

Singapore: Flexible Working – Implementation of Tripartite Guidelines

The rise of flexible working following the pandemic has created a very different workplace landscape, which can prove difficult for employers to navigate.

In Singapore, the Ministry of Manpower and the Tripartite Alliance for Fair and Progressive Employment Practices have introduced the Tripartite Guidelines on Flexible Work Arrangement Requests (Tripartite Guidelines) to help employers manage the complexities that arise from flexible working.

The Tripartite Guidelines come into effect on December 1st, 2024.

The scope of flexible working under the Tripartite Guidelines

The Tripartite Guidelines provide three classifications of Flexible Working Arrangements:

1. Flexi-Place: Employees may request to work flexibly from different locations aside from their usual office location (e.g., working from home);
2. Flexi-Time: Employees may request to work flexibly at different working times to their contractual work times, with no changes to their total working hours or workload;
3. Flexi-Load: Employees may request to work flexibly, with different workloads with commensurate remuneration (i.e., switch from a full-time position to a part-time position with pay adjusted accordingly).

Who can make a request for flexible working?

Employees who have completed their probationary period, if there is one, are able to request any of the above flexible working arrangements. Employers may consider flexible working requests from employees who are still on probation, but are not required to allow them to make such a request.

How to make a request for flexible working?

Employers should have a policy in place which implements a process for employees to make their requests.

The Tripartite Guidelines recommend that the process includes:

- a form for employees to record the details of their request (including the date of the request, type of FWA requested;
- expected frequency or duration;
- reasons for the request;
- the start and end dates of the request (if not indefinite);
- who within the company the employee should submit the request to;
- a reasonable timeline that the employer has to respond to the employee's request; and
- how the employer will communicate their response to the request to the employee.

In the absence of an employer-implemented process, employees may nonetheless make a formal request in writing with the above-mentioned details.

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Employers' considerations in assessing a flexible working request

The Tripartite Guidelines state that when assessing whether to grant a flexible working request, employers should consider the impact of the request on the employee's workload and performance, the impact of the request on the wider team and their clients, if applicable. If it is reasonable to do so, employers should consider the viability of re-assigning work to other employees.

Employers should evaluate each request on a case-by-case basis and may refuse a request so long as the reasons for rejection are linked to legitimate business considerations and can be so justified. Legitimate business considerations include:

- the request being impractical due to the nature of an employee's job role;
- if granting the request leads to significant additional costs for the employer;
- if granting the request is detrimental to productivity or output.

Unreasonable grounds for rejecting a request include:

- a supervisor's preference for physical presence over performance-based evaluation;
- a general lack of trust in employee; and
- reasons based solely on organisational customs and practices, without a clear business justification.

Procedures in handling FWA requests

The Tripartite Guidelines provide that employers should provide their written decision within two months of receiving the request and should include the reason for rejecting the request in the return decision should the request be rejected.

It is encouraged that employers first engage with the employee who is making the request, to explore possible adjustments to their request, instead of rejecting it entirely. Requests should be discussed in an open and constructive manner, exploring alternative arrangements if the employee's original request cannot be granted. It is not mandatory for employers to implement any appeal mechanism, unless the employer's internal grievance policies so provide.

This is a high level general update only. Legal advice should be obtained on specific circumstances.