

**AWARE's Submission
for
Tripartite Standards
and
Updated Tripartite Advisory
on
Managing Workplace Harassment**

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1. Glossary

ECT	Employment Claims Tribunal
MOM	Ministry of Manpower
PHC	Protection From Harassment Court
POHA	Protection From Harassment Act
RMR	Workplace Safety and Health (Risk Management) Regulations
TAFEP	Tripartite Alliance for Fair and Progressive Employment Practices
TAMWH	Tripartite Advisory on Managing Workplace Harassment
TGFEP	Tripartite Guidelines on Fair Employment Practices
TSGH	Tripartite Standard on Grievance Handling
TSMWH	Tripartite Standard on Managing Workplace Harassment
WFA	Workplace Fairness Act 2025
WHRRC	Workplace Harassment Resource and Recourse Centre
WICA	Work Injury Compensation Act 2019
WSHA	Workplace Safety and Health Act 2006
WSHC	Workplace Safety and Health Council

2. Introduction

Singapore has made significant progress in addressing workplace harassment over the past decade - from the Tripartite Advisory on Managing Workplace Harassment (TAMWH) in 2015, to the establishment of the Workplace Harassment Resource and Recourse Centre (WHRRC) in 2019, and the development of related frameworks such as the Tripartite Standard on Grievance Handling (TSGH) and the forthcoming Workplace Fairness Act (WFA).

Yet, despite this progress, workplace harassment remains a persistent problem. There is still no explicit legal obligation on employers to provide a harassment-free workplace. In practice, many workers who experience harassment do not receive adequate support from management or their Human Resource (HR) department - often because of fear of retaliation, uncertainty about reporting channels, or lack of confidence that their complaints will be handled fairly. Without clear organisational responsibility, accountability and processes, deterrence remains weak and harmful workplace cultures can persist.

The Ministry of Manpower's (MOM's) 2022 survey showed that 5.4% of employees have experienced workplace harassment.¹ MOM and the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) have rightfully noted that, "any case of workplace harassment is one too many".²

¹ <https://stats.mom.gov.sg/Pages/Infographic-Workplace-Harassment-2022.aspx>

² <https://www.mom.gov.sg/newsroom/press-replies/2023/0911-forum-reply-on-stronger-protection-against-harassment-robust-steps-to-support-victims>

Research by AWARE and others indicate that prevalence is likely much higher. Our 2021 AWARE-Ipsos study found that two in five respondents had encountered sexual harassment at work within five years, while only three in ten reported it. A subsequent 2022 AWARE-Milieu survey on workplace discrimination also found that 15% of respondents had experienced discrimination-related harassment.³ The Kantar Inclusion Index in 2019 also found that Singapore was the second-worst performing country with almost 1 in 4 workers having been “bullied, undermined or harassed” in the workplace in the past year.⁴ Differences in methodology, question framing, and respondents’ understanding of what constitutes harassment can account for the variation across surveys.

AWARE welcomes MOM’s proposal to introduce a new Tripartite Standard on Workplace Harassment (TSMWH) and update the TAMWH and sets out in this submission our recommendations on the practices that employers should implement to provide a harassment-free workplace for everyone.

This submission builds on existing guidelines to propose measures that translate good practice on managing workplace harassment into clear, measurable commitments by employers, aligned with recent legal developments.

3. Purpose of Tripartite Standard on Workplace Harassment

Both the TAMWH and the Workplace Safety and Health Council emphasise that workplace harassment harms both workers and organisations, posing risks to employees’ health, safety and well-being.⁵ A 2019 Harvard study found that workplace harassment, in particular sexual harassment, has serious effects on the health and wellbeing of survivors.⁶ Workplace harassment also adversely affects productivity⁷ and employee engagement.⁸

³ <https://www.aware.org.sg/2022/09/1-in-2-experienced-workplace-discrimination-aware-milieu-survey/>

⁴ <https://www.businesstimes.com.sg/international/singapore-second-worst-globally-workplace-diversity-1-4-workers-bullied-poll>

⁵ <https://www.tal.sg/wshc/-/media/tal/wshc/resources/publications/wsh-guidelines/files/workplace-safety-and-health-guidelines-on-hospitality-and-entertainment-industries-2022.ashx>;
https://www.tal.sg/wshc/-/media/tal/wshc/resources/publications/wsh-guidelines/files/wsh_guidelines_for_healthcare.ashx;

⁶ <https://www.frontiersin.org/journals/psychology/articles/10.3389/fpsyg.2019.01181/full>

⁷ <https://www.taylorfrancis.com/chapters/edit/10.1201/9780429462528-7/organizational-effects-workplace-bullying-helge-hoel-cary-cooper-st%C3%A5le-valvatne-einarsen>

⁸ <https://pmc.ncbi.nlm.nih.gov/articles/PMC7956351/>

Conversely, research suggests that companies with harassment-free workplaces tend to enjoy higher employee engagement⁹, greater productivity¹⁰ and stronger stock performance.¹¹ Workplace harassment also disproportionately affects women and other minority workers, leading to less diverse and inclusive workplaces - which studies have found to be less innovative and competitive.¹²

4. Definitions

a. “Workplace”

Recommendation

“Workplace” means any premises where a person is at work or is to work, for the time being works, or customarily works. It includes (i) work-from-home arrangements, (ii) work carried out online or virtually, including communication channels such as email, text messaging and social media, (iii) work-related events and activities that may take place outside of the employer’s premises; and (iv) work carried out outside of Singapore by a person employed in Singapore.

Rationale:

Under the Workplace Safety and Health Act 2006 (WSHA), “*workplace*” is defined as “*any premises where a person is at work or is to work, for the time being works, or customarily works*”.¹³ The TAMWH similarly recognises that workplace harassment can take place “*through different modes of communications, such as by email, text messaging or social media... [and] outside of the office space, such as on business trips, clients’ premises or other work-related occasions*”.

Accordingly, we recommend that the TAMWH and the TSMWH should adopt this broad and inclusive approach, reflecting contemporary work patterns such as remote and hybrid work, digital interactions, and overseas assignments. A clear and comprehensive definition will help employers understand that their responsibility to maintain a safe environment extends to all work contexts where employees interact.

b. “Harassment”

⁹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC7956351/>

¹⁰

<https://www.taylorfrancis.com/chapters/edit/10.1201/9780429462528-7/organizational-effects-workplace-bullying-helge-hoel-cary-cooper-st%C3%A5le-valvatne-einarsen>

¹¹ <https://link.springer.com/article/10.1007/s10551-023-05335-x>

¹²

<https://www.strategie.gouv.fr/english-articles/economic-cost-workplace-discrimination-france-billions-euros-lost-potential>; <https://doi.org/10.1287/mnsc.2016.2457>; <https://doi.org/10.1007/s10551-019-04158-z>

¹³ Section 5(1), WSHA.

Recommendation

“Harassment” means unwanted conduct that a person (A) engages in, in relation to another person (B), that (i) causes alarm, distress, hostility, humiliation, intimidation, degradation or offence to B or (ii) creates an alarming, distressing, intimidating, hostile, degrading, humiliating or offensive environment for B, and includes harassment of a sexual nature and discrimination-related harassment.

In assessing whether behaviour amounts to harassment, the focus should be on its impact rather than the intent of the person engaging in the behaviour. Even if no harm was intended, conduct that has the effect of causing distress or creating a hostile or offensive environment may constitute harassment. At the same time, the context and reasonableness of the conduct should be considered to ensure a fair and balanced assessment.

Legitimate and reasonable actions taken in the course of managing performance, enforcing workplace rules or providing feedback do not in themselves constitute harassment.

However, the assessment of reasonableness must take into account power differentials, previous interactions and the impact on the affected person.

Rationale:

Under POHA, “*harassment*” is not expressly defined. POHA prohibits a range of behaviours, including causing harassment, alarm or distress to others, threatening or provoking the use of unlawful violence, unlawful stalking, and the publication of false statements.

TAMWH refers to behaviour that “causes or is likely to cause harassment, alarm or distress”, and notes that such behaviour can “violate a person’s dignity or create an unfavourable work environment.” However, this formulation can be confusing for employers and employees because it uses the term “harassment” to define itself and provides limited guidance on specific effects or thresholds.

A clearer definition is therefore needed to support consistent understanding and implementation. The proposed definition focuses on two complementary dimensions:

1. **Impact on the individual** – capturing the survivor’s subjective experience of alarm, distress or humiliation; and
2. **Impact on the work environment** – recognising that harassment can also arise when conduct creates an intimidating or degrading atmosphere, even if not targeted at one individual.

This dual approach aligns with international practice (e.g. ILO Convention 190, UK Equality Act 2010) and reflects TAMWH’s emphasis on dignity and safety at work. It gives employers a practical basis for identifying and addressing harassment in diverse workplace contexts.

The proposed definition also brings into the updated TAMWH and the TSMWH the **judicial interpretations established under POHA**. Singapore's courts, such as in *Benber Dayao Yu v Jacter Singh* [2017] SGHC 92, have confirmed that the test for harassment is **objective**, based on whether a reasonable person in the complainant's position would have suffered harassment, alarm or distress. This means the assessment should focus primarily on the **impact** of the conduct rather than the perpetrator's intention.

Including a **reasonableness clause** supports fair and consistent application of the TAMWH and TSMWH. It recognises that workplace interactions often involve the exercise of legitimate authority - such as supervision, feedback or discipline - which should not be conflated with harassment when conducted appropriately.

At the same time, the assessment of reasonableness must take into account **power dynamics and the actual impact on the affected person**, so that protection for survivors is not diluted.

In AWARE's experience working with companies on workplace harassment matters, employers have appreciated the inclusion of a reasonableness qualifier, as it provides clarity while preserving accountability for inappropriate conduct.

This approach harmonises the TAMWH and TSMWH with established judicial interpretations, international norms as embedded in legislation like the *UK Equality Act 2010*, and the tripartite principle of balanced treatment for both employers and employees.

c. Harassment of a sexual nature

Recommendation

"Harassment of a sexual nature" means:

- a. an unwelcome sexual advance or unwelcome request for sexual activity by a person (A) towards another person (B) that: (i) causes alarm, distress, hostility, humiliation, intimidation, degradation or offence to B or (ii) creates an alarming, distressing, intimidating, hostile, degrading, humiliating or offensive environment for B; or
- b. the use of language (whether written or spoken), visual material or physical behaviour of a sexual nature by a person (A) that has the effects described in (i) or (ii) above to or for B.

Rationale

Sexual harassment remains a widespread and harmful form of workplace harassment in Singapore. According to the 2021 AWARE-Ipsos survey, 2 in 5 respondents have experienced sexual harassment at the workplace, including:

1. crude or distressing remarks, jokes or gestures of a sexual or sexist nature;

2. Unwanted sexual comments or messages sent through digital communications;
3. Offensive or inappropriate remarks made about one's appearance, body or sexual activities; and
4. Unwelcome physical contact.

Notably, when respondents were asked "Have you been sexually harassed in the workplace within the last five years?", only 1 in 5 responded in the affirmative. However, when specific harassment situations were described to them, 2 in 5 reported that they had indeed experienced such behaviours. This highlights a troubling gap in understanding among workers as to what constitutes workplace sexual harassment.

It is therefore important for the updated TAMWH and TSMWH to explicitly define and provide examples of sexual harassment to send a clear and unequivocal signal to workers and employers alike that such behaviour is unacceptable at the workplace.

Our recommended definition draws from section 28A of Australia's Sex Discrimination Act and Section 108 of New Zealand's Employment Relations Act and spells out the types of behaviour that amounts to harassment of a sexual nature.

d. Discrimination-related harassment

"Discrimination-related harassment" means unwanted conduct by a person (A) related to a protected characteristic of another person (B) that:
(i) causes alarm, distress, hostility, humiliation, intimidation, degradation or offence to B or
(ii) creates an alarming, distressing, intimidating, hostile, degrading, humiliating or offensive environment for B.

"Protected characteristic" includes age, nationality, sex (including sexual orientation and gender identity), marital status, pregnancy, caregiving responsibilities, race, religion, language ability, disability and mental health conditions.

Rationale

With the enactment of the WFA, Singapore has taken a decisive step towards eliminating workplace discrimination. To build on this progress, discrimination-related harassment should be explicitly prohibited in the TAMWH and TSMWH, ensuring alignment between anti-discrimination and anti-harassment frameworks.

These Tripartite instruments should also provide illustrative examples of such conduct to help both employers and workers recognise how harassment can manifest in relation to gender, pregnancy, caregiving and other protected characteristics. They also help clarify the boundary between legitimate work interactions and behaviour that creates a hostile or degrading environment.

Below are examples of discrimination-related harassment with reference to the protected characteristics of sex, pregnancy and caregiving. These examples are drawn from clients that AWARE has supported.

Pregnancy-related harassment

- A manager, who has multiple children, repeatedly asks her female employee who is not pregnant when she intends to have children and how many children she plans to have;
- A pregnant employee is humiliated by her manager at a team meeting, who criticises her for not being a team player after she declined to return to work on an earlier date before the end of her maternity leave.
- A manager repeatedly tells a pregnant employee that she has hurt her career advancement by getting pregnant and provides her with unsolicited information on how she can obtain an abortion.

Caregiving-related harassment

- A male manager repeatedly tells his male employee, who declines to participate in after-hours work gatherings and late-night calls because he has caregiving responsibilities, that he needs to “man up” and that caregiving should be done by “the woman at home”;
- An employee who has been absent from work to fulfil her caregiving obligations to her child with disabilities and elderly parents is sidelined at work and her colleagues make snide remarks doubting whether she is using her child and parents as an excuse to skive off at work;
- A female manager repeatedly tells an employee, who is on a flexible working arrangement to care for her family, that she has to make a choice between her career and her family and that it is impossible for a woman to succeed in the industry without making sacrifices.

Sex-related harassment

- A male employee who did not receive a promotion tells a female colleague who received a promotion that she only got the promotion because she had “slept her way to the top”;
- A female manager tells her female employee, who is masculine-presenting, that she needs to “act like a woman” and insists that the female employee wear skirts and dresses to work;
- A manager tells a transgender employee who is transitioning that they believe it is wrong for a person to undergo gender reassignment surgery and that the employee should seek professional psychiatric help to “cure” the sickness in their head.

e. Control measures

“Control measures” mean reasonably practicable steps that an employer takes to eliminate any foreseeable risk of workplace harassment to any employee.

Similar to the obligations imposed on employers under the Workplace Safety and Health (Risk Management) Regulations (RMR), employers should conduct risk assessments to identify and implement effective control measures to eliminate or minimise the risk of workplace harassment.

This preventive approach recognises that harassment, like other workplace hazards, can be managed through systematic identification of risk factors and the implementation of appropriate safeguards. Embedding such practices within existing workplace safety and health systems ensures that psychological and social safety are treated as integral components of overall employee well-being.

5. Practices employers need to adopt under the TAMWH and TSMWH

Based on our experience working with survivors of workplace harassment and with corporate management, as well as comparative approaches in other jurisdictions, this section sets out our recommendations on the five (5) practices that employers should adopt under the updated TAMWH and TSMWH:

- a. Conduct risk assessment and implement effective control measures;
- b. Develop an anti-harassment policy and grievance handling procedure;
- c. Communicate and raise awareness on anti-harassment policy and procedure;
- d. Educate employees on respectful and appropriate workplace behaviour; and
- e. Train supervisors and appointed staff to conduct investigations and respond to harassment-related grievances in a trauma-informed manner.

These practices are consistent with and reinforce the good practices identified in the current TAMWH, namely:

- a. Develop a harassment prevention policy;
- b. Provide information and training on workplace harassment; and
- c. Implement reporting and response procedures.

a. Conduct risk assessment and identify effective control measures to be implemented

As a starting point, the updated TAMWH and TSMWH should require employers to conduct regular risk assessments on the risk factors for workplace harassment and implement effective control measures. This is consistent with the legal obligations of employers under the WSHA to take such measures as are necessary to ensure the safety and health of employees at work. Presently, under the RMR, the definitions of “risk” and “hazard” are tied to the occurrence of bodily injury. There is therefore a gap in the workplace safety and health framework with respect to workplace harassment.

In conducting the risk assessment, employers should consider the duration, frequency and severity of the risks identified which can help to determine which risk areas should be prioritised within available time and resource constraints.

TAFEP should also work with the Workplace Safety & Health Council (WSHC) to develop guidance materials for employers on the types of control measures that can be implemented at the workplace to prevent and minimise the risk of workplace harassment.

b. Develop anti-harassment policy and grievance handling procedure

The anti-harassment policy should be developed with a person-centered and trauma-informed approach in mind. For example, it should not require survivors to participate in mandatory mediation with the perpetrator, as such meetings may retraumatise the survivor.

The anti-harassment policy should adopt our recommended broad and inclusive definition of harassment to provide clarity and send an unequivocal signal to managers and employees alike of the types of behaviour that are unacceptable at the workplace.

The policy should also set out the control measures that the employer has implemented to prevent workplace harassment and protect workers from the risk of workplace harassment. This can include, for example, the appointment of a safety officer at workplace events (particularly where alcohol may be served), the prohibition of sexually explicit language and images at the workplace, and the deployment of surveillance technology at the workplace (e.g., CCTV cameras) and on the company’s computer systems.

Building on the guidance provided in the current TAMWH on the development of a harassment prevention policy, the updated TAMWH and TSMWH should include guidance on the implementation of a grievance handling procedure with reference to section 27 of the WFA and the TSGH.

The anti-harassment policy should also provide employees with information on how they may seek recourse via the internal grievance handling procedure and through the Protection From

Harassment Court (PHC). It should explicitly prohibit retaliation and set out the steps that the employer will take to protect the identity of the complainant and/or survivor. This will help employees feel safe and more willing to report workplace harassment.

The TAMWH and/or TSMWH should include templates that employers can adopt and adapt to suit their needs in developing policies and procedures.

c. Communicate and raise awareness on anti-harassment policy and procedure

Currently, the TAMWH recommends that employers communicate the harassment prevention policy clearly to “all levels of the organisation”. In addition to communicating the policy and the procedures contained therein, we recommend that progressive employers actively raise awareness about the policy through regular reminders, posters, enablement sessions for new employees and managers, and other means.

d. Educate employees on respectful and appropriate workplace behaviour

In addition to the current TAMWH’s recommendation that employers provide information and training on workplace harassment, we recommend that progressive employers organise regular training sessions on respectful and appropriate workplace behaviours for all employees. This can take the form of an annual anti-harassment training that all employees are required to participate in.

In particular, the training should educate employees about the different forms of workplace harassment that can occur, including sexual harassment and discrimination-related harassment, and how anyone, regardless of gender or other characteristics, can be a victim of workplace harassment.

The training should also inform employees on the options available to them if they have been subject to workplace harassment, including the internal grievance handling procedure, the PHC and making a police report.

e. Train managers and Human Resource employees to investigate and respond to harassment-related grievances in a trauma-informed manner

Progressive employers should also have a dedicated team of leaders and HR employees who will investigate and respond to harassment-related grievances under the grievance handling procedure. These individuals should receive trauma-informed training — that is, training which equips them to respond to survivors in ways that prioritise safety, trust, and dignity - which covers managing the grievance process, working with vulnerable populations, communication skills, mental health first aid and emergency first response. Such training empowers them to support survivors effectively and sensitively when responding to workplace harassment

incidents and other unacceptable behaviour. Refresher training should be provided to these employees on an annual or bi-annual basis.

Investigations into workplace harassment must be conducted in a trauma-informed and person-centered manner, ensuring that survivors feel safe and supported throughout the process. A trauma-informed investigation process avoids retraumatisation and places their dignity and wellbeing at the forefront.

Reference can be taken from *SafeWork NSW's Code of Practice on Sexual and Gender-based Harassment*,¹⁴ which identifies the following principles of a trauma-informed approach to investigation procedures and practices: safety (both physical and emotional); trust; equity and respect; and hope.

6. Strengthening Existing Measures

We recommend that TAFEP should promote employers' adoption of good practices to prevent harassment in the workplace, by having employers face consequences for failure to do so.

To this end, we recommend that in addition to the updated TAMWH and TSMWH, there should also be Tripartite Guidelines on Managing Workplace Harassment, with measures to encourage adoption and consequences for breaches of the Guidelines.

There should also be consequences for employers who fail to properly and fairly implement grievance-handling procedures mandated for harassment and discrimination in the workplace under the Workplace Fairness Act (there is no redress for this failure under the Act itself).

Further, in handling grievances relating especially to sexual harassment, we recommend that mediation should not be compulsory at the Tripartite Alliance for Dispute Management as that can be retraumatising for complainant-survivors.

7. The next step: Legislating against workplace harassment

Looking ahead, beyond Tripartite instruments, we call on MOM to regularly review the rate of adoption of the TSMWH, the effectiveness of Tripartite instruments in addressing workplace harassment and the incidence of workplace harassment in Singapore. This is important as workplace harassment is a health and safety issue.

If progress is slow in addressing this serious harm, we reiterate our call for MOM to legislate against workplace harassment and clarify the legal obligations of employers in providing employees with a safe and harassment-free workplace.

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https://www.safework.nsw.gov.au/_data/assets/pdf_file/0010/1310131/Code-of-Practice-Sexual-and-gender-based-harassment.pdf

This is for two main reasons:

1. There is a legislative gap on workplace harassment.
 - a. On one hand, the WSHA does not explicitly address the issue of harassment as a workplace health and safety issue. It is also unclear if an employee who has experienced workplace harassment may seek recourse under the Work Injury Compensation Act 2019 (WICA) for psychiatric injuries arising out of and in the course of employment.¹⁵
 - b. On the other hand, existing remedies under the POHA may not be adequate in dealing with workplace harassment as the PHC cannot make orders as against the employer, who is a non-party to the POHA proceedings, nor does it impose any legal obligation on employers when the perpetrator is an employee and the harassment occurs at the workplace.
2. The procedure for employees to seek recourse is overly complex and administratively burdensome.
 - a. On one hand, employees who have experienced workplace harassment may only seek recourse against the perpetrator through the PHC under POHA. On the other hand, other employment-related disputes, including salary, discrimination and wrongful dismissal claims, are dealt with by the Employment Claims Tribunal (ECT).
 - b. This creates a bifurcation and increases the burden on the employee if they wish to bring multiple claims arising out of or in connection with the workplace harassment against the employer (e.g. for wrongful dismissal or breaches of the WFA), which must be brought before the ECT instead.

In light of these gaps in the current legal framework, we make the following recommendations which will unequivocally signal to all employers and workers Singapore's commitment to a harassment-free workplace for all:

1. Workplace harassment should be legislatively prohibited and an explicit legal obligation should be imposed on employers to provide workers with a harassment-free workplace, including under the WSHA, POHA and/or the WFA;
2. Employees should be entitled to bring claims with respect to workplace harassment, including under POHA, before the ECT to minimise the bureaucratic and administrative challenges that may discourage them from seeking recourse against their employers;
3. Claims made before the ECT, particularly sexual harassment claims, should not require employees to attempt mandatory mediation before the Tripartite Alliance for Dispute Management (TADM), as mandatory mediation may cause the employee to be retraumatised by the employer or perpetrator; and
4. The ECT should be empowered to make orders against an employer, including for compensation and to take any remedial or preventive action, with respect to workplace harassment claims.

¹⁵ <https://www.todayonline.com/voices/work-injury-compensation-sexual-harassment>

