



Mobility: immigration alert

January 2020

Singapore

Increased penalties in relation to Fair Consideration Framework

Executive summary

As announced by Manpower Minister Josephine Teo, the penalties in relation to the Fair Consideration Framework (FCF) will be increased effective January 2020 to deter employers against workplace discrimination.

Raised penalties on discriminatory practices

The FCF was introduced in 2014 by the Ministry of Manpower (MOM) to strengthen the country's bid to develop a Singaporean core workforce and ensure fair hiring practices. Under the FCF, there is a requirement that employers first advertise the position on the designated portal, i.e., MyCareersFuture.sg, for 14 calendar days and fairly consider all candidates before an Employment Pass (EP) application can be submitted. Additionally, employers are required to provide accurate job descriptions, so that suitable applicants may apply.

The MOM has been proactively identifying employers that exhibit discriminatory hiring practices. Companies may also be placed on the FCF Watchlist for closer scrutiny and contacted by the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) to improve their hiring practices.

To further enforce the FCF, the MOM has raised the administrative penalties for all discrimination cases:

- ▶ The minimum period of work pass debarment for employers found to have breached the Tripartite Guidelines for Fair Employment Practices has increased from 6 months to 12 months. For more serious offenders, the debarment period can be extended to 24 months.

- ▶ The debarment scope has been broadened to include work pass renewals, in addition to new work pass applications.

In addition, the MOM will prosecute errant employers or key personnel who make false declarations that they have considered all candidates fairly. Employers convicted of making a false declaration under the Employment of Foreign Manpower Act (EFMA) will face imprisonment of up to 2 years, or fines up to \$20,000, or both.

The MOM has updated the declaration in the work pass application. Companies will be required to confirm that all candidates have been considered fairly.

Impact to employers

- ▶ Employers should have a fair hiring policy and processes in line with the Tripartite Guidelines on Fair Employment Practices. The FCF job advertisement requirement cannot be treated as a paper exercise.
- ▶ The onus is on employers to ensure that their recruitment records are accurately documented to avoid any incorrect declarations in work pass applications. Recruitment information should also be readily available for review in the event of an audit or query from the MOM.

Should you require any clarification or additional information regarding these updates, please do not hesitate to contact your EY advisor, or one of the contacts detailed below.

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EYG no. 000413-20Gbl

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