

Workplace Fairness (Dispute Resolution) Bill

Bill No. 17/2025.

Read the first time on 14 October 2025.

A BILL

i n t i t u l e d

An Act to amend the Workplace Fairness Act 2025 to provide for mediation of workplace fairness disputes and to provide for civil actions for a statutory tort of discrimination, and to make consequential and related amendments to the Employment Claims Act 2016, the Industrial Relations Act 1960 and the Retirement and Re-employment Act 1993.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Workplace Fairness (Dispute Resolution) Act 2025 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

PART 1

AMENDMENT OF WORKPLACE FAIRNESS ACT 2025

Amendment of section 2

2. In the Workplace Fairness Act 2025, in section 2 —

(a) after “In this Act”, insert “, unless the context otherwise requires”;

(b) before the definition of “authorised officer”, insert —

““action for discrimination” means a civil action brought under section 36A against an employer for a statutory tort of discrimination;

“approved mediator” means any individual approved by the Commissioner as a mediator for a mediation of a workplace fairness dispute;”;

(c) after the definition of “civil contravention”, insert —

““claimant” means an individual who brings an action for discrimination against an employer in the General Division of the High Court or an Employment Claims Tribunal and, for the purposes of Division 2 of Part 7A, includes an individual who intends to bring such an action;

“claim referral certificate” means a claim referral certificate issued under section 36J(10) or 36K(2);”;

(d) after the definition of “discrimination”, insert —

““District Court limit” has the meaning given by section 2 of the State Courts Act 1970;”;

(e) after the definition of “employer”, insert —

““Employment Claims Tribunal” means a subordinate court called an Employment Claims Tribunal constituted under section 4 of the State Courts Act 1970;”;

(f) after the definition of “job”, insert —

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““mediation” includes —

(a) the undertaking of any activity for the purpose of promoting the discussion and settlement of disputes;

(b) the bringing together of the parties to any dispute for that purpose, either at the request of one of the parties to the dispute or on an order of a court or a tribunal; and

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(c) the follow-up of any matter which is the subject of any such discussion or settlement;

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“mediation request” means a request under section 36D(1) to mediate a workplace fairness dispute;

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“mediation session” means a meeting between 2 or more parties to a dispute for the purposes of a mediation;”;

(g) after the definition of “platform work agreement”, insert —

““respondent” means a person against whom an action for discrimination is brought, or who is joined in the capacity of a respondent, and includes, for the purposes of Division 2 of Part 7A, a person against whom such an action is intended to be brought;”;

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(h) after the definition of “stillborn child”, insert —

““tribunal limit” means the District Court limit or any other amount prescribed in substitution thereof;

“tribunal magistrate” has the meaning given by the
Employment Claims Act 2016;

“tripartite mediation” has the meaning given by
section 30F of the Industrial Relations
Act 1960;”;

(i) in the definition of “work pass”, replace the full-stop at the
end with a semi-colon; and

(j) after the definition of “work pass”, insert —

““workplace fairness dispute” means a dispute
between an employer and an employee or other
individual arising from an alleged discriminatory
employment decision mentioned in
section 17(1).”.

Amendment of section 5

3. In the Workplace Fairness Act 2025, in section 5, after
subsection (2), insert —

“(3) For the purposes of subsection (1), an employer is
presumed, unless the contrary is proved, to have decided not
to hire an individual, if —

(a) the individual applied to the employer for possible
employment and, as of the date one month after the
application, the employer has not hired the individual
within the meaning of subsection (2);

(b) the individual attended an interview, test or
examination with the employer for the purpose of
possible employment and, as of the date one month
after the interview, test or examination, the employer
has not —

(i) hired the individual within the meaning of
subsection (2); or

(ii) invited the individual to a further interview, test
or examination for the purpose of possible
employment; or

(c) the employer, having invited the individual to an interview, test or examination for the purpose of possible employment, subsequently, on any date, withdraws the invitation without, at the same time, inviting the individual to another interview, test or examination.

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(4) If, on any date mentioned in subsection (3)(a), (b) or (c), an employer is presumed to have decided not to hire an individual, the employer is deemed to have given notice of the decision to the individual on that date.”.

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New Part 7A

4. In the Workplace Fairness Act 2025, after Part 7, insert —

“PART 7A

DISPUTE RESOLUTION

Division 1 — Civil actions

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Action for statutory tort of discrimination

36A.—(1) Subject to section 36L, an individual who is the subject of an alleged discriminatory employment decision made by an employer under section 17(1) may bring a civil action for a statutory tort of discrimination against the employer (called in this Act an action for discrimination).

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(2) An action for discrimination may only be brought —

(a) in the General Division of the High Court, in accordance with this Part; or

(b) in an Employment Claims Tribunal, in accordance with this Part and section 12A of the Employment Claims Act 2016.

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(3) If the amount claimed in an action for discrimination exceeds the tribunal limit, the action must, in the first instance, be brought in the General Division of the High Court.

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(4) Subject subsection (5), if the amount claimed in an action for discrimination does not exceed the tribunal limit, the action

must, in the first instance, be brought in an Employment Claims Tribunal.

(5) If the amount claimed in an action for discrimination does not exceed the tribunal limit but exceeds the prescribed claim limit under section 12A(7) of the Employment Claims Act 2016, the action may, in the first instance, be brought in the General Division of the High Court.

Jurisdiction of, and procedure in, General Division of High Court

36B.—(1) The General Division of the High Court has jurisdiction to hear and determine any action for discrimination where an originating claim is made and served in accordance with section 36N and any Rules of Court made under section 36R.

(2) Division 4 of this Part applies to a claim in an action for discrimination brought in, or transferred to, the General Division of the High Court.

Jurisdiction of, and procedure in, Employment Claims Tribunal

36C.—(1) An Employment Claims Tribunal has the jurisdiction conferred by section 12A(1) of the Employment Claims Act 2016 to hear and determine a claim in an action for discrimination brought in accordance with the provisions of that Act.

(2) The jurisdiction of an Employment Claims Tribunal under subsection (1) does not include jurisdiction to hear and determine any action for discrimination if the amount claimed in the action exceeds the tribunal limit.

(3) Parts 3 and 4 of the Employment Claims Act 2016 apply to a claim in an action for discrimination brought in an Employment Claims Tribunal.

Division 2 — Mediation

Mediation of workplace fairness disputes before bringing action

36D.—(1) Before bringing an action for discrimination, the employee or individual who intends to bring the action must first submit to the Commissioner a request to mediate every workplace fairness dispute in respect of which the action is intended to be brought.

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(2) A mediation request may only be submitted by an employee or individual who is involved in a dispute with an employer arising from an alleged discriminatory employment decision mentioned in section 17(1).

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(3) Subsections (1) and (2) do not apply in relation to an action for discrimination if a tripartite mediation has been conducted in an endeavour to reach a settlement in respect of every workplace fairness dispute to which the action relates.

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Manner and time of submission of mediation request

36E.—(1) A mediation request must —

(a) list every workplace fairness dispute in relation to which the mediation request is made;

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(b) be submitted to the Commissioner —

(i) in the prescribed manner; and

(ii) within the applicable time set out in subsection (2), (3) or (4); and

(c) be accompanied by the prescribed fee.

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(2) A mediation request to mediate a workplace fairness dispute arising from an alleged discriminatory employment decision mentioned in section 5(1) must be made —

(a) if the employer gave (or is deemed under section 5(4) to have given) notice of the decision to the claimant — within one month after the date of the notice (or deemed notice); or

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- (b) if the employer did not give notice of the decision to the claimant — within 2 months after the date of the decision.

(3) A mediation request to mediate a workplace fairness dispute arising from an alleged discriminatory employment decision mentioned in section 6(1) must be made —

- (a) if the employer gave notice of the decision to the claimant — within 6 months after the date of the notice; or

- (b) if the employer did not give notice of the decision to the claimant —

- (i) if, at any time in the period of 6 months after the date of the decision the claimant (being a female employee) absented herself from work for any period of time under section 9(1), (1A) or (1B) of the Child Development Co-Savings Act 2001 or section 76(1) of the Employment Act 1968 — within 12 months after the date of the decision; or

- (ii) in any other case — within 6 months after the date of the decision.

(4) A mediation request to mediate a workplace fairness dispute arising from an alleged discriminatory employment decision mentioned in section 7(1) must be made —

- (a) if the claimant is a female employee who has been certified by a medical practitioner registered under the Medical Registration Act 1997 to be pregnant and the employer gave notice of the decision to the claimant after the date of the certification but before the date of the claimant's confinement — within one month after the last day of employment of the claimant, or within 2 months after the date of the claimant's confinement, whichever is later; or

- (b) in any other case — within one month after the last day of employment of the claimant.

(5) If the mediation request states a claim for an amount relating to an alleged discriminatory employment decision mentioned in section 5(1), that claim must not exceed the amount prescribed for the purposes of section 36N(2)(a).

(6) A workplace fairness dispute must not be listed in a mediation request if —

(a) the dispute was listed in an earlier mediation request that was submitted by the claimant and accepted by the Commissioner, and —

(i) the earlier mediation request has not been withdrawn; or

(ii) a mediation session has been conducted pursuant to the earlier mediation request; or

(b) the dispute was listed in an earlier mediation request that was submitted by the claimant and accepted by the Commissioner, and any requirements prescribed for the purposes of this paragraph are not satisfied.

(7) The Minister may, by order in the *Gazette*, lengthen or shorten any period of time mentioned in subsection (2), (3) or (4), either generally or for any class of claimants, any class of respondents and any category of workplace fairness disputes.

(8) To avoid doubt, for the purposes of this section —

(a) an employer who gives notice to a group of persons that includes a claimant is treated as having given notice to the claimant; and

(b) notice of an employment decision may be express or implied.

Commissioner may accept or refuse mediation request, etc.

36F.—(1) The Commissioner may —

(a) accept a mediation request that does not comply with section 36E(1) or (6), if the Commissioner is satisfied

that there is a reasonable excuse for the non-compliance;

(b) refuse to accept a mediation request that does not comply with section 36E(1), (5) or (6);

(c) waive, remit or refund, wholly or in part, the fee mentioned in section 36E(1)(c); and

(d) pay the whole or a part of the fee mentioned in section 36E(1)(c) to a person who is prescribed, or who belongs to a class of persons that is prescribed, in lieu of the Consolidated Fund.

(2) Upon accepting the mediation request, the Commissioner must, as soon as reasonably practicable, refer every workplace fairness dispute listed in that request to an approved mediator for mediation.

Regulations relating to mediation requests

36G. Regulations made under section 44 may —

(a) prescribe the manner in which a mediation request is to be submitted to the Commissioner;

(b) prescribe —

(i) the persons (or classes of persons) who may submit a mediation request on behalf of an employee or individual;

(ii) the classes of employees or individuals on whose behalf a mediation request may be submitted; and

(iii) the categories of workplace fairness disputes in relation to which a mediation request may be submitted on behalf of an employee or individual,

including different persons (or classes of persons) for different classes of employees or individuals and different categories of workplace fairness disputes;

- (c) prescribe the fee mentioned in section 36E(1)(c), including different fees for different classes of claimants and respondents and different categories of workplace fairness disputes;
- (d) prescribe the requirements mentioned in section 36E(6)(b); 5
- (e) provide for the review by the Commissioner of any decision made by the Commissioner under section 36F(1)(a), (b) or (c) and the time within which the application for the review must be made; 10
- (f) prescribe any person or class of persons mentioned in section 36F(1)(d);
- (g) provide for the amendment of the list of workplace fairness disputes in a mediation request accepted by the Commissioner; and 15
- (h) provide for any matter relating to the conduct of a mediation session under section 36H.

Conduct of mediation sessions

36H.—(1) An approved mediator must conduct the first mediation session for a workplace fairness dispute as soon as is reasonably practicable after the dispute is referred to the approved mediator. 20

(2) Despite subsection (1), an approved mediator need not conduct any mediation session for a workplace fairness dispute, if the approved mediator is satisfied that there is no reasonable prospect of settling the dispute through mediation. 25

(3) Each mediation session must be held in private.

(4) Despite subsection (3) —

- (a) the Commissioner may refer all of the workplace fairness disputes mentioned in subsection (5)(a) or (b) for mediation by the same approved mediator; and 30
- (b) that approved mediator may conduct the mediation sessions for all of the workplace fairness disputes

mentioned in subsection (5)(a) or (b) together at the same time and place.

(5) Subsection (4) applies —

(a) if —

(i) 2 or more claimants have submitted to the Commissioner mediation requests for the mediation of workplace fairness disputes with the same respondent;

(ii) the Commissioner is satisfied that all of those disputes are similar in nature; and

(iii) all claimants and the respondent agree that the mediation sessions for all of the workplace fairness disputes mentioned in sub-paragraph (i) may be conducted together at the same time and place; or

(b) if —

(i) a claimant has submitted to the Commissioner 2 or more mediation requests for the mediation of workplace fairness disputes with one or more respondents; and

(ii) the claimant and all respondents agree that the mediation sessions for all of the workplace fairness disputes mentioned in sub-paragraph (i) may be conducted together at the same time and place.

(6) Despite subsection (3), an approved mediator may permit a tripartite mediation advisor appointed under section 30K of the Industrial Relations Act 1960 to assist at a mediation session.

Representation at mediation under this Part

36I.—(1) Except as provided in subsections (2), (3) and (4), a party to a mediation under this Part —

(a) must act in person;

(b) cannot be represented by an advocate and solicitor;
and

(c) cannot be represented by an agent, whether paid or
otherwise.

(2) An employer that is not an individual may be
represented — 5

(a) if the employer is a body corporate — by an officer, or
a full-time employee, of the body corporate;

(b) if the employer is a partnership — by a partner, or a
full-time employee, of the partnership; 10

(c) if the employer is an unincorporated association — by
a member of the governing body, or a full-time
employee, of the unincorporated association; or

(d) by any other individual prescribed by regulations
made under section 44. 15

(3) A party who is an individual may be represented by any
other individual prescribed by regulations made under
section 44.

(4) If the mediation request in relation to a mediation states a
claim for an amount exceeding the tribunal limit, each party to 20
the mediation may be represented by an advocate and solicitor.

(5) For the purposes of subsections (2)(d) and (3), the
regulations made under section 44 may prescribe different
individuals for different parties and different circumstances.

(6) In this section — 25

“body corporate” includes a limited liability partnership as
defined in section 2(1) of the Limited Liability
Partnerships Act 2005;

“officer”, in relation to a body corporate, means a director,
partner, member of the committee of management, chief 30
executive, manager, secretary or other similar officer of
the body corporate;

“partner” does not include a person purporting to act as a partner.

Settlement of workplace fairness dispute

36J.—(1) If a workplace fairness dispute is settled at a mediation under this Part, the parties to the settlement must enter into a settlement agreement in the form prescribed by Rules of Court made under section 36R.

(2) The General Division of the High Court may register a settlement agreement on the application of any party to the settlement agreement.

(3) If, under a settlement agreement, no party agrees to pay an amount more than the tribunal limit, a District Court may register the settlement agreement on the application of any party to the settlement agreement.

(4) If a settlement agreement is registered under subsection (2) or (3) —

(a) the settlement agreement is, for the purposes of execution or enforcement, of the same force and effect as if the settlement agreement had been a judgment given in the court that registered the settlement agreement and entered on the date of the registration;

(b) proceedings may be taken on the settlement agreement as if the settlement agreement had been a judgment given in the court that registered the settlement agreement; and

(c) any amount (payable to a person) for which the settlement agreement is registered carries interest as if that amount was a judgment debt.

(5) The General Division of the High Court hearing an application under subsection (2) may, if any condition in subsection (9) is satisfied, do any of the following:

(a) refuse to register the settlement agreement;

- (b) refer any workplace fairness dispute purportedly resolved by the settlement agreement to an approved mediator for mediation.

(6) A District Court hearing an application under subsection (3) may refuse to register the settlement agreement if the application is not made within the period prescribed by Rules of Court made under section 36R for this purpose.

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(7) If a settlement agreement is registered in a District Court, any party to the settlement agreement may, within the period prescribed by Rules of Court made under section 36R, apply to a District Court to set aside the registration of the settlement agreement.

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(8) A District Court hearing an application under subsection (7) may, if any condition in subsection (9) is satisfied, do all or any of the following:

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- (a) set aside the registration of the settlement agreement;
- (b) set aside the settlement agreement;
- (c) refer any workplace fairness dispute purportedly resolved by the settlement agreement to an approved mediator for mediation.

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(9) For the purposes of subsections (5) and (8), the conditions are as follows:

- (a) the application is not made within the period prescribed by Rules of Court made under section 36R for this purpose;
- (b) the settlement agreement is void or voidable because of incapacity, fraud, misrepresentation, duress, coercion, mistake or any other ground for invalidating a contract;
- (c) the settlement agreement includes a subject matter that does not relate to a workplace fairness dispute;
- (d) any term of the settlement agreement is not capable of enforcement as an order made by the court to which the application is made;

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- (e) the registration of the settlement agreement is contrary to public policy.

(10) If a court refers, under subsection (5)(b) or (8)(c), a workplace fairness dispute purportedly resolved by the settlement agreement for mediation, the approved mediator must issue to the claimant a claim referral certificate in respect of the dispute, if —

- (a) the respondent is given reasonable notice of, but does not attend, any mediation session for the dispute;

- (b) at the end of the mediation in relation to the dispute, the dispute —

- (i) is not settled; and

- (ii) is not withdrawn from the list of workplace fairness disputes in the mediation request; or

- (c) the approved mediator is satisfied that there is no reasonable prospect of settling the dispute through mediation.

(11) Despite subsection (10), if the claimant, without reasonable excuse, fails to attend any mediation session, the approved mediator may —

- (a) discontinue the mediation; and

- (b) refuse to issue to the claimant a claim referral certificate in respect of all or any of the workplace fairness disputes referred by the court.

Claim referral certificate for workplace fairness dispute

36K.—(1) This section applies if —

- (a) a claimant submits to the Commissioner a mediation request; and

- (b) the Commissioner refers any workplace fairness dispute listed in the request to an approved mediator for mediation.

(2) The approved mediator to whom is referred any workplace fairness dispute in a mediation request must issue to the claimant a claim referral certificate in respect of the dispute, if —

- (a) the respondent is given reasonable notice of, but does not attend, any mediation session for the dispute; 5
- (b) at the end of the mediation in relation to the dispute, the dispute —
 - (i) is not settled; and
 - (ii) is not withdrawn from the list of workplace fairness disputes in the mediation request; or 10
- (c) the approved mediator is satisfied that there is no reasonable prospect of settling the dispute through mediation.

(3) Despite subsection (2), if a claimant submits a mediation request but, without reasonable excuse, fails to attend any mediation session to which the request relates, the approved mediator may — 15

- (a) discontinue the mediation; and
- (b) refuse to issue to the claimant a claim referral certificate in respect of all or any of the workplace fairness disputes listed in that request. 20

Division 3 — Restrictions on civil actions

When action for discrimination cannot be brought

36L.—(1) An action for discrimination in which the alleged discriminatory employment decision is the dismissal of an employee on the ground of a protected characteristic must not be brought if any proceedings relating to the same dismissal on the same ground are pending in, or have been heard and determined by, any court or an Industrial Arbitration Court. 25

(2) An action for discrimination in which the alleged discriminatory employment decision is the dismissal of an employee on the ground of a protected characteristic must not be brought, if —

5 (a) the employee has made representations in writing in relation to the same dismissal on the same ground under section 35(3) of the Industrial Relations Act 1960 or section 8(1) or 8B(1) of the Retirement and Re-employment Act 1993; and

10 (b) either —

 (i) the employee has not withdrawn the representations, and the Minister to whom the representations are made has not made a decision on those representations; or

15 (ii) the Minister to whom the representations are made has made a decision on those representations.

 (3) An action for discrimination in which the alleged discriminatory employment decision is a decision to deny re-employment to an employee on the ground of a protected characteristic must not be brought, if —

20 (a) the employee has made representations in writing in relation to the same denial of re-employment on the same ground under section 35(3) of the Industrial Relations Act 1960 or section 8(1) or 8B(1) of the Retirement and Re-employment Act 1993; and

25 (b) either —

 (i) the employee has not withdrawn the representations, and the Minister to whom the representations are made has not made a decision on those representations; or

30 (ii) the Minister to whom the representations are made has made a decision on those representations.

(4) An action for discrimination in which the alleged discriminatory employment decision is the dismissal of an employee on the ground of a protected characteristic must be immediately discontinued if the employee makes representations in writing in relation to the same dismissal on the same ground under section 35(3) of the Industrial Relations Act 1960 or section 8(1) or 8B(1) of the Retirement and Re-employment Act 1993. 5

(5) In this section and section 36M, “Industrial Arbitration Court” means an Industrial Arbitration Court established under section 3 of the Industrial Relations Act 1960. 10

When other proceedings cannot be brought

36M. If an action for discrimination in which the alleged discriminatory employment decision is the dismissal of an employee on the ground of a protected characteristic has been brought in the General Division of the High Court or an Employment Claims Tribunal, no proceedings relating to the same dismissal on the same ground may be brought in any court or an Industrial Arbitration Court, unless the action for discrimination is withdrawn, discontinued or dismissed for lack of jurisdiction. 15 20

Division 4 — Proceedings in General Division of High Court

Claim in General Division of High Court

36N.—(1) A claim in the General Division of the High Court in any action for discrimination may only be made — 25

(a) by an employee (or a person entitled under any written law to receive an amount claimed in place of the employee) against the employer of the employee; or

(b) by an individual (or another person entitled under any written law to receive an amount claimed in place of the individual) against an employer who intends to employ one or more individuals under a contract of service. 30

(2) The claim must be for —

(a) in the case of an alleged discriminatory employment decision mentioned in section 5(1) — damages not exceeding an amount prescribed;

(b) in the case of an alleged discriminatory employment decision mentioned in section 6(1) — damages; or

(c) in the case of an alleged discriminatory employment decision mentioned in section 7(1) — either damages or reinstatement of the claimant in the claimant's former employment.

(3) The claim must —

(a) relate to a workplace fairness dispute; and

(b) be accompanied by a claim referral certificate issued in respect of each workplace fairness dispute for which the claim is made.

(4) The claim must be made with the General Division of the High Court within the prescribed period after the date of issue of the claim referral certificate accompanying the claim.

(5) In any action for discrimination, if the General Division of the High Court is satisfied on the balance of probabilities that the employer has committed a statutory tort of discrimination against the claimant, the court may —

(a) subject to subsection (2)(a), award the claimant damages in respect of the discrimination as the court may, having regard to all the circumstances of the case, think just and equitable; and

(b) in the case of an alleged discriminatory employment decision mentioned in section 7(1), order the employer to reinstate the claimant in the claimant's former employment.

(6) Regulations made under section 44 may —

(a) for the purposes of the amount mentioned in subsection (2)(a) —

(i) prescribe an amount that is lower than the tribunal limit; and

(ii) prescribe different amounts for different categories of claims and different circumstances; and

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(b) for the purposes of the period mentioned in subsection (4), prescribe different periods for different categories of claims and different circumstances.

(7) Despite subsection (4), the General Division of the High Court may accept a claim made after the period mentioned in that subsection if the General Division of the High Court is satisfied that there is reasonable excuse for the delay.

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Proceedings conducted in private unless General Division of High Court orders otherwise

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36O.—(1) Despite section 8(1) of the Supreme Court of Judicature Act 1969 and subject to subsection (2), all proceedings before the General Division of the High Court under this Act must be conducted in private.

(2) The General Division of the High Court may permit any of the following individuals to observe proceedings before the court:

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(a) any prescribed individual;

(b) any individual belonging to a prescribed class of individuals;

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(c) any other individual that the court thinks fit.

(3) Regulations made under section 44 may prescribe different individuals or classes of individuals for different categories of claims for the purposes of subsection (2).

(4) To avoid doubt, subsection (1) does not prevent the General Division of the High Court from hearing 2 or more claims together, if it appears to the court that doing so is convenient and does not prejudice any party to any of those claims.

Judge-led approach, etc.

36P.—(1) The General Division of the High Court, when dealing with any action for discrimination, is to adopt a judge-led approach, that is to say, the court is to —

- (a) identify the relevant issues in the action; and
- (b) ensure that the relevant evidence is adduced by the parties to the proceedings before the court.

(2) In proceedings under this Act, the General Division of the High Court may, on its own initiative, seek such other evidence, and make such other investigations and inquiries, as the court thinks fit.

Appeal from General Division of High Court

36Q.—(1) Any party to a claim in an action for discrimination before the General Division of the High Court may appeal against an award or order made by the General Division of the High Court under section 36N(5) —

- (a) on any ground involving a question of law; or
- (b) on the ground that the claim was outside the jurisdiction of the General Division of the High Court.

(2) A party may appeal under this section only if permission to appeal is given by the General Division of the High Court.

Rules of Court

36R.—(1) The Rules Committee constituted under section 80(3) of the Supreme Court of Judicature Act 1969 may make Rules of Court regulating the practice and procedure of the Court of Appeal, the Appellate Division of the High

Court, the General Division of the High Court and the District Court in respect of any matter under this Act.

(2) All Rules of Court made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.”.

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Amendment of section 41

5. In the Workplace Fairness Act 2025, in section 41(b), replace “making a complaint or allegation or raising a grievance” with “bringing an action for discrimination, submitting a mediation request, making a complaint or allegation, raising a grievance, or appealing against any decision of a court or authorised officer,”.

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Amendment of section 44

6. In the Workplace Fairness Act 2025, in section 44, after subsection (3), insert —

“(4) The powers conferred by this section do not extend to any matter for which Rules of Court may be made under section 36R.”.

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New sections 45 to 48

7. In the Workplace Fairness Act 2025, after section 44, insert —

“Disclosure of information

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45.—(1) Despite sections 36H(3) and 36O(1), the Commissioner, an approved mediator, the General Division of the High Court or the Registrar of the Supreme Court may disclose information relating to any mediation request, mediation under Division 2 of Part 7A, or action for discrimination, if the disclosure —

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(a) is necessary for or in connection with the administration or execution of this Act;

(b) is necessary for providing financial or social assistance to a claimant or respondent;

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(c) is made to assist a law enforcement agency in the investigation of any offence under any written law;

(d) is made to assist the Commissioner or an authorised officer in the investigation of any civil contravention under this Act;

(e) is made to assist the Commissioner or an authorised officer in the investigation of any serious civil contravention under this Act;

(f) is made to a public agency for the purpose of policy formulation or review;

(g) is made to a public agency, and is necessary in the public interest; or

(h) is made for any other purpose prescribed by regulations made under section 44.

(2) Despite section 36O(1), the General Division of the High Court or the Registrar of the Supreme Court may publish information relating to an award, an order or a decision of the General Division of the High Court.

(3) In this section —

“law enforcement agency” means any authority or person charged with the duty of investigating offences or charging offenders under any written law;

“public agency” means either of the following:

(a) the Government, including any ministry, department, agency or Organ of State;

(b) any statutory body or tribunal that is prescribed for the purposes of this definition by regulations made under section 44.

Protection of approved mediators from personal liability

46. No liability shall lie personally against an approved mediator, who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

Public servants

47.—(1) An approved mediator, when carrying out the functions and duties of an approved mediator under this Act, is deemed to be a public servant for the purposes of the Penal Code 1871. 5

(2) An authorised person, when carrying out any function or duty of the Commissioner under this Act, is deemed to be a public servant for the purposes of the Penal Code 1871.

No other civil liability

48. Nothing in this Act (other than sections 34 and 36A) is to be construed — 10

(a) as conferring a right of action in any civil proceedings in respect of any contravention, whether by act or omission, of any provision of this Act; or

(b) as conferring a defence to an action in any civil proceedings or as otherwise affecting a right of action in any civil proceedings.”. 15

Renumbering of sections 45 and 46

8. In the Workplace Fairness Act 2025, renumber the existing sections 45 and 46 as sections 49 and 50, respectively. 20

PART 2

CONSEQUENTIAL AND RELATED AMENDMENTS TO EMPLOYMENT CLAIMS ACT 2016

Amendment of section 2

9. In the Employment Claims Act 2016, in section 2(1) — 25

(a) before the definition of “approved mediator”, insert —

““action for discrimination” has the meaning given by section 2 of the Workplace Fairness Act 2025;”;

(b) in the definition of “claim referral certificate”, replace paragraphs (a) and (b) with —

“(a) section 6(2) or 7(7)(a);

(b) section 30H(6) of the Industrial Relations Act 1960; or

(c) section 36J(10) or 36K(2) of the Workplace Fairness Act 2025;”;

(c) after the definition of “court”, insert —

““District Judge” means a District Judge appointed under section 9(1) of the State Courts Act 1970;”;

(d) after the definition of “Industrial Arbitration Court”, insert —

““Magistrate” means a Magistrate appointed under section 10(1) of the State Courts Act 1970;”;

(e) after the definition of “workman”, insert —

““workplace fairness dispute” has the meaning given by section 2 of the Workplace Fairness Act 2025;”.

Amendment of section 3

10. In the Employment Claims Act 2016, in section 3(3)(a)(iii), replace “already accepted by the Commissioner and” with “that is already accepted by the Commissioner and that”.

Amendment of section 7

11. In the Employment Claims Act 2016, in section 7 —

(a) replace the section heading with —

“Settlement of specified employment dispute or workplace fairness dispute”;

(b) after subsection (1), insert —

“(1A) If a workplace fairness dispute is settled at a tripartite mediation —

- (a) the parties to the settlement must enter into a settlement agreement in the form prescribed by Rules of Court made under section 33; 5
- (b) the amount of damages claimed, in respect of every workplace fairness dispute (if any) settled at the tripartite mediation must not exceed the amount prescribed for the purposes of section 12A(7) that is applicable to that party; and 10
- (c) the settlement agreement must be signed by or on behalf of each party.”;
- (c) in subsection (5)(b)(ii), after “any specified employment dispute”, insert “or workplace fairness dispute (as the case may be)”;
- (d) in subsection (6)(b), after “a specified employment dispute”, insert “or workplace fairness dispute, as the case may be”; and 20
- (e) in subsection (9), after “any specified employment dispute”, insert “or workplace fairness dispute (as the case may be)”.

Amendment of section 9

12. In the Employment Claims Act 2016, in section 9(5), after “District Judge”, insert “or Magistrate”. 25

Amendment of section 12

13. In the Employment Claims Act 2016, in section 12 —

- (a) in the section heading, after “**claims**”, insert “**relating to specified employment disputes**”; and 30
- (b) after subsection (8), insert —

“(9) This section does not apply to or in relation to any claim involving a workplace fairness dispute.”.

New section 12A

14. In the Employment Claims Act 2016, after section 12, insert —

“Claims under Workplace Fairness Act 2025

12A.—(1) A tribunal has jurisdiction to hear and determine, in an action for discrimination brought under section 36A of the Workplace Fairness Act 2025, any claim in relation to which subsections (2) to (7) are satisfied.

(2) The claim must be made —

(a) by an employee (or a person entitled under any written law to receive an amount claimed in place of the employee) against the employer of the employee; or

(b) by an individual (or another person entitled under any written law to receive an amount claimed in place of the individual) against an employer who intends to employ one or more individuals under a contract of service.

(3) The claim must be for —

(a) in the case of an alleged discriminatory employment decision mentioned in section 5(1) of the Workplace Fairness Act 2025 — damages;

(b) in the case of an alleged discriminatory employment decision mentioned in section 6(1) of that Act — damages; or

(c) in the case of an alleged discriminatory employment decision mentioned in section 7(1) of that Act — either damages or reinstatement of the claimant in the claimant’s former employment.

(4) The claim must be accompanied by a claim referral certificate issued in respect of each workplace fairness dispute for which the claim is made.

(5) The claim must be lodged with the tribunal within the prescribed period after the date of issue of the claim referral certificate accompanying the claim.

(6) Despite subsection (5), the tribunal may accept a claim lodged after the prescribed period if the tribunal is satisfied that there is reasonable excuse for the delay.

5

(7) The amount of damages claimed must not exceed an amount prescribed as the claim limit for the purposes of this subsection.

(8) Regulations made under section 34 may —

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(a) for the purposes of subsection (7) —

(i) prescribe the claim limits in an action for discrimination involving an alleged discriminatory employment decision mentioned in section 5(1), 6(1) or 7(1) of the Workplace Fairness Act 2025; and

15

(ii) prescribe different amounts for different categories of claims and different circumstances; and

(b) for the purposes of the period mentioned in subsection (5), prescribe different periods for different categories of claims and different circumstances.

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(9) In this section, “contract of service”, “employee” and “employer” have the respective meanings given by section 2 of the Workplace Fairness Act 2025.”.

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Amendment of section 13

15. In the Employment Claims Act 2016, in section 13(2)(b)(i), replace “every specified employment dispute” with “each specified employment dispute or workplace fairness dispute”.

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Amendment of section 15

16. In the Employment Claims Act 2016, in section 15 —

- (a) in subsection (1), replace “Where” with “If”;
- (b) in subsection (1)(a), delete “or” at the end;
- 5 (c) in subsection (1)(b), replace the comma at the end with “; or”;
- (d) in subsection (1), after paragraph (b), insert —
 - 10 “(c) the amount of damages claimed in an action for discrimination exceeds the prescribed claim limit in section 12A(7),”; and
- (e) in subsection (2)(a), replace “section 12(7)” with “section 12(7) or 12A(7) (as the case may be)”.

Amendment of section 17

17. In the Employment Claims Act 2016, in section 17 —

- (a) in subsection (1), replace “on the application” with “on its own motion or on the application”; and
- (b) replace subsection (5) with —
 - 20 “(5) In this section, “appropriate court” means —
 - (a) in relation to proceedings in, or relating to, an action for discrimination — the General Division of the High Court; and
 - (b) in relation to any other proceedings — the General Division of the High Court, a District Court or a Magistrate’s Court.”.

New section 17A

18. In the Employment Claims Act 2016, after section 17, insert —

“Transfer of claim, etc., from tribunal to court

17A.—(1) A tribunal may, at any time, if it is of the opinion that a claim (other than a claim in an action for discrimination)

ought to be dealt with by any other court, transfer the proceedings to that court.

(2) A tribunal may, at any time, if it is of the opinion that a claim in an action for discrimination ought to be dealt with by the General Division of the High Court, transfer the proceedings to that court.

5

(3) Upon a transfer under subsection (1) or (2), the practice and procedure of the court to which the proceedings are transferred applies.”.

Amendment of section 22

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19. In the Employment Claims Act 2016, in section 22 —

(a) in subsection (2)(b), after “Part 2”, insert “of this Act or Division 2 of Part 7A of the Workplace Fairness Act 2025”;

(b) in subsection (2)(b), after “specified employment dispute”, insert “or workplace fairness dispute”;

15

(c) after subsection (5), insert —

“(5A) The amount of money that a tribunal orders to be paid to a party under subsection (1)(a) in an action for discrimination must not exceed the prescribed claim limit in section 12A(7) that is applicable to the party.”;

20

(d) replace subsection (8) with —

“(8) A tribunal may, instead of determining a claim by making an order under subsection (1), with or without the consent of the parties —

25

(a) if the claim arose from a mediation under Part 2 — refer any specified employment dispute for which the claim is lodged for mediation under that Part;

30

(b) if the claim arose from a mediation under Division 2 of Part 7A of the Workplace Fairness Act 2025 — refer any workplace

fairness dispute for which the claim is
lodged for mediation under that Division;
or

(c) if the claim arose from a tripartite
mediation conducted by an approved
mediator — refer any specified
employment dispute or workplace
fairness dispute for which the claim is
lodged for tripartite mediation to be
conducted by an approved mediator.”; and

(e) in subsection (9), delete “under Part 2”.

Amendment of section 29

20. In the Employment Claims Act 2016, in section 29 —

(a) in subsection (1), replace “a claim or any proceedings
before a tribunal” with “a claim (other than a claim in an
action for discrimination) or any proceedings before a
tribunal (other than proceedings in, or relating to, an action
for discrimination)”;

(b) after subsection (1), insert —

“(1A) Despite sections 4 and 18, a tribunal
magistrate or a Registrar may disclose information
relating to a claim in an action for discrimination or
any proceedings before a tribunal in, or relating to, an
action for discrimination, if the disclosure —

(a) is necessary for or in connection with the
administration or execution of this Act;

(b) is necessary for providing financial or
social assistance to the claimant or the
respondent;

(c) is made to assist a law enforcement agency
in the investigation of any offence under
any written law;

- (d) is made to assist the Commissioner for Workplace Fairness or an authorised officer in the investigation of any civil contravention under the Workplace Fairness Act 2025; 5
 - (e) is made to assist the Commissioner for Workplace Fairness or an authorised officer in the investigation of any serious civil contravention under the Workplace Fairness Act 2025; 10
 - (f) is made to a public agency for the purpose of policy formulation or review;
 - (g) is made to a public agency, and is necessary in the public interest; or
 - (h) is made for any other purpose that may be prescribed by any regulations made under section 34.”; and 15
- (c) in subsection (3), before the definition of “law enforcement agency”, insert —
- ““authorised officer”, “civil contravention” and “serious civil contravention” have the respective meanings given by section 2 of the Workplace Fairness Act 2025;”. 20

Amendment of section 33

- 21.** In the Employment Claims Act 2016, in section 33 — 25
- (a) after subsection (1), insert —
- “(1A) The Rules of Court made under this section may prescribe a different maximum amount that may be ordered to be paid under a claim, a different procedure or a different practice for each of the following classes of tribunals: 30

(a) a tribunal presided over by a District Judge designated as a tribunal magistrate under section 9(5);

(b) a tribunal presided over by a Magistrate designated as a tribunal magistrate under section 9(5);

(c) a tribunal presided over by a tribunal magistrate appointed under section 9(1)(a).”;

(b) in subsection (2)(r), replace the full-stop at the end with a semi-colon; and

(c) in subsection (2), after paragraph (r), insert —

“(s) the power of a tribunal to dismiss or stay proceedings where the matter in question is *res judicata* between the parties, or where, by reason of multiplicity of proceedings in any court or courts or by reason of a court in Singapore not being the appropriate forum, the proceedings ought not to be continued.”.

PART 3

CONSEQUENTIAL AND RELATED AMENDMENTS TO INDUSTRIAL RELATIONS ACT 1960

Amendment of section 2

22. In the Industrial Relations Act 1960, in section 2 —

(a) after the definition of “Court”, insert —

““District Court limit” has the meaning given by section 2 of the State Courts Act 1970;”;

(b) replace the definition of “undertaking” with —

““tribunal limit” has the meaning given by section 2 of the Workplace Fairness Act 2025;

“undertaking” includes any trade or business;

“workplace fairness dispute” has the meaning given by section 2 of the Workplace Fairness Act 2025.”.

Amendment of section 30

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23. In the Industrial Relations Act 1960, in section 30, replace subsection (1) with —

“(1) In this Part, unless the context otherwise requires —

“employer”, in relation to any representations to the Minister or any negotiation involving a workplace fairness dispute, has the meaning given by section 2 of the Workplace Fairness Act 2025;

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“recognised trade union” means a trade union the majority of whose membership consists of non-executive employees and which has been accorded recognition by an employer under section 17 in respect of any non-executive employees.”.

15

Amendment of section 30A

24. In the Industrial Relations Act 1960, in section 30A(1) —

(a) in paragraph (e), replace the full-stop at the end with a semi-colon; and

20

(b) after paragraph (e), insert —

“(f) to negotiate with the employer with a view to resolving any workplace fairness dispute.”.

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Amendment of section 30B

25. In the Industrial Relations Act 1960, in section 30B(a), after “any re-employment dispute as defined in section 8A(4) of the Retirement and Re-employment Act 1993”, insert “or workplace fairness dispute”.

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Amendment of section 30F

26. In the Industrial Relations Act 1960, in section 30F, after the definition of “employee”, insert —

““employer”, in relation to a workplace fairness dispute, has the meaning given by section 2 of the Workplace Fairness Act 2025;”.

Amendment of section 30G

27. In the Industrial Relations Act 1960, in section 30G —

(a) in subsection (1)(e), delete “or” at the end;

(b) in subsection (1)(f), replace the comma at the end with “; or”;

(c) in subsection (1), after paragraph (f), insert —

“(g) any workplace fairness dispute;”;

(d) in subsection (1), replace “1 February 2011” with “the specified date”;

(e) after subsection (1), insert —

“(1A) In subsection (1), the specified date is —

(a) for the purposes of subsection (1)(a) to (f) — 1 February 2011; and

(b) for the purposes of subsection (1)(g) — the date on which section 27(c) of the Workplace Fairness (Dispute Resolution) Act 2025 comes into operation.”;

(f) in subsection (2)(c), after “paragraph (a) or (b)”, insert “or a workplace fairness dispute”;

(g) in subsection (2), replace paragraph (d) with —

“(d) any workplace fairness dispute where the alleged discriminatory employment decision is a decision mentioned in section 5(1) of the Workplace Fairness Act 2025, in a case where the

Commissioner receives a notification under section 30H(2) relating to that dispute after the applicable period specified in section 36E(2) of that Act;

- (e) any workplace fairness dispute where the alleged discriminatory employment decision is a decision mentioned in section 6(1) of the Workplace Fairness Act 2025, in a case where the Commissioner receives a notification under section 30H(2) relating to that dispute after the applicable period specified in section 36E(3) of that Act; 5 10
- (f) any workplace fairness dispute where the alleged discriminatory employment decision is a decision mentioned in section 7(1) of the Workplace Fairness Act 2025, in a case where the Commissioner receives a notification under section 30H(2) relating to that dispute after the applicable period specified in section 36E(4) of that Act; 15 20
- (g) any workplace fairness dispute where the Commissioner receives a notification under section 30H(2) stating a claim in relation to the dispute for an amount exceeding the tribunal limit; 25
- (h) any other dispute, in a case where the Commissioner receives a notification under section 30H(2) relating to that dispute later than one year after the date on which the material facts giving rise to the dispute occurred.”; and 30

(h) replace subsection (3) with —

“(3) The Minister may, by order in the *Gazette*, lengthen or shorten any period of time mentioned in subsection (2)(c)(ii), (d), (e), (f) or (h), either generally or for any class of employees, any class of employers and any category of disputes mentioned in subsection (1).”.

Amendment of section 30H

28. In the Industrial Relations Act 1960, in section 30H —

(a) in subsection (6), replace “every unresolved specified employment dispute” with “each unresolved specified employment dispute or workplace fairness dispute”;

(b) in subsection (6)(b), after “one or more of the specified employment disputes”, insert “or workplace fairness disputes”;

(c) in subsection (7), after “all or any of the unresolved specified employment disputes”, insert “or unresolved workplace fairness disputes”; and

(d) in subsection (9), after “a specified employment dispute”, insert “or workplace fairness dispute”.

Amendment of section 35

29. In the Industrial Relations Act 1960, in section 35 —

(a) replace subsection (9) with —

“(9) Any direction of the Minister under subsection (6) operates as a bar to the following actions by the employee in any court in respect of the wrongful dismissal:

(a) any action for damages;

(b) any action for discrimination.”; and

(b) after subsection (11), insert —

“(12) In this section, “action for discrimination” has the meaning given by section 2 of the Workplace Fairness Act 2025.”.

PART 4

CONSEQUENTIAL AND RELATED AMENDMENTS TO RETIREMENT AND RE-EMPLOYMENT ACT 1993

5

Amendment of section 2

30. In the Retirement and Re-employment Act 1993, in section 2(1), before the definition of “agreed date”, insert —

““action for discrimination” has the meaning given by section 2 of the Workplace Fairness Act 2025;”.

10

Amendment of section 8

31. In the Retirement and Re-employment Act 1993, in section 8, replace subsection (6) with —

“(6) Any direction of the Minister under subsection (3) operates as a bar to the following actions by the employee in any court in respect of the unlawful dismissal on the ground of age:

15

(a) any action for damages;

(b) any action for discrimination.”.

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Amendment of section 8B

32. In the Retirement and Re-employment Act 1993, in section 8B, replace subsection (12) with —

“(12) Any direction of the Minister under subsection (6) operates as a bar to the following actions by the employee in any court in respect of the unreasonable denial of re-employment, or the dismissal of the employee without just cause or excuse, as the case may be:

25

(a) any action for damages;

(b) any action for discrimination.”.

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PART 5

SAVING AND TRANSITIONAL PROVISION

Saving and transitional provision

- 5 **33.** For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe any provision of a saving or transitional nature consequent on the enactment of that provision that the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Workplace Fairness Act 2025 to provide for mediation of workplace fairness disputes and to provide for civil actions for a statutory tort of discrimination.

The Bill also makes consequential and related amendments to the Employment Claims Act 2016, the Industrial Relations Act 1960 and the Retirement and Re-employment Act 1993.

Clause 1 relates to the short title and commencement.

PART 1

AMENDMENT OF WORKPLACE FAIRNESS ACT 2025

Part 1 (comprising clauses 2 to 8) amends the Workplace Fairness Act 2025.

Clause 2 amends section 2 to introduce new definitions and amend certain definitions. Examples of the new definitions are set out below.

An “action for discrimination” is defined as a civil action brought under section 36A against an employer for a statutory tort of discrimination.

“Approved mediator” refers to an individual approved by the Commissioner for Workplace Fairness (the “Commissioner”) as a mediator for a mediation of a workplace fairness dispute.

“Claimant”, for the purposes of new Division 2 of Part 7A (provisions relating to mediation and settlement of workplace fairness disputes, inserted by clause 3), includes an individual who intends to bring an action for discrimination.

The terms “mediation”, “mediation request” and “mediation session” are defined. They are used in relation to mediation under the Act.

“Tribunal limit” is defined as the District Court limit or any other amount prescribed in substitution thereof. This is the jurisdiction limit of an Employment Claims Tribunal.

“Workplace fairness dispute” is defined as a dispute between an employer and an employee or other individual arising from an alleged discriminatory employment decision mentioned in section 17(1). Section 17(1) refers to an employment decision which is defined in section 2 as an employment decision mentioned in section 5, 6 or 7.

Clause 3 amends section 5 to provide for certain circumstances under which an employer is presumed to have decided not to hire an individual, and the corresponding dates on which the employer is deemed to have given notice of the decision to the individual.

Clause 4 inserts new Part 7A (Dispute Resolution) comprising new sections 36A to 36R, divided into 4 Divisions.

Division 1 of Part 7A comprises sections 36A to 36C and deals with civil actions.

New section 36A provides that a civil action (an action for discrimination) may be brought in respect of a newly created statutory tort of discrimination by an individual who is the subject of an alleged discriminatory employment decision made by an employer under section 17(1) (Discrimination against individuals). An action for discrimination may only be brought in the General Division of the High Court or an Employment Claims Tribunal. The action must, in the first instance, be brought in an Employment Claims Tribunal (if the amount claimed in the action does not exceed the tribunal limit) or the General Division of the High Court (if the amount claimed in the action exceeds the tribunal limit).

New section 36B provides for the jurisdiction of, and procedure in, the General Division of the High Court in respect of an action for discrimination.

New section 36C provides for the jurisdiction of, and procedure in, the Employment Claims Tribunal in respect of an action for discrimination.

Division 2 of Part 7A comprises sections 36D to 36K and deals with mediation and settlement of workplace fairness disputes.

New section 36D requires an employee or individual who intends to bring an action for discrimination against an employer (respondent) for any workplace fairness dispute to first submit to the Commissioner a request to mediate every such dispute for which the action for discrimination is intended to be brought (mediation request).

New section 36E provides for the manner and time of submission of, and certain other requirements to be satisfied in relation to, a mediation request.

Section 36E(2), (3) and (4) sets out the periods of time within which mediation requests for workplace fairness disputes must be made. For example, under subsection (2), a mediation request to mediate a pre-employment workplace fairness dispute must be made within one month after the date on which the employer gives notice of the employment decision to the employee (which may be deemed notice under section 5(4)) or (if no notice is given) within 2 months of the date of the employment decision.

Under section 36E(5), any claim stated in a mediation request in relation to a pre-employment discriminatory decision must not exceed the amount prescribed for the purposes of new section 36N(2)(a). This amount is the limit in the General Division of the High Court for claims arising from pre-employment discriminatory decisions. The same amount is intended to be prescribed under new section 12A(7) of the Employment Claims Act 2016 (inserted by clause 14) as the limit in an Employment Claims Tribunal for claims arising from pre-employment discriminatory decisions.

New section 36F provides for powers of the Commissioner in relation to accepting or refusing to accept mediation requests, and in relation to the fees for mediation requests (such as to waive, remit or refund such a fee). Upon accepting a mediation request, the Commissioner must refer every workplace fairness dispute listed in the request to an approved mediator for mediation.

New section 36G sets out the matters relating to mediation requests for which the Minister is empowered to make regulations under section 44.

New section 36H provides for certain matters concerning the conduct of a mediation session for a workplace fairness dispute. Each mediation session must be held in private. However, an approved mediator may do the following:

- (a) in certain circumstances, conduct the mediation sessions for mediation requests by different claimants against the same respondent, or for 2 or more mediation requests by a claimant against one or more respondents, together at the same time and place;
- (b) permit a tripartite mediation advisor to assist at a mediation session.

New section 36I provides for certain matters concerning the representation of a party at a mediation under the new Part 7A. Generally, a party must act in person at the mediation. However, a body corporate may be represented by an officer, or a full-time employee, of the body corporate; a partnership may be represented by a partner, or a full-time employee, of the partnership; and an unincorporated association may be represented by a member of the governing body, or a full-time employee, of the unincorporated association. Regulations made under section 44 may also prescribe any other individuals who may represent a party at a mediation under Part 7A. A party may also be represented by an advocate and solicitor if the mediation request in relation to the mediation states a claim for an amount exceeding the tribunal limit.

New section 36J provides for the registration by the General Division of the High Court or a District Court of a settlement agreement reached through a mediation under the new Part 7A; the effects of any such registration; and the refusal to register, or setting aside of any such settlement agreement, by the General Division of the High Court or a District Court, as the case may be.

The procedures are different as between the General Division of the High Court and a District Court.

In the General Division of the High Court, the court hearing the application for registration of a settlement agreement may register the settlement agreement, or refuse to register the settlement agreement if any condition in section 36J(9) is satisfied. There is no provision for settlement agreements registered in the General Division of the High Court to be set aside. This procedure may be compared to the procedure for recording of mediated settlement agreements under section 12 of the Mediation Act 2017.

In a District Court, the court hearing the application for registration of a settlement agreement may register the settlement agreement, or refuse to register the settlement agreement if the application is not made within the prescribed period. A party to a settlement agreement registered in a District Court may apply to set aside the settlement agreement, and the District Court may do so if any condition in section 36J(9) is satisfied. This procedure may be compared to the procedure for registration of settlement agreements under section 7 of the Employment Claims Act 2016.

The section also —

- (a) enables the General Division of the High Court (when hearing an application to register a settlement agreement) or a District Court (when hearing an application to set aside the registration of a settlement agreement) to refer any workplace fairness dispute purportedly resolved by the settlement agreement to an approved mediator for mediation; and
- (b) provides for the circumstances in which an approved mediator will issue to a claimant a claim referral certificate in respect of any workplace fairness dispute referred by the General Division of the High Court or a District Court, as the case may be.

New section 36K provides for the circumstances in which an approved mediator will issue, to a claimant, a claim referral certificate in respect of any workplace fairness dispute listed in a mediation request.

Division 3 of Part 7A comprises sections 36L and 36M and deals with certain restrictions on actions for discrimination and related proceedings.

New section 36L prevents an action for discrimination in which the alleged discriminatory employment decision is the dismissal of, or denial of

re-employment to, an employee on the ground of a protected characteristic from being brought, if there are any proceedings before any other forum (such as any court, an Industrial Arbitration Court or a Minister) relating to the same dismissal or denial of re-employment on the same ground.

New section 36M prevents proceedings relating to the dismissal of an employee on the ground of a protected characteristic from being brought in any other forum (such as any court or an Industrial Arbitration Court), if an action for discrimination in which the alleged discriminatory employment decision is the same dismissal on the same ground has been brought in the General Division of the High Court or an Employment Claims Tribunal.

Division 4 of Part 7A comprises sections 36N to 36R and deals with certain matters concerning proceedings in the General Division of the High Court.

New section 36N provides for the requirements in relation to a claim in the General Division of the High Court in any action for discrimination and the powers of the court in such an action.

The section specifies the employees and individuals who may make a claim in the General Division of the High Court in any action for discrimination and the respective employers against whom the claim may be made.

In addition, a claim must be —

- (a) for damages or, in the case of an alleged discriminatory employment decision mentioned in section 7(1), for either damages or reinstatement of the claimant in the claimant's former employment;
- (b) accompanied by a claim referral certificate; and
- (c) made within the prescribed period after the date of issue of the claim referral certificate, although the General Division of the High Court may accept a claim made after this period if satisfied that there is reasonable excuse for the delay.

Under section 36N(2)(a), if the alleged discriminatory employment decision is a decision mentioned in section 5(1), the damages claimed must not exceed the relevant prescribed amount. This amount is the limit in the General Division of the High Court for claims arising from pre-employment discriminatory decisions. The same amount is intended to be prescribed under new section 12A(8)(a)(i) of the Employment Claims Act 2016 (inserted by clause 14) as the limit in an Employment Claims Tribunal for claims arising from pre-employment discriminatory decisions.

In an action for discrimination, the General Division of the High Court may award damages to the claimant or order reinstatement of the claimant in the claimant's former employment if the court is satisfied on the balance of

probabilities that the employer has committed the statutory tort of discrimination against the claimant.

New section 36O provides for proceedings before the General Division of the High Court to be conducted in private. However, the court may permit certain individuals to observe proceedings before the court.

New section 36P deals with the conduct of, and evidence in, proceedings before the General Division of the High Court. Among other things, the court will adopt a “judge-led approach” by identifying the relevant issues and ensuring that the relevant evidence is adduced by the parties. The court may, on its own initiative, seek such other evidence and make such other investigations and inquiries as the court thinks fit in any proceedings under the Act.

New section 36Q provides that a party to a claim in an action for discrimination before the General Division of the High Court may appeal against an award or order made by the court under new section 36N(5) on certain specified grounds, but only if permission to appeal is given by the General Division of the High Court.

New section 36R empowers the Rules Committee appointed under section 80(3) of the Supreme Court of Judicature Act 1969 to make Rules of Court regulating the practice and procedure of the Court of Appeal, the Appellate Division of the High Court, the General Division of the High Court and the District Court in respect of any matter under the Act.

Clause 5 amends section 41 to void any term of a contract of service or collective agreement that precludes any person from bringing an action for discrimination, submitting a mediation request, making a complaint or allegation, raising a grievance, or appealing against any decision of a court or authorised officer, under the Act.

Clause 6 makes consequential amendments to section 44 arising from new sections 36N(2)(a) and 36R.

Clause 7 inserts new sections 45 to 48.

New section 45 deals with the disclosure and publication of certain information. In certain circumstances, the Commissioner, an approved mediator, the General Division of the High Court or the Registrar of the Supreme Court may disclose information relating to a mediation request, a mediation under Division 2 of new Part 7A or an action for discrimination. The General Division of the High Court or the Registrar of the Supreme Court may also publish information relating to an award, order or decision of the General Division of the High Court.

New section 46 protects an approved mediator from personal liability for acts or omissions in the execution or purported execution of the Act.

New section 47 deems every approved mediator carrying out the functions and duties of an approved mediator, and every authorised person carrying out any function or duty of the Commissioner under the Act, to be a public servant for the purposes of the Penal Code 1871.

New section 48 states that nothing in the Act (other than section 34 and new section 36A) is to be construed as conferring a right of action in any civil proceedings in respect of any contravention of any provisions of the Act or a defence to an action in any civil proceedings or as otherwise affecting a right of action in any civil proceedings.

Clause 8 renumbers the existing sections 45 and 46 of the Act as sections 49 and 50, respectively.

PART 2

CONSEQUENTIAL AND RELATED AMENDMENTS TO EMPLOYMENT CLAIMS ACT 2016

Part 2 (comprising clauses 9 to 21) makes consequential and related amendments to the Employment Claims Act 2016.

Clause 9 amends section 2(1) to introduce definitions of “action for discrimination”, “District Judge”, “Magistrate” and “workplace fairness dispute” and amend the definition of “claim referral certificate”.

Clause 10 amends section 3(3)(a)(iii) to correct a syntactical error. No change in meaning is intended.

Clause 11 amends section 7 to extend the application of that section to the settlement of a workplace fairness dispute reached through a tripartite mediation conducted by an approved mediator under new section 36H of the Workplace Fairness Act 2025 (inserted by clause 4).

Clause 12 amends section 9(5) to allow the designation of a Magistrate (within the meaning of the State Courts Act 1970) as a tribunal magistrate.

Clause 13 amends section 12 to provide that that section does not apply to or in relation to any claim involving a workplace fairness dispute. Claims relating to workplace fairness disputes are dealt with under new section 12A (inserted by clause 14).

Clause 14 inserts new section 12A, in relation to claims under the Workplace Fairness Act 2025. Section 12A provides for —

- (a) the requirements which must be satisfied before a tribunal has jurisdiction to hear and determine such a claim; and
- (b) the employees and individuals who may make a claim and the respective employers against whom the claim may be made.

In addition, a claim must be —

- (a) for damages (not exceeding the relevant prescribed amount) or, in the case of an alleged discriminatory employment decision mentioned in section 7(1) of the Workplace Fairness Act 2025, either damages or reinstatement of the claimant in the claimant's former employment;
- (b) accompanied by a claim referral certificate; and
- (c) lodged within the prescribed period after the date of issue of the claim referral certificate, although an Employment Claims Tribunal may accept a claim lodged after this period if satisfied that there is reasonable excuse for the delay.

Under new section 12A(7), the amount of damages claimed in an Employment Claims Tribunal must not exceed an amount prescribed for the purposes of this subsection. The prescribed amount for claims arising from pre-employment discriminatory decisions is intended to be the same as the amount prescribed under new section 36N(2)(a) (inserted by clause 4) as the limit in the General Division of the High Court.

Clause 15 makes consequential amendments to section 13(2)(b)(i) arising from new section 12A (inserted by clause 14).

Clause 16 makes consequential amendments to section 15 arising from new section 12A (inserted by clause 14).

Clause 17 amends section 17 to provide that transfers under that section may be made on the motion of the appropriate court, and to provide for the transfer, by the General Division of the High Court, of proceedings in an action for discrimination before an Employment Claims Tribunal to the General Division of the High Court.

Clause 18 inserts new section 17A to provide for the transfer, by an Employment Claims Tribunal, of proceedings in the tribunal to another court.

Clause 19 amends section 22 to provide that the amount of money that an Employment Claims Tribunal orders to be paid in an action for discrimination must not exceed the prescribed claims limit in new section 12A(7). The clause also makes consequential amendments to section 22 arising from new section 12A.

Clause 20 amends section 29 to provide that a tribunal magistrate or Registrar for the tribunals may disclose information relating to claims and proceedings under the Workplace Fairness Act 2025 for certain purposes, including investigations into civil contraventions and serious civil contraventions under the Workplace Fairness Act 2025.

Clause 21 amends section 33 to provide that Rules of Court made under that section may prescribe a different claim limit, procedure or practice for each of the specified classes of Employment Claims Tribunals.

PART 3

CONSEQUENTIAL AND RELATED AMENDMENTS
TO INDUSTRIAL RELATIONS ACT 1960

Part 3 (comprising clauses 22 to 29) makes consequential and related amendments to the Industrial Relations Act 1960.

Clause 22 amends section 2 to introduce definitions of “District Court limit”, “tribunal limit” and “workplace fairness dispute”.

Clauses 23 and 26 replace section 30(1) and amend section 30F, respectively, to introduce a definition of “employer” (within the meaning of section 2 of the Workplace Fairness Act 2025), in relation to workplace fairness disputes.

Clause 24 amends section 30A(1) to extend the areas where rank and file trade unions can represent executive employees on an individual basis to include workplace fairness disputes.

Clause 25 makes a consequential amendment to section 30B(a) arising from the amendments to section 30A(1) by clause 24.

Clause 27 amends section 30G to extend the types of disputes that may be the subject of tripartite mediation to include workplace fairness disputes generally. However, in certain circumstances, a workplace fairness dispute may not be the subject of tripartite mediation (for example, if the notification under section 30H(2) in relation to the workplace fairness dispute is received by the Commissioner after the applicable period for the submission of a mediation request in relation to that dispute under new section 36E of the Workplace Fairness Act 2025 (inserted by clause 4)).

Clause 28 amends section 30H to support the amendments to section 30G (by clause 27).

Clause 29 amends section 35 to replace subsection (9) and introduce a supporting definition of “action for discrimination”. New section 35(9) provides that any direction of the Minister under section 35(6) operates as a bar to the following actions by the employee in any court in respect of the wrongful dismissal:

- (a) any action for damages;
- (b) any action for discrimination.

PART 4

CONSEQUENTIAL AND RELATED AMENDMENTS
TO RETIREMENT AND RE-EMPLOYMENT ACT 1993

Part 4 (comprising clauses 30, 31 and 32) makes consequential and related amendments to the Retirement and Re-employment Act 1993.

Clause 30 amends section 2(1) to introduce a definition of “action for discrimination” for the purposes of the amendments made to sections 8 and 8B (by clauses 31 and 32, respectively).

Clause 31 replaces section 8(6). New section 8(6) provides that any direction of the Minister under section 8(3) operates as a bar to the following in any court in respect of the unlawful dismissal on the ground of age:

- (a) any action for damages;
- (b) any action for discrimination.

Clause 32 replaces section 8B(12). New section 8B(12) provides that any direction of the Minister under section 8B(6) operates as a bar to the following in any court in respect of the unreasonable denial of re-employment, or the dismissal of the employee without just cause or excuse, as the case may be:

- (a) any action for damages;
- (b) any action for discrimination.

PART 5

SAVING AND TRANSITIONAL PROVISION

Part 5 consists of clause 33, which empowers the Minister to make regulations to prescribe any provision of a saving or transitional nature consequent on the enactment of any provision of the Bill for a period of 2 years after the date of commencement of the provision.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure to implement the necessary infrastructure for workplace fairness dispute resolution (including expenditure for (among other things) the development of information technology systems, and the recruitment and remuneration of judicial officers, court administrators, mediators, and other personnel), the exact amount of which cannot at present be ascertained.
