

**SUBMISSION ON
REASONABLE ACCOMMODATIONS
FOR
PREGNANCY-RELATED NEEDS
IN THE WORKPLACE
BY
ASSOCIATION OF WOMEN FOR ACTION AND RESEARCH**

aware

Table of Contents

1. Introduction.....	2
2. What are Reasonable Accommodations?.....	2
3. Comparing Reasonable Accommodations and Flexible Work Arrangements.....	4
4. Case for Reasonable Accommodations for Pregnancy-Related Needs.....	7
5. Key Areas for Reasonable Accommodations.....	8
6. Implementing Reasonable Accommodations.....	9
7. Conclusion.....	10

1. Introduction

AWARE commends the ongoing efforts of the Ministry of Manpower in improving workplaces and workplace conditions in Singapore. Reasonable accommodations are a logical next step in Singapore's labour rights landscape after the passing of the landmark Workplace Fairness Act (WFA) in January 2025, as well as the establishment of Tripartite Guidelines on Flexible Work Arrangements (TG-FWAR) which came into effect in December 2024.

While the TG-FWAR framework has made an important step toward promoting flexibility, its discretionary nature means that requests can be declined on broad "reasonable business grounds." Pregnant employees, however, are not merely seeking convenience but adjustments necessary for health, safety and equality.

Reasonable accommodations differ in principle: they arise from an employee's proven need rather than preference, and they impose a higher duty on employers to justify refusal. Establishing such a framework is essential to prevent inadvertent discrimination and to signal that pregnancy and employment can coexist without penalty.

Given that our labour laws now designate pregnancy, disability and mental health conditions as protected characteristics, reasonable accommodations are necessary to ensure that employees within these protected characteristics do not face further barriers to employment, just because their workplaces may not prioritise accommodating their access needs in current operations.

This submission proposes the inclusion of pregnant employees within the Tripartite Advisory on Reasonable Accommodations (TARA), with the long-term view of eventually enshrining such protection via legislation.

2. What are Reasonable Accommodations?

While the concept of reasonable accommodations (RAs) is commonly associated with access for disabled individuals, it also more broadly be looked at as:

"A modification implemented in a system to adapt or ensure fairness for an individual based on a demonstrated need."

This approach is one that more accurately describes the role RAs play in other jurisdictions which have implemented them into the landscape of labour protections. The United States¹, European Union², United Kingdom³, Canada⁴, Australia^{5 6}, South Africa⁷ and New Zealand⁸, amongst many others, implement RAs for gender diverse and trans people, people with religious needs, pregnant women, and caregivers, alongside disabled people.

This approach also aligns with Recommendation 13 in the Final Report by the Tripartite Committee on Workplace Fairness (TCWF)⁹, which defines RAs as “adjustments to the job or work environment that make it possible for employees ... to perform their jobs”. The recommendation defines an accommodation as “reasonable” when it fulfils the following three criteria:

- i. It helps an employee perform essential job functions,
- ii. does not impose undue burden on the employer, and
- iii. does not change the fundamental nature of the business.

While this definition provided by the TCWF is limited to disability, its principle and these criteria are highly applicable beyond disabled groups. A definition which expands the logic of reasonable accommodations beyond disabled individuals is equally necessary for members of other groups which require accommodations in order to be included in the workforce.

¹ <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

² <https://eur-lex.europa.eu/eli/dir/2000/78/oj>

³ <https://www.legislation.gov.uk/ukpga/2010/15/contents>

⁴ <https://laws.justice.gc.ca/eng/acts/h-6/>

⁵ <https://www.fairwork.gov.au/>

⁶ <https://www.legislation.gov.au/C2004A05155/2016-07-01/text>

⁷ <https://www.gov.za/documents/employment-equity-act>

⁸ <https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html>

⁹ <https://www.mom.gov.sg/-/media/mom/documents/press-releases/2023/tripartite-committee-on-workplace-fairness-final-report.pdf>

For reference, the US' Pregnancy Discrimination Act¹⁰ (PDA) references the Americans with Disabilities Act (ADA) when defining “undue hardship” as “an action requiring significant difficulty or expense, when considered in light of factors” such as “the nature and cost of the accommodation needed”, the “financial resources” of the business, facility or workplace in question and the “type of operation or operations of the covered entity”.

3. Comparing Reasonable Accommodations and Flexible Work Arrangements

While Flexible Work Arrangements (FWAs) and RAs both involve adjusting working conditions, their underlying purposes differ.

- FWAs promote work-life balance and productivity and are generally discretionary - employers are required only to consider such requests.
- RAs, however, stem from equality and anti-discrimination principles. They are rights-based obligations designed to ensure that employees with protected characteristics (such as pregnancy, disability, or religion) are not disadvantaged in their ability to work.

This distinction means that while FWAs are desirable, RAs are necessary to achieve fairness.

The mechanisms which RAs use differ from those for FWAs and anti-discrimination legislation (the WFA). Table 1 expands on the differing mechanisms which the TG-FWAR, the WFA and the TARA will employ in the workplace.

Table 1: Overview of differing mechanisms for various instruments			
	Anti-Discrimination Legislation (WFA)	Guidelines on Flexible Work Arrangements (TG-FWAR)	Reasonable accommodations (TARA)
What it does	Outlaws discrimination in employment decisions - legally binding	Establishes employee's right to request FWAs - not legally binding	Advises employers on providing reasonable adjustments for employee's needs within reasonable

¹⁰ <https://www.eeoc.gov/statutes/pregnant-workers-fairness-act>

Table 1: Overview of differing mechanisms for various instruments			
			bounds - not legally binding
Trigger	Discriminatory practice by employer	Employee's initiative to make request	Employee's needs to perform job functions
Employer obligation	Must avoid discriminatory practices and implement grievance handling procedures	Obligated to respond , but whether the request is approved is up to employers' discretion	Should provide accommodations unless it creates undue burden, such as excessive cost or operational disruption

Burden of proof and enforcement difference

Under the TG-FWAR, employers need only show “reasonable business grounds” to decline a request - a relatively low threshold that may include productivity, cost, or team impact. In contrast, refusal of a reasonable-accommodation request requires the employer to demonstrate *undue hardship* - for example, that the accommodation would cause significant difficulty or expense when weighed against the organisation's resources and operations.

This difference is crucial: it shifts the burden from the employee (who must persuade the employer under FWAs) to the employer (who must justify denial under RAs). In practice, it is far easier for employers to reject FWA requests than RA requests. Without a pregnancy-specific RA framework, many pregnant workers remain unprotected when they require medically necessary adjustments.

Aspect	Flexible Work Arrangements (TG-FWAR)	Reasonable Accommodations (TARA)
Legal basis	Tripartite guidelines (advisory)	Equality / anti-discrimination framework

Purpose	Promote flexibility & well-being	Prevent exclusion & discrimination
Trigger	Employee request (optional)	Proven need linked to protected characteristic
Employer duty	Consider & respond fairly	Provide unless undue hardship proven
Burden of proof	Employee must justify request	Employer must justify rejection
Enforceability	Policy-level guidance	Could be enforced under fairness law in future

To illustrate how both instruments would apply in practice, let us take the example of employees A and B who work as parcel sorters in a warehouse, which involves moderate to high levels of physical activity. Employee A is pregnant while Employee B is not. Employee A and B may make the same request of their employer to temporarily change the scope of their job so that they will exclusively manage inventory and administrative tasks.

Without a reasonable accommodations framework for pregnant women, both employees can only make flexible work arrangement requests, which can be rejected by their employer on the basis of cost burden, impact on productivity or output, or lack of feasibility or practicality – all of which are seen as “possible grounds for rejection of FWA requests” according to the Tripartite Guidelines on Flexible Work Arrangements¹¹.

However, if Employee A could use the TARA framework, she could for example obtain a doctor’s note to prove that for medical reasons, she must avoid strenuous tasks during her current stage of pregnancy – establishing a proven need in relation to the performance of her job. While the TARA is not legally binding, with this evidence, her employer is more likely to

¹¹

<https://www.mom.gov.sg/-/media/mom/documents/press-releases/2024/tripartite-guidelines-on-flexible-work-arrangement-requests.pdf>

accommodate her request, unless to do so would place an “undue burden” on the employer’s side.

Given these key differences between FWAs and RAs, we urge that pregnant employees and breastfeeding employees should be able to access RAs.

4. Case for Reasonable Accommodations for Pregnancy-Related Needs

Pregnancy and post-pregnancy can be challenging for some women vis-a-vis their jobs. For example, the physical demands or surroundings of the job may be unsuitable for a pregnant employee. A breastfeeding mother would need certain accommodations to be able to successfully breastfeed while having returned to work.

Without a pregnancy-specific RA framework, employees who experience pregnancy-related medical needs are forced to rely on discretionary FWA provisions. This creates a systemic inequity: those with genuine medical or safety needs face the same low standard of employer obligation as those seeking convenience-based flexibility. A rights-based RA duty corrects this imbalance by affirming that pregnancy adjustments are matters of fairness, not favour.

Without structured support in the form of an obligation to provide RAs, pregnant employees may have to make difficult choices, such as taking early maternity leave, depleting their limited leave entitlements, or resorting to unpaid leave, creating financial strain. Moreover, without proper accommodations, they may be exposed to unhealthy or unsafe working conditions, jeopardizing both their well-being and that of the child.

Singapore’s current landscape protects against overt pregnancy discrimination but does not guarantee the adjustments needed for pregnant workers to remain safely and productively employed. A reasonable-accommodation duty would bridge this gap between anti-discrimination and flexibility policies - aligning with global best practice and supporting national goals to sustain women’s labour-force participation and fertility by normalising pregnancy as a stage of working life, not a barrier to it.

5. Key Areas for Reasonable Accommodations

There are three broad areas where RAs may be needed by pregnant and post-pregnant women.

Table 2: Potential accommodations for pregnancy-related needs		
Health, Safety and Comfort	Maternity leave	Breastfeeding
<ul style="list-style-type: none">- Exemptions from heavy lifting- Telecommunication / Work-from-home arrangements- Relocation to safer workspaces- Access to supportive equipment	<ul style="list-style-type: none">- Extensions to leave (paid/unpaid)- Career protections- Temporary reduced workloads	<ul style="list-style-type: none">- Dedicated, sanitary lactation spaces: private, clean rooms equipped with a chair, electrical outlet for pumps, and refrigeration for milk storage- Flexible break times- Adjusted work schedules

Physical workplace adjustments to safeguard pregnant employees' health could include exemptions from heavy lifting, relocation to safer workspaces (e.g., away from hazardous environments), or access to supportive equipment like anti-fatigue mats or adjustable desks.

The TARA should encourage risk assessments for pregnant workers, similar to existing occupational safety protocols, to ensure that their roles do not pose an undue strain on the employee. Such measures would align with global best practices¹², reducing the risk of pregnancy-related complications while maintaining productivity.

Leave and career protections are also RAs that may be required to forestall discrimination or financial hardship. Employers could be encouraged to allow temporary reduced workloads without penalizing career progression, alongside options for extended unpaid leave if medically necessary. By incorporating these measures, the TARA would not only protect pregnant and post-pregnant workers, but also promote a more equitable and sustainable workplace in Singapore.

¹²

<https://www.who.int/data/nutrition/nlis/info/maternity-protection-compliance-with-international-labour-standards>

6. Implementing Reasonable Accommodations

i. Inclusion under the TARA

The TARA should outline clear steps and measures for employers and employees. Employees should have a clear framework on how to file reasonable accommodation requests, what information or documentation should be provided to support the request, and how to articulate a request. TARA should also provide employers and HR managers with a framework on how to consider these requests and engage in consultative discussions with their employees to assess their specific requirements. Confidentiality should be protected and policies should include prohibition of and protection against retaliation.

ii. Organisations

Organisations should adopt policies that recognise and have procedures for requesting accommodations for pregnancy-related needs. By embedding these practices into workplace policies, companies can ensure compliance while fostering an inclusive environment that retains talent.

The policies should provide a clear framework of the process for requesting and considering accommodations. Confidentiality should be protected and policies should include prohibition of and protection against retaliation. Employees should be made aware of the policies.

Dedicated staff should be trained to address such requests and to assist employees with the filing of requests. Organisations should continuously review the policies and processes to determine their effectiveness.

iii. Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP)

TAFEP should also provide assistance and guidance to employees who wish to make such requests and to employers and employees as they navigate the process of making and considering requests.

Cross-reference with existing MOM frameworks

To ensure coherence, the TARA can cross-reference MOM's Occupational Safety and Health guidelines and TG-FWAR. This would clarify that pregnancy-related accommodations are

complementary to, not duplicative of, existing tools—covering medical necessity rather than discretionary flexibility.

7. Conclusion

Singapore has taken major strides with the Workplace Fairness Act and TG-FWAR, but genuine equality requires going further. Pregnancy-related reasonable accommodations close the gap between policy intent and lived reality by placing a clear, fair duty on employers: to adapt work where necessary, unless doing so causes undue hardship.

With the WFA recognising pregnancy as a protected characteristic, it is timely to clarify that equal treatment includes the duty to accommodate - not merely to avoid discrimination. This shift from discretion to responsibility will protect women's health, uphold fairness and strengthen the inclusive economy envisioned by Singapore's evolving workplace-fairness framework.