

Employment Update

The Tripartite Standards on the Employment of Term Contract Employees.

I. Introduction

On 31 July 2017, the Tripartite Alliance¹ finally launched the first of a series of Tripartite Standards: The Tripartite Standards on the Employment of Term Contract Employees (the “Standards”). It specifies 3 employment practices concerning fixed term employees for organisations to adopt.

This builds on the earlier Tripartite Advisory on the Employment of Term Contract Employees. For a quick refresher, please see our earlier Employment Client Update² on the same at <http://www.gateway-law.com/newsletter/20062016.pdf>.

For greater clarity and ease of understanding of this update, you may wish to further read our quick explainer³ on what is the Tripartite Alliance, what is the difference between Tripartite Standards and Tripartite Advisory, and importantly, how they fit into Singapore’s employment regulatory ecosystem, at <http://www.gateway-law.com/newsletter/03072017.pdf>.

II. The Standards⁴

- A. Granting of Paid Leave Benefits to Term Contract Employees with Long Term Working Relationships.

For the granting of paid leave benefits to fixed term employees, all fixed term employment agreements of 14 days or more, if renewed or taking effect within 1 month from the end of the previous agreement, would have their cumulative length of service treated as “continuous”. These paid leave benefits are

¹ Through the Tripartite Alliance for Fair & Progressive Employment Practices.

² Gateway Law Corporation (2016, June 20) *Tripartite Advisory For Term Contract Employees - Leave Benefits And Non-Renewal Notice*. Retrieved from <http://www.gateway-law.com/newsletter/20062016.pdf>.

³ Gateway Law Corporation (2017, July 3) *Good Things Come in 4, not 3: The New Tripartite Standards*. Retrieved from <http://www.gateway-law.com/newsletter/03072017.pdf>.

⁴ Tripartite Alliance for Fair & Progressive Employment Practices (2017, July 31) *Employment Of Term Contract Employees*. Retrieved from <https://www.taefp.sg/employment-term-contract-employees>

Annual Leave, Sick Leave, Maternity Leave, Paternity Leave, Adoption Leave, Childcare Leave and Extended Childcare Leave under both the Employment Act⁵ and/or the Child Development Co-Savings Act⁶, as the case may be.

Under existing law⁷, a requirement to be entitled to mandated paid leave benefits is that the employee must have served an organisation for a continuous minimum period of 3 months. If an employee is employed by the same organisation for less than 3 months for each employment agreement, and there is a break in between, he is not entitled to such mandated paid leave benefits.

B. “Continuous” Cumulative Length of Service to also Determine Minimum Notice Period.

The above “continuous” cumulative length of service also determines the mutually applicable minimum notice period in cases of early termination or non-renewal of fixed term employment agreements, as follows:

“Continuous” Cumulative length of service	Minimum Notice Period
Less than 26 weeks	1 day
At least 26 weeks but less than 2 years	1 week
At least 2 years but less than 5 years	2 weeks
At least 5 years	4 weeks

When an organisation intends to terminate a fixed term employment agreement prematurely, or decides not to renew the agreement when it expires, the organisation is to provide to the fixed term employee the above respective minimum notice period.

C. Providing Training for Fixed Term Employees.

The third progressive employment practice is to provide trainings to fixed term employees, so that they can perform their jobs effectively. This includes on-the-job training, online courses and workshops.

III. Verification Process and Benefits

In our earlier Employment Client Update on the Tripartite Standards⁸, we posit that there is a possibility that this initiative will operate on an honour system, coupled with random audit checks. This ends up being the case. Organisations can now go to the website of the Tripartite Alliance for Fair and

⁵ CAP 91, 2009 Rev Ed. The relevant paid leave benefits provided under this Act are Annual Leave, Sick Leave, Maternity Leave, Childcare Leave.

⁶ CAP 38A, 2002 Rev Ed. The relevant paid leave benefits provided under this Act are Maternity Leave, Paternity Leave, Adoption Leave, Childcare Leave and Extended Childcare Leave.

⁷ See both the Employment Act and the Child Development Co-Savings Act.

⁸ Gateway Law Corporation (2017, July 3) *Good Things Come in 4, not 3: The New Tripartite Standards*. Retrieved from <http://www.gateway-law.com/newsletter/03072017.pdf>.

Progressive Employment Practices (the “TAFEP”) to declare that they are adopting any Standards⁹, before using the corresponding logo¹⁰ in their job advertisements or marketing collaterals.

On this note and to digress slightly, the author applauds the well-designed logo.

Other benefits arising from the adoption of the Standards include¹¹ being listed on a specific webpage for only organisations that have adopted the same, having direct links to an organisation’s corporate website contained on the TAFEP’s websites, invitation to TAFEP’s workshops, seminars and conferences and access to TAFEP’s wide range of existing resources such as toolkits, forms & templates and advisory services.

IV. Brief Views and Conclusion

Finally, the first of a series of Tripartite Standards has been released. While this Standards set out only 3 practices that are arguably minimal, this is nevertheless only the first of many more Tripartite Standards to come. In any case, the capacity for more verifiable practices depends largely on the target categories of employees or workers, or the industry sectors. Any effort taken to improve employment practices in Singapore, even if small, should always be welcomed.

In terms of crafting standards that are verifiable, this Standards has shown that this can be achieved. This is important because a non-quantifiable standard is a loophole for an organisation to easily claim it has adopted it, though it would be difficult for the regulator to allege otherwise. Workers want comfort that organisations purporting to have adopted any Standards can be held to account practically.

Overall, it is without a doubt that the first Standards is a step in the right direction in improving employment conditions in Singapore. With this launch, we are excited and look forward to subsequent Tripartite Standards being launched, and updating you on the same.

This article merely provides an introduction and overview of the subject matters discussed therein. It is not intended to be comprehensive nor should it be construed as legal advice. Any views and opinions expressed are solely that of the author. Please do not hesitate to contact the author if legal advice related thereto is required, or if you wish to discuss the article further.



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⁹ Tripartite Alliance for Fair & Progressive Employment Practices, *Adopt the Tripartite Standards*. Retrieved from <https://www.tafep.sg/adopt-tripartite-standards>.

¹⁰ Tripartite Alliance for Fair & Progressive Employment Practices, *Employers That Have Adopted The Tripartite Standards*. Retrieved from <https://www.tafep.sg/employers-have-adopted-tripartite-standards>.

¹¹ Tripartite Alliance for Fair & Progressive Employment Practices, *Benefits*. Retrieved from <https://www.tafep.sg/benefits>.