

FAQs on Tripartite Guidelines on Flexible Work Arrangement Requests

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Segment 1: General FAQs on TG-FWAR

1. If my company already has a flexible work arrangement (FWA) policy, would the employer still have to consider employees' requests for additional FWAs or variations of the company's FWA policy?

- Your employees can request for different or more forms of FWAs beyond your company's policy. It is up to you to decide whether you can accommodate the requested FWA. You should provide business-related reasons if you wish to reject any request.

2. If an employee is found to have committed an act of misconduct while on FWA, can the employee be subject to disciplinary action under the Employment Act?

- The process for handling cases of misconduct remains the same regardless of whether the employee is on an FWA. Employers must conduct a formal inquiry before taking any disciplinary action.

3. If an employee gets injured while working from home, can they claim for work injury compensation from the employer? Can employers stipulate requirements for employees' work-from-home arrangements to ensure that a minimum level of safety is met?

- Under the Work Injury Compensation Act, employees are eligible for compensation if they sustain injuries so long as the injuries arise out of and in the course of work, regardless of where the injury was sustained. This can be outside of office, at the employee's home, or at the homes of non-employees.
- Employers can advise employees on steps that can be taken to ensure a safe and conducive working environment. However, as the Work Injury Compensation Act provides a no-fault compensation regime, employers may still be liable to provide work injury compensation even if employees are found not to have adhered to employers' advice.

4. Can employers stipulate how long the FWA will be in place for?

- Employers and employees may discuss and agree on when the FWA will be reviewed.

5. Can employers decide who in the company should approve FWA requests (e.g. direct supervisors, HR)?

- Yes, employers can decide who should approve FWA requests. They may wish to indicate this clearly in their formal process, to avoid confusion from employees on who to approach for clarifications regarding their requests.

6. How should employers handle requests from employees to work from overseas on flexible work arrangements (FWAs)?

- TG-FWAR generally applies to formal requests for FWAs within Singapore, and does not require employers to approve all FWA requests. However, companies should decide the form of FWAs that suits their employees, business and clients. Employers will need to consider how the FWA will affect the employee's and team's productivity, as well as the broader impact on your organisation.
- If employers are keen to grant the request, they may also wish to seek legal advice on whether the employee has the right to work in the other country and potential tax implications, as well as check with their insurer on employee insurance coverage.
- If employers assess that remote working from outside Singapore can have a negative impact on their organisation or is not feasible, they may reject the request and provide reasons accordingly, in line with the TG-FWAR.

7. Does the TG-FWAR apply to frontline workers (e.g. manufacturing/production, healthcare, frontline food services), given that they often need to work onsite at fixed timings?

- The Tripartite Guidelines on Flexible Work Arrangement Requests (TG-FWAR) applies to all employees who have completed their probation, regardless of sector or job role.
- For frontline workers who need to be present onsite at fixed timings, the nature of their work may rule out certain types of FWAs, e.g. telecommuting. However, employers may still wish to consider other types of FWAs.
- For industries such as healthcare that require round-the-clock staffing, a flexi-shift system could be implemented to give employees flexibility in choosing shifts that suit their caregiving or other personal needs. Employers may also wish to consider offering flexi-load roles to augment their manpower.

8. If an employee requests for their work schedule to be changed from full-time to flexi-load, where there is a reduction in hours worked, should there be a proportionate reduction in pay?

- Flexi-load arrangements that involve changes to total work hours and load typically involve a proportionate reduction in pay. Employers and employees should discuss the flexi-load arrangement, including expected work hours and load, and changes to salary, in detail and come to an agreement before commencing the arrangement.

Segment 2: Case management

9. As the TG-FWAR only covers formal FWA requests, does this mean that TAFEP will not look into complaints related to non-formal requests?

- TAFEP will not look into complaints that do not meet the requirements under the TG-FWAR to be considered a formal request.
- If employees have not followed their employers' stipulated process or the TG-FWAR requirements for making formal requests, employers are encouraged to advise them on the proper process.
- Employees are encouraged to discuss and raise their concerns to their unions (if they are unionized employees) or through the firm's internal grievance handling mechanism.

10. How will complaints related to the TG-FWAR be handled in the period leading up to the implementation date on 1 Dec 2024?

- As the TG-FWAR has not been implemented yet, employers will not be obliged to comply.
- If employees feel that their requests for FWAs have not been properly considered prior to the TG-FWAR's implementation, they may wish to direct their employer to TAFEP and IHRP's resources on FWA implementation, and how to properly consider and respond to FWA requests.
- If an employee approaches TAFEP for assistance, TAFEP may advise the employer that they should ensure practices are aligned to TG-FWAR by 1 December 2024.

11. Can employers reject a request for flexible work arrangements (FWAs) on the basis that their company does not have a FWA policy or the company policy does not provide for a particular type of FWA?

- As per requirements under the TG-FWAR, employers still need to assess and respond to formal requests even if their company does not have a FWA policy or does not provide FWA. If the request is rejected, the employer should clearly communicate the reasons for rejecting the request, and provide only reasonable business-related grounds for rejection.

- The employer may also find it viable and beneficial for the business to grant FWA requests on a case-by-case basis, particularly in cases when their employees need FWAs in order to continue working.

Segment 3: Interactions between TG-FWAR and upcoming Workplace Fairness Legislation

12. If an employer rejects an FWA request (e.g. from a caregiver or persons with disabilities), will this be considered discrimination under WFL/TGFEP?

- No, whether an employer approves or rejects an FWA will not be covered under the WFL or TGFEP.
- The TG-FWAR covers whether companies have the process for considering formal FWAs.
- It remains the employers' prerogative whether to approve the FWA request after assessing the request, based on reasonable business grounds.
- The employer will be in breach of the TG-FWAR if they do not have in place a process to consider formal FWAs, or reject an FWA request without reasonable business grounds.
- On the other hand, for WFL/TGFEP, the assessment will be made based on whether there was an adverse employment decision based on a protected characteristic.
- Employment decisions should be made fairly and based on merit.
- Employers should assess job applicants or employees based on relevant factors such as their skills, experience and ability to perform the job, and not based on whether they request for or tap on FWAs.

13. If an employer were to pay an employee on FWAs less than their coworkers who are not on FWAs, is it considered a breach of the (a) WFL or (b) TGFEP?

- Issues pertaining to FWAs will not be covered by the WFL.
- That said, the TGFEP requires employers to remunerate employees fairly. Employers should take into consideration relevant factors such as ability, performance, contribution, skills, knowledge and experience in determining remuneration.
- FWAs may be a relevant factor if the contributions of an employee on an FWA are less than those of an employee who is not on an FWA. In such situations, adjusting of remuneration on the basis of the employee's contributions would not be a breach of the TGFEP.

Segment 4: Interactions between TG-FWAR and upcoming Workplace Fairness Legislation

14. When will the discontinuation of TS-FWA take effect?

- Employers will no longer be able to adopt the TS-FWA with effect from 1 December 2024, when the TG-FWAR takes effect.

15. How can progressive employers who had earlier adopted the TS-FWA continue to profile themselves as employers of choice?

- Although the TS-FWA will no longer accept new adopters after 1 December 2024, those who have adopted it will remain listed on TAFEP's website and will be able to continue using the Tripartite Standards logo in their publicity and recruitment materials.