

TRIPARTITE GUIDELINES ON FAMILY FRIENDLY WORKPLACE PRACTICES

I. Background

1. This set of Guidelines on Family Friendly Workplace Practices is issued by the National Tripartite Advisory Panel (NTAP) to develop Family Friendly Workplaces in August 2004.
2. The objective is to facilitate the development and successful implementation of family friendly workplace practices by setting out the recommended employment code of conduct. This code promotes the responsible application and usage of such work practices by employers and employees. Family friendly workplace practices are an integral component of work-life strategy. They help organisations better meet their business outcomes and enhance their competitiveness. At the same time employees are better able to care for their families. In today's competitive economy, companies' performance is becoming increasingly intertwined with employees' well-being. NTAP believes that the successful implementation of family friendly workplace practices will contribute towards a more committed and engaged workforce, thereby enhancing companies' business performance.
3. The Guidelines cover two areas:
 - (a) Basic principles and responsibilities governing the adoption of family friendly workplace practices. These guidelines do not preclude other employment guidelines and cross-reference should be made where applicable. These include the Tripartite Guidelines on Best Work-Life Practices, Tripartite Guidelines on Non-Discriminatory Job Advertisements and Tripartite Code of Industrial Relations Practice.
 - (b) Employment of employees who are pregnant and those with young children.

II. Basic Guiding Principles and Responsibilities

4. It is crucial to establish, at the onset, a set of guiding principles and responsibilities upon which family friendly workplace practices can be adopted and implemented. This will build trust among and be mutually beneficial to all parties. These principles are as follows:
 - (a) There is **a close relationship between work and family**. An employee needs to work to have resources to support his/her family. At the same time, an employee who is able to care for his/her family can add more value at work. Therefore, family friendly workplace

practices will benefit both organisations and its employees. The productivity and profitability of a business is dependent on the quality and commitment of its employees. A family friendly workplace is a higher-performing organisation because it can better attract and retain talent, has high staff morale and productivity, has low sick leave and absenteeism, staff turnover, and incurs lower recruitment and training costs.

- (b) Family friendly workplaces practices thrive when **organisations practice good human resource management and development policies**. Employees should be selected, promoted, retained, given opportunities for training and upgrading based on merit, experience, capability, aptitude and other relevant job-based requirements.
- (c) The **organisation, managers and employees have a part to play in nurturing a family friendly workplace culture**. The culture is based on **reciprocity and trust with each party responsibly fulfilling its part**.

The organisation develops the family friendly workplace schemes appropriate to its business processes and employees. These include family care leave, flexible work arrangements and employee support schemes. The organisation has a system to communicate these schemes and make them accessible to all employees. It also has a sound performance management system that provides the basis for evaluating and rewarding the performance of employees on flexible work arrangements more objectively. The organisation provides training for all managers to support these schemes and nurture a family friendly workplace culture.

The managers in the organisation provide the supportive work environment and help tailor flexible work arrangements for their staff. They set the example in having a work-life balance. They measure staff performance by outcomes and deliverables rather than by hours clocked and physical presence.

The employees in the organisation familiarise themselves with the schemes and make use of them appropriately. They work with their managers to design flexible work arrangements that do not compromise business outcomes. With their family-care needs met, employees improve their work performance and add more value to the organisation throughout their period of employment.

III. Guidelines on Employment of Female Employees who are Pregnant or Employees with Young Children

5. In the area of employment of female employees who are pregnant or employees with young children, the following guidelines should be adhered to:

(A) General Principles

- (a) There is always a mutually beneficial way for employers to organise departmental work such that workers' family needs are looked after and business outcomes are achieved.
- (b) Employers should hire, promote and retain employees based on merit and contribution, and not discriminate based on their family responsibilities. This includes responsibilities in the care for or support of a dependent child or any other immediate family members.
- (c) Employers should accord equitable treatment in the provision of employment policies and staff welfare benefits. Employees should not be treated less favourably because of pregnancy or for a reason connected to pregnancy, childbirth or maternity leave. This includes training benefits, job opportunities, hours of work and pay.
- (d) Employment practices and benefits should be equitably applied to all categories of workers. This includes staff who are not covered by the Employment Act, as well as employees on non-traditional work arrangements such as those on flexi-work arrangements (including part-time) and contracts.

(B) Specific Guidelines on Maternity Protection

6. This set of guidelines serves to supplement the legislative maternity leave provisions under the Employment Act and the Children Development Co-Savings Act

- **Legislative Provisions**

- i) Flexibility Option on Consumption of Maternity Leave***

7. With the legislative amendments effected in October 2004, the Employment Act and the Children Development Co-Savings Act provide for 12 weeks of maternity leave. Subject to mutual agreement between employer and employee, the extended 4 weeks of postnatal leave may be taken flexibly within 6 months of the birth.

8. The flexibility option enables employers and employees to work out mutually beneficial arrangements which meet the needs of both parties, minimising the impact on business' outcomes and employees' ability to keep up with developments in the workplace during their absence. Parties are therefore encouraged to optimize the flexibility option by working in close consultation on how the maternity leave is to be utilized. Employees should give their employer sufficient notice before their confinement. Options such as taking the leave in blocks or as part-time work could be explored.

*For instance, the employee could after 8 weeks' of maternity leave,
(a) return to work on a half-day scheme;
(b) be on a shortened workweek of 3 days
until the 24 days flexed leave is exhausted.*

9. Those with implementation difficulties may seek assistance from the Singapore Business Federation/Singapore National Employers Federation, the National Trades Union Congress and the Ministry of Manpower.

ii) Responsible Human Resource Practices

10. The principles of non-victimisation and non-discrimination should be upheld in the administration of maternity leave. Employers should exercise due responsibility and professionalism. Employers should not dismiss the employee to release themselves from the obligation. Mutual trust and respect must be established between employers and employees. This will facilitate the formulation of win-win solutions to the benefit of both parties.

- **Code of Responsible Employment Conduct**

i) Pre-Leave Period

11. For the employers:

- (a) Hiring should not be preconditioned on marital, pregnancy status, number of children but on aptitude, merit and experience.
- (b) Pregnancy-related discrimination at work is abhorred. Female employees should not be sidelined on non-work reasons related to her pregnancy.
- (c) Irresponsible employment practices such as disguised termination, dismissal or non-renewal of employment contracts on non-work related grounds which deny female employees their maternity protection rights are not condoned.

- (d) Employees should be allowed paid time off for medical examinations where it does not result in work performance being compromised.
- (e) Where a female employee is deemed medically unfit to perform her job duties for reasons connected to her pregnancy and should there not be any suitable alternative work, employers could consider granting leave to the employee.

12. For the employees:

- (a) Employees should give as early a notice as possible on the expected due date as well as submit early application on the structure of the maternity leave, especially if they intend to use the flexibility option under the Employment Act.
- (b) In applying for flexibility in utilizing the additional maternity leave, alternative work arrangements should result in no or minimal disruptions to business effectiveness.

ii) During Maternity Leave

13. Employers should consider granting married female employees who do not satisfy the qualifying conditions for statutory maternity leave, vacation leave (including deferred leave) and/or no-pay leave. This will allow the employee time to recover from childbirth.

14. In reciprocity, the no-pay leave can attract a minimum service period, during which the employee could be expected to stay in service for a period equal to the total no-pay leave period.

iii) On Return to Work

15. Maternity leave should not be used as a reason for assigning female employees different duties after they resume work unless this has been mutually agreed upon or where for valid reasons it is not possible for them to continue with their previous duties. This will help ease the employee back into her work duties. Where necessary, employers could facilitate their return to work through flexible work arrangements which could include working from home or on a part-time basis. This will help workers cope and better manage their family and work responsibilities so that it does not lead to work standards being compromised.

16. The maternity leave period should not affect how an employee is assessed for her performance-related bonuses and annual/merit increment for that year, or her career development track.

(C) Specific Guidelines on Childcare Leave

17. With the legislative changes effected in October 2004, the Employment Act provide for 2 days of childcare leave per employee per year up to the child's 7th birthday, regardless of the number of children. The definition of entitlement year could be mutually defined by the employer and employees. Factors for consideration could include the nature of the business, company policy and in the case of unionized companies, how other leaves are provided for under the Collective Agreements. The entitlement year could be defined based on

- (i) Anniversary year: An employee will be entitled to 2 days paid childcare leave per anniversary year determined from the child birth date up to the 7th birthday; or
- (ii) Calendar year with pro-ration: Child's date of birth but the leave to be administered based on calendar year. This means that the leave would be pro-rated for the year of birth and the year in which the child turns 7. However, since it is impractical to pro-rate 2 days leave entitlement, it is suggested that the employee enjoy the full 2 days of childcare leave if the child is born in the first half of the year before or on 30th June and 1 day leave if the child is born in the second half of the year; or
- (iii) Calendar year: Calendar year irrespective of the date of birth of the child up to the calendar year in which the child reaches his or her 7th birthday (capped at 14 days).

The default position should be option (iii) unless a variation is mutually agreed between employer and employees.

18. Employees should provide early notice of the application of childcare leave that will not result in disruption to the business.

(D) Persons not Covered by the Employment Act and Children Development Co-Savings Act

19. The above Guidelines on maternity leave and childcare leave should be applicable also to employees not covered under the Employment Act or the Children Development Co-Savings Act.

IV. Other Family Care Leaves

20. Family Care Leave would broadly cover leave benefits such as marriage leave, paternity leave, eldercare leave, compassionate/bereavement leave and adoption leave. Companies whose annual leave provisions are below industry

practice are strongly encouraged to tailor such leave to the needs of their employees. For instance, family care leave to take care of the elderly, will be increasingly important as Singapore's population ages.

V. Flexible Work Options

21. Employers should also consider designing more flexible work options to retain or attract employees with family care responsibilities who might otherwise have to exit from the workforce. Flexible work arrangements include part-time work, job sharing, compressed work week and teleworking. The successful implementation of flexible work arrangements contributes to a conducive and supportive work environment. This enables companies to attract, motivate and retain valued employees who are dedicated and committed to playing an important role in helping their organisations achieve business outcomes. It also makes business sense and a good HR practice for companies to retain employees they have trained and developed.