

Levelling the Hills to Success: An Overview of the New Workplace Fairness Legislations

An equitable workplace culture should be the norm and not a privilege. How will the new legislations help Singapore move towards turning this ideal into a reality?



Introduction

In the previous United Nations Gender Inequality Index released in 2024, Singapore ranked eighth out of 166 countries worldwide and first in the Asia-Pacific region¹ – an incredible feat that stands out amidst the global push for greater workplace equality. Furthermore, the recent raise in retirement and re-employment ages of senior workers earlier this month² marks another key milestone in Singapore's plan to support the careers of our ageing workforce. With all these headline achievements plastered all over the media, it is easy to miss the subtle manifestations of workplace discrimination in our day-to-day lives, especially when we ourselves are not personally affected by them.

What qualifies as Workplace Discrimination?

Workplace discrimination is the unfair treatment of employees due to their personal attributes, such as race and gender. Prejudice against the said attributes are often made tangible in areas like lower salary, uneven workload distribution and a stifled career growth³, particularly in comparison with other employees in similar roles.

¹"Singapore ranked 8th in world for low gender inequality; new report charts women's development" The Straits Times, May 11, 2024

²"Singapore to raise retirement age to 64 and re-employment age to 69 on July 1: Tan See Leng" The Straits Times, Mar 04, 2026

³Fair Employment Practices 2023, Ministry of Manpower, Republic of Singapore

Workplace Fairness Act 2025 (“Act”)

The Act prohibits discrimination across all stages of the worker’s employment, including hiring, training, performance appraisals, promotions and dismissal.⁴ It encompasses two Bills – the Workplace Fairness Bill and the Workplace Fairness (Dispute Resolution) Bill – and is designed to uphold greater employer accountability and foster fairer and more harmonious workplaces. It is intended to cover all “employees” under the interpretation of section 2 of the Act⁵ i.e. an individual who has entered into or works under a contract of service with an employer, but does not include any of the following:

- (a) any seafarer within the meaning given by section 2(1) of the Employment Act 1968;
- (b) any domestic worker within the meaning given by section 2(1) of the Employment Act 1968;
- (c) any employee in any prescribed category, class or description of employees.

Currently, small companies with 25 or fewer workers are also exempted from this legislation⁶. However, they would still have to adhere to the Tripartite Guidelines on Fair Employment Practices.

Workplace Fairness Bill (“First Bill”)

The First Bill sets out the core employee protections and structural rules around employer commitments. At the present time, this statutory framework is not completely enforced but it is expected to take full legal effect in late 2027, in order to provide a sufficient transition window for compliance.⁷

Employee Rights

All employees are entitled to merit-based considerations and should not be rejected based on their personal attributes. Under section 8 of the Act, the list of protected characteristics are⁸:

- age
- nationality
- sex, marital status, pregnancy, caregiving responsibilities
- race, religion, and language ability
- disability and mental health conditions

⁴Sections 5-7 of the Workplace Fairness Act 2025

⁵Section 2 of the Workplace Fairness Act 2025

⁶*Introduction of Workplace Fairness Legislation to Preserve and Entrench Fair and Harmonious Workplace Norms* (Nov 12, 2024). Ministry of Manpower Singapore. <https://www.mom.gov.sg/newsroom/press-releases/2024/1112-fact-sheet-on-workplace-fairness-bill-first-reading>

⁷Legislating Fairness Singapore’s Workplace Fairness Legislation, Lim Fang-Zhou Noah, Singapore Academy of Law

⁸Section 8 of the Workplace Fairness Act 2025

To encourage more employees to step forward in reporting workplace discrimination, employers are barred from taking retaliatory actions against informants. Such retaliation includes unjustified dismissal, deduction of pay and workplace harassment.

Employer Obligations⁹

To enforce objective decision-making, employers are required to maintain a comprehensive documentation of recruitment, promotions, appraisals and terminations, which should be submitted for regular audits. Anti-discrimination policies should also be updated. In addition, employers are to place a stronger emphasis on educating managers on the essentials of the Act during trainings, and highlighting to staff their rights and how they can report unfair treatment.

Apart from the preventative measures, the First Bill recognises that companies should take on greater responsibility in the active handling of workplace discrimination cases. As such, employers are required to implement robust whistleblowing mechanisms that prioritise confidentiality and facilitate timely responses. On top of that, they are to keep records of grievances, investigations and outcomes to uphold transparency.

The penalties for non-compliance to the above duties are calibrated to the severity of the violation.¹⁰ They are broadly classified into two types:

- Administrative Penalties (e.g. failure to keep grievance records)
 - Corporate entities can be fined up to S\$5,000 for a first breach, and up to S\$10,000 for subsequent breaches.
 - Individual employers can be fined up to S\$2,500, sentenced to six months' imprisonment, or both.
- Serious Civil Penalties (e.g. retaliatory dismissals)
 - Corporate entities can be fined up to S\$50,000 for a first breach, and up to S\$250,000 for subsequent breaches.
 - Individual employers can be fined up to S\$10,000 for a first breach, and up to S\$50,000 for subsequent breaches.

Exceptions

Section 20(2) draws the line between blatant discrimination and the protected characteristic being critical for the role.¹¹ A protected characteristic is a genuine requirement only if –

⁹Sections 26-28 of the Workplace Fairness Act 2025

¹⁰Sections 31 and 34 of the Workplace Fairness Act 2025

¹¹Section 20 of the Workplace Fairness Act 2025

- a) having regard to the nature of the job, the job cannot be reasonably performed by an individual unless the individual has (or does not have) the protected characteristic;
- b) the job needs to be performed by an individual who has (or does not have) the protected characteristic to preserve the health or safety of the individual or any other individual;
- c) the job needs to be performed by an individual who has (or does not have) the protected characteristic to preserve standards of privacy (whether reasonable or not) of the individual or any other individual; or
- d) the job must, under any written law or by any requirement imposed under any written law, be performed by an individual who has (or does not have) the protected characteristic.

Another exception is when the selection favours employees from vulnerable groups¹², such as older workers and those with disabilities.

Workplace Fairness (Dispute Resolution) Bill ("Second Bill")

The Second Bill outlines a framework that enables the worker experiencing workplace discrimination to seek amicable reconciliation with the perpetrator through a three-stage process¹³:

1. Firstly, employers are to facilitate dispute resolution at the firm level through effective grievance-handling procedures to strive for the maintenance of workplace harmony.
2. In the event of an unsuccessful internal resolution, the parties involved should then attempt mediation via a neutral third-party mediator at the Tripartite Alliance for Dispute Management.
3. Only when the above two stages fail, the workplace discrimination claim can proceed to the Employment Claim Tribunals ("ECT") or the High Court for adjudication, where it will be heard in private. The ECT will hear workplace discrimination claims up to and including S\$250,000, while larger claims will be heard in the High Court.

With regards to stage 2, there are deadlines for workers to submit their mediation requests.¹⁴

¹²Sections 21-24 of the Workplace Fairness Act 2025

¹³*Workplace Fairness (Dispute Resolution) Bill Provides Framework For Resolving Workplace Discrimination Disputes Amicably And Expeditiously* (Nov 04, 2025). Ministry of Manpower. <https://www.mom.gov.sg/newsroom/press-releases/2025/workplace-fairness-dispute-resolution-bill-press-release>

¹⁴*Workplace Fairness (Dispute Resolution) Bill* (Oct 14, 2025). Ministry of Manpower. <https://www.mom.gov.sg/newsroom/press-releases/2025/1014-workplace-fairness-dispute-resolution-bill-factsheet>

- a) If the employment decision is made during the pre-employment stage, the jobseeker is to submit the request within one month after the date of decision.
- b) If the employment decision is made during the employment term, the employee is to submit the request within six months after the date of decision.
- c) If the employment decision is made during the end-employment stage, the employee is to submit the request within one month after the last day of employment.

This three-stage process reinforces Singapore's dedication in encouraging peaceful settlements out of the courtroom to protect social cohesion to the greatest extent possible. Furthermore, it provides an accessible and expeditious pathway to handle authentic workplace discrimination claims, while at the same time, prevent baseless complaints from draining public resources.

Conclusion

All in all, the Act is a significant addition to our contemporary career landscape. Notably, Singapore is contending with a rapidly ageing population¹⁵ and learning to accommodate a growing foreign workforce¹⁶ – both of which contribute to an increasingly diverse working population that calls for a greater tolerance of differences and mutual respect. By having clear legislative directions governing workplace interactions, employees are promised fair opportunities for development at every stage of their career. The Act will also be beneficial in enabling companies to build employee-centred work cultures that are highly valued amongst talented workers.

As former Senior Minister of State for Manpower Koh Poh Koon aptly observed, "[our modified legal frameworks] matter because they do more than just set legal limits"¹⁷. Beyond establishing legal boundaries, the law has the power to shape workplace culture. Hence, it should be fruitfully harnessed to provide a stable foundation upon which a more equitable workplace can be built.

At **INFINITY LEGAL LLC**, we assist and represent clients on all issues relating to employment law.

¹⁵Second Reading Speech at Workplace Fairness Legislation Bill (Jan 07, 2025). Ministry for Manpower. <https://www.mom.gov.sg/newsroom/speeches/2025/0107-second-reading-speech-for-workplace-fairness-legislation-bill>

¹⁶Impact of Foreign Professionals on our Economy and Society (Apr 14, 2025). Factually. <https://www.factually.gov.sg/corrections-and-clarifications/impact-of-foreign-professionals-on-our-economy-and-society/>

¹⁷Speech By Senior Minister of State for Manpower Dr Koh Poh Koon at Ministry of Manpower Committee of Supply 2026 (Mar 03, 2026). Ministry for Manpower. <https://www.mom.gov.sg/newsroom/speeches/2026/0303-sms-speech-for-cos-2026>

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