

## Church seeks judicial review on MOM decision

By Kimberly Spykerman  
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One of Singapore's mega churches has filed documents in the High Court seeking a judicial review to quash a decision made by the Manpower Ministry regarding a sacked employee.



File photo: Singapore's Supreme Court

SINGAPORE: One of Singapore's mega churches filed documents in the High Court on Wednesday seeking a judicial review to quash a decision made by the Ministry of Manpower (MOM) regarding a sacked employee.

Earlier this year, Faith Community Baptist Church was ordered by Acting Manpower Minister Tan Chuan-Jin to compensate a pregnant worker it had sacked for committing adultery.

The Attorney-General's Chambers said it is studying the application.

According to court documents, the church said that the acting manpower minister's decision was unconstitutional and breaches its right to manage its own religious affairs.

It added that the ministry did not consider matters that included the implied terms of the employee's contract -- that sexual misconduct constitutes a ground of termination -- and the values of the church in relation to what constitutes staff misconduct.

The ministry had said that employment laws have to be applied equally to all, regardless of their religion, and its role is to protect employees' rights in their workplaces.

Experts said this is a landmark case and that the courts in Singapore have not had to decide if behaving morally constitutes an implied term in an employment contract.

Lawyer Steven Lam said: "This current case is unique. If it's not an employment term, expressed term, should the courts imply a morality term into the employment contract, simply because you're working in religious organisation?"

"And I can understand the difficulty here, because morality is something that is not cast in stone.

"There are different standards of morality, so the question that we ask ourselves -- if it's going to be an implied term -- then whose standard, and what standard? So that's a big question mark we are dealing with."

Dr Jack Lee, Assistant Professor at the Singapore Management University's School of Law, said: "The courts in Singapore have not really had to decide on many occasions the issue of: to what extent religious groups are permitted to take actions that are in accordance with their religion, but which may come into conflict with general laws that apply to everyone else.

"So it will be quite interesting to see how the court will deal with the balance between the two possibly conflicting factors."