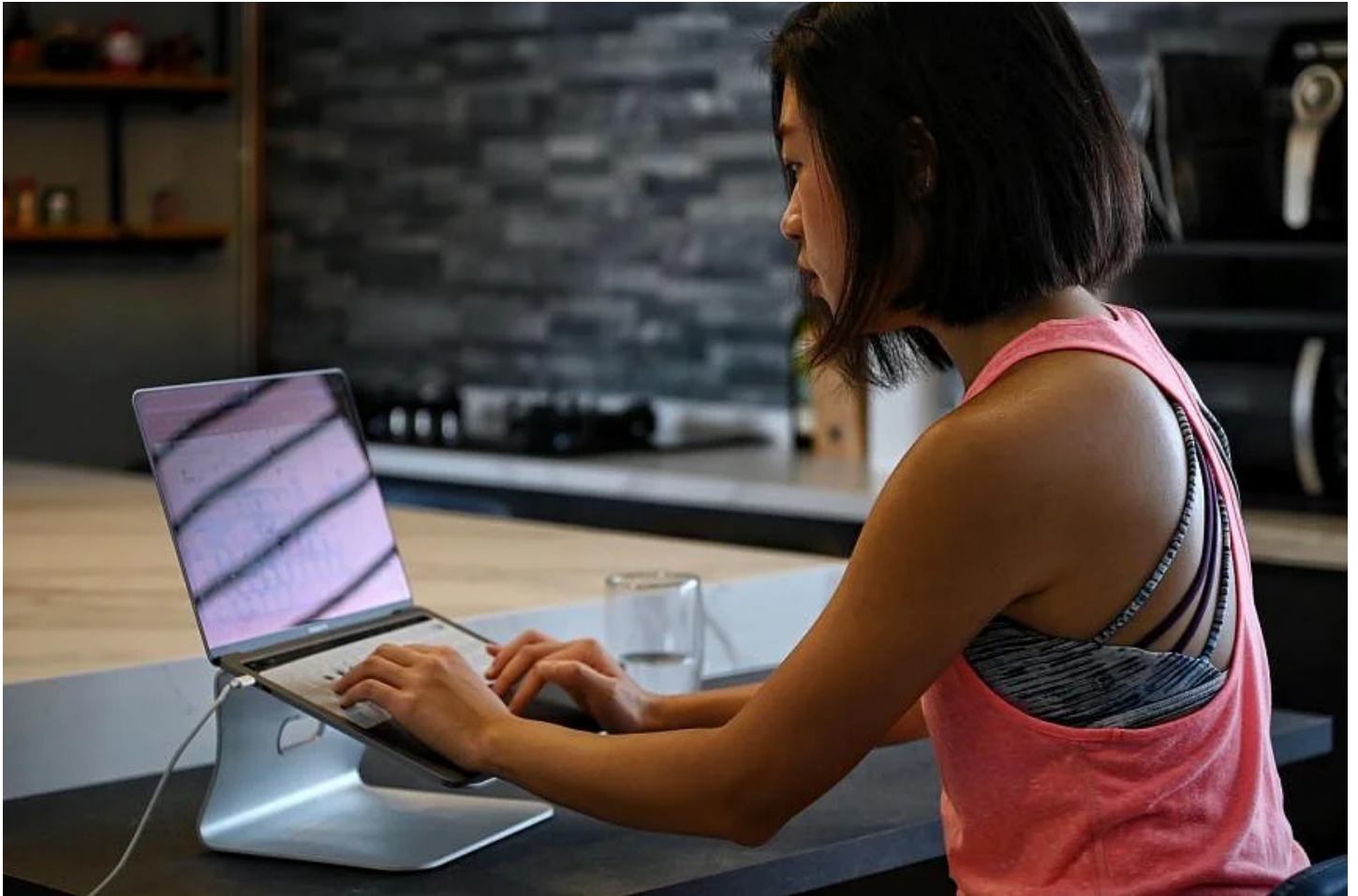


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Future of hybrid work in S'pore: Finding room for flexibility in remote working rules



The Ministry of Manpower has said it will consult widely before finalising the guidelines. ST PHOTO: KUA CHEE SIONG



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SINGAPORE - The stage of discourse on remote working in Singapore is lagging behind some countries and rules that protect both workers and employers still need to be set, say lawyers.

One thing is for certain: Singapore will not enact legislation like some Western countries, but will instead fall back on a set of flexible work arrangement guidelines, planned for release by the tripartite grouping of policymakers, employers and unions in 2024.

Questions over tax treatment, employee mental health and employers' obligations towards remote workers remain to be answered, says lawyer Clarence Ding.

The partner at law firm Simmons & Simmon says the conversation in Singapore has not matured beyond a discussion around what "return to work" looks like.

"Most deliberations have tended to revolve around assessing what proportion of time an employee should be permitted to work remotely or required to be in the office," he adds.

He expects the guidelines to apply a "light touch", not deviating from the Government's usual emphasis on a conducive business environment.

Mr Ding says the new policies should oblige employers to reasonably consider all requests for flexible work arrangements.

They should be prohibited from retaliating against or discriminating against employees who ask to work flexibly.

The guidelines will also need to be reconciled with existing legislation, such as the Workplace Safety and Health Act and the data privacy regime, he adds.

While policymakers are nudging employers to embrace flexible work before the guidelines are made, their interest in shoring up governance in the area appears varied.

Mr Ian Lim, head of employment TSMP Law Corporation, said: "The employers that have the desire or need to implement flexible work - like the multinationals - have largely gone ahead with this.

"The ones that have less inclination to do so, or see the benefits of working more from the office, will have their employees come to the office more - but most will make at least some adjustments to their pre-pandemic working modes."

He added: "We are not seeing a great deal of queries about this at present, though that may change once the Tripartite Guidelines are released in 2024."

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A majority of 178 business executives and owners polled by Global Counsel said they want the market, rather than governments, to determine the balance between in-person and remote working.

The public policy advisory firm conducted the study over three months from November last year. Two-thirds of the respondents were from Europe, but those in Singapore gave similar views, said the firm's associate director, Mr Max von Thun.

Only 28 per cent of the respondents said it is appropriate to use technology or artificial intelligence to monitor employees.

Mr von Thun said: "We are surprised by the strength of opposition to the use of technology to manage and monitor employees, for example by tracking a person's keystrokes, given such tools are increasingly common in modern workplaces."

It may mean that businesses are more "amenable" to regulations that protect workers from remote surveillance than expected, he added.

The Ministry of Manpower said its 2024 guidelines will set out ways for flexible work arrangements, including how employers assess and communicate the outcome of their staff requests.

"This will establish the norm that it is acceptable to request for flexible work arrangements, while maintaining the employers' prerogative to decide on such requests taking into account business needs," it said.

The ministry added that it will "consult widely before finalising the guidelines".



Dr Lim Wee Kiat, a sociologist at Singapore Management University, would like to see more segments of society engaged in such consultations, including non-profit groups and academia.

"These stakeholders may raise sentiments and scenarios that are not apparent or less germane to the established parties in the tripartite framework, but highly consequential to the successful implementation of remote work arrangements," he said.

"The impact of remote work arrangements bleeds into other facades of life," he added.

"Work-from-home arrangements may not benefit parents, especially mothers, who are often socially expected to not only take care of children but also parents-in-law - and the domestic helper - if they live under the same roof."

"It would be great if this issue is being approached as a multi-ministry one, where social, psychological and health concerns are taken as seriously as labour and economic ones."

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Remote-working policies in other economies

Argentina: Law

- Written remote-working agreement outlining hours and parties' obligations;
- Equal rights among remote and on-site employees, plus the right to disconnect after working hours; and
- Employers must provide work tools and cover remote-working-related expenses.

Belgium: Circular from tax agency

- Monthly, employer-paid and tax-free work-from-home allowance for regular employees.

Portugal: Law

- Employers must pay for remote-work-related costs, including electricity and Internet;
- Employers cannot contact employees after office hours or they could be penalised;
- Employees are required to meet employers in-person every two months; and
- Employees have a right to work remotely if they have children under the age of eight.

Taiwan: Guidelines

- Employers must provide remote employees with the necessary tools and equipment as well as support the maintenance of that equipment; they also have to provide education and training on mental and physical health.

Turkey: Law

- Written remote-work agreement including details on location, working hours and communication methods;
- Employer must provide remote workers with necessary tools and equipment; and
- Prohibition of remote working in certain areas, such as in the handling of hazardous chemicals and national security.

Source: Global Counsel

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