General comment no. 6 (2018) on equality and non-discrimination," United Nations. Para. 18. <https://digitallibrary.un.org/record/1626976>

<sup>17</sup> United Nations Committee on the Rights of Persons with Disabilities, 9 September 2022, "Concluding observations on the initial report of Singapore.": para. 9, 10.

According to the UN CRPD, reasonable accommodations are “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case”.<sup>18</sup> Ensuring reasonable accommodations through law is essential for the Singapore government to remain in compliance with its obligations under the UN CRPD. The UN CRPD thoroughly emphasises the importance of reasonable accommodations – as it cites the need to prohibit the denial of reasonable accommodations in multiple articles within the convention. When the UN CRPD defines “discrimination” in Article 2, it makes special mention of denial of reasonable accommodation – noting that “discrimination” “includes all forms of discrimination, including denial of reasonable accommodation”.<sup>19</sup> When addressing employment, the UN CRPD notes in Article 27 that State Parties such as Singapore “shall safeguard and promote the realisation of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation” to “Ensure that reasonable accommodation is provided to persons with disabilities in the workplace”.<sup>20</sup>

In their 2022 Concluding Observations to Singapore, the UN Committee on the Rights of Persons with Disabilities noted on more than one occasion within their recommendations to the Singapore government on the need to prohibit the denial of reasonable accommodations. For example, when commenting on non-discrimination in Singapore, the UN Committee noted that it is “concerned about The lack of recognition of denial of reasonable accommodation as a form of discrimination on the basis of disability” in Singapore, and recommends that Singapore “Adopt legal provisions and create practice to recognise denial of reasonable accommodation as a form of discrimination in all areas of life, and include an express definition of reasonable accommodation consistent with article 2 of the Convention”.<sup>21</sup> Additionally, when commenting about the state of employment for persons with disabilities in Singapore, the UN Committee noted with concern about “the reluctance of employers to provide reasonable accommodation for persons with disabilities” and recommends “recognising the denial of reasonable accommodation as a form of prohibited discrimination” in Singapore.<sup>22</sup>

As noted in its definition, reasonable accommodations are “necessary” modifications for persons with disabilities – hence the strong emphasis in the CRPD and by the UN Committee on the Rights of Persons with Disabilities.

To summarise, in the context of employment, reasonable accommodations may be defined simply as: necessary modifications or adjustments, not posing an undue burden, to a policy or practice that enable persons with disabilities to perform the tasks of a given job. Reasonable accommodations are not special advantages or special treatment but necessary and essential. Examples of reasonable accommodations include (but are not limited to): flexible working arrangements (FWAs) such as work from home, the utilisation of screen readers or sign language interpreters, receiving documents in alternative formats, installation of ramps, allowance of various means of communications, hybrid means of conversing/meetings, etc.

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<sup>18</sup> United Nations, "Article 2 | Convention on the Rights of Persons with Disabilities," <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html>

<sup>19</sup> Ibid.

<sup>20</sup> United Nations, "Article 27 | Convention on the Rights of Persons with Disabilities," <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-27-work-and-employment.html>

<sup>21</sup> United Nations Committee on the Rights of Persons with Disabilities, 9 September 2022, "Concluding observations on the initial report of Singapore.": para. 9, 10.

<sup>22</sup> Ibid: para. 51, 52.

To determine whether an accommodation request is “reasonable”, the UN Committee on the Rights of Persons with Disabilities recommends that there needs to be the presence of certain factors that will assist the employer in implementing the accommodation – and hence not presenting an “undue burden” to the employer. To summarise, the UN Committee recommends that for an accommodation request to not pose an undue burden, or for an accommodation request to be considered “reasonable”, there has to be the presence of factors such as availability of funding and financial assistance (especially if the accommodation request requires financing) and the availability of technical assistance support and resources (especially if the employer is unfamiliar of how to implement the given accommodation request).<sup>23</sup>

In Singapore, there are entities in place such as grants from the government to fund any potential cost of a reasonable accommodation such as the Job Redesign Grant (JRG) under the Open Door Programme (ODP), along with technical assistance support from disability organisations that are willing and ready to assist employers should employers be unfamiliar with implementing a particular reasonable accommodation.<sup>24</sup> Yet, despite such entities in Singapore to assist employers, a frequent theme cited by persons with disabilities through our research and conversations is employers not providing them such essential and necessary reasonable accommodations.

Persons with disabilities thus expressed their concerns that (1) not receiving such essential and necessary modifications, due to a lack of regulation mainstreaming reasonable accommodation protocol in Singapore workplaces, affected their employment prospects - whether it was in (a) finding employment, or (b) maintaining and advancing in employment, and expressed their concerns about (2) the current difficulties they face in disclosing their need for reasonable accommodations.

## **(1) Importance of reasonable accommodations on employment prospects**

### **(a) Finding employment**

For many persons with disabilities, reasonable accommodation provisions are necessary from the beginning of the employment cycle.

For example, a frequent occurrence cited by D/deaf/hard-of-hearing participants in our research and conversations was hiring managers not being willing to provide reasonable accommodation of communicating to them via email to arrange the job interview despite indicating on their applications the need for this reasonable accommodation. While some might attribute this to a lack of awareness, in several of the accounts, the participant’s further enquiry on the hiring manager’s insistence to solely rely on one mode of communication revealed clear discriminatory and prejudicial attitudes by hiring managers. For instance, the following is from Participant 38 (D/deaf/hard-of-hearing):

“No matter how I disclose in my CV or in my emails to correspond with me via email or text because I am deaf, they [employers/hiring managers] still call ... so there was once I put down my friend's handphone number and asked my friend to inform the hiring manager to email me, and there was one company that called my friend and my friend informed the hiring manager "this person is deaf can you send an email to her", but the hiring manager just replied by saying that they [the company] will delete my name from the list.”

Participant 38 (D/deaf/hard-of-hearing)

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<sup>23</sup> United Nations Committee on the Rights of Persons with Disabilities, 26 April 2018, "General comment no. 6 (2018) on equality and non-discrimination.": para. 26, 27.

<sup>24</sup> SGenable, "Employ Persons with Disabilities | For Employers," SGenable. Accessed March 2024. <https://www.sgenable.sg/your-first-stop/hiring-employment/employers/employ>

It is important to note that many of the jobs Participant 38 applied to – including the case cited in the above quote – had little to nothing to do with whether the candidate can answer phone calls. As noted in the Introduction, a goal of EMP2030 is to achieve “gainful employment” for persons with disabilities in Singapore by 2030, and to reach a 40% employment rate of persons with disabilities by 2030. However, as accounts like this and others in this report illustrate, for many persons with disabilities, ensuring reasonable accommodations are essential and indispensable to even getting a foot in the door of attaining employment – i.e. in even participating in the interview process.

Persons with disabilities expressed concerns that the lack of embrace of reasonable accommodations in Singapore workplaces, leading to a number of employers not even attempting to explore reasonable accommodation provisions, play a major factor in their ability to find employment.

One such example was Participant 11 (blind/visually impaired), who began to lose his eyesight in the latter half of his career. Since then, he relies mainly on a screen reader. He noted that he felt he could still apply his past training and experience in real estate in the sector – mainly through consultancy roles where screen reading software can usually accomplish many of the tasks required in such roles. However, he found that prospective employers were not comfortable with hiring him. He expressed frustration – as he felt that the reason was that employers are still not hiring fairly – including not being willing to even try out reasonable accommodation - as he notes:

“Like maybe in real estate. I'm also trained in real estate. What do you call marketing? I've been a real estate trainer also. So all this kind even without my sight, I can still sort of guide people into the way of marketing. But unfortunately a lot of companies are not comfortable with that. Big companies in marketing despite the fact that they didn't even want to try.”

Participant 11 (blind/visually impaired)

Because of such attitudinal barriers, even after an extensive search, Participant 11 was only able to find part-time per-hour work that yielded far less hours he was willing and able to work for, and that did not utilise his past training in real-estate.

## **(b) Maintaining and advancing in employment**

The denial of reasonable accommodations plays a significant role in not only whether a person with disability can find or secure employment, but also in maintaining and advancing in employment.

For example, Participant 35 (neurodivergent/autistic) needed flexible work arrangements such as flexible starting and ending times to cope with the workload due to his disability. Yet, in one of his previous work experiences, he recounted that his employer/supervisor “wouldn't bother” even exploring such reasonable accommodation options despite knowing of his disability and despite the flexible nature of the role. Participant 35 found himself stressed and overwhelmed - leading to Participant 35 having to resign.

The occurrence of employers exhibiting little concern about providing reasonable accommodations was also evident in one of Participant 24's (blind/visually impaired) previous workplaces. Participant 24 noted that in one of his previous workplaces, his employer did not provide him with the necessary modifications or adjustments, and at times did not even consider exploring reasonable accommodation options, to accommodate his disability, and despite this lack of assistance, his employer provided Participant 24 with a poor review in his performance evaluations. He noted with exasperation: “they don't have help for me, then they want me to do all this and that they say I do nothing – it's not fair for me”. Due to such attitudinal barriers he encountered, Participant 24 noted feeling significant stress – leading him to resign.

For Participant 23 (D/deaf/hard-of-hearing), the refusal of her colleagues and occasionally her employer to communicate via written communication – a reasonable accommodation she needs – led not only to her experiencing “great difficulty” in her work, but her also noting that she often felt “socially isolated” – as she expressed her frustration: “People have to learn to try to write things – sometimes people just don’t want to write – I do not know why”. The lack of provision of this reasonable accommodation not only led to social isolation, but the lack of opportunities to build relations with colleagues and others in her team – leading to a lack of attainment of social capital – something that is important in advancing in employment or career.

The occurrence of employers not providing reasonable accommodations to employees with disabilities – leading to such employees having a lack of social capital or being relegated to tasks that did not build off their skills – leading to a lack of opportunity for career advancement and progression was a common theme cited by persons with disabilities.

For example, Participant 32 (neurodivergent/autistic) had credentials, training, and experience as a data analyst, but because of the explicit unwillingness of his employer to provide reasonable accommodations requests such as clarification on instructions for various tasks, Participant 32 had difficulty with his work. Instead of receiving reasonable accommodations, Participant 32 experienced harassment from his manager and was eventually assigned to do administration work that did not utilise his skills and expertise – with his estimation of about 80% of the tasks in his new administrative role not utilising his skills and expertise as a data analyst – leading to very few opportunities to advance in his sector. He felt that if reasonable accommodations had been provided, he would have still been able to deliver the outcomes required of him in his original role.

Another example was with Participant 30 (physical disability) who is a wheelchair user with a graduate diploma in social work – who noted that she felt that the practice of employers in Singapore not adopting reasonable accommodation protocols affected both her prospects in finding employment, and in advancing in employment.

In terms of finding employment, Participant 30 noted in her job search, she applied to a number of different non-profits. In several prospective positions she applied to and received an interview for, one of the duties she would have to carry out if she were to attain the position was visiting clients at the clients’ home – something she noted she might have difficulty with due to parts of Singapore that are still not barrier-free for wheelchair users. However, she noted hiring managers not being willing to explore potential reasonable accommodations, and thus did not receive offers from such interviews. Participant 30 noted that as the clients were not ill or house-bound, she felt that reasonable accommodations could have been explored in helping her visit clients – such as meeting at an accessible location or via Zoom, but that potential employers did not show the willingness to explore such potential options.

In terms of advancing in employment, Participant 30 noted in her previous job, her employer also exhibited a lack of willingness to explore reasonable accommodations to assist her in performing various tasks. Instead of exploring potential reasonable accommodations, similar to Participant 32, Participant 30 was relegated to tasks that did not utilise any of her skills, knowledge, or training in social work – preventing her from gaining needed experience to advance in the sector. After realising that she was not able to convince her employer to explore reasonable accommodations, Participant 30 noted her concern about the lack of advancement opportunities in the new role she was relegated to, and eventually resigned.

As the above accounts highlight, persons with disabilities not receiving reasonable accommodations or employers being permitted to not adopt the practice of providing reasonable accommodations can have significant effects on the employment prospects of persons with disabilities. We raise the above accounts to highlight the concerns expressed by persons with disabilities - that they feel they are

being unfairly treated – that the essential and necessary modifications to level the playing field are not granted to them.

## **(2) Disclosure of the need for reasonable accommodations**

In the above cases, persons with disabilities noted how they would either be dismissed or in a few cases, be treated poorly by their employer when they approached their employer for reasonable accommodations. However, in a number of other cases, persons with disabilities noted the difficulty and tension of even approaching their employer to discuss how the workplace or their duties can be modified to be more accommodating – i.e. whether their employer can grant them reasonable accommodations. The below quote from Participant 13 (physical disability) captures this tension that is commonly expressed by persons with disabilities as he navigated the hesitance he experienced in disclosing his need for particular reasonable accommodations.

“Employers hold the authority and power. There is already an imbalance in power in the relationship so it [asking for accommodations] was not possible. I didn’t even try because I know it probably wouldn’t happen.”

Participant 13 (physical disability)

It is worth noting that Participant 13’s comment above was in the context of the interview and that he noted that it was even harder for him to ask for accommodations during the interview process. This is yet again an example of how ensuring reasonable accommodation provisions in law throughout the employment cycle will assist persons with disabilities in attaining employment.

Such tension, as captured by the quote from Participant 13, is particularly enhanced with employers who are already exhibiting non-welcoming demeanors to begin with. The following quote from Participant 06 (neurodivergent/autistic) illustrates this well:

“At one point I really wanted to tell my boss about the challenges I have. But I'm very worried about the stigma ... I mean, if I said something, they might use it against me someday. They haven't clamped down on me or anything. But my supervisor ... he just keeps scolding me. I take it constructively, but there are really some things I cannot change. That's the trouble. That's where the problem is.”

Participant 06 (neurodivergent/autistic)

The quote above once again illustrates well the essentiality of reasonable accommodations. Reasonable accommodations are not preferences. They are necessary and essential modifications – without them workplaces will be either not possible or highly arduous for persons with disabilities. Yet, such comments from Participant 06 notes the difficulty faced by many persons with disabilities in even approaching their employer to disclose their need for reasonable accommodations.

As noted in the accounts thus far, persons with disabilities are usually proactive in asking for reasonable accommodations, but it is usually the unwillingness and attitudinal barriers from the employer or colleagues that lead to persons with disabilities not receiving the reasonable accommodations needed. However, as exemplified in the case of Participant 13 and 06 above, the workplace can be hostile enough that persons with disabilities are hesitant to even ask for much needed reasonable accommodations. The following quote from Participant 34 (psychosocial disability/mental health condition) exemplifies not only the inner tensions many persons with disabilities face in disclosing their disability in order to request for reasonable accommodations, but also the remarks and attitudinal barriers persons with disabilities are met with once they do disclose their disabilities when requesting for reasonable accommodations.

“Because of how the line manager already speaks on a day-to-day basis – for example they will say things like ‘this strawberry generation – small thing also suffer, cannot make it’ – that did create an environment where my friends wouldn’t dare to disclose their issues – that’s the pre-side of it. The post-side of it is some of them who had finally disclosed, because they couldn’t take it anymore, they finally went to their manager and were like, ‘hey, I’m struggling, I need these accommodations’, they get fired back [from their manager] with the whole ‘I don’t see why you’re having issues, you know, you’re not even married, you have no kids to take care of – I’ve got two kids to take care of – so if I can do it, you should be able to do it, so I don’t see why you need any kind of accommodations’.”  
Participant 34 (psychosocial disabilities/mental health condition)

The above accounts highlight not only the essentiality and necessity of reasonable accommodations, but the current significant barriers persons with disabilities face in attempting to attain such reasonable accommodations.

The above are thus examples of what happens when employers are permitted to deny reasonable accommodations. There thus needs to be legislative and policy provisions to assist persons with disabilities in attaining the much needed reasonable accommodations required. As will be outlined, DPA believes such provisions will not only help persons with disabilities but also the employer and overall workplace.

### **DPA Recommendations:**

**Recommendation 1:** Enshrine reasonable accommodation provisions in the WFL by including denial of reasonable accommodations as a form of discrimination covered by the definition of discrimination in the WFL and incorporate clear provisions in the WFL to assist with the implementation of reasonable accommodation provisions

In its final report, the Tripartite Committee on Workplace Fairness noted that they recommend not including denial of reasonable accommodations within the definition of discrimination in the WFL nor do they recommend incorporating any reasonable accommodation provisions in the WFL.<sup>25</sup> Instead, the Tripartite Committee has recommended introducing a new Tripartite Advisory on Providing Reasonable Accommodations for Persons with Disabilities.<sup>26</sup> The reasons for the decision by the Tripartite Committee to not include reasonable accommodation provisions in the WFL itself can be grouped into three main reasons – namely the Tripartite Committee noted that it may be difficult to define what constitutes as “reasonable” when assessing accommodation requests, that including reasonable accommodation provisions in law may lead to a more litigious working environment, and that including reasonable accommodation provisions in law may inadvertently affect the employability of persons with disabilities.<sup>27</sup>

To elaborate on our recommendation, DPA thus shall address each of these points noting

- (i) The importance of including reasonable accommodations within the WFL rather than an advisory
- (ii) Means to incorporate reasonable accommodation provisions in the WFL to clearly assess what constitutes as “reasonable” in assessing accommodation requests
- (iii) Means to incorporate reasonable accommodation provisions in the WFL to avoid a litigious working environment while promoting workplace harmony

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<sup>25</sup> Ministry of Manpower (MOM), August 2023, "Tripartite Committee on Workplace Fairness Final Report.": "Recommendations", para. 40 – 42.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.



(iv) means to prevent inadvertent consequences of reasonable accommodation provisions on the employability of persons with disabilities

**(i) The importance of including reasonable accommodations within the WFL rather than an advisory**

DPA acknowledges the recommendation of the Tripartite Committee in issuing a new advisory on providing reasonable accommodations to persons with disabilities. A Tripartite Advisory is a document issued by MOM that outlines best practices pertaining to a given topic to help employers on that given topic - there are currently about 20 Tripartite Advisories.<sup>28</sup>

However, it is worth noting that a Tripartite Advisory is not the same as a Tripartite Guideline. Tripartite Guidelines supplement existing laws and MOM can take action against non-compliance with Tripartite Guidelines.<sup>29</sup> Tripartite Advisories, however, do not have such binding powers.<sup>30</sup>

An advisory thus sends the wrong message that providing reasonable accommodations are “good-to-have” but optional - when in reality, as outlined, reasonable accommodations are essential and necessary at all areas of the employment cycle for persons with disabilities – from finding employment to maintaining and advancing in employment. The optional nature of an advisory will also not assist persons with disabilities who face errant employers exemplified in the accounts in this sub-section.

The Tripartite Committee makes reference in their final report that one of the purposes of this new advisory is to encourage employers to provide reasonable accommodations.<sup>31</sup> However, it is worth noting again that there already currently are incentives from the government to encourage employers to adopt reasonable accommodations – i.e. afore-mentioned grants such as the JRG through the ODP.

**(ii) Means to clearly assess what constitutes as “reasonable” in assessing accommodation requests**

When explaining their recommendation to not include reasonable accommodation provisions in the WFL, one of the reasons the Tripartite Committee cited is that “what is a reasonable accommodation can be difficult to define clearly”, and thus should not be included in the WFL.<sup>32</sup>

However, it is firstly important to note that the concept of “reasonableness” has been recommended as a guiding principle in the other recommendations made by the Tripartite Committee on the WFL. For example, in their final report, the Tripartite Committee has recommended that the WFL be allowed to let employers “consider a protected characteristic in employment decisions if it is a genuine and reasonable job requirement”.<sup>33</sup> Additionally, when recommending a list of prohibited retaliatory behaviours to reports of discrimination, the tripartite Committee recommended that “unreasonable denial of re-employment” be legislated as a form of prohibited retaliatory behaviours in the WFL.<sup>34</sup> If

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<sup>28</sup> Ministry of Manpower (MOM), "List of Tripartite Guidelines and Advisories," Accessed March 2024. <https://www.mom.gov.sg/employment-practices/tripartism-in-singapore/tripartite-guidelines-and-advisories>

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ministry of Manpower (MOM), August 2023 "Tripartite Committee on Workplace Fairness Final Report.": “Recommendations”, para. 41

<sup>32</sup> Ibid, “Recommendations”, para. 42.

<sup>33</sup> Ibid, “Recommendations”, para. 29.

<sup>34</sup> Ibid, “Recommendations”, para. 23.

the concept of “reasonableness” can be applied to assessing job requirements and instances of denial of re-employment, DPA puts forth that assessing accommodation requests can likewise follow the concept of reasonableness.

While the implementation of reasonable accommodation law and policy may – like most other legislative and policy provisions – present some cases that contains grey areas, defining what is reasonable can be clear and practical.

For example, reasonable accommodation provisions in legislation is an area of law that is well-established in comparative equality jurisprudence and there are clear and practical legal tests that courts and tribunals have developed internationally to determine this issue.<sup>35</sup>

Additionally, as highlighted in the beginning of section 1.1.1, the UN Committee on the Rights of Persons with Disabilities has issued clear guidance on how jurisdictions can implement and clearly define reasonable accommodation provisions in law – i.e. assessing the availability of financial and technical assistance resources or even the size of the company in implementing the given accommodation request.<sup>36</sup> For example, the answer to whether or not an employer has access to grants to finance any potential costs of an accommodation or access to technical assistance in implementing an accommodation can provide an answer to whether an accommodation is “reasonable”

Such guidance is practical and can be easily adopted by jurisdictions to implement reasonable accommodation provisions. If denial of reasonable accommodations is to be prohibited under the WFL, the Government can consider issuing tripartite guidelines to provide such guidance. This is similar to the Government’s approach in respect of other areas of employment law, such as the Tripartite Guidelines on Wrongful Dismissal and the Tripartite Guidelines on the Re-employment of Older Workers.

DPA recommends that the guidance outlined by the UN Committee on the Rights of Persons with Disabilities can be implemented to clearly define and provide practical criteria on what constitutes as “reasonable” when assessing accommodation requests.

For example, when assessing whether an accommodation request is “reasonable”, the following criteria must be met:

- availability of funding and financial assistance (especially if the accommodation request requires financing)
- availability of technical assistance support and resources to implement the accommodation (especially if the employer is unfamiliar of how to implement the given accommodation request).

Additionally, there can be supplementary criteria to clearly define whether the assistance available is sufficient to not pose an “undue burden” – such as the size of the company or workplace. For example, a small-medium enterprise with an annual revenue of S\$1 million should not be held to the same standard/expectation as a multinational corporation with an annual revenue of S\$1 billion.<sup>37</sup>

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<sup>35</sup> For example, under the Americans With Disabilities Act (ADA), the elimination of an essential job function is not considered as a legitimate form of accommodation, and there are guidelines to assist employers in categorising what is considered as an “essential” job function.

<sup>36</sup> United Nations Committee on the Rights of Persons with Disabilities, 26 April 2018, "General comment no. 6 (2018) on equality and non-discrimination.": para 26, 27.

<sup>37</sup> This is one reason why we believe that the recommendation by the Tripartite Committee - to “Exempt small firms (<25 employees) from the legislation for a start” and to only reconsider this exemption in five years - may be unnecessarily broad of an exemption as if the WFL were to include the provisions we are recommending, then provisions such as ways to assess what constitutes as “reasonable” will not apply equally to all employers - i.e.

As noted, in Singapore, there are already structures in place that will assist with the implementation of such provisions if included in law – such as various grants from the government, and disability organisations available to provide technical assistance support to employers on implementing reasonable accommodation.

To illustrate how such criteria and provisions can be practically implemented:<sup>38</sup>

For example, a wheelchair user approaches their employer requesting that modifications be conducted to the workplace to make it more accessible. While the company can tap on the JRG, the amount they are able to attain is not enough to cover the required cost nor does the company have enough manpower or availability of technical assistance to oversee the development and transition of the renovations. In this case, it is hard to conclude that the accommodation request is reasonable.

However, if a wheelchair user notes inaccessibility of the office and has requested for particular modifications to be implemented, and the cost of the modification falls well within the cap of the JRG, and if there is assistance and guidance from disability organisations on how the company can implement the modifications in a manner that clearly does not disrupt the workflow of the organisation while allowing the wheelchair user to work from home while modifications are completed, then in this case it is difficult to conclude that the accommodation is unreasonable.

### **(iii) Means to incorporate reasonable accommodation provisions in the WFL to avoid a litigious working environment while promoting workplace harmony**

Another reason why the Tripartite Committee has recommended not including reasonable accommodations in the WFL is that they are concerned that doing so “may result in an overly rigid approach that risks creating a more litigious workplace”.<sup>39</sup>

However, as a starting point, it is worth noting that this risk is minimised if the Tripartite Committee’s recommendations on the processes for resolving grievances and disputes to preserve workplace harmony are incorporated in the WFL. This includes the requirement for parties to attempt compulsory mediation at the Tripartite Alliance for Dispute Management (TADM) before proceeding to adjudication before the Employment Claims Tribunal (ECT).

Additionally, in addition to fairly clear ways to define what constitutes as “reasonable” in assessing accommodation requests, there are means to implement reasonable accommodation provisions in law that not only avoid a litigious working environment, but also promote workplace harmony in ways that have the potential to improve communication channels between employer and employee.

As highlighted in the examples in this section, persons with disabilities experience barriers in not only attaining reasonable accommodations, but also, in a number of cases, persons with disabilities experience attitudinal barriers in the workplace in even requesting or disclosing their need for reasonable accommodations.

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smaller companies and organisations will already not be held to the same expectation as larger companies and organisations.

<sup>38</sup> It is worth emphasizing that this is merely an example, and that the outcome of whether an accommodation is deemed reasonable will depend on the nature of the request and other factors as outlined.

<sup>39</sup> Ministry of Manpower (MOM), August 2023, "Tripartite Committee on Workplace Fairness Final Report.": “Recommendations”, para. 42.

Reasonable accommodation provisions in law will thus assist both employer and employee with starting this conversation of how to make the workplace more accommodating. This is because in jurisdictions in other countries that have reasonable accommodation provisions in law, employers are either required or strongly advised to engage in what is known as the “interactive process” – which essentially refers to a collaborative dialogue between an employer and an employee with a disability to determine reasonable accommodations required and to develop a plan in determining the effectiveness of the accommodation.<sup>40</sup>

The interactive process is where factors to determine whether an accommodation is reasonable are discussed between employer and employee - factors such as whether the employer can attain funding for the accommodation request (if the accommodation request requires financing), and whether there is technical assistance support to help the employer (if the employer is not familiar with implementing a given accommodation request), etc; this is also where, if an accommodation request cannot be deemed reasonable, the employer has to explain why and collaboratively discuss with the employee if other accommodation requests can be explored.<sup>41</sup>

DPA recommends that such interactive processes can be incorporated in law to provide employers a template in providing reasonable accommodations.

Reasonable accommodation provisions in law will thus help create an infrastructure within Singapore workplaces where this interactive process is part of workplace standard operating procedure – thus creating a clear template and protocol for employers to follow while promoting clear channels within workplaces where persons with disabilities feel more at ease to come forward and discuss potential reasonable accommodation options in a manner that is both beneficial to employer and employee.

This will greatly help not only to begin the conversation between employer and employee with disability but also with guiding the conversation. Persons with disabilities have informed us that even in several cases where the employer was friendly and welcoming, they often felt that both themselves and the employer were at a loss in determining whether the accommodation request was reasonable.

One such case was Participant 24 (blind/visually impaired). As noted earlier in the section, Participant 24 faced errant employers in one of his previous workplaces, but noted that in another of his previous workplaces, his supervisors were generally warm and amicable. However, he noted that while his employer/manager was typically friendly in demeanour, he still was initially unsure on how to approach the conversation as he felt he needed to try out different accommodations to see which worked for him and was unsure if that was “reasonable”. When he finally approached his employer/manager, he noted that she was also unsure on where to begin the conversation.

Reasonable accommodation provisions, as outlined above, implemented through the interactive process, are thus a useful template and guide that would assist in such cases as Participant 24. In addition to a template in determining what is “reasonable”, reasonable accommodation provisions, through the interactive process, can also help to determine a timeline for individuals in assessing whether the reasonable accommodation is effective in meeting the individual’s access and accommodation needs to fulfil the tasks of a given role.

The interactive process, if incorporated within reasonable accommodation provisions in the WFL, will thus not only assist employees with disabilities but the relationship between employer and employee with disability and will help assist in minimising any miscommunication between employer and employee with disability.

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<sup>40</sup> Job Accommodation Network, “Interactive Process,” Accessed March 2024.

<https://askjan.org/topics/interactive.cfm>

<sup>41</sup> Ibid.

While persons with disabilities mostly spoke of the attitudinal barriers in attaining or requesting for reasonable accommodations, a few persons with disabilities shared accounts and examples of inclusive employers and it is noteworthy that in such examples, the participants cited some form of this interactive process as one of the factors that assisted in creating a fairer and more inclusive workplace. One such example was Participant 27 (neurodivergent/autistic) who spoke of her experience at her workplace:

“I got to have a chat with the general manager, the HR manager, my own manager, and the chats did help clarify what I was struggling with and what I needed help in ... and trying to make it like a collaborative thing ... like “can we actually figure something that can work for both of us?” ... and like a solution that we are okay and agree on.”

Participant 27 (neurodivergent/autistic)

It is important to incorporate this interactive process into law, and not simply through an advisory, because while Participant 27 and a few others noted their managers holding space for such a collaborative dialogue, such participants were the exception. As noted, the vast majority of individuals we spoke with as illustrated in the various quotes and accounts in this report did not feel that they could approach their employer or when they approached their employer, they were dismissed, ignored, or in some cases (as outlined in section 1.1.2), even intimidated or harassed for requesting or requiring accommodations.

#### **(iv) Means to prevent inadvertent consequences of reasonable accommodation provisions on the employability of persons with disabilities**

Finally, the Tripartite Committee noted their concern that incorporating reasonable accommodation provisions in the WFL may have an inadvertent negative effect on the employability of persons with disabilities.

While the Tripartite Committee did not specify what they meant, DPA would like to put forth that reasonable accommodation provisions in law will likely not negatively affect the employability of persons with disabilities – whether advertently or inadvertently.

If the Tripartite Committee is concerned that by including reasonable accommodations, employers may not wish to hire persons with disabilities due to they as employers potentially having to provide reasonable accommodations, then it is worth noting the following:

First, it is worth noting that employers dismissing, refusing to hire, or otherwise unfairly treating a person with disability solely on the basis that they as employers may have to provide reasonable accommodations to that person with disability constitutes direct discrimination. This is because the employer is making an adverse employment decision against the person with disability on the basis of that person’s disability - i.e. if it were not for the knowledge of the person's disability, the employer would not have assumed that the person would request or require reasonable accommodations.

Second, as outlined in this subsection, the current approach of the government permitting employers to deny reasonable accommodations to persons with disabilities leads to persons with disabilities experiencing difficulty in finding, maintaining, and advancing in employment, and in some cases, making it incredibly arduous in even getting a foot in the door to attain an interview. The benefit of reasonable accommodation provisions in law is that it provides an extra layer of protection and an added recourse mechanism that persons with disabilities can use and appeal to if they feel they are being unfairly treated by not receiving the reasonable accommodations required.

Third, as outlined, reasonable accommodations, by definition, do not pose an undue burden on employers. As more guidance is promoted on reasonable accommodations, and if the interactive process will be incorporated in the law itself, we believe that employers will begin to understand that reasonable accommodations do not pose as a burden.

Reasonable accommodations, as outlined, are necessary and essential for persons with disabilities to perform well in their work, and as outlined, when persons with disabilities do not receive reasonable accommodations, they expressed significant effects on their performance and employment prospects. Reasonable accommodations implemented through criteria as outlined by the UN Committee on the Rights of Persons with Disabilities and through models such as the interactive process, is a structured and clear roadmap that can be implemented to not only assess reasonable accommodation requests, but also to implement them in a way that will be conducive for both employer and employee with disability that will help minimise miscommunication and help create not only a more harmonious workplace, but a fairer and more inclusive workplace – and thus should be included in the WFL.

### **1.1.2 Other Forms of Discrimination in the Workplace**

In addition to denial of reasonable accommodations, persons with disabilities cited concerns and accounts that relate to other forms of discrimination – namely (1) indirect discrimination and (2) discriminatory-related harassment.

#### **(1) Indirect Discrimination**

As noted earlier in this section, the UN CRPD includes indirect discrimination and discriminatory-related harassment as forms of discrimination.

According to the UN CRPD General Comment on equality and non-discrimination, indirect discrimination can be defined as a form of discrimination when “policies or practices appear neutral at face value but have a disproportionate negative impact” on someone from a protected characteristic – in this case - a person with a disability.<sup>42</sup>

In our research and conversations, persons with disabilities noted their concerns that often times policies and practices at workplaces are design and/or implemented without the perspective or consideration of the realities of persons with disabilities and thus subsequently indirectly disadvantaging persons with disabilities – whether in finding/securing or maintaining and advancing in employment. In particular, persons with disabilities cited examples that related to a company’s/organisation’s policy and practice pertaining to (a) questions in the application/interview processes, (b) FWAs, and (c) performance reviews and evaluations.

#### **(a) Questions in the application/interview processes**

For example, in our research and conversations, when responding to questions about barriers to employment during the application/interview processes, it was striking how almost every male individual with an invisible/non-apparent disability brought up their concerns that employers asking about National Service (NS) status on an application form indirectly disadvantages them in securing employment. For some of such individuals, they noted this as one of their top concerns. Disclosure of

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<sup>42</sup> United Nations Committee on the Rights of Persons with Disabilities, 26 April 2018, "General comment no. 6 (2018) on equality and non-discrimination.": para 18(b).

disability was a frequent concern cited by persons with disabilities – especially persons with invisible/non-apparent disabilities - as persons with disabilities often and rightfully wish to disclose their disability on their own terms. However, persons with disabilities who brought up such concerns noted that such questions pertaining to NS status on the application forms left them no choice but to disclose their disabilities – especially when employers would enquire about their exemption from NS during the interview.

“A lot of us are exempted from the military, the conscription, so therefore, when some of the application forms, they ask about military service you have to put exempted or something, and then people find it why you are exempted, that sort of thing. So ... That should draw attention to things that might come out of it.”

Participant 02 (neurodivergent/autistic)

It is worth noting that the Tripartite Guidelines on Fair Employment Practices (TGFEF) states: “Employers should not request for other personal details, for example photograph and national service [NS] liability, as these generally should not be considerations in assessing an applicant’s suitability. This personal information can be obtained at point of job offer. If there is a need for the information before the job offer, the job application form should state the reasons, which should be job-related”.<sup>43</sup> However, in all cases where persons with disabilities raised this concern pertaining to enquiry of NS status, the reason was not stated in the application form nor did the hiring manager explain why they enquired about their exemption.

The TGFEF is the main set of guidelines that TAFEP and MOM utilises “in promoting fair and responsible employment practices”.<sup>44</sup> TAFEP further notes that “employers are expected to abide by the principles of fair employment and adopt the recommended good practices”.<sup>45</sup>

Such concerns raised by persons with disabilities thus firstly show needed improvement in employers understanding and adopting the afore-mentioned guidelines in the TGFEF. However, such concerns also highlight the need for employers to improve in how policies and practices in their workplaces can be designed and executed in a manner that does not indirectly disadvantage persons with disabilities.

## **(b) FWAs**

Another policy and practice that persons with disabilities spoke frequently of pertained to FWAs – in particular remote or hybrid working arrangements. As we gathered insights and accounts from persons with disabilities on the topic of workplace fairness and discrimination between 2022 – 23, Singapore was shifting to pre-Covid-19 norms. However, one unintended advantage of the pandemic for many persons with disabilities was many workplaces embracing FWAs – which included remote and hybrid work arrangements. For a number of persons with disabilities, remote or hybrid work arrangements are beneficial given their disability.

“Working remotely gives me the privilege to focus on what needs to be done at work where I might be able to perform better in the task assignment that I am doing for the company that I work in, than getting so distracted by things around me in office where I am unable to get things done, which would not benefit me otherwise.”

Participant 26 (physical disability; psychosocial disability/mental health condition)

<sup>43</sup> Tripartite Alliance on Fair Employment Practices (TAFEP), "Tripartite Guidelines on Fair Employment Practices," TAFEP.sg. Accessed March 2024. <https://www.tal.sg/tafef/-/media/tal/tafef/getting-started/files/tripartite-guidelines.pdf>

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

While a few persons with disabilities noted that their employer has retained some level of FWA protocols, this has not been the case for other persons with disabilities and several persons with disabilities noted their concern that as Singapore recovers from the pandemic, that the unintended accessibilities gained would be eroded as well – including policies of remote and hybrid work arrangements. For such persons with disabilities, they found the mainstreaming of remote and hybrid work to have levelled the playing field in the realm of employment and expressed concerns that workplaces doing away with such arrangements will indirectly disadvantage their employment prospects.

### **(c) Performance reviews and evaluations**

Another concern about workplace policy and practice that persons with disabilities raised as being indirectly disadvantaging pertain to performance reviews and evaluations and how performance reviews and evaluations have the potential to lead to indirect discrimination.

One example is with Participant 27 (neurodivergent/autistic) who needs FWAs to accommodate her disability due to significant noise sensitivities causing her to feel “extremely stressed” if she had to commute to work during standard rush hour periods. However, she noted that her previous workplace had unnecessarily rigid starting times. When reflecting on her previous workplace, Participant 27 commented that the performance evaluations and reviews, while seeming objective, were in her opinion subjective as she felt the official policies of rigid starting times were not accommodating of her disability and indirectly disadvantages someone with her disability.

In one or two instances, persons with disabilities shared their concerns of how indirect discriminatory attitudes were disguising direct discriminatory attitudes.

One such example was Participant 10 (neurodivergent/autistic) who shared his concern about remarks made by one of his managers. Participant 10 noted that one of his managers explicitly informed Participant 10 of his [manager’s] intention to mark down Participant 10 in his performance review for asking for the reasonable accommodation of enquiring for further clarification on tasks (a very common reasonable accommodation request especially amongst the neurodiverse/autistic community). Participant 10’s manager explicitly commented that individuals such as Participant 10 cannot ask for accommodations and not expect consequences – referring to the potential of Participant 10’s performance review and evaluation potentially being negatively affected because Participant 10 asked for the accommodation of needing more clarification. When Participant 10 raised his concern, Participant 10’s manager replied saying that this is because he [manager] is assessing Participant 10 based on Participant 10’s “ability to work independently with minimal supervision”. Participant 10 shared how he felt that such attitudes are indirectly discriminatory because while it is seemingly neutral, it can mark down neurodivergent/autistic individuals who need more clarification and step-by-step guidance on tasks.

Individuals such as Participants 10 and 27 highlight how key elements in the employment cycle, such as performance reviews, often are conceived and/or implemented in a manner that produces inequity for persons with disabilities in the workplace. If employers mark down individuals with disabilities, who may need more assistance, on criteria such as “ability to work independently with minimal supervision”, they [employers] may think they are being objective but in reality much of the evaluation is subjective because the employer is often times still assessing terms such as “independent” or “minimal” with no objective measurement but what they [the employer] deems as “independent” or “minimal” – which often means a non-disabled perspective or neurotypical definition of “independent” or “minimal” – and thus indirectly disadvantaging persons with disabilities.



Moreover, in the case of Participant 10, where his manager knew of Participant's 10 disability and need for accommodations, and explicitly noted that he [Participant 10] cannot ask for accommodations and not expect consequences, such remarks may even be classified as direct discriminatory attitudes or even potentially attitudes of discriminatory-related harassment.

## **(2) Discriminatory-related harassment**

According to the UN CRPD General Comment on equality and non-discrimination, discriminatory-related harassment can be defined as "a form of discrimination when unwanted conduct related to disability or other prohibited grounds takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. It can happen through actions or words that have the effect of perpetuating the difference and oppression of persons with disabilities."<sup>46</sup>

In one or two of such cases, the discriminatory-related harassment was clear and explicit.

One such case was Participant 32 (neurodivergent/autistic) who noted frequent discriminatory-related harassment in his previous workplace. Participant 32, like many others in the neurodiverse/autistic community, needs the reasonable accommodation of having instructions explained to him in a clearer manner than most. Despite disclosing his autism and need for such reasonable accommodations to his manager during the interview process, Participant 32 noted that his manager would still lash out at him when he was struggling with his work. Participant 32 noted that when he did ask for clarification on various tasks, his manager would lash out at him by saying that his [Participant 32's] attitude just needs to improve. Participant 32 recounted at least three to four instances when his manager would be verbally demeaning such as the following instance:

"One day, she [manager] called me into a call and lashed out at me for being a burden to the team and told me I would not go far in my work. That demotivated me a lot as it made me lose confidence in my efforts to bring any benefits to the team, but it also made me feel even more sad to think that she would have even went straight into jumping to conclusions that I did not even put effort for my tasks when she did not even bother understanding more of the situation."

Participant 32 (neurodivergent/autistic)

Participant 32 also mentioned how his manager would even send him rather aggressive text messages after working hours – which Participant 32 noted had an impact on his sleep, mental health, and eating habits. Participant 32 further noted that as his colleagues did not know of his autism, such treatment from his manager gave the impression to his colleagues that he [Participant 32] was not trying hard enough in his work which led many of his colleagues to also lash out at Participant 32 when he would ask for clarity from his colleagues on various tasks.

Such examples as that of Participant 32 show that experiences of workplace discrimination often involve multiple forms of discrimination, and hence it is important for the definition of discrimination in the WFL to be comprehensive to fully address the various concerns and discriminatory barriers faced by persons with disabilities. For example, in the account cited by Participant 32, he reported both instances of discriminatory-related harassment and denial of reasonable accommodations.

When illustrating a case of discrimination on the basis of disability and mental health conditions that the Tripartite Committee's recommended definition of discrimination will cover, the Tripartite Committee noted the following example:

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<sup>46</sup> United Nations Committee on the Rights of Persons with Disabilities, 26 April 2018, "General comment no. 6 (2018) on equality and non-discrimination." Para. 18(d).

“Illustration: A new hire’s colleagues observe episodes where his mood seems particularly down, although his work performance is unaffected. During a routine check-in, the new hire’s manager asks if he has any mental health conditions. The new hire replies that he has depression, but the condition is being managed with psychiatric help. The new hire is dismissed with notice a week after that conversation. This dismissal could amount to discrimination.”<sup>47</sup>

However, as the accounts and concerns expressed by persons with disabilities in both sections 1.1.1 and 1.1.2 illustrate, the situations around discrimination faced by persons with disabilities are usually more complex than the illustration example by the Tripartite Committee.

For persons with visible/apparent disabilities, disclosure of disability is often not an option. And persons with invisible/non-apparent disabilities, as illustrated in the accounts and concerns in sections 1.1.1 and 1.1.2 and in the following quote, often would like to disclose, not necessarily because they want to, but to “ask for accommodations” and to attain the essential and necessary reasonable accommodations required - yet fear doing so for being harassed or discriminated.

“I find that I am unsure about disclosing it [disability] to my employer – I don’t feel safe, I don’t feel that I am protected. I felt like it was an edge for them to possibly discriminate me as well. So I rather not disclose it and ask for any accommodations.”

Participant 17 (psychosocial disability/mental health condition)

As the above quote and other accounts and concerns outlined in section 1.1.1 and 1.1.2 illustrate, various forms of discrimination often intersect and are a concern for persons with disabilities, and hence ensuring the WFL contains a comprehensive and inclusive definition of discrimination will be the minimum for the WFL to accurately address the concerns and various discriminatory barriers facing persons with disabilities.

## **DPA Recommendations**

**Recommendation 2:** Enshrine a comprehensive definition of discrimination in the WFL that includes all forms of discrimination including indirect discrimination and discriminatory-related harassment, and enhance guidelines and redress mechanisms around the Protection from Harassment Act (POHA) if discriminatory-related harassment is not to be covered in the definition of discrimination in the WFL

In Recommendation 1, we outlined the need to enshrine denial of reasonable accommodation in the definition of discrimination in the WFL.

In Recommendation 2, we recommend that the definition of discrimination in the WFL be comprehensive of not only denial of reasonable accommodation, but also other forms of discrimination such as indirect discrimination and discriminatory-related harassment.<sup>48</sup>

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<sup>47</sup> Ministry of Manpower (MOM), August 2023, "Tripartite Committee on Workplace Fairness Final Report.": "Recommendations", para. 5.

<sup>48</sup> We highlight denial of reasonable accommodations, indirect discrimination, and discriminatory-related harassment in this report as these were examples of discrimination cited by persons with disabilities in our research and conversations. However, we acknowledge that the UN CRPD notes other forms of discrimination that need to be prohibited such as discrimination by association, and intersectional discrimination. DPA recommends that such forms of discrimination also be prohibited in all its forms.

Pertaining to indirect discrimination:

DPA believes that including indirect discrimination in the definition of the WFL is important to:

- (i) Strengthen awareness amongst employers for the need to ensure workplace and policies do not indirectly disadvantage historically-marginalised populations such as persons with disabilities
- (ii) Address one of the underlying concerns facing persons with disabilities in employment

**(i) Strengthen awareness amongst employers for the need to ensure workplace and policies do not indirectly disadvantage historically-marginalised populations such as persons with disabilities**

The Tripartite Committee on Workplace Fairness has recommended not including indirect discrimination as a form of discrimination to be covered in the upcoming WFL – citing that indirect discrimination is often unintentional.<sup>49</sup> However, the above concerns highlighted by persons with disabilities on the tendency of workplace policies and practices being indirectly disadvantaging and discriminatory in ways that affects their employment prospects raises important points and questions.

For example, to address indirect discrimination without legislation, workplaces will have to proactively check their policies and practices to ensure that they do not indirectly disadvantage various historically-marginalised demographics. Employers are already supposed to be proactively checking their policies and practices – especially against the TGFEP which, as noted, employers are supposed to abide by. However, the common theme and concern cited by persons with disabilities of employers enquiring about NS status without providing any reason for doing so, and despite the fact that such actions are clearly recommended against in the TGFEP, raises the question of whether the current methods of relying on employers or solely on the TGFEP without using anti-discrimination legislation is sufficient.

The Tripartite Committee also recommended not including indirect discrimination within the definition of discrimination in the WFL as they are concerned that doing so will result “in uncertainty for employers and employees”.<sup>50</sup> However, it is difficult to deny that there currently already is much uncertainty faced by persons with disabilities. While there may be cases where the indirect discrimination is unintentional, as outlined, persons with disabilities have concerns that there are cases of indirect discrimination where a workplace policy or practice may seem that they indirectly disadvantage persons with disabilities, but that there are direct discriminatory attitudes behind the design and implementation of such policies and practices. As illustrated, discriminatory barriers, even while indirect, still has impacts and negative effects on a disabled employee’s ability to perform the tasks of a given job, and as illustrated, removing such indirect discriminatory barriers has a significant positive effect on a disabled employee’s productivity.

By incorporating indirect discrimination in the definition of discrimination, it strengthens awareness amongst employers to ensure that the workplace policies and practices are not indirectly disadvantaging particular groups of individuals – hence not only creating a fairer workplace, but a workplace that optimises the productivity of employees.

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<sup>49</sup> Ministry of Manpower (MOM), August 2023, "Tripartite Committee on Workplace Fairness Final Report.": "Recommendations", para. 4.

<sup>50</sup> Ibid.

## **(ii) Address one of the underlying concerns facing persons with disabilities in employment**

DPA notes the positive step by MOM to institute Tripartite Guidelines later in 2024 pertaining to FWAs.<sup>51</sup> This is an important step and DPA welcomes the introduction of Tripartite Guidelines on FWAs. However, as outlined, the implementation of FWA policies is an example of a wider concern that persons with disabilities have -namely indirect discrimination. While DPA welcomes the new Tripartite Guidelines on FWAs, and hopes that such guidelines will be comprehensive and inclusive of the whole disability community, including indirect discrimination in the definition of discrimination in the WFL will assist in addressing the underlying concern.

Pertaining to discriminatory-related harassment:

DPA recognises that there is current law in Singapore that addresses harassment – namely the Protection from Harassment Act (POHA) – which contains a fairly broad definition of harassment.<sup>52</sup>

However, the POHA needs to have more illustration of workplace discriminatory-related illustrations especially pertaining to disability if it is to remain as the main law that addresses any form of harassment. Additionally, under the POHA, individuals who want to file a claim of harassment under the POHA have to do so at the Protection from Harassment Court (PHC) – which is different from the ECT where discrimination claims will be made.<sup>53</sup> This means that if an individual has experienced a case of discrimination that includes more than one form of discrimination – including discriminatory-related harassment, that individual will have to go two completely different routes to seek redress.

DPA recommends that if the definition of discrimination under the WFL is not to include discriminatory-related harassment, that the POHA include further illustrations of workplace discriminatory-related harassment pertaining to disability to better educate employers and employees, and to simplify the redress mechanisms, employees making a claim of harassment, especially discriminatory-related harassment, should be able to file such claims under the ECT rather than having to file the claim at a different court.

## **1.2 Other Provisions in the WFL**

In addition to the scope of discrimination, DPA would like to highlight the below points in response to other areas of the Tripartite Committee’s recommendations on the WFL

### **1.2.1 Definition of Disability**

The Tripartite Committee recommends that the WFL defines disability and mental health conditions as follows:<sup>54</sup>

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<sup>51</sup> Rosalind Ang, 7 February 2024, "Tripartite group studying flexible work arrangements, so firms can avoid losing out on talent," *The Straits Times*. <https://www.straitstimes.com/business/companies-without-flexi-work-arrangements-could-lose-out-on-talent>

<sup>52</sup> Singapore Statutes Online, "Protection from Harassment Act 2014," <https://sso.agc.gov.sg/Act/PHA2014?ProvlDs=pr3->

<sup>53</sup> Ibid.

<sup>54</sup> Ministry of Manpower (MOM), August 2023 "Tripartite Committee on Workplace Fairness Final Report.": "Recommendations", para. 5.

- Disability: “(to be aligned to that of the Enabling Masterplan) which defines disability as autism or any intellectual, physical, or sensory disability or any combination of any such disabilities with substantial impact on an individual’s ability to carry out day to day activities.”
- Mental Health Conditions: “to cover more serious forms of diagnosed mental disorders usually associated with distress or impairment in important areas of functioning. The coverage should be discussed with relevant experts, and details made available when the legislation is introduced.”

The UN CRPD defines disability based on the social model of disability - the UN CRPD conceives of disability as the interaction between a person’s bodily impairments with their social and physical environment rather than a medical or physical condition that a person possesses.<sup>55</sup>

In their 2022 Concluding Observations to Singapore, the United Nations Committee on the Rights of Persons with Disabilities noted their concern that there currently lacks in Singapore national legislation a “formal definition of disability, framed in conformity with article 1” of the UN CRPD, and recommends that Singapore law needs to “harmonise the legal definition of disability and the assessment and certification mechanisms across the national legal system, to protect the human rights of all persons with disabilities”.<sup>56</sup>

As we have highlighted in previous publications, for definitions of disability to be aligned with that of the UN CRPD, it is important to emphasise that it is how impairments when “in interaction with various barriers” hinders the “full and effective participation” of persons with disabilities in society “on an equal basis with others”. However, this important emphasis on “interaction with various barriers” is not specified or elaborated on in the definition recommended by the Tripartite Committee for the upcoming WFL.

Additionally, As the UN CRPD’s definition also includes “mental impairments”, the WFL should not artificially distinguish between disability and mental health conditions.<sup>57</sup> Doing so may deprive persons with mental health conditions, which are also known as psychosocial disabilities, of enjoying the same protection as persons with other disabilities under the WFL. For example, these workers would be excluded from the Committee’s proposed “Tripartite Advisory on Providing Reasonable Accommodations to Persons with Disabilities” [see section 1.2.3 for more]. As illustrated through the various quotes and accounts in this report, persons with psychosocial disabilities/mental health conditions often experience the same types of attitudinal barriers as persons with other forms of disabilities. It is worth noting that The UN Committee on the Rights of Persons with Disabilities, when emphasising “all” persons with disabilities, particularly noted that this should include “persons with psychosocial disabilities”.<sup>58</sup>

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<sup>55</sup> United Nations, “Expert Group Meeting on International Norms and Standards relating to Disability,” United Nations Enable. Accessed March 2024. <https://www.un.org/esa/socdev/enable/disberk2.htm>

<sup>56</sup> United Nations Committee on the Rights of Persons with Disabilities, 9 September 2022, "Concluding observations on the initial report of Singapore.": para. 5, 6.

<sup>57</sup> United Nations, "Article 1| Convention on the Rights of Persons with Disabilities," <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-1-purpose.html>

<sup>58</sup> United Nations Committee on the Rights of Persons with Disabilities, 9 September 2022, "Concluding observations on the initial report of Singapore.": para. 6.

## **DPA Recommendations:**

**Recommendation 3:** Include in the WFL a definition of disability that is inclusive of all disabilities – including psychosocial disability/mental health conditions – and that is aligned with the UN CRPD in emphasising impact of disability on major life activities when in interaction with social and environmental barriers, and that a similar functional and inclusive approach be adopted for mental health conditions if it is to remain as a separate protected characteristic

DPA believes that our recommendation is important to

- (i) Capture an accurate scope of disability
- (ii) Ensure mental health conditions are similarly protected if it is to remain as a separate protected characteristic

### **(i) Capture an accurate scope of disability**

As outlined, how a disability hinders a person's ability to participate in major life activities is important to specify and/or elaborate on to accurately portray and capture the nature of disability according to the UN CRPD. Additionally, to promote an inclusive definition of disability, it is also important to include a non-exhaustive list of disabilities/conditions as examples in a definition of disability. As AWARE notes in their position paper on the WFL, a non-exhaustive list is important as it is aligned with the spirit of the UN CRPD in showing that "disability is a dynamic concept that can manifest in a diverse number of ways".<sup>59</sup>

### **(ii) Ensure mental health conditions are similarly protected if it is to remain as a separate protected characteristic**

If "mental health conditions" are to remain as a separate characteristic, we recommend that the definition refrains from attempting to provide an exhaustive list of conditions that might result in a non-inclusive definition. It is better to have a broader definition of "mental health conditions" that specifies and/or elaborates on the "interaction with social and environmental barriers" in its definition to optimise the scope of the WFL for persons living with varying mental health conditions – with a list of conditions to be included only as non-exhaustive examples.

Additionally, in the Tripartite Committee's recommended definition of "mental health condition", it is unclear what phrases such as "important areas of functioning" and "relevant experts" refer to. We recommend that any definition of "important areas of functioning" either remain broad or include non-exhaustive examples. We further recommend that "relevant experts" include persons living with psychosocial disabilities/mental health conditions as it is indispensable that persons living with the disabilities themselves are consulted.

## **1.2.2 The WFL and the Tripartite Guidelines on Fair Employment Practices (TGFEF)**

In their final report, the Tripartite Committee on Workplace Fairness recommends that the WFL not replace the TGFEF, but rather that the TGFEF be "retained and enhanced" and that the TGFEF will

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<sup>59</sup> Association of Women for Action and Research (AWARE), 6 March 2023, "Beyond Fairness: A legal framework for anti-discrimination in the workplace,"

work “in concert” with the WFL “to provide protection against all forms of workplace discrimination, including those not covered by the legislation”.<sup>60</sup>

The Tripartite Committee recommends that the WFL not replace the TGFEP – citing that the “TGFEP have worked well and set out desirable and overarching principles of workplace fairness for employers”.<sup>61</sup>

As noted in section 1.1.2, the TGFEP is the main set of guidelines that TAFEP and MOM utilises “in promoting fair and responsible employment practices”.<sup>62</sup> TAFEP further notes that “employers are expected to abide by the principles of fair employment and adopt the recommended good practices”.<sup>63</sup>

As the Tripartite Committee has emphasised in their final report that they recommend the WFL work in concert with the TGFEP, DPA finds it important to reiterate concerns pertaining to the TGFEP – namely it is (1) difficult to conclude how the TGFEP “have worked well and set out desirable and overarching principles of workplace fairness for employers” pertaining to disability and (2) it is unclear how the TGFEP will work “in concert with” the upcoming WFL.

### **(1) Principles of workplace fairness pertaining to disability**

Firstly, it is difficult to conclude how the TGFEP “have worked well and set out desirable and overarching principles of workplace fairness for employers” pertaining to disability.

The Tripartite Committee notes that the TGFEP are “well accepted and understood by employers and employees in Singapore”.<sup>64</sup> However, as we note in section 1.1.2, the accounts pertaining to application forms and hiring managers enquiring about NS status with no explanation for doing so suggests that there may be room for improvement.

Further, it is difficult to render the TGFEP as a measurement of “desirable and overarching principles of workplace fairness for employers” pertaining to disability. As we have noted in previous publications, the TGFEP does not adequately address fair employment practices pertaining to disability. For instance, in the current guidelines, there is a list 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.<sup>65</sup> The TGFEP also barely makes any mention or explanation of key and “overarching” concepts on disability inclusion such as reasonable accommodations. Thus, with such “desirable and overarching principles of workplace fairness” pertaining to disability mostly absent in the TGFEP, it is arduous to conclude that the TGFEP has “worked well” in this regard.

### **(2) Working in concert with the WFL**

Secondly, it is thus unclear how the TGFEP will work “in concert” with the WFL “to provide protection against all forms of workplace discrimination, including those not covered by the legislation”.

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<sup>60</sup> Ministry of Manpower (MOM), August 2023, “Tripartite Committee on Workplace Fairness Final Report.”, “Recommendations”, para. 6.

<sup>61</sup> Ibid, “Introduction”, para. 14a.

<sup>62</sup> Tripartite Alliance on Fair Employment Practices (TAFEP), “Tripartite Guidelines on Fair Employment Practices.”

<sup>63</sup> Ibid.

<sup>64</sup> Ministry of Manpower (MOM), August 2023, “Tripartite Committee on Workplace Fairness Final Report.”: “Recommendations”, para. 1.

<sup>65</sup> Tripartite Alliance on Fair Employment Practices (TAFEP), “Tripartite Guidelines on Fair Employment Practices.”

This statement suggests that the TGFEP covers all forms of workplace discrimination. However, as alluded, the TGFEP does not address all forms of workplace discrimination. As noted, the TGFEP does not clearly outline and explain the key and overarching concept of reasonable accommodations, and subsequently, the TGFEP does not adequately address the denial of reasonable accommodations as a form of discrimination – despite the UN CRPD emphasising more than once the importance of doing so (as outlined in section 1.1.1). It is thus unclear how the TGFEP will work in concert with the WFL “to provide protection against all forms of workplace discrimination, including those not covered by the legislation”.

Such points of concern are not only noted by DPA but also by the UN Committee on the Rights of Persons with Disabilities. In their 2022 Concluding Observations to Singapore, the UN Committee on the Rights of Persons with Disabilities noted particular mention about TAFEP and the TGFEP – noting their concern about “The fact that the Tripartite Alliance for Fair and Progressive Employment Practices has no definition of disability or a clear and suitable understanding of indirect discrimination, and lacks an effective mechanism for implementation and monitoring”.<sup>66</sup> The UN Committee on the Rights of Persons with Disabilities further notes in their 2022 Concluding Observations to Singapore that they recommend Singapore take “a comprehensive review of the Tripartite Alliance for Fair and Progressive Employment Practices, including establishing a comprehensive definition of disability, prohibiting direct and indirect discrimination and recognising the denial of reasonable accommodation as a form of prohibited discrimination, and establish an effective mechanism for implementation and monitoring to provide redress in case of non-compliance”.<sup>67</sup>

### **DPA Recommendations:**

**Recommendation 4:** Enhance the TGFEP to provide guidance for employers on implementing the WFL – including preventing and addressing all forms of workplace discrimination on the grounds of disability – including forms of discrimination such as indirect discrimination and denial of reasonable accommodations – if the TGFEP is to work “in concert with” the WFL.

As outlined, there is room for the TGFEP to be enhanced. Firstly, there is room for improvement for the TGFEP when illustrating or providing guidance on principles of workplace fairness pertaining to disability. Additionally, it is unclear how the TGFEP will work “in concert” with the WFL “to provide protection against all forms of workplace discrimination, including those not covered by the legislation” as the TGFEP currently does not address all forms of discrimination.

Therefore, for purposes of simplification, DPA recommends that the WFL be comprehensive to address all forms of discrimination, and for the TGFEP to be enhanced to serve as a guide in the implementation of the WFL - rather than using the TGFEP as a separate framework.

The retention of the TGFEP as a separate framework may also lead to increased complexity in the legal framework on workplace discrimination.<sup>68</sup>

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<sup>66</sup> United Nations Committee on the Rights of Persons with Disabilities, 9 September 2022, "Concluding observations on the initial report of Singapore.": para. 51.

<sup>67</sup> Ibid: para. 52.

<sup>68</sup> For example, it may lead to increased complexity in the legal framework on workplace discrimination in respect of its status in relation to other statutes and/or the common law. For example, in *Longitude 101 Pte. Ltd. v Navinea Kanapathy Pillai* and another matter [2024] SGDC 47, the District Court referred to the Tripartite Guidelines on Wrongful Dismissal in interpreting the meaning of “sufficient cause” under section 84 of the Employment Act 1968. In the same vein, it may be possible that future courts may refer to the TGFEP in determining the scope of the implied term of mutual trust and confidence. This could result in two separate frameworks on workplace



DPA reiterates our recommendations in sections 1.1.1 and 1.1.2 that a comprehensive definition of discrimination, which includes indirect discrimination and denial of reasonable accommodations, be enshrined in the WFL.

If the WFL will contain a comprehensive definition of discrimination, we thus recommend that the TGFEP be utilised as guidance on how the WFL can be implemented.

When enhancing the TGFEP to provide guidance on implementing the WFL to prevent and address all forms of workplace discrimination on the grounds of disability, it is important to:

- (i) Provide disability-specific illustrations on various aspects of the employment cycle and redress process
- (ii) Ensure such guidance is extended to TAFEP's specifications on obligations of corporate service buyers and intermediaries such as platform operators

**(i) Provide disability-specific illustrations on various aspects of the employment cycle and redress process**

This includes inserting disability-related examples pertaining to all forms of discrimination throughout the employment cycle. For example, the afore-mentioned absence of an example pertaining to wording job advertisements in the context of disability needs to be amended. Additionally, when specifying examples of the prohibition of various retaliatory behaviours or examples of inclusive grievance handling processes, the TGFEP can potentially be enhanced to specify disability-related examples. If the TGFEP will not specify on such items, it is important that additional guidelines be established to provide clarity to employers and employees to ensure proper implementation of such provisions in the WFL.

**(ii) Ensure such guidance is extended to TAFEP's clarifications on obligations of corporate service buyers and intermediaries such as platform operators**

Such specifications are also important as TAFEP is seeking to clarify the obligations that corporate service buyers and intermediaries such as platform operators are required to adhere to. This has relevance to the disability community. In our research and conversations, a common theme was some persons with disabilities sharing their desire to enter the gig economy – due to the flexibility of the gig economy – which includes work that is run by platform operators.

However, if platform operators are not held to the same non-discrimination standards as other employers, it will pose as a significant concern to persons with disabilities – some of whom stand most to benefit from a truly non-discriminatory employment landscape under the management of platform operators. This was the case for individuals we spoke with such as Participant 31 (physical disability) who emphasised that this was his main concern as gig work through an intermediary such as platform operators are his main source of income.

The Tripartite Committee notes that the reason for further clarification on the obligations of corporate service buyers and intermediaries such as platform operators is to ensure that such entities do not discriminate. DPA agrees with this need to ensure that such entities do not discriminate, but this again calls for the need for a comprehensive definition of discrimination in the WFL, and for the TGFEP to be enhanced to provide further guidance in the implementation of the WFL.

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discrimination – one under the WFL and another under common law – which could potentially result in confusion for both employers and workers alike.

### **1.2.3 New Tripartite Advisory on Reasonable Accommodations for Persons with Disabilities**

As noted in section 1.1.1, the Tripartite Committee on Workplace Fairness has recommended that reasonable accommodations not be included in the legislation. Instead, the Tripartite Committee has recommended that a new Tripartite Advisory on “Providing Reasonable Accommodations to Persons with Disabilities” be established.

As outlined, DPA believes that the denial of reasonable accommodations should be part of the definition of discrimination in the WFL and that reasonable accommodation provisions such as the interactive process be included in the law. While the Tripartite Committee has said that they want to use this new advisory to encourage employers, as accounts in the previous sections illustrate, the attitudinal and prejudicial barriers exhibited by employers can be very pronounced and are not easily assuaged. As noted in section 1.1.1, an advisory also sends the wrong message that providing reasonable accommodations are “good-to-have” but optional - when in reality, they are essential and necessary for persons with disabilities to perform well in the workplace while assisting both employer and employee.

As noted in the accounts in this report, Persons with disabilities have expressed how reasonable accommodation provisions in law will help with promoting fairness in the workplace for persons with disabilities.

“That [reasonable accommodation provisions in the WFL] would definitely help – and having a clear definition of what reasonable accommodations may look like per disability type would help employers to understand what is required of them when they provide accommodations.”

Participant 40 (D/deaf/hard-of-hearing; blind/visually impaired)

As outlined in the previous subsections, there are ways to clearly define “reasonable accommodations” so that employers are aware of what is expected of them.

The Tripartite Committee notes that their intent is to use the new “Tripartite Advisory on Providing Reasonable Accommodations for Persons with Disabilities” to encourage employers to provide and adopt reasonable accommodations in the workplace.

#### **DPA Recommendations:**

While DPA strongly recommends incorporating reasonable accommodations into law, we note that the new “Tripartite Advisory on Providing Reasonable Accommodations to Persons with Disabilities” is better than no advisory on reasonable accommodations. DPA strongly recommends that reasonable accommodations be promoted through law rather than an advisory.

However, if the route of an advisory is decided upon to be taken, DPA recommends that the following items be included in such an advisory.

**Recommendation 5:** Ensure that any advisory or guideline on reasonable accommodations highlights the necessity and essentiality of reasonable accommodations, including implementation processes to provide reasonable accommodations, as an important and useful investment with benefits that extend to all demographics – not only persons with disabilities, and that any advisory or guideline on reasonable accommodations be accompanied with a clear roadmap and timeline on achieving its aims and objectives.

### **(i) Framing reasonable accommodations**

Firstly, the advisory should frame reasonable accommodations as a needed and essential mechanism and tool that is intended to help employers help their employees with disabilities. We refer again to the points outlined in section 1.1.1 – outlining examples of how reasonable accommodations can be and should be clearly defined.

### **(ii) Optimising inclusion of new Tripartite advisory**

Secondly, we note that this will be a Tripartite Advisory on providing reasonable accommodations to “persons with disabilities”. We thus recommend that the definition of disability be inclusive of all disability groups – including psychosocial disabilities – and that the definition be rooted in the social model of disability [see section 1.2.1 for more]

Additionally, reasonable accommodations are a useful tool and investment that can benefit other demographics as well – such as religious groups or working parents – and thus DPA recommends targeting the advisory not only for persons with disabilities.

### **(iii) Incorporating a specific roadmap and timeline for the new Tripartite advisory**

Thirdly, to accomplish the advisory’s aims of encouraging employers to adopt reasonable accommodations, we believe it will be very important that discussions on this new Tripartite Advisory contain discussions on a concrete roadmap on how this Advisory will meet the objectives of encouraging employers to provide reasonable accommodations. We recommend that this Advisory be accompanied with a timeline and a strategy on how MOM plans to reach employers with this advisory, along with measurable outcomes of this Advisory. For example, this could include aiming to hold [x] number of talks with [x] number of employers by [date]. This Advisory must also be accompanied with regularly conducted research that measures quantitatively and qualitatively employers’ awareness and knowledge on this Advisory and if and how employers are implementing the best practices outlined in this advisory. More importantly, such research must not only be conducted with employers but also with employees on whether this Advisory is having an impact in improving the quality of employment for employees with disabilities and for employees from other demographics.

## **1.2.4 Prohibited Retaliatory Actions**

In their final report, the Tripartite Committee on Workplace Fairness has recommended that the WFL prohibit employers from retaliating against those who report cases of discrimination, “to provide assurance to those who face workplace discrimination or harassment”.<sup>69</sup>

The Tripartite Committee has recommended prohibiting the following retaliatory actions by employers when individuals report cases of discrimination:<sup>70</sup>

- Wrongful dismissal
- Unreasonable denial of re-employment
- Unauthorised salary deduction
- Deprivation of contractual benefits

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<sup>69</sup> Ministry of Manpower (MOM), August 2023, “Tripartite Committee on Workplace Fairness Final Report.”: “Recommendations”, para. 21.

<sup>70</sup> Ibid, “Recommendations”, para. 23.

- Harassment
- Any other act done to victimise the individual who made the report (i.e. single out the individual for unjust treatment)

The Tripartite Committee noted that it is important to prohibit retaliatory actions because “it is important for individuals who have genuine experiences of workplace discrimination or harassment to come forward so that we can better address problems and shape positive workplace behaviours”.<sup>71</sup> DPA agrees with this statement. However, this underscores once again the need for an expansive definition of discrimination that actually covers the various forms of discrimination that persons with disabilities face in the workplace. As illustrated in the various accounts in this report, persons with disabilities often face forms of discrimination other than direct discrimination – and in fact, the vast majority of the cases and concerns we have received involve forms of discrimination that are not direct – i.e. indirect discrimination or denial of reasonable accommodations.

As illustrated, forms of discrimination such as denial of reasonable accommodation are not only serious forms of discrimination that need to be prohibited as emphasised by the UN CRPD, but also as illustrated, such forms of discrimination have significant effects on the employment prospects and workplace performance of persons with disabilities.

Therefore, if the WFL will contain provisions that prohibit retaliatory actions, but will only contain a limited definition of discrimination, it will not achieve the goal of encouraging individuals, especially persons with disabilities, in coming forward to report cases of discrimination to “better address problems and shape positive workplace behaviours”.

### **DPA Recommendations:**

DPA reiterates our recommendations in sections 1.1.1 and 1.1.2 that a comprehensive definition of discrimination, which includes indirect discrimination and denial of reasonable accommodations, be enshrined in the WFL.

**Recommendation 6:** Ensure that the list of prohibited retaliatory actions legislated in the WFL are inclusive of all forms of discrimination

This can include adding forms of discrimination such as denial of reasonable accommodations to the current recommended list of prohibited retaliatory actions or ensuring that the recommended prohibited retaliatory action of “any other act done to victimise the individual who made the report (i.e. single out the individual for unjust treatment)” remains broad enough to include all forms of discrimination including denial of reasonable accommodations.

This is especially important because the Tripartite Committee noted that one of the reasons for incorporating a list of retaliatory actions is to protect “employers from frivolous or vexatious reports of retaliation”.<sup>72</sup>

Thus, if an employer retaliates against an employee with disability by not providing them the essential and necessary reasonable accommodations they need – making the workplace a place of hostility and unnecessary difficulty for the employee with disability to do their work, and if the denial of reasonable accommodation is not included in the list of prohibited retaliatory actions, such a list will do nothing to protect the employee or encourage other employees with disabilities to come forward to report cases of discrimination.

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<sup>71</sup> Ibid, “Recommendations”, para. 20.

<sup>72</sup> Ibid, “Recommendations”, para. 22.

### 1.2.5 Proper Grievance Handling Processes

In their final report, the Tripartite Committee on Workplace Fairness has recommended that the WFL require employers to “put in place proper grievance handling processes, so that aggrieved employees and their employers try to resolve disputes amicably within the firm”.<sup>73</sup>

The Tripartite Committee further recommends that the following grievance handling requirements be legislated in the WFL:<sup>74</sup>

- 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 believes that such requirements are important. However, as we have noted in previous publications, making the grievance handling process accessible to disabled employees should constitute as what it means to have a “proper grievance handling process”. There should be accessibility requirements legislated to ensure that the grievance handling process is accessible to persons and employees with disabilities.

From our research and conversations, persons with disabilities have shared that in addition to attitudinal barriers, they often do not report incidents of discrimination as the reporting mechanisms and channels available to them are not accessible. This is particularly the case for blind/visually impaired individuals who are full-time screen reader users noting how their company’s website or online forms not being in screen reader friendly format, or for neurodivergent individuals who note instructions on reporting procedures not presented in formats that cater to the realities of the neurodiverse community. Such access barriers make reporting incidents of discrimination either unfairly arduous or impossible for disabled persons to do so in ways that will protect their anonymity or confidentiality.

According to various studies, individuals in Singapore workplaces tend not to report incidents of workplace discrimination. For example, according to the 2022 MOM Fair Employment Practices survey, 2/3 employees who experienced workplace discrimination did not seek help.<sup>75</sup> This is similar to other studies. For instance, according to the 2022 AWARE/Milieu Insight study, 54% of respondents to their survey who had faced workplace discrimination did not report it to any channels.<sup>76</sup>

Thus, with the afore-mentioned unique access barriers faced by persons with disabilities in reporting incidents of workplace discrimination, it is likely that the rate of under-reporting of incidents of workplace discrimination is higher amongst persons with disabilities.

Such reasons, along with the fact that TAFEP has noted on several occasions that they encourage internal mediation before complaints are made to TAFEP, are why DPA believes that the total number of disability-based discrimination complaints received by TAFEP (as stated in the Tripartite Committee’s Final Report) is not an accurate reflection of the total number of incidents of disability-based discrimination in Singapore workplaces.

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<sup>73</sup> Ibid, “Recommendations”, para. 44.

<sup>74</sup> Ibid, “Recommendations”, para. 45.

<sup>75</sup> Ibid, “Recommendations”, para. 19.

<sup>76</sup> Association of Women for Action and Research (AWARE), 20 September 2022, “1 in 2 experienced workplace discrimination in Singapore over the past five years,”

**DPA Recommendations:**

**Recommendation 7:** Include in the WFL, as per the other four proposed legislated grievance handling requirements, an accessibility requirement in defining what constitutes as “proper grievance handling processes”, and that new or revised guidelines be established to support employers to pursue such accessibility requirements.

For example, to assist in setting up this requirement, MOM can consider introducing Tripartite Guidelines on Inclusive Grievance Handling Processes to provide basic accessibility standards to supplement this requirement. Alternatively, as noted in section 1.2.2, MOM can consider updating the TGFEF to specify or provide examples of accessible and disability-inclusive grievance handling processes. Currently, the Tripartite Grievance Handling Handbook does state that “for effective administration, the application for the grievance process must be user-friendly and easily accessible to all employees”.<sup>77</sup> However, the handbook does not include examples on making such applications accessible in cases where the employee is disabled.

We at DPA are appreciative that we have been able to engage with TAFEP to provide feedback on improving such processes. While we at DPA, along with other disability organisations, can assist in referring persons with disabilities who have experienced workplace discrimination to TAFEP upon request of the person with disability, we believe such guidelines and provisions in the WFL will assist in mainstreaming inclusivity throughout the process.

**1.2.6 Settlements and Redress for Victims of Workplace Discrimination**

In their final report, the Tripartite Committee on Workplace Fairness has recommended that “claims of workplace discrimination in respect of the protected characteristics will undergo compulsory mediation” at TADM first, with adjudication at the ECT as a last resort.<sup>78</sup>

The Tripartite Committee further recommends that during the compulsory mediation process at TADM, that the focus will be on “educating employers on correct practices and mending the employment relationship where practicable”.<sup>79</sup> The Tripartite Committee further recommends that if a case is brought for adjudication at the ECT, that the ECT be granted the authority to order a compensation amount depending on the type of claim and if there is assistance provided from unions, and that the ECT be granted the authority to “strike out frivolous or vexatious claims” and “award costs of up to \$5,000 to be paid by the claimant whose claim was struck out”.<sup>80</sup>

**DPA Recommendations:**

As noted in section 1.2.4, not having a comprehensive definition of discrimination that includes all forms of discrimination – including the denial of reasonable accommodations and indirect discrimination, will not encourage individuals, including persons with disabilities, in coming forward to

<sup>77</sup> Tripartite Alliance on Fair Employment Practices (TAFEP), 2018, "Tripartite Grievance Handling Handbook," TAFEP.sg. Accessed March 2024. [https://www.tal.sg/tafep/-/media/tal/tafep/employment-practices/files/grievance-handling-handbook\\_2018.ashx](https://www.tal.sg/tafep/-/media/tal/tafep/employment-practices/files/grievance-handling-handbook_2018.ashx)

<sup>78</sup> Ministry of Manpower (MOM), 2023, "Tripartite Committee on Workplace Fairness Final Report.": “Recommendations”, para. 50.

<sup>79</sup> Ibid, “Recommendations”, para. 53.

<sup>80</sup> Ibid, “Recommendations”, para. 54 – 55.

report cases of discrimination. However, this would be exacerbated if the WFL does not contain a comprehensive definition of discrimination, and if the ECT will be granted the authority to require claimants to pay up to \$5,000 for claims of discrimination that have been struck out for being “frivolous” or “vexatious”.

DPA reiterates our recommendations in sections 1.1.1 and 1.1.2 that a comprehensive definition of discrimination, which includes indirect discrimination and denial of reasonable accommodations, be enshrined in the WFL.

**Recommendation 8:** Establish for the WFL settlement and redress procedures to be victim-centred – including clearly addressing burden of proof concerns, not requiring mediation to be compulsory, and ensuring all areas of such procedures are accessible.

**(i) Burden of proof concerns**

Pertaining to the burden of proof, a victim should be required only to establish a prima facie case by adducing facts from which it may be presumed that the employer had discriminated against them under the WFL. The burden should then shift to the employer to prove that it did not commit the alleged prohibited action. This is important because it is often difficult for victims to prove the causal relationship between an employer’s adverse employment decision and their protected characteristic or the employer’s intention behind taking any adverse employment decision against them.

**(ii) Mediation**

Pertaining to compulsory mediation, DPA believes that a victim-centred approach to settlements and redress should grant autonomy to the victim to decide the best course of action, and mediations may not always be the best course of action in all cases as it may cause further distress to the aggrieved employee.<sup>81</sup>

**(iii) Accessible and inclusive settlement and redress mechanisms**

Pertaining to accessibility, it is important that all aspects of the settlement and redress process are accessible and inclusive of the realities of persons with disabilities. Persons with disabilities should be ensured reasonable accommodations throughout the process and such accessibilities should be made clear. For example, while it is important that the Singapore courts has a clear disability accessibility statement on their website, there can be certain modifications to clarify the extent of such accessibilities especially as it pertains to employment claims. For instance, in the disability accessibility statement, it notes that individuals may request for SGSL interpretation; however, it emphasises that this is only if one is a party in the following types of cases:<sup>82</sup>

- (State Courts or Supreme Court) Criminal cases.
- (Family Justice Courts) Protection against family violence, maintenance or Youth Courts cases.

It does not include employment-related cases through the ECT and thus seems to suggest that SGSL interpretation may not be guaranteed in such cases. Additionally, the accessibility statement does not mention if key accessibility means such as personal screen readers on mobile phones or laptops

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<sup>81</sup> AWARE has documented important examples of such unintended consequences of compulsory mediation: Association of Women for Action and Research (AWARE), 6 March 2023, "Beyond Fairness: A legal framework for anti-discrimination in the workplace."

<sup>82</sup> Singapore Courts, "Court Accessibility," Judiciary.gov.sg. Accessed March 2024. <https://www.judiciary.gov.sg/visit-us/court-accessibility>

(which are essential for blind/visually impaired individuals and individuals with print disabilities) will be permitted, nor does the statement specify accessibility provisions for other populations of the disability community such as the neurodiverse/autistic community.

## Summary of Part I

In summary:

Persons with disabilities have expressed their concerns and experiences with other forms of discrimination in addition to direct discrimination – such as the denial of reasonable accommodation, indirect discrimination, and discriminatory-related harassment. The definition of discrimination in the upcoming WFL thus needs to incorporate such forms of discrimination to properly address the varied concerns and attitudinal barriers that persons with disabilities face in finding, securing, maintaining, and/or advancing in employment in Singapore. Not only so, but such forms of discrimination are strongly prohibited under the UN CRPD – which Singapore has ratified, and which the UN Committee on the Rights of Persons with Disabilities has clearly noted, in both its General Comments and 2022 Concluding Observations to Singapore, need to be prohibited through legislative and policy action. The UN Committee on the Rights of Persons with Disabilities has also provided practical guidance to countries such as Singapore on how legal and policy provisions can be implemented to assist both employer and employee.

In addition to a comprehensive scope of discrimination, other provisions that need to be present to ensure the WFL is effective is an inclusive definition of disability and supplemental guidelines that can assist in clarifying, enforcing, and implementing various provisions in the WFL in a manner that is beneficial to employer and employee. Such supplemental guidelines include enhancing the TGFEP, optimising the new Tripartite advisory on providing reasonable accommodations, and potentially establishing new guidelines pertaining to topics such as prohibited retaliatory actions and inclusive grievance handling processes, while ensuring that all settlement and redress mechanisms are victim-centred and accessible to persons with disabilities. However, such supplemental guidelines must depend on a comprehensive and inclusive definition of discrimination and disability to be effective in addressing the concerns and attitudinal barriers faced by persons with disabilities in finding, securing, maintaining, and/or advancing in employment in Singapore

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In their final report, the Tripartite Committee on Workplace Fairness noted that it is their intention for the WFL to benefit employers, employees, and Singapore society – noting in their report:<sup>83</sup>

- For employers – “By implementing fair employment practices, employers will benefit from a more productive and engaged workforce, a more harmonious workplace, and be better able to attract and retain talent, contributing to stronger business outcomes.”
- For employees – “The legislation will strengthen protections against discrimination and help ensure that workers are fairly considered for job opportunities. The legislation will also give more assurance to workers that they can report workplace discrimination or harassment without fear of retaliation.”
- For society – “Social cohesion is strengthened when unfair treatment is addressed. This is especially important in a multi-racial, multi-religious society, and a diverse workforce.”

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<sup>83</sup> Ministry of Manpower (MOM), August 2023, "Tripartite Committee on Workplace Fairness Final Report.": “Recommendations”, para. 10.



DPA shares in the Tripartite Committee's goals and believe the recommendations on the WFL in this report guided by our research and conversations with persons with disabilities and other relevant experts will benefit employers, employees, and Singapore society while meeting the recommendations of the UN Committee on the Rights of Persons with Disabilities.

For employers, clear reasonable accommodation provisions as outlined and ensuring that the definition of discrimination is comprehensive will help guide and set measurable criteria for employers on ways to create a welcoming environment. When such structures are in place, it will enable employees to come forward to disclose their issues and converse with their employers in a manner that is amicable and orderly that leads not only to fairer outcomes but also a more harmonious workplace. Such a working environment will help minimise incidents of miscommunication and misunderstanding and improve social cohesion within the workplace which can and will carry over to the larger Singapore society. Social cohesion is strengthened when unfair treatment is addressed; however, if the definition of "unfairness" is a limited one, unfairness in the workplace and in employment will not be successfully treated – an outcome that will not lead to social cohesion.

As the WFL heads to Parliament in 2024, and as the topic of workplace fairness is set to receive subsequent media attention, it is DPA's sincere hope and call that the recommendations on the WFL in this report guided by the conversations and inputs from persons with disabilities and other relevant experts be taken seriously by policymakers, MPs, members of the media, and the general public and included in discussions and debates on the legislation, and eventually incorporated into the WFL.

## **PART II: Factors in Achieving Fairness in Employment**

Part I outlined the various and prevalent discriminatory barriers that persons with disabilities face in the workplace, and what we recommend need to be included in the WFL to properly address such barriers.

As outlined in the Introduction, as we gathered the insights and experiences of persons with disabilities on the topic of workplace fairness in our advocacy efforts on the WFL, persons with disabilities also commented on other areas in the Singapore employment landscape that they believe need to be addressed to achieve fairness in employment for persons with disabilities in Singapore.

Part II thus outlines such other areas – which can be group into three sections: (1) supporting persons with disabilities in achieving “gainful employment”, (2) promoting disability-inclusive employment, and (3) the importance of strong protections for persons with disabilities in and around employment.

Part II is thus divided into these three sections:

Section 2.1 focuses on our recommendations, based on our research and conversations with persons with disabilities, on several potential means to optimise current employment supports in Singapore for persons with disabilities to achieve gainful employment. By doing so we examine indicators that need to be considered when assessing the meaning of “gainful employment”.

Section 2.2 focuses on some of the main methods that the Singapore government uses to promote disability-inclusive employment – such as wage subsidies through the P&T programme, and initiatives such as the Enabling Mark and Enabling Employment Pledge. We outline our recommendations, based on our research and conversations with persons with disabilities and other relevant experts, on how such methods currently used by the government may be enhanced to more effectively promote the prevalence of disability-inclusive employment in Singapore.

Section 2.3 focuses on the importance of strong protections and provisions in areas in and around employment – and our recommendations, based on our research and conversations with persons with disabilities and other relevant experts, on how there needs to be comprehensive protections and inclusive provisions in not only the WFL but in policy in other aspects of society – such as vocational education and training through SkillsFuture, and various financial supports - that have a direct impact on the outcomes of persons with disabilities in achieving fairness in employment in Singapore.

As with Part I, we believe such recommendations in Part II, based on our research and conversations with persons with disabilities and other relevant experts, can assist the government in meeting both the goals of EMP2030, and the recommendations by the UN Committee on the Rights of Persons with Disabilities in bringing Singapore closer to the standards and principles of the UN CRPD.

### **2.1 Supporting Persons with Disabilities in Achieving Gainful Employment**

When discussing the topic of fairness in employment, persons with disabilities commented on current employment supports services in Singapore for persons with disabilities.

Overall, persons with disabilities expressed mixed experiences and sentiments about the current employment support and placement services in Singapore. Several persons with disabilities spoke of how the current supports to assist with job matching and employment support are very helpful and addressed their concerns and assisted in their respective situations. We thus take this opportunity to

thank some of such entities that do well to match persons with disabilities to employment opportunities.

However, while a few noted positive examples, a number of persons with disabilities spoke of the need for improvement – in particular, pertaining to two main areas: the need for employment supports for persons with disabilities in Singapore to (1) better and more intentionally address the issue of under-employment, and (2) more intentionally ensure that persons with disabilities are supported in maintaining and advancing and progressing in employment. Persons with disabilities also mentioned (3) the need for outcomes of employment supports to consider access to not only formal economies but also gig economies. [As our recommendations in this section involves discussion to all of these three subsections, we present our recommendations in this section after outlining each of these three subsections.]

[In the interest of preserving the anonymity of persons with disabilities, we do not make reference to the names of specific entities (especially SSAs or VWOs) that provide employment support and matching services in this report. The only exception is in 2.2.1 where we make direct reference to the government's P&T programme, and in 2.2.1, we deliberately chose quotes that did not highlight in detail the experience of a particular person with disability to protect the anonymity of the persons with disabilities who participated in our research and conversations. Additionally, the purpose of our recommendations is to highlight areas of improvement that we hope all employment support services – whether by the government or by SSAs/VWOs will take into consideration – especially areas of government and VWOs and SSAs that are currently not incorporating such points of recommendations intentionally. Our recommendations are definitely not to call out any specific entity and this is all the more reason why we do not include specific names of such entities (especially SSAs and VWOs) in this report. It is worth emphasising again that our recommendations do not apply equally to all entities that provide employment supports or matching for persons with disabilities, for as we note, there are a few of such entities that are doing well in the below aspects.]

## 2.1.1 Addressing the Issue of Underemployment

While there are targeted efforts to increase the employment rate of persons with disabilities in Singapore, persons with disabilities spoke frequently of not only the issue of unemployment but also of underemployment.

While unemployment is when individuals experience no employment despite looking for work, under-employment is when individuals experience a lack of adequate work opportunities – which leads to employment that does not utilise an individual's skills and prior training and tends to be lower-paying and for less hours of work that an individual is willing or able to work for.<sup>84</sup>

While under-employment is an issue faced by other segments of the general public, based on our research and conversations, it is a particularly prevalent issue within the disability community. This was a common theme and experience cited by persons with disabilities in our research and conversations.

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<sup>84</sup> International Labour Organisation (ILO), "International definitions and prospects of Underemployment Statistics," ILO.org. [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms\\_091440.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_091440.pdf)

“Many [persons with disabilities] who have a degree or who have a diploma are being under-employed ... and are not getting the types of jobs that are relevant to their field of study. They are not getting those types of jobs that their university or their learning days have trained them for. As a result, their skills are being under-utilised.”

Participant 10 (neurodivergent/autistic)

The above is said by Participant 10 who is well-connected with individuals in the disability community – especially in the neurodiverse/autistic communities in Singapore.

Part I has already outlined various examples of under-employment – where because of employers refusing to grant reasonable accommodations in the workplace, persons with disabilities were relegated to positions that were mostly if not completely unrelated to their skills and prior training and in positions that were typically lower-paying than their original roles.

In addition to addressing attitudinal and discriminatory barriers from employers through comprehensive protections in the WFL, persons with disabilities noted their feedback that there can be more intentionality from employment support and placement services by the government and social service agencies (SSAs)/voluntary welfare organisations (VWOs) to address the prevalence of under-employment faced by persons with disabilities in Singapore.

As noted, while several persons with disabilities noted satisfaction with their experience with employment support services, others spoke of the need for improvement – especially in addressing the issue of under-employment. Such persons with disabilities noted that current support services at times, and in several cases often, do not take into consideration their skills expertise or prior training when matching persons with disabilities to employment, which results in – whether intentionally or unintentionally – persons with disabilities continuing to face under-employment.

“What I noticed is that they tend to pigeon-hole people with disabilities in certain types of positions ... the first thing they think is – it’s not what you [person with disability] can do, but what do I [employment support service] have for physical disabilities. So there was a lot of like you know, very typical –I think that they also need to look at the skills of the client and then match that accordingly ... you know, you can’t just give me the typical run-of-the-mill stuff ... I have a lot more to offer.”

Participant 13 (physical disability)

Such persons with disabilities note the need for employment support services to do more to “break the cycle” of underemployment and not to continue it. Below is Participant 19 (blind/visually impaired) who spoke of how she encountered many of the same attitudinal barriers amongst employment support services as she would typically find in the general public – relegating her to the same two – three types of occupations.

“Just because I am someone with visual impairment, it doesn’t mean that I am only capable of doing certain jobs – there are other options that can be explored as well ... and it’s another thing when VWOs - who are supposed to be the ones giving the support to persons with disabilities – tell you that ‘why don’t you just stick with this job, why don’t you stick with that, why do you have to do that one’.”

Participant 19 (blind/visually impaired)

As outlined, under-employment is a problem as it results in the skills of persons with disabilities being under-utilised, and often leads to persons with disabilities attaining work that tends to be lower-paying. Many of such individuals noted that the typical jobs recommended by employment support services in Singapore – as commented by Participant 19 above – tends to also be in the lower-income occupations or work that does not pay an adequate living wage.

For example, Participant 15 (blind/visually impaired) noted how the only two options she was provided with when her eye condition began to deteriorate were jobs that were part-time work paying at a low hourly rate and did not make use of her prior training and the various transferrable skills she acquired when working as a teacher prior to her eyesight deteriorating.

Persons with disabilities such as Participant 15 noted that in addition to not utilising their skills and not paying a living wage, they felt that such job placements discarded the years and experience and training they had acquired - leaving them to unnecessarily “restart from the very beginning” in their employment and career journey. This was especially the case for participants who acquired their disability later in life or whose condition worsened over time. Such persons with disabilities noted that they are aware they may not be able to continue in the exact same roles prior to acquiring their disabilities, but noted that they felt many skills they had acquired in work prior to the onset of their disabilities are transferrable skills that can be put to use in the given sector of their expertise – especially with reasonable accommodations in place. Yet, such individuals noted that their experience with employment support services did not take into consideration such transferable skills. One such participant was Participant 37 (physical disability) who experienced the onset of his disability mid-career and commented on his experience with an employment placement programme.

“Like for me, I’ve got decades of hospitality industry experience – I’ve held different roles with the highest paying position as the director of a hotel - so you know, I’ve led teams, I’ve managed teams ... so, I bring this bag of experience right? My salary was something in the region of \$7,000 - \$8,000 a month ... but when I was on the programme, that was supposed to lead me to employment – it did not matter about my experience, I was just taken, put into a potential company, told that this was a potential company ... and it was all very entry level. And the excuse being ‘we don’t know how you will work out with us’. You know, I used to manage – hiring, training, business development, all the works – but when I had my CV passed out initially, the jobs I got were \$8 or \$9 an hour - and that’s another thing ... rather than take the person in on a tenure, some companies will say ‘okay, I’ll take the person [with disability], but here’s an hourly rate, let’s see how he works out, if he does work out, we’ll convert him from an hourly rated individual to a contract individual’. So you have to restart from the very beginning and find a way to make your way up.”

Participant 37 (physical disability)

It is worth emphasising that the reasonable accommodations Participant 37 requires for his work is a larger keyboard and a bit of extra time on certain tasks – which are common reasonable accommodations. An important point of Participant 37’s account is what he notes regarding his “bag of experience”. Similar to Participant 15 who has transferrable skills from her past training and work as a teacher, Participant 37 has a wide set of transferrable skills.

Yet, Participant 15, 37, and other individuals with disabilities who relayed similar experiences, felt that such transferrable skills and prior experiences were disregarded just because of their disability. It is worth emphasising again that such individuals as Participants 15, 37, and others commented that they are aware that they may not be able to handle the exact same roles they once had. However, such individuals felt that there were occupations that their transferrable skills could be applied to especially with reasonable accommodations provided – but that they were not considered for such occupations whether by employers or employment support and placement services. Individuals such as Participant 15 and 37 should not find themselves unnecessarily restarting from the beginning of their employment journey or career due to the inaccurate assumptions or biases of employers or even potentially by personnel from employment supports and placement services.

More intentionality in matching persons with disabilities with employment thus needs to ensure prior skills and training are considered as a priority in the matching process.

## 2.1.2 Ensuring Fairness in Advancing and Progressing in Employment

Related to the topic of under-employment, another common theme cited by participants was the need for efforts and conversations around disability and employment in Singapore to more intentionally include the topic of advancement and progression in employment. Persons with disabilities commented that they felt the sentiment of “as long as persons with disabilities are employed” is still prevalent in Singapore, and that in addition to ensuring employment is aligned with skills, and income commensurate with training, “gainful employment” should include whether one can advance or progress in employment. As Participant 07 (neurodivergent/autistic) who is well connected with individuals in various disability communities – especially the neurodiverse/autistic community - notes:

“When people [with disabilities] secure jobs – even through [name of employment support service]<sup>85</sup> right, they are often unable to progress in their careers. So they’re stuck in this position for years and years you know, and the salary increment is, you’re fortunate to get it, if not you’re seen as having to appreciate it ... Like ‘you should just be appreciative that you have a job instead of complaining about having a low salary’. And I think this whole idea of dignity of work need to change – in terms of the definition of dignity, because dignity also needs to include a fair remuneration and a fair chance at career progression, and things like that.”

Participant 07 (neurodivergent/autistic)

Just as career progression is a common point of discussion for the general public when discussing employment, so it also should be a common point of discussion for persons with disabilities when discussing employment; however, several persons with disabilities noted that the topic of employment progression or advancement tends to be excluded or neglected in the conversation of assessing employment outcomes of persons with disabilities.

“Like for us [persons with disabilities], I know we have some limitations, but I think a lot of my peers will also like to progress – doing more, or doing more different things as you work in a company for longer. But what I notice, is that sometimes they [employers and employment support services] do not plan that much ahead and also might neglect the progression needs of persons with disabilities.”

Participant 30 (physical disability)

It is worth noting that Participant 30 also commented on how there needs to be improvement in the employment landscape for employers to better incorporate reasonable accommodation provisions in Standard operating procedures and how this will help not only persons with disabilities to perform the tasks better, but thus also have a better chance at advancing in employment.

As highlighted in Part I, the denial of reasonable accommodations often leads to not only persons with disabilities being relegated to positions that do not make use of the skills of the person with disability but also it leads to situations of poorer relations between the person with disability and their colleagues, often leading to more experiences of isolation and lower attainment of social capital which in turn also are factors that make it more difficult to advance in employment. In a number of cases as outlined in Part I, the result of not receiving reasonable accommodations not only leads to difficulty in advancing in employment, but also in maintaining employment.

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<sup>85</sup> In the interest of preserving the anonymity of persons with disabilities, we do not make reference to specific SSAs or VWOs in this report. Additionally, the purpose of our recommendations is to highlight areas of improvement that we hope all employment support services – whether by the government or by SSAs/VWOs will take into consideration – especially if there are areas of government and VWOs and SSAs that are currently not incorporating such points of recommendations intentionally. Our recommendations are definitely not to call out any specific SSA or VWO and this is all the more reason why we do not include specific names of SSAs and VWOs in this report.

In addition to the need for reasonable accommodation provisions enshrined in law, persons with disabilities spoke of improvements that can be made for employment support services to better employment progression and advancement prospects.

For example, individuals from the neurodiverse/autistic community spoke frequently on how the unwritten rules of a workplace often leave them at a disadvantage. For example, informal interactions in the workplace such as networking within a company while on the job are often carried out or involve communication patterns that are conducted in a neurotypical manner.

Neurodivergent/autistic individuals noted how there needs to be more intentionality from employment support services on assistance with navigating such barriers posed by neurotypical spaces especially pertaining to navigating workplace politics. Such individuals from the neurodiverse/autistic community often spoke of how while there are some measures to impart soft skills to such clients, employment support services can improve in preparing clients – especially neurodivergent/autistic clients – in navigating workplace politics. A few neurodivergent/autistic individuals commented that they or other neurodivergent/autistic individuals they know of have been explicitly told by their respective job coaches not to engage in workplace politics – and how this does not necessarily help as encountering workplace politics are inevitable.

“This idea of staying out of office politics – it’s impractical and does not prepare us well – because you can say ‘just stay neutral at work’ but there will always be some difficult people who might find trouble.”

Participant 08 (neurodivergent/autistic)

In addition to better guidance on how to navigate issues such as workplace politics, neurodivergent/autistic individuals also spoke of the need to ensure that any interventions from employment support services between themselves and their employers/colleagues on disputes need to take an approach that addresses the attitudinal barriers from the individual’s colleagues and supervisors rather than merely attempting to assist persons with disabilities with conforming with workplace norms.

“Some [employment] coaches do need more training. There are some coaches who are good at being a mediator ... but not every coach has that kind of skill. Some coaches are very only one sided – like they only try to push the autistic – they never try to push the autistic’s colleagues to say that ‘look, you need to learn to understand the autistic point of view’. Some coaches are good at that, but some coaches are not – so there is a need to get all the coaches up to speed.”

Participant 10 (neurodivergent/autistic)

By ensuring that the attitudinal barriers in a workplace are addressed in any workplace interventions, it will assist in creating a fairer working environment – which will heighten the opportunities and chances for employment advancement and progression.

Participant 10’s point about how there currently are some job coaches that do well to address attitudinal barriers is an important point to emphasise. The need for improvement does not apply to all job coaches (as we have received several reports of positive examples of job coaches), but rather to note the need for consistency - that the experience of employment support does and should not depend on one’s job coach.

### 2.1.3 Accessing the Gig Economies

A frequent theme cited by persons with disabilities was the need for protections and more targeted support in assisting persons with disabilities in accessing, maintaining, and advancing in employment in not only the formal economy, but also in the gig economies.

As highlighted in section 1.2.2, several persons with disabilities note the benefits of the gig economy – namely how the flexibility of the gig economy works to their advantage as a person with disability. One such individual was Participant 01 (physical disability; developmental disability) who noted the need for flexible work due to his particular condition and how he believes that access to the gig economy can assist with facilitating this.

“I think people with conditions like mine because of our health issues, even if we get a full time job, it's a struggle to stay at it even stay at it for more than 2 or 3 years because we also have to kind of cope with our health problems at the same time and it can be very stressful. So most of us will then become freelancers. And that's where I see there's a lot of potential for us to enter the gig economy because it doesn't work 9 to 6 and you don't have to find a day job, you can just do gigs and support yourself using those gigs that you get here and there and I think that's more sustainable in the long run for people with my condition ... some of us, even if we are in a full time job we have to consider doing freelance work as well because that's the most, I guess, feasible way for us to earn a living while still living with a disability.”

Participant 01 (physical disability; developmental disability)

This advantage of the flexibility of the gig economy was also cited by other participants such as Participant 15 (blind/visually impaired) who noted her interest to enter gig work in the area of content creation.

It is worth emphasising that – similar to the general public – the gig economy might be beneficial to some persons with disabilities, but not preferable for others.

Similar to feedback pertaining to the issue of under-employment and addressing employment progression and advancement, the experience of persons with disabilities who expressed interest in entering the gig economy and attempted to do so was a mixed one. Some noted positive experiences, while others noted difficulty including a lack of supports from current employment support services.

### **DPA Recommendations**

As highlighted in the Introduction, the government noted in their EMP 2030 report their goal that “by 2030, persons with disabilities who can work will be recognised for their abilities, knowledge and skills, and are able to achieve gainful employment”. As noted, to achieve this goal, the government has set the quantitative target of achieving a 40% employment rate of persons with disabilities by 2030 – up from the current 32.7%.

However, it is unclear as to why an employment rate of 40% constitutes quantitatively as “gainful employment”. While it is an important and ambitious goal to set the target of 40% employment rate by 2030, the concerns raised by persons with disabilities in this section show that persons with disabilities view “gainful employment” as more than just being employed, and that “gainful employment”, along with supporting persons with disabilities in achieving gainful employment, needs to consider indicators such as the prevalence of under-employment and the ability to maintain and advance in employment and progress in one’s profession – whether in the formal or gig economies.



We believe that the government shares this sentiment as said during a statement by the Ministry of Social and Family Development (MSF) during the recent 2024 COS where they noted: "Employment is not simply about having a job – having somewhere to go 9 to 6 every day. It is also about personal empowerment. It is also about self-actualisation".<sup>86</sup>

The government usually cites employment rates or number of placements in employment placement programmes as quantitative indicators of progress, and therefore the statement by the government above is a step in the right direction. We therefore hope that the recommendations in this section will assist in pursuing an employment landscape that is inclusive of indicators of gainful employment other than just employment rates in pursuance of enhancing supports for persons with disabilities in achieving gainful employment.

As we have done previously, DPA would like to take this opportunity in this report to reiterate our recommendations for the need for the government and SSAs and VWOs involved with employment supports to include factors not only pertaining to employment rate, but also pertaining to other factors such as under-employment and maintaining and advancement in employment – including data on barriers and economic outcomes surrounding such indicators – when assessing progress on "gainful employment" of persons with disabilities in Singapore. This can include enhancing existing and future data collection and publication while ensuring current and new KPI targets are inclusive of such factors.

Ensuring such measures are in place, and working to make progress on them, are important not only to address the concerns highlighted by persons with disabilities, but also for the government to make progress on the recommendations of the UN Committee on the Rights of Persons with Disabilities. In their 2022 Concluding Observations to Singapore, the UN Committee on the Rights of Persons with Disabilities noted their concern on "gaps in the collection of disaggregated data and statistics on persons with disabilities in all areas covered by the Convention", and specifically noted "employment" as one of such areas.<sup>87</sup>

To accomplish this, we would like to highlight two recommendations – first pertaining to enhancements in current data collection and publication, and second pertaining to ensuring new data, current and new KPIs, and targets to assess gainful employment for persons with disabilities in Singapore are inclusive of such afore-mentioned factors.

**Recommendation 9:** Enhance current data collection and publication to include disability-disaggregated data on indicators that can assist to monitor factors of gainful employment such as under-employment and employment progression.

To better monitor such factors of gainful employment such as under-employment and employment progression, DPA recommends several of the current regularly-tracked government statistics can be enhanced by ensuring disability-disaggregation. Examples of current data that can be better or more clearly disaggregated according to disability include (but are not limited to) (i) under-employment and (ii) income attainment

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<sup>86</sup> Hansard - Parliament of Singapore, 6 March 2024, "Committee of Supply – HEAD I (Ministry of Social and Family Development),"

<sup>87</sup> United Nations Committee on the Rights of Persons with Disabilities, 9 September 2022, "Concluding observations on the initial report of Singapore.": para. 57.

### (i) Under-employment

The government currently tracks time-related underemployment, which they define as “persons aged fifteen years and over who are working less than 35 hours a week (i.e. working part-time) and are willing and available to engage in additional work”.<sup>88</sup> The time-related Underemployment Rate is thus defined as “the percentage of time-related underemployed persons to employed persons”.<sup>89</sup> According to the 2023 MOM Comprehensive Labour Force Survey (CLFS), an approximate 53 thousand individuals experience time-related under-employment in Singapore – yielding a time-related under-employment rate of 2.3%.<sup>90</sup> While there is breakdown of the time-related under-employment data according to gender, age, educational level, occupation, and industry, there is not such a disaggregation according to disability. Disaggregating such time-related under-employment data according to disability will be useful to better quantitatively monitor the realities and concerns outlined in this section.

The 2023 MOM CLFS notes that out of approximate 250.2 thousand part-time employed residents aged 15 and older in 2023, approximate 25.3 thousand cited “health/medical reasons” for their reason for not working.<sup>91</sup> However, the 250.2 thousand is not time-related under-employment but rather the total number of part-time residents aged 15 and older, and thus is not a reflection of the employed residents who are working part-time but who are willing and able to engage in additional work. Additionally, while containing some overlap, “health/medical reasons” is not necessarily synonymous with “disability”.

It is important to emphasise that under-employment does not only constitute time-related underemployment but also under-employment in terms of low utilisation of one’s skills and training. This was just as much if not a more pressing of an issue than time-related under-employment for persons with disabilities in our research and conversations. However, time-related under-employment is currently the main quantitative data point the government uses to track under-employment, and thus DPA will address points of recommendation on other aspects of under-employment in Recommendation 10.

### (ii) Income attainment

As issues raised by persons with disabilities such as under-employment and lack of progression in employment tend to manifest in incomes that do not meet one’s financial needs, enhancing quantitative data on income and economic indicators of persons with disabilities is important. There already exists some data pertaining to such indicators; however, DPA believes that such data can either be more clearly and consistently published or disaggregated according to disability.

For example, the most recent national census in 2021, where disability-related data was included for the first time, shows that persons with disabilities are over-represented in the lower-income brackets – with persons with disabilities comprising 6.93% of the total resident employed population aged 15 years and older, while comprising 12.03% of those who earn below \$2,000/month.<sup>92</sup> Based on a reply

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<sup>88</sup> Ministry of Manpower (MOM), 2023, “Under-employment Introduction,” MOM.gov.sg. Accessed March 2024 <https://stats.mom.gov.sg/SL/Pages/Underemployment-Introduction.aspx>

<sup>89</sup> Ibid.

<sup>90</sup> Ministry of Manpower (MOM), 31 January 2024, “Labour Force in Singapore 2023,” MOM.gov.sg. Accessed March 2024.

<sup>91</sup> Ibid.

<sup>92</sup> Department of Statistics, 2021, “Singapore Census of Population 2020, Statistical Release 2: Households, Geographic Distribution, Transport and Difficulty in Basic Activities,” Singstat.gov.sg. Accessed March 2024. [https://www.singstat.gov.sg/publications/reference/cop2020/cop2020-sr2/census20\\_stat\\_release2](https://www.singstat.gov.sg/publications/reference/cop2020/cop2020-sr2/census20_stat_release2)

to a 2022 PQ, we know the government tracks the nominal median gross monthly income of full-time employed resident persons with disabilities aged 15 – 64.<sup>93</sup> However, in the most recent 2023 MOM CLFS, many of the income indicators such as monthly incomes and proportion of the resident employed population in various income earning percentiles are not disaggregated on the basis of disability. Yet, doing so may better assist in more clearly monitoring if Singapore is making progress in reducing the income inequalities experienced by persons with disabilities as highlighted in the last national census.

Additionally, according to a reply to a 2023 PQ, while the share of employed persons with disabilities working as professionals, managers, executives and technicians, (PMETs) has increased over the years, in line with the overall trend for employed residents in general, It is estimated that approximately 40% of employed persons with disabilities aged 15 to 64 in 2021 to 2022 were working as PMETs compared to the 63.6% of individuals working as PMETs in the general public in the same period.<sup>94</sup> However, the annual MOM CLFS does not disaggregate such PMET data according to disability. Yet, doing so may be one way to better assist in monitoring if persons with disabilities are able to progress in employment on levels comparable to that of the general public.<sup>95</sup>

**Recommendation 10:** Ensure new data and current and future KPIs and targets in employment supports assess the state of gainful employment of persons with disabilities by including indicators pertaining to under- employment, maintaining employment, and employment progression – including data on the barriers facing persons with disabilities in achieving such factors of gainful employment.

To determine if Singapore is making success in assisting and supporting persons with disabilities in gainful employment, it is important that any new data, or KPI outcomes of employment supports – whether by government or SSAs/VWOs – incorporate measures pertaining to the factors raised by persons with disabilities such as under-employment and employment progression.

For example, when reporting on the progress rates of the government's various support programmes and initiatives, the government usually cites number of job placements through their various job matching programmes, or the number of employers that have taken up various financial supports such as the Enabling Employment Credit (EEC). While such performance indicators are important and serve as necessary baseline measures, DPA recommends that other indicators are important to measure progress rates of employment supports – including (but not limited to) (i) under-employment, (ii) employment progression, (iii) access to both formal and gig economies, (iv) employment retention, and (v) societal barriers.

### **(i) Under-employment**

For instance, as persons with disabilities have noted their concerns and experiences of not only time-related under-employment, but also under-employment in terms of low utilisation of skills and training, the government can track the percentage of their job placements that were in sectors or occupations

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<sup>93</sup> Ministry of Social and Family Development (MSF), 5 July 2022 "Employment Data of Persons with Disability over the last Ten Years," MSF.gov.sg. Accessed March 2024. <https://www.msf.gov.sg/media-room/article/Employment-Data-Of-Persons-with-Disability-over-the-last-Ten-Years>

<sup>94</sup> Hansard – Parliament of Singapore, 3 October 2023, "Data on Employment of Singaporeans and Permanent Residents with Disabilities," Hansard. Accessed March 2024. <https://sprs.parl.gov.sg/search/#/sprs3topic?reportid=written-answer-na-14687>; Ministry of Manpower (MOM), 31 January 2024 "Labour Force in Singapore 2023." Accessed March 2024.

<sup>95</sup> It is worth emphasizing that this is just one example, and that DPA recognises there are other ways that employment progression may be monitored.

that matched any prior training or work experience of the person with disability – if such data currently is not tracked by government or SSAs and VWOs that assist the government in job matching initiatives.

The government recently noted an increase of persons with disabilities in more sectors – noting that “beyond the food and beverage and hospitality industries, disability agency SG Enable is seeing more PWDs being hired in growth sectors such as logistics, healthcare, information technology, banking and the public sector”.<sup>96</sup> While this is encouraging and a step in the right direction, the presence of persons with disabilities in other sectors does not necessarily indicate if the skills of persons with disabilities are utilised or under-utilised, and thus tracking such quantitative data will be useful in monitoring if there is improvement towards such elements of under-employment.

## **(ii) Employment progression**

When employment supports through the government or SSAs/VWOs assist clients, data can be tracked if such clients are able to progress in their respective jobs over time – whether it be in income to match the rising cost of living or in job roles and duties that matches and adds and builds off the skills and expertise of the client with disability.

## **(iii) Access to both formal and gig economies**

As noted in section 2.1.3, several persons with disabilities have noted importance of attention to ensuring access for persons with disabilities to not only the formal economies but also the gig economies. Therefore, Reporting on the state of gainful employment must therefore also include data on whether persons with disabilities are attaining work in the gig economies – if such persons with disabilities desire to do so.

## **(iv) Employment retention**

As outlined in sections 1.1.1 and 1.1.2, due to societal barriers such as attitudinal and discriminatory barriers, persons with disabilities reported that employment retention was an issue. Additionally, As will be outlined in section 2.2.1, persons with disabilities also note their concern about employment retention through the P&T programme.

The need for employment supports to take into consideration employment retention as a KPI in assessing success of the placement in employment placement programmes was a point emphasised by Participant 25 (D/deaf/hard-of-hearing) who used to work in an employment support service for persons with disabilities, and described the issue of employment retention in the disability community as significant. Participant 25 noted the need to not only monitor employment retention in assessing the state of disability-inclusive employment in Singapore, but also for the need for better provisions to ensure reasonable accommodations to persons with disabilities throughout the employment cycle that will better assist with employment retention.

Employment retention is thus an important measure to assess if persons with disabilities are achieving gainful employment in Singapore.

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<sup>96</sup> Shermaine Ang, 23 October 2023, "More job options opening up for people with disabilities," *The Straits Times*. Accessed March 2024. <https://www.straitstimes.com/singapore/more-job-options-opening-up-for-people-with-disabilities>

### **(v) Societal barriers**

More importantly, it is necessary to collect and track data on the barriers that persons with disabilities face in employment. This was an element of data collection that the UN Committee on the Rights of Persons with Disabilities particularly noted in their recommendations on statistics and data collection in their 2022 Concluding Observations to Singapore – noting that the government needs to “Allocate funds to undertake periodic research on the rights of persons with disabilities with the aim of identifying barriers to their realisation”.<sup>97</sup>

As outlined in this report, many of the barriers that persons with disabilities face are societal and attitudinal, often involving discriminatory prejudices and lack of access. We thus recommend that when designing studies to assess barriers, that definitions of the types of barriers follow that outlined in the UN CRPD. For example, when assessing the prevalence of discrimination, it is important to assess the experience of persons with disabilities in regard to discrimination such as denial of reasonable accommodation and indirect discrimination.

It is our understanding that the recently initiated Disability and Inclusion Panel (DIP) study conducted by the National Council of Social Service (NCSS) – which is a longitudinal study – potentially aims to track data that relates to such factors as income increments – as well as elements of the workplace such as provision of reasonable accommodations. DPA notes the potential of the DIP study and looks forward to more information and the first set of results of the DIP study.

As outlined, the employment rate should not be the only indicator in measuring whether persons with disabilities are achieving gainful employment – whether currently or by 2030. Other indicators that pertain to under-employment, employment progression, access to both formal and gig economies, employment retention, and more importantly, the barriers to gainful employment must be tracked and monitored to assess if persons with disabilities are achieving gainful employment. We hope that the recommendations made in this section, along with information from the DIP study, can assist in monitoring such important performance indicators.

We recommend that such KPIs also be included when designing the training of staff in employment support services – such as job coaches. Additionally, we recommend that new initiatives such as the recently launched EBHs track and include such data and KPIs in assessing the outcomes of their various programmes.

We also refer to the government’s statement during the recent 2024 COS (as outlined in the Introduction) of how EMP2030 is a “live plan”, and that the government is open to evolving some of the strategies and methods and thus it is DPA’s recommendation that such other indicators other than solely employment rates are included in the assessment of the progress towards the goal of gainful employment of persons with disabilities by 2030.

## **2.2 Promoting Disability-Inclusive Employment in Singapore**

In addition to defining and measuring gainful employment, another common theme brought up amongst persons with disabilities was the need for improvement on how disability-inclusive employment is discussed and promoted in Singapore.

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<sup>97</sup> United Nations Committee on the Rights of Persons with Disabilities, (2022) "Concluding observations on the initial report of Singapore.": para. 58.

The government currently uses a range of various initiatives to promote disability-inclusive employment in Singapore – from financial incentives such as wage subsidies, to initiatives to encourage disability-inclusive employment such as the Enabling Mark and Enabling Employment Pledge.

Persons with disabilities noted that such initiatives can yield positive outcomes, but they also noted their concerns, questions, and feedback about areas of improvement on such initiatives and incentive structures.

Section 2.2 shall thus outline such areas and our recommendations – namely – (1) financial incentives for disability-inclusive hiring through the P&T programme, and (2) the Enabling Mark and Enabling Employment Pledge.

### **2.2.1 Financial Incentives for Disability-Inclusive Hiring – the P&T Programme**

The government uses several financial incentives to promote inclusive employment. One of such incentives is the Place-and-Train (P&T) programme, which is a government initiative where persons with disabilities are matched with companies and organisations for a placement period of 6 – 12 months during which the company/organisation will receive up to 90% of salary support for the 6 -12 month placement period.<sup>98</sup> This comes on top of other financial incentives for employers such as the EEC - a government wage-offset scheme which provides up to 20% wage support (capped at \$400/month per employee) to employers for their employees with disabilities earning below \$4,000 per month.<sup>99</sup>

Such financial incentives are important. They are useful to encourage employers to hire persons with disabilities which can begin a company or organisation's journey of realising the importance, necessity, and benefits of disability-inclusive hiring and employment.

While financial incentives are important, persons with disabilities have raised some questions and concerns about such financial incentives – in particular the P&T programme - and its effects and outcomes on persons with disabilities especially pertaining to sustained employment.

As noted, such concerns mainly pertained to the P&T programme. More specifically, persons with disabilities cited their concerns about the trend they have observed about persons with disabilities being let go by employers from their placements immediately after the 6 – 12 month placement period. The up to 90% of wage subsidy an employer receives through the P&T programme is only for the 6 – 12 month placement period, and the employer is not required to retain the employee with disability after the 6 – 12 month placement period.<sup>100</sup> As a result, persons with disabilities have expressed concern about the effectiveness of such wage subsidies in promoting sustained employment for persons with disabilities, and whether such wage subsidies are achieving the goal of promoting disability-inclusive employment or if such wage subsidies are unintentionally merely meeting an employer's financial quandaries. As Participant 29 (physical disability; blind/visually impaired), who is well-connected to others in the disability community, comments on the P&T programme:

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<sup>98</sup> SGEEnable, "Employ Persons with Disabilities | For Employers."; upon the time of forming our recommendations, SGEEnable had taken information about the P&T programme off the SGEEnable website due to having received the maximum number of applications for their next intake. Hence most of the information we have retrieved on the P&T programme – such as duration of placements being a minimum of 6 – 12 months, requirements of employers after the 6 – 12 month placement period, etc. - is verified from our direct conversations with SGEEnable.

<sup>99</sup> SGEEnable, "Employ Persons with Disabilities | For Employers." Accessed March 2024.

<sup>100</sup> See footnote 98

“So I think they [employers] might be just taking it on because it was a subsidy and it helped them in their cost and it could get them more manpower. Like many companies need more manpower but they just don’t have the revenue to afford one – so it’s like a chicken and egg problem. So they thought this was the way to get them out of the rut. Unfortunately, it doesn’t bode well. Even in my trainings with other persons with disabilities – I hear their stories as well – they share stories – and I hear a lot of them they join a company, and then they just drop out after a while, drop out after a while, drop out after a while – so it doesn’t stick.”

Participant 29 (physical disability; blind/visual impaired)

As Participant 29 notes, while such initiatives as the P&T programme serve well as financial incentives, and while financial incentives have a place and are important, individuals such as Participant 29 and others note the exhaustion of persons with disabilities who face such experiences of changing employment every 6 – 12 months.

Another participant, Participant 37 (physical disability), who is well connected with the disability community and who used to work in employment support services referred to this exhaustion as what he notes as the frustrating “revolving door” of employment placements that persons with disabilities face – i.e. that persons with disabilities would be placed in a position through the P&T programme for 6 - 12 months – at times not related to their skills and prior training – only to be let go due to the employer not receiving further wage subsidies – and then for the person with disability to be placed in another placement contract for 6 – 12 months only for the cycle to repeat again.

“I hear this a lot – that many of them [persons with disabilities] are on a one-year contract – they get the place and train – and when the one year is up hoping that they have contributed enough – and you know, I am very proud to say that as persons with disabilities, when we get a job, our heart go into the job ... The contract’s over – they [the employers] don’t get the grant, they [the employers] use that as an excuse: ‘We’re not getting the funding anymore and unfortunately we have to part ways’. I’ve heard that a lot of times That’s on the employer – it’s actually quite a common thing that’s happening. I’ve bumped into people [with disabilities] I know over at SGenable, and am like ‘Hey, what are you doing here?’ and they are like [sighs] – with that sigh in their voice – ‘contract over lah – you know, now have to see my job coach.’”

Participant 37 (physical disability)

Such accounts highlight that while financial subsidies and incentives can be a useful tool to open opportunities to employment for persons with disabilities, they also can be the very reason why persons with disabilities are dismissed from employment if there is an over-reliance on wage subsidies and financial incentives as a tool to increase employment opportunities.

### **DPA Recommendations:**

**Recommendation 11:** Ensure that data pertaining to employment retention through placements in the Place-and Train programme, along with other similar placement support initiatives, are part of KPIs to assess the efficacy of such placement programmes

As highlighted in the previous section, there are currently areas for improvement pertaining to the overall collection and/or publication of data pertaining to disability and employment, and in particular, quantitative data on the barriers faced by persons with disabilities in achieving gainful employment.

While there has been some published data pertaining to the quantitative outcomes of placements through the P&T programme, DPA recommends that the collection and/or publication of data pertaining to the P&T programme can and should be enhanced.

According to a statement during the recent 2024 COS, the government noted that since the launch of the P&T programme in 2021, 330 persons with disabilities have gone through the P&T programme with 131 employers – with plans to ensure an additional 200 placements through the P&T programme by 2026.<sup>101</sup>

Additionally, the government has noted data on retention of employment of persons with disabilities matched through current employment support services. For example, SGEEnable has noted that 80% of their placements and matches since 2014 retained their jobs for over six months.<sup>102</sup>

While the 80% figure is for total placements since 2014 and not specific to the P&T programme, such data already shows the need for improvement in retention through job placement programmes as such data shows that 1/5 are not even making the six month threshold. This is more concerning if the 80% figure is representative of the number of placements specific to the P&T programme because, as highlighted, the minimum period of a P&T placement is 6 – 12 months.

To better understand the depth of the issue, DPA recommends that collection of data on the P&T programme can be enhanced to regularly monitor data on the percentage of persons with disabilities that retain their jobs after the initial P&T placement and out of such placements what is the duration of the retainment

Additionally, as highlighted, there is currently no requirement for the employer to retain the person with disability after the 6 – 12 month placement period. Therefore, in cases where the person with disability is let go immediately or close to immediately after the 6 – 12 month placement period, DPA recommends that proactive measures need to be in place to follow up with both employer and person with disability to gain more information about the reasons for the discontinuation of the placement of the employee with disability – if such measures are not currently in place. Such information will also assist in contribution to a better understanding about the barriers to employment that persons with disabilities face – which as noted in our recommendations under section 2.1 – is an area that requires more intentionality in data collection as recommended by the UN Committee on the Rights of Persons with Disabilities.

While we have focused on the P&T programme in this subsection, we believe our recommendation about data and KPIs around employment retention can and should be extended to other placement support initiatives - such as the Sheltered Workshop-to-Work (SWW) programme.<sup>103</sup> Ensuring the important KPI of employment retention to the SWW programme is particularly important due to how the UN CRPD explicitly notes in their General Comment on Employment that “segregated employment for persons with disabilities, such as sheltered workshops, is not to be considered as a measure of progressive realisation of the right to work, which is evidenced only in employment that is freely chosen or accepted and performed in an open and inclusive labour market”.<sup>104</sup> The UN Committee on

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<sup>101</sup> Hansard - Parliament of Singapore, 6 March 2024, "Committee of Supply – HEAD I (Ministry of Social and Family Development),"

<sup>102</sup> Shermaine Ang, 23 October 2023, "More job options opening up for people with disabilities,"

<sup>103</sup> Enabling Guide, "Sheltered Workshop-to-Work (SWW) Programme," SGEEnable. Accessed March 2024.

[https://www.enablingguide.sg/im-looking-for-disability-support/training-employment/sheltered-workshop-to-work-\(sww\)-programme](https://www.enablingguide.sg/im-looking-for-disability-support/training-employment/sheltered-workshop-to-work-(sww)-programme)

<sup>104</sup> United Nations Committee on the Rights of Persons with Disabilities, "CRPD/C/GC/8," United Nations. Para. 15. <https://undocs.org/Home/Mobile?FinalSymbol=CRPD%2FC%2FGC%2F8&Language=E&DeviceType=Desktop&LangRequested=False>



the Rights of Persons with Disabilities also particularly noted in their 2022 Concluding Observations to Singapore of their concern about the state of sheltered workshops in Singapore.<sup>105</sup>

Hence, we note the potential of the SWW programme, and recommend that the important indicator of employment retention be applied to such initiatives as the SWW programme in assessing its outcomes.

## 2.2.2 The Enabling Mark and Enabling Employment Pledge

In addition to financial incentives such as wage subsidies through the P&T programme, the government aims to use several initiatives to encourage employers to adopt disability-inclusive employment. Two of such examples include the Enabling Mark and Enabling Employment Pledge.

The Enabling Mark is a national accreditation framework formed by SGenable in 2020 to benchmark and recognise organisations for their best practices and outcomes pertaining to disability-inclusive employment.<sup>106</sup> SGenable awards the Enabling Mark to organisations that they believe to exhibit disability-inclusive employment practices.<sup>107</sup> The Enabling Employment Pledge is an initiative also formed in 2020 aiming to encourage and assist employers to “adopt an inclusive mindset, create barrier-free workplace environments and implement supportive employment policies for employees with disabilities”.<sup>108</sup> In addition to recognition through various forums and events for having signed the pledge, companies and organisations that sign the pledge also can sign up for consultancy services on how to implement inclusive employment practices.<sup>109</sup>

The Enabling Mark and the Enabling Employment Pledge are key government initiatives as one of the main recommendations of EMP2030 is to “increase the number of organisations that commit to disability-inclusive employment through the Enabling Mark and Enabling Employment Pledge”.<sup>110</sup>

Such initiatives have much potential to promote best practices of disability-inclusive employment. However, based on our research and conversations with persons with disabilities, there might be the need for more targeted measures to optimise such initiatives.

For example, persons with disabilities noted their concern and uncertainty on how the Enabling Mark and Enabling Employment Pledge will lead to more persons with disabilities being gainfully employed. For instance, several persons with disabilities noted their concern that the Enabling Mark and Enabling Employment Pledge needs to be utilised more intentionally to promote inclusive practices.

“Like you know how employers, they sign this ... Enabling Employment Pledge right? maybe start with this group of employers - that, you know, that to report to us how have they [disabled employees] value add to your company. Don't just tell what CSR you're [employers] doing - these people [persons with disabilities] are not objects of charity.”

Participant 10 (neurodivergent/autistic)

<sup>105</sup> United Nations Committee on the Rights of Persons with Disabilities, 9 September 2022, "Concluding observations on the initial report of Singapore.": para. 51.

<sup>106</sup> SGenable, "The Enabling Mark," Accessed March 2024. <https://www.enablingmark.sg/index.php/home/about>

<sup>107</sup> Ibid.

<sup>108</sup> SGenable, "President's Challenge Enabling Employment Pledge | For Employers," SGenable. Accessed March 2024. <https://www.sgenable.sg/your-first-stop/hiring-employment/employers/pledge>

<sup>109</sup> Ibid.

<sup>110</sup> Ministry of Social and Family Development (MSF), 2022, "Enabling Masterplan 2030 (EMP2030)."

Persons with disabilities note that discussions by employers on corporate social responsibility (CSR) has a tendency to come off as what the employer is doing for the disability community when the focus should be on what the employer is doing to transform their workplace and workplace policies and practices so that persons with disabilities are empowered to have a fair stake in accessing, maintaining, and advancing in employment in their respective roles. Additionally, while noting how employers are transforming their workplaces to optimise inclusion is important, persons with disabilities noted that an accurate depiction of inclusive employment is not only what the employers are doing but also the value that persons with disabilities bring to the workplace.

Further, when asked, persons with disabilities were usually unsure on how items designed to promote disability-inclusive employment such as the Enabling Mark and the Enabling Employment Pledge would directly lead to disability-inclusive employment in respective workplaces.

Additionally, on the topic of promoting disability-inclusive employment, as alluded by the quote from Participant 10 above, several persons with disabilities expressed their concerns that initiatives to spread awareness and promote disability inclusion in Singapore often still falls within a charity model. As Participant 01 (physical disability; developmental disability) shares his perspective and experience to employers:

“I would like employers to know that actually when you are supporting us, it is not just corporate social responsibility, it is an investment opportunity ... But ... they only ever see PWDs as charity ... I'm just quite annoyed by that.”

Participant 01 (physical disability; developmental disability)

As Singapore seeks to promote disability inclusion, whether in employment or in other sectors, it is important that initiatives to promote awareness of disability inclusion avoids charity models of disability that views persons with disabilities as mere beneficiaries or objects of charity.

Ensuring that Singapore promotes inclusive employment through means that avoids charity models of disability is important for Singapore to be aligned with the standards of the UN CRPD. Both the UN CRPD General Comments on Equality and Non-discrimination, and on Employment begin by noting the incompatibility of the charity model with the UN CRPD.<sup>111</sup>

Additionally, in their 2022 Concluding Observations to Singapore, the UN Committee on the Rights of Persons with Disabilities shared their concerns about Singapore’s current awareness-raising efforts around disability – noting their “concern about the lack of awareness-raising campaigns about the dignity, abilities and rights of persons with disabilities” in Singapore society.<sup>112</sup>

## **DPA Recommendations**

As noted, the Singapore government aims to “increase the number of organisations that commit to disability-inclusive employment through the Enabling Mark and Enabling Employment Pledge”.

As alluded, DPA believes that the Enabling Mark and the Enabling Employment Pledge have potential to promote best practices of disability-inclusive employment and subsequently hence increase the prevalence of disability-inclusive employment in Singapore. Yet, DPA agrees with the concerns

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<sup>111</sup> United Nations Committee on the Rights of Persons with Disabilities, 26 April 2018, "General comment no. 6 (2018) on equality and non-discrimination."; United Nations Committee on the Rights of Persons with Disabilities, "CRPD/C/GC/8."

<sup>112</sup> United Nations Committee on the Rights of Persons with Disabilities, 9 September 2022, "Concluding observations on the initial report of Singapore.": para. 15.

shared by persons with disabilities that there is a lack of clarity how the Enabling Mark or the Enabling Employment Pledge will tangibly translate into disability-inclusive employment.

DPA thus notes our concerns that:

Pertaining to the Enabling Mark, that there is a lack of clarity of how “disability-inclusive employment” is defined and assessed and that this lack of clarity leads to ambiguity of how the Enabling Mark is meeting the objective of increasing the number of organisations that commit to disability-inclusive employment, and that such ambiguities makes it unclear on how the Enabling Mark will translate to disability-inclusive employment being promoted or enhanced in Singapore, and  
Pertaining to the Enabling Employment Pledge, that there is a lack of verification or assurance of the commitment to disability-inclusive employment by employers that take the Enabling Employment Pledge, and hence it is difficult to use the number of employers that take the pledge as a measure to determine success towards the goal of increasing the number of organisations that commit to disability-inclusive employment

As will be elaborated, DPA is concerned that such lack of clarity may also unintentionally promote charity models of disability.

**Recommendation 12:** Introduce new measures to both the Enabling Mark and Enabling Employment Pledge to optimise the focus of such initiatives on the goal of promoting best practices of disability-inclusive employment as outlined in the UN CRPD

Given that one of the main recommendations by the government in their EMP2030 report pertaining to employment focused on the Enabling Mark and Enabling Employment Pledge, DPA would like to address and elaborate on each of the above points of concern and recommendation below:

Pertaining to the Enabling Mark:

The Enabling Mark has three tiers: Silver, Gold, and Platinum (with Platinum being the highest).<sup>113</sup> Companies and organisations can apply for accreditation via the Enabling Mark Portal.<sup>114</sup> When assessing applications, SGenable notes that it assesses applications based on six criteria:<sup>115</sup>

1. Leadership, Culture and Climate
2. Recruitment Practices
3. Workplace Accessibility and Accommodations
4. Employment Practices
5. Community Engagement and Promotion
6. Extent of Inclusive Hiring

SGenable notes that “the overall maturity level of an organisation across the 6 assessment categories would thus determine the Enabling Mark tier that the organisation will receive – Silver, Gold or Platinum, with Platinum being the highest tier”.<sup>116</sup>

However, at the time of writing this report, after a thorough check on the SGenable website, it is not clear on how “maturity” of each of these six assessment categories over each of the three tiers is defined. While it is very important and encouraging that the government takes into account these six assessment categories – especially categories such as “Leadership, Culture and Climate” and “Workplace Accessibility and Accommodations”, it is unclear how such recipients exhibit such

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<sup>113</sup> SGenable, "Enabling Mark - FAQs," SGenable. Accessed March 2024.

<https://www.enablingmark.sg/index.php/home/faq>

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

important aspects of inclusive employment. SGenable does note on their website that recipients of the Enabling Mark show that recipients are:<sup>117</sup>

1. Empowering: “The organisation is open to hiring people with different abilities. It treats people with respect, and builds strong teams that leverage on different strengths. It values each individual and enables them to fulfil their potential”.
2. Innovative: “The organisation adapts jobs and services to provide reasonable accommodations for persons with disabilities. This allows for the development of greater flexibility, new insights and an innovative mindset.”
3. Collaborative: “The organisation is open to different perspectives, and seeks to make people feel integrated, included and valued. Its focus is on achieving more through teamwork, not individual effort alone. It embraces mutually beneficial relationships with employees, stakeholders and partners”.

However, while these are positive traits, the terminology is also rather vague and does not specify how the six assessment categories are being specifically manifested. Phrases such as “values each individual” and “seeks to make people feel” leaves much ambiguity as to what sets such recipients apart from other companies and organisations. Additionally, phrases such as “open to hiring people with different abilities” and “open to different perspectives” gives the impression that such companies are being recognised for what should be the bare minimum. Additionally, recognising companies and organisations simply because such companies and organisations “provide reasonable accommodations for persons with disabilities” sends the wrong message that reasonable accommodations are something extra and something that companies and organisations should be recognised or awarded for providing; when in reality, reasonable accommodations are essential and necessary for persons with disabilities to perform well in the workplace, and many times, to even access employment.

This is why we note our concern that there is a lack of clarity of how “disability-inclusive employment” is defined and assessed and that this lack of clarity leads to ambiguity of how the Enabling Mark is meeting the objective of increasing the number of organisations that commit to disability-inclusive employment, and that such ambiguities makes it unclear on how the Enabling Mark will translate to inclusive employment being promoted or enhanced in Singapore

DPA did reach out to SGenable and enquired if there is a metric of how SGenable assesses maturity levels of the six assessment categories, and we were informed that there is a metric, but that such information is only restricted to employers with accounts within the Enabling Mark Portal and not shared with the public.

However, to optimise the efficacy and messaging of the Enabling Mark, DPA recommends that SGenable can consider implementing the following measures:

- (i) Publishing metrics used to assess maturity levels of the six assessment categories
- (ii) Enhancing availability of examples of best practices of disability-inclusive employment of recipients of the Enabling Mark
- (iii) Reforming the utilisation of the Silver tier Enabling Mark

#### **(i) Publishing metrics used to assess maturity levels of the six assessment categories**

Publishing such metrics will not only help clarify what “disability-inclusive employment” constitutes, but it will also enhance awareness-raising efforts of disability inclusive employment in Singapore.

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<sup>117</sup> SGenable, "The Enabling Mark." Accessed March 2024.

As outlined, persons with disabilities and the UN Committee on the Rights of Persons with Disabilities have expressed concerns that disability inclusion still tends to be promoted in Singapore in ways that are not aligned with the UN CRPD.

As outlined, without the metric of how maturity is assessed in each of the six assessment categories available to the public, what is left to the public is the rather vague descriptions of disability-inclusive employment – i.e. “open to hiring people with different abilities” and “open to different perspectives”, and recognising companies and organisations if they “provide reasonable accommodations for persons with disabilities”. As outlined, such descriptions are not only vague and provide an inaccurate understanding of what disability-inclusive employment constitutes, but such descriptions also send the wrong message that employers should be recognised, if not awarded, for what should be the bare minimum.

Without publishing the metric of how maturity is assessed in each of the six assessment categories, DPA is concerned that the Enabling Mark may unintentionally send the message that the government is recognising, if not awarding, employers for including and fairly treating persons with disabilities – something that should be the bare minimum. Though unintentional, DPA is concerned such a message will only further charity models of disability.

As noted, DPA believes that there is potential for the Enabling Mark to be used effectively to promote best practices of disability-inclusive employment. However, there is a difference between promoting awareness of disability-inclusive employment best practices on the one hand, and awarding employers for doing the bare minimum of including and fairly treating persons with disabilities on the other – and the concern is that items such as the Enabling Mark has a tendency to fall – whether intentionally or unintentionally – in the latter.

DPA recognises that promoting best practices of disability-inclusive employment is a goal of the Enabling Mark, as one of the objectives of the Enabling Mark, as listed on the SGenable website, is to assist employers to “adopt the best practices in building an inclusive workforce with leading organisations serving as role models”.<sup>118</sup> DPA understands that SGenable currently promotes best practices through inviting Gold or Platinum recipients of the Enabling Mark to speak at events or to elaborate on some of their workplace practices in featured news articles.

However, to avoid unintentional messaging that the Enabling Mark is recognising or awarding employers for the bare minimum of including and fairly treating persons with disabilities, and to sharpen and more intentionally focus the goal of the Enabling Mark on promoting best practices of disability-inclusive employment, DPA recommends that SGenable can consider introducing more targeted measures.

For example, SGenable can begin with publishing the metric of how maturity is assessed in each of the six assessment categories. If such metrics are aligned with definitions of disability-inclusive employment as outlined in the UN CRPD, publishing such metrics can go a long way to bring Singapore closer to the standards of awareness raising found in Article 8 of the UN CRPD.

Additionally, we acknowledge the important 2022 study by SGenable on showcasing the positive outcomes of businesses that adopt disability-inclusive practices.<sup>119</sup> However, the study focused on the positive outcomes of such practices but does not go in-depth about such practices, and hence we recommend publishing the metrics of how disability-inclusive employment is assessed will assist in promoting disability-inclusive employment practices.

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<sup>118</sup> Ibid.

<sup>119</sup> SGenable, 10 October 2022, "Unlock the competitive advantage of a disability-inclusive workforce," SGenable. <https://www.sgenable.sg/news-insights/4-key-benefits-of-a-disability-inclusive-workforce-research-study>

## **(ii) Enhancing availability of examples of best practices of disability-inclusive employment of recipients of the Enabling Mark**

To further sharpen and more intentionally focus the goal of the Enabling Mark on promoting best practices of disability-inclusive employment, DPA recommends that SGENable can consider introducing more targeted measures to publicise and promote the best practices of recipients of the Enabling Mark – especially of Gold and Platinum recipients.

For example, to focus the purpose of the Enabling Mark on promoting best practices, SGENable can consider requiring recipients of the Enabling Mark to discuss on their various websites and social media platforms specifically how such recipients are implementing the six assessment categories in their workplace.

There is currently not only a lack of information on the SGENable website on how recipients of the Enabling Mark are implementing the six assessment categories, but there is also a lack of information on the websites and social media platforms of a number of the various recipients of the Enabling Mark on how they are implementing the six assessment categories

Upon the time of writing of this report, according to the SGENable website, there are 90 companies and organisations that have the Enabling Mark – with 10 companies and organisations in the Platinum tier, 23 companies and organisations in the Gold tier, and 57 companies and organisations in the Silver tier.<sup>120</sup>

DPA took a random sample of 18 (20%) out of the 90 companies and organisations from all three tiers and conducted a search of the companies' various websites and social media platforms and found that it was difficult to find examples on how the company/organisation was specifically exhibiting disability-inclusive employment. In our search, we especially sought to find if or how these companies and organisations discuss the six assessment categories on their respective websites and social media platforms and found that a majority of such companies and organisations did not make mention of such categories – including not making mention of examples of how they are exhibiting such categories. For instance:

Pertaining to “Leadership, Culture and Climate”, 12 out of the 18 made no mention pertaining to disability-inclusive leadership, culture, and climate, 5 out of the 18 noted very brief mentions/examples on their social media platforms or sustainability reports on their commitment to diversity, with a few of such mention specifying disability, and 1 out of the 18 specified clearly on their website the company's position on disability-inclusive leadership, culture, and climate.

Pertaining to “Recruitment Practices”, 12 out of the 18 made no mention pertaining to disability-inclusive recruitment practices, 4 out of the 18 noted very brief mentions/examples on their social media platforms or sustainability reports on their commitment to diversity, with a few of such mention specifying disability, and 2 out of the 18 specified clearly on their website the company's position on disability-inclusive recruitment practices – with one of the two specifying reasonable accommodations will be provided during the job application and interview processes.

Pertaining to “Workplace Accessibility and Accommodations”, 17 out of the 18 made no mention pertaining to disability inclusive workplace accessibility and accommodations, and 1 out of 18 specified clearly on their website the company's position on inclusive workplace accessibility and accommodations.

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<sup>120</sup> SGENable, "Enabling Mark - Honour Roll," SGENable. Accessed March 2024.  
<https://enablingmark.sg/index.php/home/honourroll>

Pertaining to “Employment Practices”, 14 out of the 18 made no mention pertaining to disability inclusive employment practices, 2 out of the 18 noted very brief mentions/examples on their social media platforms or sustainability reports on their commitment to diversity and disability inclusion, and 2 out of the 18 specified clearly on their website the company’s position on disability-inclusive employment practices.

Pertaining to “Community Engagement and Promotion”, 14 out of the 18 made no mention pertaining to disability inclusive community engagement and promotion, 2 out of the 18 noted very brief mentions on their social media platforms on disability community engagement and promotion, and 2 out of the 18 specified clearly on their website the company’s position on disability-inclusive community engagement and promotion.

Pertaining to “Extent of Inclusive Hiring”, 16 out of the 18 made no mention pertaining to the extent of disability inclusive hiring, and 2 out of the 18 noted very brief mentions on their social media platforms on the extent of their disability-inclusive hiring.

To be clear, we note such points not to call into question the employment practices of recipients of the Enabling Mark, but rather to highlight that there is a lack of information that is easily available that showcases examples of disability-inclusive employment practices.

The policy of Enabling Mark recipients featuring examples of such practices more prominently on their websites and various social media platforms will not only assist in promoting best practices of disability-inclusive employment more generally, but also such a policy will assist persons with disabilities in employment. This is important because several persons with disabilities have noted that how a company or organisation talks about disability will affect their decision to disclose their disability and/or need for reasonable accommodations. As outlined in section 1.1.1 and 1.1.2, whether or not to disclose one’s disability and/or need for reasonable accommodations is an unfair burden that persons with disabilities face constantly in navigating the workplace, and in most of the cases and accounts we received, persons with disabilities reported facing negative responses or encounters when they did disclose their disability and/or need for reasonable accommodations. However, in a few cases, persons with disabilities reported positive encounters with inclusive employers when they did disclose their disability and/or their need for reasonable accommodations, and in such cases, it is noteworthy that their decision to disclose was influenced by the positive ways disability was discussed and promoted on the company’s website, within the workplace, and communications on the overall work culture. The account below is an example:

“The company actively already had employee assistance programmes that we were allowed to tap on. They were intentional to mark mental health awareness month. There were leaders in the company – people who were coming forward to openly disclose certain issues that they have – so we had a manager who came in and shared about a mental health-related disability he has. We had one of the senior leadership come in and share that ‘these were the struggles I had with alcoholism and depression’. So because leadership and people in various functions, because senior people, were already disclosing without retribution and detriment to their careers, it made it seem that, okay – this may be a space where I too am allowed to make that kind of disclosure.”

Participant 34 (psychosocial disability/mental health condition)

Likewise, persons with disabilities noted that when a company or organisation was ambiguous about their position on disability inclusion or did not mention disability at all on their websites, social media platforms, within the workplace, or communications on the overall work culture, it made them more hesitant to disclose their disability and/or their need for reasonable accommodations.

If the current metrics used by SGENable to assess maturity of the six assessment categories are already aligned with definitions of disability-inclusive employment found in the UN CRPD, SGENable can consider using the current metrics as a guide on how recipients can discuss their implementations of the six assessment categories on their respective websites and social media platforms.

In addition to ensuring Enabling Mark recipients feature best practices of disability-inclusive employment - aligned with the UN CRPD – on their respective websites and social media platforms, DPA recommends that SGENable can consider publishing annual reports of such best practices. As noted, DPA recognises the current efforts of Gold or Platinum recipients sharing their practices through speaking at events or via featured news articles. However, as noted, DPA recommends the need to centre the objective of promoting best practices of disability-inclusive employment to optimise the Enabling Mark, and as a result, there might be a need for a more consolidated approach such as an annual report focused on best practices of Enabling Mark recipients.

### **(iii) Reforming the utilisation of the Silver tier Enabling Mark**

In addition to publishing metrics used to assess maturity levels of the six assessment categories, and enhancing availability of examples of best practices of disability-inclusive employment of Gold and Platinum recipients, DPA recommends that SGENable considers reforming the utilisation of the Silver tier – in particular DPA recommends removing the Silver tier from the Enabling Mark and creating a separate database for such recipients.

The main reason for this recommendation is due to the significant differences between the requirements for accreditation between the Silver tier on the one hand and the Gold and Platinum tiers on the other. For the top two tiers – Gold and Platinum –there is a process of assessment where not only do organisations have to fill in an application, but that representatives from SGENable will have to visit the respective workplace to verify the application through a further assessment session.<sup>121</sup> However, recipients of the Silver tier Enabling Mark are self-assessed.<sup>122</sup> Silver-tier recipients subsequently also do not automatically receive recommendations from SGENable on how to improve their disability-inclusive employment practices, but rather Silver-tier recipients have the option of signing up for consultancy services where they then can receive recommendations on improving their disability-inclusive employment practices.<sup>123</sup>

DPA raises this point of concern not because we think that Silver tier applications or recipients lack validity in their applications, but rather because, as noted, we believe the main focus of an accreditation system is to promote best practices, and to avoid any unintended perceptions that employers are being awarded for what should be the bare minimum of fairly treating persons with disabilities.

If consultancy and assurance to enhance disability-inclusive employment practices for Silver tier recipients remain an option, it is unclear how the Silver tier is used to promote best practices of disability-inclusive employment. DPA recognises that the presence of the Silver tier may still signify that such employers potentially having important practices of disability-inclusive employment, and hence it might still be important to keep a list of such employers for persons with disabilities to know which employers are at minimum exploring disability inclusion. This is why DPA is recommending not doing away entirely with the Silver tier list, but rather removing the silver tier from the Enabling Mark and creating a separate database of such employers.

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<sup>121</sup> SGENable, "Enabling Mark – FAQs." Accessed March 2024.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.



Pertaining to the Enabling Employment Pledge:

As noted in the beginning of this sub-section, the Enabling Employment Pledge is an initiative formed in 2020 aiming to encourage and assist employers to “adopt an inclusive mindset, create barrier-free workplace environments and implement supportive employment policies for employees with disabilities”.<sup>124</sup> In addition to recognition through various forums and events for having signed the pledge, companies and organisations that sign the pledge also have the option to sign up for consultancy services on how to implement inclusive employment practices.<sup>125</sup>

However, to sign the Enabling Employment Pledge, employers only need to register online through a survey. DPA has spoken with companies and organisations that have signed the Enabling Employment Pledge and has received feedback that signing the Pledge was equivalent to filling out a Google Form. However, despite this, companies and organisations that sign the Enabling Employment Pledge automatically receive an email with a copy of the Enabling Employment Pledge logo which the employer is able to use for publicity and outreach purposes.<sup>126</sup> Additionally, akin to recipients of the Silver tier Enabling Mark, it is up to the employers as to whether they choose to seek such consultancy services to improve the inclusiveness of their employment practices.

This is why we note our concern that there is a lack of verification or assurance of the commitment to disability-inclusive employment by employers that take the Enabling Employment Pledge, and why we note that it is difficult to render the number of employers that take the Enabling Employment Pledge as a measure to determine success towards the goal of increasing the number of organisations that commit to disability-inclusive employment

To be clear, DPA is not calling into question the intentions of employers that have taken the Enabling Employment Pledge. What we are noting is the need for better assurance in qualifying or quantifying “commitment” to disability-inclusive employment, before the total number of employers that take the Pledge can be used as a measure of the number of employers that are committed to disability-inclusive employment. DPA recognises potential of the Enabling Employment Pledge to begin the process of assisting employers to “adopt an inclusive mindset, create barrier-free workplace environments and implement supportive employment policies for employees with disabilities” – especially for employers who take the pledge seriously. However, to optimise this goal, DPA recommends the following measures be introduced:

- (i) Reform the utilisation of the Enabling Employment Pledge
- (ii) Publish annual reports of the impact of the Enabling Employment Pledge on disability-inclusive employment in Singapore

### **(i) Reform the utilisation of the Enabling Employment Pledge**

As noted, as the initiative of the Enabling Employment Pledge currently stands, DPA believes that the total number of employers that take the Enabling Employment Pledge cannot alone be used as a measure of the state of disability-inclusive employment in Singapore nor a measure of the number of employers that are committed to disability-inclusive employment.

Similar to our recommendations on the Enabling Mark, DPA believes that the best use of the Enabling Employment Pledge is to promote best practices of disability-inclusive employment as defined and outlined in the UN CRPD. DPA thus recommends refocusing the purpose of the Enabling Employment Pledge on this objective.

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<sup>124</sup> SGENable, "President's Challenge Enabling Employment Pledge | For Employers. Accessed March 2024."

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

**(ii) Publish annual reports of the impact of the Enabling Employment Pledge on disability-inclusive employment in Singapore**

While we believe that the Enabling Employment Pledge as currently implemented cannot yield quantitative measurements that accurately depicts the state of disability-inclusive employment in Singapore, DPA believes that qualitative results of employers that take the Enabling Employment Pledge seriously is still possible. DPA thus recommends that SGenable can publish annual reports that outline the impact of the Enabling Employment Pledge on disability-inclusive employment in Singapore. Akin to our recommendations on the Enabling Mark, any discussions of disability-inclusive employment should be aligned with definitions of disability-inclusive employment as outlined in the UN CRPD, and that such promotion of disability-inclusive employment practices should be conducted with the sole aim of enhancing the prevalence of disability-inclusive employment in Singapore.

## **2.3 The Importance of Protections and Inclusive Provisions In and Around Employment**

While proper awareness efforts in promoting disability-inclusive employment, and improvements in employment supports and financial incentives are important, a frequent theme cited by persons with disabilities was how such efforts does not and should not replace the importance for better protections and inclusive provisions through laws, regulations, and policies in areas that relate to and surround employment.

For instance, persons with disabilities noted that while awareness-raising is important – especially if conducted properly (as outlined in the previous section on promoting disability-inclusive employment), awareness-raising alone is not sufficient to convey the importance of proper disability inclusion or the seriousness of discrimination and exclusion that persons with disabilities face regularly if not daily.

“If there are laws protecting this [against discrimination], it will definitely be better. Because if you just keep talking about autism stories, empowerment articles, knowledge, people just either don't read or they don't understand it, and then they go on with their lives.”

Participant 06 (neurodivergent/autistic)

Persons with disabilities further spoke of the importance for legislation to serve as a deterrent. While there may be some differences in experience especially depending on disability, many persons with disabilities (as illustrated in this report) face common attitudinal and societal barriers.

“I feel that definitely having legislation sets in place to address these areas [of discrimination] would be a good preventative measure. So rather than being reactive .... Like these [instances of discrimination] are not isolated incidents. By virtue of someone being disabled, there are already certain things that in the environment and in society are disadvantages.”

Participant 27 (neurodivergent/autistic)

There is thus a need to continuously optimise and enhance regulation and policy to ensure the realities of persons with disabilities are included in the design and implementation of such regulation and policy from the get-go.

Part I already outlined our recommendations pertaining to the WFL and our recommendations on what the WFL must comprise if it is to be effective in addressing the concerns and realities faced by persons with disabilities.

Section 2.3 will focus on other areas that surround employment where persons with disabilities have expressed concerns— particularly pertaining to the need for better enhancements in law, regulation and policy surrounding such items – namely (1) in life-long learning in the SkillsFuture system, and (2) the design and implementation of various government financial supports.

### **2.3.1 Ensuring Inclusion and Non-discrimination in Life-long Learning in SkillsFuture**

The need to enhance life-long learning through Singapore's SkillsFuture system to meet the uncertain economic times we are living in has been a topic that has arisen frequently in Parliament – whether it be in recent Singapore Budget Statements and in national addresses from the Prime Minister to the President.<sup>127</sup>

Yet, in virtually all such announcements from top leadership in government on enhancing SkillsFuture, there is rarely any if not no mention of how SkillsFuture will be enhanced to address the concerns and realities of persons with disabilities to ensure that the SkillsFuture system is inclusive of the disability community.

As we have noted in previous publications and write-ups, along with other persons with disabilities writing into local news outlets, SkillsFuture still contains many barriers to persons with disabilities.<sup>128</sup>

For example, there are currently no requirements or regulations on the need for accessibility of course materials in SkillsFuture. As a result, persons with disabilities have shared that many courses in SkillsFuture still rely heavily on materials that are inaccessible to screen readers or materials containing graphics –i.e. charts, diagrams, etc. - with no image descriptions, which poses as a very significant barrier for persons with disabilities such as visually impaired individuals who rely full-time on screen reader software.

More importantly, there is currently no regulation or requirement in the SkillsFuture system that requires training providers to provide reasonable accommodations. DPA believes that this needs to change as, through our research and conversations, denial of reasonable accommodations from training providers is an issue faced by persons with disabilities in SkillsFuture that leads to persons with disabilities not being able to take modules they otherwise could if reasonable accommodations were provided – leading to persons with disabilities not having the same opportunities for skills upgrading compared to the general public. Examples include training providers not providing image descriptions on images or graphics or training providers being unwilling to repeat instructions to neurodivergent adult learners who have requested elaboration of instructions as a reasonable accommodation. Additionally, DPA has received feedback that some SkillsFuture lecturers and training providers are not even willing to consider accommodation requests, or at times even denying

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<sup>127</sup> Examples include (but are not limited to) Budget Statements 2023 and 2024, President Halimah Jacob's address to the opening of the second session of the 14th Parliament in 2023, and NDR 2023. We note our sincere appreciation and thanks to several MPs who we have been able to work with and who raised such issues outlined in 2.3.1 in their Budget speeches and COS cuts – especially in the 2023 and 2024 COS. However, we call on more of such discussions to be taken up by other MPs, and more importantly, leadership in government and in private and people sectors.

<sup>128</sup> Disabled People's Association (DPA) Singapore, 13 May 2023, "Forum: SkillsFuture courses can be more inclusive," *The Straits Times*. <https://www.straitstimes.com/opinion/forum/forum-skillsfuture-courses-can-be-more-inclusive>; Reena Rajasvari, 26 May 2020, "Forum: Pandemic has dealt blow to people with disabilities," *The Straits Times*. <https://www.straitstimes.com/forum/forum-pandemic-has-dealt-blow-to-people-with-disabilities>

learners with disabilities from their courses, without even having a conversation with the learner with disability to explore reasonable accommodation options despite such learners with disabilities being willing to educate.

An example was with Participant 11 (blind/visually impaired) who noted such barriers in the SkillsFuture system. Participant 11, who is a full-time screen reader user, noted that he could not take particular modules for a diploma/certificate due to many of the materials in the course being not formatted for screen reader compatibility. In another diploma/certificate, Participant 11 noted that his experience with reasonable accommodations was a mixed one – with some training providers being willing to accommodate while not receiving reasonable accommodations in other modules. When asked about the response from training providers to reasonable accommodation requests, he noted that for the most part, the training providers were at least willing to have a conversation with him, but emphasised that this was not even the case for others with disabilities who have shared with him that the training provider would not even have a conversation with them about reasonable accommodation options despite such individuals with disabilities being willing to educate.

### **DPA Recommendations:**

DPA acknowledges the work of SkillsFuture SG in formulating resources for training providers on the topic of reasonable accommodations, and DPA is appreciative that we have been able to work with SkillsFuture SG in the development of such resources. DPA also acknowledges the financial support through the Capability Development Grant should training providers require financial supports to implement reasonable accommodations.

However, as DPA has previously noted, while such resources and financial supports should be commended, it is still up to the training providers to take up such important resources and financial supports.

Additionally, we acknowledge SGenable's efforts through the Enabling Academy to organise specially curated courses for persons with disabilities. While such efforts are an important positive step and should be well-noted, courses offered through the Enabling Academy are a small fraction (less than 5%) compared to the number of courses offered through the wider SkillsFuture system.<sup>129</sup> Persons with disabilities should not feel restricted to just the courses at the Enabling Academy, but rather have access to as many courses through the wider SkillsFuture system as possible, and thus the focus needs to be on ensuring accessibility and inclusivity through reasonable accommodations in the wider SkillsFuture system. Courses through the Enabling Academy are also only available to persons with disabilities and thus focusing on optimising accessibility and inclusivity within the wider SkillsFuture system will better assist efforts in promoting social inclusion within Singapore society.

Ensuring inclusion and accessibility within the SkillsFuture system itself is also important to bring Singapore closer to its obligations to the UN CRPD. In Article 27 of the UN CRPD, it notes that state parties are to provide "effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training".<sup>130</sup> When elaborating on this aspect of Article 27, the UN Committee on the Rights of Persons with Disabilities noted in their General Comment on Employment that realising effective access for persons with disabilities in vocational training needs to include services that promote "non-segregation", and that state parties should "take

<sup>129</sup> There are currently approx. 760 courses offered at the Enabling Academy compared to the over 20,000 courses offered through the wider SkillsFuture system: Disabled People's Association (DPA) Singapore, 12 June 2023, "In Response to SkillsFuture SG Forum Letter on SkillsFuture Inclusivity," DPA.org.sg. <https://dpa.org.sg/in-response-to-skillsfuture-sg-forum-letter-on-skillsfuture-inclusivity/>

<sup>130</sup> United Nations, "Article 27 | Convention on the Rights of Persons with Disabilities."

measures to ensure the certification of capacities and attainments on an equal basis with others, the explicit inclusion of persons with disabilities in legislation dealing with vocational training”, and ensure “explicit references to persons with disabilities in general policies regulating vocational training”, and “the accessibility of premises, information and materials”.<sup>131</sup>

**Recommendation 13:** Establish requirements on the provision of reasonable accommodations in SkillsFuture courses and programming and enhance systems within SkillsFuture to assist with reasonable accommodation requests and provisions

Similarly to our recommendations on the WFL, DPA recommends that there can be practicable requirements and guidelines in place to mainstream the provision of reasonable accommodations within the SkillsFuture system. Akin to our recommendations on reasonable accommodation provisions in the WFL, there can be clear guidelines and criteria introduced to assess what constitutes as “reasonable” in assessing accommodation requests – i.e. availability of funding sources or technical assistance, etc. As with our recommendations on reasonable accommodations for the upcoming WFL, there can be a similar template of the interactive process that can guide the conversation between training provider and learner with disability. [see section 1.1.1 for more] Such guidelines and criteria will assist both training providers and learners with disabilities as it provides a practical template and example of how reasonable accommodations can be requested, assessed, and provided.

Moreover, the Enabling Academy can serve as a form of disability support office that provides technical assistance to training providers who may need assistance in assessing or implementing reasonable accommodations. At the moment, the Enabling Academy can assist with queries about reasonable accommodations from training providers. However, as with other current aspects of the SkillsFuture system, it is up to the training provider to seek such clarifications.

By establishing some baseline requirements for training providers to at least undergo the interactive process with learners with disabilities, it will increase the utilisation and take up rate of resources and supports through the Capability Development Grant – and hence assist in mainstreaming understanding on reasonable accommodations.

More measures to mainstream reasonable accommodations is necessary to put this important issue on the radar of training providers. As outlined, persons with disabilities mostly shared negative experiences with training providers not providing reasonable accommodations, and in some cases, even refusing to have a conversation with the person with disability to discuss reasonable accommodation options. However, even in the few instances where persons with disabilities noted to us that the training provider was willing to accommodate, they also encountered issues due to the lack of experience of such training providers in providing reasonable accommodations. One such individual was Participant 16 (D/deaf/hard-of-hearing; blind/visually impaired) who noted that during a module, a training provider was willing to provide the reasonable accommodation of adding image descriptions in graphics in handouts or presentations but often forgot to do so leading to Participant 16 still encountering difficulty in the module.

By establishing some baseline requirements for training providers around reasonable accommodation provision, it will begin the process of more training providers to at least be exposed to the concept and practice of reasonable accommodations, and subsequently ease the process for learners with disabilities in attaining reasonable accommodations that are essential and necessary in the participation of persons with disabilities in SkillsFuture.

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<sup>131</sup> United Nations Committee on the Rights of Persons with Disabilities, 2022, "CRPD/C/GC/8.": para. 35.

### 2.3.2 Ensuring Equitable Financial Supports

As highlighted in various sections of this report, persons with disabilities face various economic inequities compared to the overall general public – whether it be higher unemployment rates, less than half the rate of employment, and the prevalence of under-employment leading to persons with disabilities being approximately twice over-represented in lower-income tiers.

Throughout this report, based on our research and conversations with persons with disabilities, DPA has highlighted some of the main societal factors and barriers that lead to such economic inequities – along with our recommendations on considerations that are important to enact to address some of such factors. However, while Singapore makes progress towards achieving fairness in employment for persons with disabilities, economic inequities remain.

In Singapore, the government has a wide range of financial supports that aim to assist those with significant financial difficulties. To ensure that such assistance prioritises the most economically vulnerable, the government establishes various means-testing requirements in such support schemes – in particular by using monthly per capita household income (PCHI) to determine eligibility.

However, while it is essential to ensure the most economically vulnerable are prioritised first, there have been debates as to whether the monthly PCHI is the most effective in determining eligibility for such financial supports.<sup>132</sup> Additionally, at times the monthly PCHI requirements might be set at a level that make such schemes only available to those in the more extreme of circumstances – and thus not accessible to individuals who may still require financial supports.

While this is a common concern across demographics, as persons with disabilities face higher unemployment rates, lower employment rates, and the prevalence of under-employment, the concern about the monthly PCHI eligibility requirement to access government financial support schemes was a point of concern raised by persons with disabilities in our research and conversations.

Additionally, several persons with disabilities noted the additional costs that tends to accompany disability – such as the cost of assistive devices and technologies, additional therapy appointments, and mobility equipment. While there are government financial support schemes to assist with the cost of such items, such government financial support schemes also have monthly PCHI eligibility requirements that do well to target the more economically vulnerable but might inadvertently exclude those who may still require financial assistance.<sup>133</sup>

One such case was with Participant 20 (blind/visually impaired) who was retrenched in 2020 and since experienced difficulty in finding work that meets his financial needs. Participant 20 is married and because his spouse is also working and her salary is more than the monthly PCHI thresholds for various government financial support schemes, Participant 20 does not qualify for such financial supports –including schemes that target the needs of persons with disabilities. However, he noted that depending on his spouse's salary alone at times still puts them in a financially precarious situation. Similar to the experiences accounted by other persons with disabilities in our research and conversations, when Participant 20 went looking for work, he faced many of the same structural and attitudinal barriers.

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<sup>132</sup> Janarthanann Krishnasamy, 15 July 2022, "Explainer: Should govt agencies standardise different methods for means testing and what impact does inflation have?," TODAYOnline.

<https://www.todayonline.com/singapore/explainer-means-testing-inflation-1938631>

<sup>133</sup> For a list of the current government financial support schemes that target disability: SupportGoWhere, "Disability Support," Accessed March 2024. <https://supportgowhere.life.gov.sg/categories/disability>

For example, he noted facing the unfair dilemma of disclosure of disability (as outlined in other parts of this report) during the application phase of his job search. Participant 20 noted that he kept track of applications where he disclosed his disability, and applications where he did not disclose his disability, and noticed a stark difference in the response rate between the two groups of applications – with applications where he did not disclose his disability receiving a significantly higher number of callbacks for an interview compared to the applications where he did disclose his disability. Participant 20 further noted that when he tried to attend courses through SkillsFuture to upgrade his skills, that he faced much difficulty in finishing the course due to the accessibility and attitudinal barriers (highlighted in section 2.3.1). Participant 20 eventually found some employment – but it is employment which is far removed from his prior training and work experience and for where he works for far less hours than he is willing and able to work for, and where he is paid a low hourly rate that is significantly less than his prior work experience - similar to the under-employment experiences of other persons with disabilities we spoke with in our research and conversations.

Individuals such as Participant 20 thus find themselves caught in between a non-inclusive employment landscape on the one hand, and on the other, in a financial situation that while distressing, still does not qualify them for most financial assistance.

### **DPA Recommendations**

It is worth emphasising that individuals such as Participant 20 want to work and use their skills and expertise in ways they find meaningful and purposeful. This thus emphasises our recommendations made in this report to remove societal barriers towards a fairer and more inclusive employment landscape – for anti-discrimination legislation to be comprehensive to address and prohibit discrimination in all its forms, for non-discrimination requirements to be extended to other important aspects of employment such as in vocational education through SkillsFuture, and for all sectors of society – public, private, and people – to embrace a comprehensive definition of fair and gainful employment that does not only focus on employment rates but also aspects such as the utilisation of one’s skills, employment that meets one’s financial needs, and retention, progression, and satisfaction of employment.

While we work towards such important assets and tenets of fair and inclusive employment, it is important that financial support schemes are optimised to ensure that the inequities faced by persons with disabilities are taken into consideration in ways that will enhance employment prospects.

**Recommendation 14:** Enhance targeted government financial support schemes to ensure and optimise the reach of such supports to better assist persons with disabilities in employment

DPA believes that the financial assistance from several of the government financial support schemes can make a positive difference in assisting persons with disabilities and recommends that the government considers (i) reviewing monthly PCHI means-testing requirements while (ii) ensuring existing and future support schemes take into consideration the inequities and unique barriers persons with disabilities face in the design and implementation of such schemes.

#### **(i) Reviewing monthly PCHI means-testing requirements**

As noted, disability tends to be accompanied with additional costs – i.e. the cost of assistive devices and technologies, additional therapy appointments, and mobility equipment – just to name a few. Thus

government financial support schemes such as the Assistive Technology Fund (ATF) – which subsidises up to 90% of the cost of assistive technologies – including the purchase, replacement, upgrade, and/or repair of such technologies, can significantly assist persons with disabilities.<sup>134</sup> Individuals who are eligible for the ATF can access subsidies with a life-time cap of up to \$40,000.<sup>135</sup>

Assistive technology and equipment are necessary for many persons with disabilities to participate in society – including in employment, and thus such subsidies through the ATF are commendable and much needed. However, (upon the time of writing this report) to be eligible for the ATF, individuals must meet the means-testing requirement of a monthly PCHI of no more than \$2,600.<sup>136</sup> While this is a notable increase from the previous monthly PCHI requirement of no more than \$2,000, it is still below the median Singapore monthly PCHI of \$3,500.<sup>137</sup> This means that a person with disability requiring significant assistive technology costs living in a standard Singapore household will likely not be able to access the ATF despite the ATF having the potential to provide more access to assistive technologies and equipment that can positively assist the employment prospects of the person with disability.

DPA acknowledges the important move by the government to increase many of the monthly PCHI requirements of a number of support schemes to match the current median Singapore monthly PCHI, and thus DPA recommends that this can be extended to all schemes – including the ATF.

**(ii) Ensuring existing and future support schemes take into consideration the inequities and unique barriers persons with disabilities face in the design and implementation of such schemes**

In addition to ensuring monthly PCHI eligibility requirements are more aligned to the Singapore median monthly PCHI, it is also important that such government financial support schemes are designed to optimise the reach of such schemes by taking into consideration the inequities and unique barriers facing persons with disabilities.

For example, the Taxi Subsidy Scheme (TSS) subsidises up to 80% of taxi travel for persons with disabilities.<sup>138</sup> The TSS (at the time of writing this report) has a notable monthly PCHI requirement of no more than \$3,600 – more than the Singapore median monthly PCHI, and a notable increase from the previous monthly PCHI requirement of no more than \$2,800.<sup>139</sup> However, to be eligible, persons with disabilities also need to be schooling, working or attending employment-related training supported by SG Enable.<sup>140</sup> Yet, this may exclude persons with disabilities who are attending training not supported by SG Enable, but that is still important to enhance their employment prospects.

Moreover, to be eligible for the TSS, individuals must be Persons with “permanent disabilities who are medically certified as unable to take public transport and totally dependent on taxi for travel”.<sup>141</sup>

<sup>134</sup> SupportGoWhere, Assistive Technology Fund," Accessed March 2024.

<https://supportgowhere.life.gov.sg/schemes/ATF/assistive-technology-fund>

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Chor Khieng Yuit, 12 February 2024, "Median monthly household income in Singapore above \$10,000 in 2023 for second straight year," *The Straits Times*. <https://www.straitstimes.com/business/median-monthly-household-incomes-in-s-pore-above-10000-in-2023-for-second-consecutive-year>

<sup>138</sup> SupportGoWhere, "Taxi Subsidy Scheme," Accessed March 2024.

<https://supportgowhere.life.gov.sg/schemes/TSS/taxi-subsidy-scheme-tss>

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.



However, such an eligibility requirement does not take into consideration the various barriers of persons with disabilities in navigating Singapore via public transport. For instance, Singapore has made significant improvements to the accessibility of public transport. Yet, in our research and conversations, persons with disabilities have often commented that even with the improvements in accessibility in public transport, they still face difficulty in navigating Singapore due to times of disruption such as construction sites and road and entrance closures – which are common in Singapore. Persons with disabilities have noted that even if they can take public transport, instances such as construction sites or road or entrance closures at times leave them with no choice but to utilise taxi travel or private hire vehicles such as Grab – which can incur significant financial costs over time. Moreover, especially for individuals in the blind/visually impaired community, using public transport by oneself on a unfamiliar route usually requires significant time planning and going through the route several times with an orientation and mobility (O&M) trainer – time that the blind/visually impaired person may not have especially if they are engaging in time-sensitive events such as networking to increase their employment prospects, or trying their best to look for work as soon as they can. As a result, such individuals have commented that they often have to resort to taxi or private hire vehicles such as Grab – placing additional costs.

While it is important to primarily focus on optimising accessibility of the public transport experience, such as ensuring last mile accessibility for persons with various types of disabilities, it is important to also optimise assistance in relieving costs for point-to-point ride services such as taxi and/or private hire vehicles as due to such realities as outlined, persons with disabilities, while being able to take public transport, at times and even often still have little to no choice but to rely on point-to-point ride services – including for reasons pertaining to employment.

Travel to work or training opportunities was an issue that persons with disabilities raised in our conversations – especially among the blind/visually impaired community for reasons outlined. To this, the government's goal of designing the EBHs to bring more employment opportunities closer to where persons with disabilities live is welcomed, and will meet some of the concerns raised by persons with disabilities – especially that of persons with disabilities such as Participant 33 (mild intellectual disability) who noted her main concern was finding work closer to where she lives.

However, while efforts to bring employment opportunities closer to where persons with disabilities live is a welcomed move and will assist some, persons with disabilities may still have to resort to point-to-point ride services due to the afore-mentioned barriers.

To optimise access to employment opportunities, there can be enhancements to various areas. As noted, primarily focusing on enhancing last mile accessibility for all persons with disabilities is a must. However, in addition, enhancements to schemes such as the TSS may also assist in broadening the range of options that are available to persons with disabilities in employment.

Enhancements to the means-testing and eligibility requirements of the TSS is one way to achieve this. For example, the government can consider removing the eligibility requirement of the individual having to be “medically certified as unable to take public transport and totally dependent on taxi for travel”, and instead approach eligibility on a case-by-case basis. The government can also consider providing greater financial subsidies to persons with more severe disabilities that make them more reliant on taxi for travel, while still providing some financial subsidies for persons with disabilities who can take public transport but may still have to occasionally resort to point-to-point ride services such as taxi for travel. To incentivise utilisation of the scheme for employment purposes, the government can still keep the school and/or work requirement, but as noted, broaden the employment training requirement to include non-SGEnable employment training, and broaden the definition of work to ensure that all types of work – including freelance and self-employed individuals are covered.

Another example of a government financial support scheme that is worth commenting in this subsection is the upcoming support for the involuntarily unemployed while such individuals undergo training or look for better-fitting jobs. This was announced in Forward SG and more recently in Budget Statement 2024.<sup>142</sup>

While specifics on this scheme are yet to be unveiled, Budget Statement 2024 notes that the goal of this new financial support scheme is to support displaced workers to “upgrade their skills, and to find a job that fits their aptitude and talent”.<sup>143</sup> The new support scheme was also announced under new measures to SkillsFuture and thus provisions under this new scheme is likely to be tied with SkillsFuture courses and programming.

This yet underscores and emphasises the need for an inclusive SkillsFuture. For example, if there are eligibility requirements in this upcoming support scheme that requires an individual needing to be enrolled or registered with a SkillsFuture module to access such financial supports, such an eligibility requirement will disadvantage persons with disabilities due to the access and attitudinal barriers persons with disabilities face in taking courses in SkillsFuture (as outlined in section 2.3.1)

As noted, persons with disabilities face higher unemployment rates, lower employment rates, and the prevalence of under-employment – both time-related under-employment and under-employment in terms of low utilisation of one’s skills and training. This upcoming involuntarily unemployed support scheme thus has great potential to assist persons with disabilities. However, if such afore-mentioned barriers are not taken into consideration in the design and implementation of the scheme, the support may not reach demographics that may stand the most to benefit from it – such as persons with disabilities.

This upcoming government financial support scheme is thus an example of how policies, provisions, and means-testing eligibility requirements for such financial supports need to be designed in consideration of the realities and barriers faced by persons with disabilities.

## Summary of Part II

In summary:

Persons with disabilities have expressed their concerns and experiences with various aspects of employment that they have noted should be addressed in efforts to pursue and achieve a fair and inclusive employment landscape for persons with disabilities in Singapore.

This includes ensuring “gainful employment”, and supporting persons with disabilities in achieving gainful employment, includes areas such as the issue of under-employment and factors such as employment retention, and progression and advancement – in both the formal and gig economies – which often leads to other factors such as whether there is income attainment that meets one’s financial needs. Therefore, as the government aims to reach the goal of EMP2030 of ensuring that “by 2030, persons with disabilities who can work will be recognised for their abilities, knowledge and skills, and are able to achieve gainful employment”, it is essential that such areas are included in the definition and measure of “gainful employment”.

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<sup>142</sup> Ministry of Finance (MOF), 2024, "FY2024 Budget Statement," MOF.gov.sg.

[https://www.mof.gov.sg/docs/librariesprovider3/budget2024/download/pdf/fy2024\\_budget\\_statement.pdf](https://www.mof.gov.sg/docs/librariesprovider3/budget2024/download/pdf/fy2024_budget_statement.pdf)

<sup>143</sup> Ibid.

As Singapore works towards a fair and disability-inclusive employment landscape that ensures persons with disabilities can achieve gainful employment, it is important that efforts to achieve such an employment landscape address the following:

Firstly, it is important to incentivise and promote positive best practices; yet doing so in a manner that takes into consideration such afore-mentioned indicators of gainful employment, while avoiding any inadvertent negative messaging about disability-inclusive employment. We have thus raised various recommendations, based on our research and conversations with persons with disabilities and other relevant experts, on how government programmes and initiatives such as the P&T programme, and the Enabling Mark and Enabling Employment Pledge may be enhanced to provide such assurances.

And secondly, it is important that efforts to promote disability-inclusive employment does not replace the importance of strong provisions and protections in law, regulations, and policies in and around employment. For instance, effective awareness-raising efforts should not negate the need for strong provisions and protections in the WFL. However, based on our research and conversations with persons with disabilities, strong provisions and protections in the WFL as outlined in Part I is just the beginning and that to achieve a fair and inclusive disability landscape where persons with disabilities can achieve gainful employment, there is the need for strong provisions and protections in other areas – namely in life-long learning in the SkillsFuture system, and inclusive provisions in government financial support schemes that have the potential to improve employment prospects.

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As highlighted in the Introduction, we note the government's intent for the goals of EMP2030 to potentially evolve along the way and that the government is open to evolving the strategies and methods of EMP2030. We therefore hope that the recommendations we have presented will be taken into consideration to optimise EMP2030.

As outlined in the Introduction and throughout this report, we believe that the recommendations we have outlined will not only be important towards optimising EMP2030, but also for the government to meet the recommendations pertaining to employment by the UN Committee on the Rights of Persons with Disabilities in their 2022 Concluding Observations to Singapore.

## CONCLUDING REMARKS

While we acknowledge the significant and important step the government is taking to enact workplace anti-discrimination legislation through the WFL, we have outlined our recommendations in this report of what the WFL needs to contain if the WFL is to be effective in addressing the attitudinal and discriminatory barriers persons with disabilities face in the workplace. Additionally, this report has outlined that strong protections and provisions in the WFL is just the beginning and that to truly build an employment landscape in Singapore that is fair and equitable for persons with disabilities, there will need to be a comprehensive and inclusive definition and assessment of gainful employment, enhancements to how Singapore promotes disability-inclusive employment, and strong provisions and protections for persons with disabilities not only in the WFL but in other areas of Singapore that relate to employment outcomes.

It is our belief that such recommendations are not isolated or unrelated, but rather must be taken together to be effective in truly leading to a fair and disability-inclusive employment landscape for persons with disabilities in Singapore. For example, if we have inclusive measurements of gainful employment, clarity and precision in how Singapore promotes disability-inclusive employment, and protections in other areas of society, but do not have a strong workplace anti-discrimination legislation that incorporates the various provisions we are recommending, then we will still leave the act of inclusion and non-discrimination an option – not addressing the various discriminatory barriers in all its forms.

It is worth emphasising again that the recommendations outlined in this report serve more as a baseline set of recommendations – examples of some of the key elements we believe the government and the rest of Singapore needs to take in consideration in achieving fairness in employment for persons with disabilities in Singapore – and hence the 14 recommendations are not meant to be an exhaustive list.

In addition to our on-going efforts in collaborating with existing partners, DPA continues to invite any new collaborations with individuals and groups from all sectors and the general public towards addressing such recommendations, outcomes, and objectives outlined in this report.

# ANNEX A

## **Overview of DPA Recommendations:**

### PART I: THE WFL

Recommendation 1: Enshrine reasonable accommodation provisions in the WFL by including denial of reasonable accommodations as a form of discrimination covered by the definition of discrimination in the WFL and incorporate clear provisions in the WFL to assist with the implementation of reasonable accommodation provisions

Recommendation 2: Enshrine a comprehensive definition of discrimination in the WFL that includes all forms of discrimination including indirect discrimination and discriminatory-related harassment, and enhance guidelines and redress mechanisms around the Protection from Harassment Act (POHA) if discriminatory-related harassment is not to be covered in the definition of discrimination in the WFL

Recommendation 3: Include in the WFL a definition of disability that is inclusive of all disabilities – including psychosocial disability/mental health conditions – and that is aligned with the UN CRPD in emphasising impact of disability on major life activities when in interaction with social and environmental barriers, and that a similar functional and inclusive approach be adopted for mental health conditions if it is to remain as a separate protected characteristic

Recommendation 4: Enhance the TGFEF to provide guidance for employers on implementing the WFL – including preventing and addressing all forms of workplace discrimination on the grounds of disability – including forms of discrimination such as indirect discrimination and denial of reasonable accommodations – if the TGFEF is to work “in concert with” the WFL.

Recommendation 5: Ensure that any advisory or guideline on reasonable accommodations highlights the necessity and essentiality of reasonable accommodations, including implementation processes to provide reasonable accommodations, as an important and useful investment with benefits that extend to all demographics – not only persons with disabilities, and that any advisory or guideline on reasonable accommodations be accompanied with a clear roadmap and timeline on achieving its aims and objectives.

Recommendation 6: Ensure that the list of prohibited retaliatory actions legislated in the WFL are inclusive of all forms of discrimination

Recommendation 7: Include in the WFL, as per the other four proposed legislated grievance handling requirements, an accessibility requirement in defining what constitutes as “proper grievance handling processes”, and that new or revised guidelines be established to support employers to pursue such accessibility requirements.

Recommendation 8: Establish for the WFL settlement and redress procedures to be victim-centred – including clearly addressing burden of proof concerns, not requiring mediation to be compulsory, and ensuring all areas of such procedures are accessible.

## PART II: Factors in Achieving Fairness in Employment

Recommendation 9: Enhance current data collection and publication to include disability-disaggregated data on indicators that can assist to monitor factors of gainful employment such as under-employment and employment progression.

Recommendation 10: Ensure new data and current and future KPIs and targets in employment supports assess the state of gainful employment of persons with disabilities by including indicators pertaining to under-employment, maintaining employment, and employment progression – including data on the barriers facing persons with disabilities in achieving such factors of gainful employment.

Recommendation 11: Ensure that data pertaining to employment retention through placements in the Place-and Train programme, along with other similar placement support initiatives, are part of KPIs to assess the efficacy of such placement programmes

Recommendation 12: Introduce new measures to both the Enabling Mark and Enabling Employment Pledge to optimise the focus of such initiatives on the goal of promoting best practices of disability-inclusive employment as outlined in the UN CRPD

Recommendation 13: Establish requirements on the provision of reasonable accommodations in SkillsFuture courses and programming and enhance systems within SkillsFuture to assist with reasonable accommodation requests and provisions

Recommendation 14: Enhance targeted government financial support schemes to ensure and optimise the reach of such supports to better assist persons with disabilities in employment

## ANNEX B

[As outlined in the Introduction, our advocacy efforts between 2022 – 23 on the WFL included qualitative research to gather feedback from persons with disabilities. Below is an overview of the data collection process of such qualitative research.]

In our qualitative research, a top priority was to ensure accessibility for persons with disabilities in the data collection process. Persons with disabilities had the option of participating in the research through one-on-one semi-structured interviews, a focus group with other persons with disabilities, or via written submissions. This was to provide a range of input methods to cater to potential participants' different access needs and/or comfort levels when recounting their experiences and contributing their perspectives.

To recruit participants, a focused and targeted referral sampling method was used. Referral sampling is a methodology where an initial participant is recruited who then assists with recruiting other participants. A focused and targeted referral sampling method was used for several reasons. Firstly, as the only cross-disability organisation in Singapore, we always try our best to have as many different disability communities represented in our research and advocacy efforts. Therefore, a referral sampling methodology was best for this purpose as it allowed members from different disability communities who are familiar with individuals from their respective disability communities to bring in participants. As participants were asked questions pertaining to possible incidents of discrimination they may have experienced, a referral sampling method was not only useful but necessary due to the sensitive nature of the topic – with individuals feeling more comfortable to participate if it is someone from their respective disability community, whom they may already be acquainted with, approaching them about participating.

To optimise unbiasedness in the sample, the call was sent out to individuals with disabilities who were well acquainted and active in their respective disability communities and in various particular disability organisations in Singapore – regardless of whether they were well acquainted with the principal researcher. The call for participation was also sent out to individuals who worked at various disability organisations in Singapore who then also assisted in sending out the call to their various members with disabilities.

The call to participants consisted of a Google form containing a section that explained the purposes of their participation, a section that contained an agreement form, and a section to indicate their particulars to arrange their participation.

As mentioned, a top priority of the research process was accessibility. Persons with disabilities had the option to choose their means of participation, and steps were taken to optimise accessibility throughout the process of their participation. For example, a Google form was chosen as the main call for participation due to its proven ease of accessibility especially for screen reader users. Efforts were taken to also ensure the form was worded in as plain text of a format as possible. However, when the call was sent out to individuals who assisted with forwarding the call/referring participants, they were instructed that persons with disabilities could also get in contact with the principal researcher through various other means to arrange participation if a Google form was not accessible for them due to their disability.

Additionally, when arranging their participation – whether through the Google form or other means, we requested persons with disabilities to inform us of any reasonable accommodations they required to participate, and it was a top priority that they received such reasonable accommodations during their

participation. Moreover, persons with disabilities had the choice of their means of participation – including the specific platform for their participation depending on their access needs. For example, while most of the one-on-one semi-structured interviews were conducted via Zoom, participants had the choice to indicate another platform such as Google Meet or the choice to speak over the phone if they should prefer.

Another top priority for us was to ensure the anonymity of participants. This is not only to follow standard qualitative research practices, but it was especially important once again due to the potentially sensitive nature of the topic. All participants gave their consent to participate – which included their consent to have anything they share anonymously cited in the report or any other sharing of the findings, and their consent to be audio recorded – if they participated via one-on-one semi-structured interviews or via a focus group. If persons with disabilities participated via a focus group, they also had to sign non-disclosure agreements in the agreement form that they shall not disclose anything that was shared by their fellow participants. All recordings were only viewed by the principal researcher and research associates/assistants for the duration of the data collection and coding – all of whom also signed non-disclosure agreements with DPA. The recordings are deleted at the conclusion of the write-up of this report. If persons with disabilities participated via written submissions such as via emails, all correspondences were strictly kept between the principal researcher and the participant. All this was made known to participants in the Google form where they indicated their consent to participate.

Feedback gathered from such research, along with general sentiments from our everyday conversations with persons with disabilities, and consultations with other relevant subject matter experts, guided and formed the basis of our recommendations in this report.



## ABBREVIATIONS

ATF	Assistive Technology Fund
AWARE	Association of Women for Action and Research
CLFS	Comprehensive Labour Force Survey
COS	Committee of Supply
CSR	Corporate Social Responsibility
DIP	Disability and Inclusion Panel
DPA	Disabled People's Association
EBH	Enabling Business Hubs
ECT	Employment Claims Tribunal
EEC	Enabling Employment Credit
EMP2030	Enabling Masterplan 2030
FWAs	Flexible Working Arrangements
IPS	Institute of Policy Studies
JRG	Job Redesign Grant
MOM	Ministry of Manpower
MSF	Ministry of Social and Family Development
NCSS	National Council of Social Service
NDR	National Day Rally
NS	National Service
O&M	Orientation & Mobility
ODP	Open Door Programme
P&T	Place-and-Train
PCHI	Per Capita Household Income
PHC	Protection from Harassment Court
PMET	professionals, managers, executives, and technicians,
POHA	Protection from Harassment Act
SSA	Social Service Agency
SWW	Sheltered Workshop-to-Work
TADM	Tripartite Alliance for Dispute Management
TAFEP	Tripartite Alliance on Fair Employment Practices
TGFEP	Tripartite Guidelines on Fair Employment Practices
TSS	Taxi Subsidy Scheme
UN CRPD	United Nations Convention on the Rights of Persons with Disabilities
VWO	Voluntary Welfare Organisation
WFL	Workplace Fairness Legislation