

SHE was sacked for being pregnant with another man's child.

To many, that would seem out of order - what business is it of the employer to pass judgment on a worker's personal life?

But there was a twist - the woman was employed by a church, one of the biggest in Singapore.

The father of the unborn child was a fellow church worker. The church felt it was warranted in sacking the mother-to-be as it expects its employees to adhere to certain moral standards.

However, the unnamed administration worker, in her 30s, complained to the Ministry of Manpower - which this week ordered the Faith Community Baptist Church to pay her maternity benefits, finding that she had been "dismissed without sufficient cause within six months of her delivery date".

While the church has complied, it maintains it was right to sack her as it was standing firm in its religious beliefs.

On Tuesday, the church delivered a cheque for about \$7,000 to the Manpower Ministry, with a note that the payment does not prejudice the church's rights under the law.

On the same day, the ministry issued a statement saying that in multi-religious Singapore, employment is a secular space, and it would interpret the employment laws in that light, too.

The case raises questions, such as: How will religious and faith-based groups comply with this, while maintaining their values? And, how much control should employers have on the moral conduct of employees?

Values at work

EMPLOYEES already have to observe workplace-related morals and values, regardless of whether the employer is a church.

Key grounds for a worker getting the boot is "misconduct inconsistent with the fulfilment of the express or implied conditions of his service", says the Employment Act.

Importantly, such grounds must be work-related, such as theft or dishonesty, disorderly or immoral conduct at work, and wilful insubordination.

For instance, a security guard who has sex with women at his workplace when he should be watching the premises can be found guilty of misconduct by his employer. But if he did it elsewhere, the same charge would not pass muster.

However, the standards of work-related conduct in personal time differ by industry, profession, positions held and seniority or level of influence: Indebtedness is more of a concern for bankers, and plagiarism for journalists.

But experts say the test of relevance to work is vague enough that it could arguably capture a large cross-section of behaviour. Indeed, across industry, all manner of moral clauses exist.

Employees at DBS Bank, for example, are urged to be prudent with their personal finances and "not indulge" in speculative transactions or financial commitments that could lead to indebtedness.

The bank takes a particularly strong line on toying with Lady Luck - it bans gaming on its premises, and further insists that "no one should engage in excessive gambling of any kind, with persons having business dealings with DBS Group".

Multinational drinks firm Coca-Cola is one of many companies forbidding the use of its computers for "illegal or unethical activities such as gambling, pornography".

Employers justify such standards in terms of the impact of misconduct on productivity and employee morale, protecting a business from lawsuits, and potential conflicts of interest that could harm it or tarnish its reputation.

Locally listed Second Chance Properties, whose business interests include apparel, gold and property, in 2010 barred top executives and finance managers who handle large sums of money from the two casinos here, by requiring them to apply for self-exclusion.

Chief executive Mohamed Salleh Marican cited corporate governance concerns after learning of a businessman's \$26 million gambling loss at Resorts World Sentosa.

His worry: The company could face problems with suppliers and bankers if a top executive lost a large sum of money; as a listed company, shareholders could get worried and dump stock.

Concerns over integrity and public confidence are also why the civil service announced three weeks ago it will require all public officers who visit casinos here frequently or who buy annual entry passes to declare such actions.

This came after an assistant di-



Following the recent case of a church being ordered to pay maternity benefits to a pregnant employee it sacked over adultery, the Manpower Ministry came out to remind employers that employment is a secular space. How will religious and faith-based groups comply with this, while maintaining their values? And there is the big-picture issue: How much control should employers have over the moral conduct of employees? **Goh Chin Lian** reports.

ILLUSTRATION: ISTOCKPHOTO

rector with the Corrupt Practices Investigation Bureau, Edwin Yeo, was charged last month with misappropriating \$1.7 million, apparently to fund gambling at the Marina Bay Sands casino.

While some see the tighter rules as a simple case of requiring disclosure, others see it as a signal that visiting the casinos will be frowned upon even for public officers who have nothing to do with law enforcement or regulatory work for casinos.

And while a large array of clauses restricting behaviour are already on the books of many companies, the Faith Community Baptist Church case has raised the question of how enforceable they are.

It was presumably understood that adultery would count as misconduct in a church. But the wording of the law is wide enough as to leave some ambiguity.

Employment law expert Ravi Chandran from the National University of Singapore (NUS) notes that what amounts to "sufficient cause" is subjective, but could hold sway even if the impact on an employer's interests is not so tangible.

"It is best for the contract to specify what things would be unacceptable and would be viewed as amounting to a serious breach," he says.

"The more the less tangible things are clarified upfront in the contract, the stronger the case

would be for the employer."

The Manpower Ministry encourages employers to have a written code of conduct, to make clear their expectations of employees and spell out the consequences of breaching it. Still, it may be that the validity of a moral clause will remain unknown until it is tested.

A point of debate was the National Trades Union Congress' (NTUC) sacking of its assistant director for membership Amy Cheong last October, after her Facebook rant about noise from a Malay wedding at the void deck went viral.

Some felt that the punishment was too harsh as she made the comments in a personal capacity. But others pointed to how so-

cial media has blurred the lines of public and private, and that Ms Cheong held a relatively senior position.

NTUC said at the time that its employment terms require staff to uphold professionalism at all times "so as not to cause disrepute or damage to (its) interest, image and credibility".

Religious values

LEADERS of religious groups and organisations whom Insight spoke to say they would obey the law.

At the same time, it is clear that these organisations impose a higher standard of moral conduct.

One executive director of a Christian welfare group says its

staff manual lists 14 types of unacceptable behaviour including falsifying information, failure to maintain confidentiality, defacing property and "unethical conduct".

Adultery would fall into this latter catch-all category, but it is not spelled out, she says.

Asked how she might have dealt with a case like the one at the church, she says she would counsel the person first and, if need be, ask the person to resign on the basis that the actions were contrary to the rules that had been agreed to in the first place.

Venerable Seck Kwang Phing, secretary-general of the Singapore Buddhist Federation, says its handbook for employees and committee members spells out misconduct that "includes behaviour that brings damage to the reputation of the organisation and it is made known widely".

While it doesn't specify "no gambling", it strongly encourages employees not to, as they may get addicted, he says.

These organisations prefer to keep things informal, based on trust that the people who choose to work for them will abide by the same values, especially if they belong to the same faith.

If they are of a different religion or are free-thinkers, as Venerable Seck puts it, "they have to feel comfortable to work with us. They have to support our religious work because they are employees (with) work to perform".

The issue becomes difficult when not everyone shares the values of the organisation with the same intensity and depth.

The leaders Insight spoke to say that where such conflicts arise, they would first counsel the employee. If there is no change of heart, they may ask the employee to resign. The last recourse would be termination of employment with notice given and payments made for maternity benefits, for instance, instead of the more severe option of dismissal.

Venerable Seck adds: "Sometimes we will give him a chance if it does not have a great impact on the reputation of the organisation. We may not give him a salary increment."

One religious organisation that takes a different tack is Christian non-profit Habitat for Humanity Singapore, whose headquarters are in the United States.

Its employment rules are in line with those in that country, where anti-discrimination laws are in place and consequences of lawsuits are severe, says national director Yong Teck Meng. "When you interview, you are not to ask the person about his sexual orientation," he says, as an example.

While it expects its employees, including non-Christians, to adhere to Christian principles, no action will be taken against an employee who, for instance, has committed adultery, he says. "We are not a church. Church discipline is very much a part of church life. But we are a Christian organisation to relieve poverty, not to be moral policemen," he says.

Keeping the peace

INDEED, requiring religious organisation workers to espouse the values of their employer may be all very well for some, but in Singapore, the official position is that employment is a secular space so as to keep the peace in a multicultural and multi-religious society.

Secularism need not be anti-religion, but ensures each religion can flourish within limits.

Thus, when it comes to employment, the code of conduct for the employee should be "reasonable".

In a statement to Insight, the Manpower Ministry says: "Employers should refrain from imposing their religious beliefs or values on their employees."

The rules and regulations in a code of conduct should "relate to the job and position held, and should not govern the private lives of their employees unless it relates to the performance of the job".

It does not cite any examples, but Insight understands that one way could be to differentiate, say, between a spiritual leader whose moral conduct is fundamental for him to perform his role, and a cleaner or an administrator, where moral conduct is not related to their job scope.

The National Council of Churches of Singapore tells Insight that the Christian employer should abide by the requirements of the law, "as both the law and Christian practice overlap in being concerned about doing what is right, fair and just".

Still, it adds that people in Christian employment are expected to abide by strict codes of behaviour and morality.

"To be authentic, employees must integrate the ethos and values of the Christian faith in their daily lives," it says in a statement issued by its general secretary

Lim K. Tham and president, Bishop Terry Kee.

As the council's statement and the case of the Faith Community Baptist Church show, workplace expectations and defining what is reasonable loom as a possible source of conflict when it comes to employers that are religious groups, and their secular obligations within Singapore's employment laws.

Law experts note that unexplored is whether any appeal to constitutional rights such as freedom of religion under Article 15 of the Constitution, which gives religious groups the right to manage their own religious affairs, can stand in such issues if the Government should have to step in to enforce the law on a religious group.

But law professor and Nominated MP Eugene Tan argues that freedom of religion does not "encompass the right to discriminate against non-believers in secular matters such as employment", nor the right to impose one's religious beliefs on others.

This potential for conflict will increasingly rear its head, say some experts. Sociologist Daniel Goh of NUS expects that as society becomes more pluralistic and diverse, more organisations will promote values, religious or non-religious.

"The workplace will itself become more pluralistic," he says. He sees independent churches being at the forefront of this contest, as "they search for space and relevance to grow". "They, therefore, end up renting commercial spaces, hire more workers, promote their products and services through secular media and commercial routes, and engage the wider public through performances and charitable works."

A downside to this, as Associate Professor Tan notes, is that in a multi-religious workforce, and yet in a society in which 20 per cent of Singaporeans do not subscribe to any faith, employees could end up being discriminated against on religious grounds.

On the other hand, some like sociologist Mathew Mathews of the Institute of Policy Studies argue that faith-based organisations must be allowed some freedom in how they operate so as not to lose their distinctiveness.

This will include being able to decide who they hire and requiring a prospective hire to agree to a



Faith Community Baptist Church has been ordered by the Manpower Ministry to pay maternity benefits to a pregnant employee whom the church sacked over adultery. ST PHOTO: ALPHONSUS CHERN

set of norms important to that organisation, he says.

As an example of distinctiveness, he cites how people often expect higher levels of morality from those who work in a church compared with a secular business. Thus, faith-based groups need to be able to set their own standards of discipline, he says, even as they must also respect labour laws.

But distinctiveness in enforcing workplace values reflecting those of the employer may well be seen as discrimination by an employee, who, no matter how effective in his job, has a personal life in conflict with those values.

How Singapore society goes about addressing these opposing values clearly will have consequences and implications.

A look at past and current practices suggests a range of options: The Government may intervene, softly behind closed doors, or heavily, to keep order. It may also bring different parties together to engage in dialogue, to build trust and find common ground.

Those in civil society and non-government sectors may on their part quietly advocate their

cause or seek to promote it in the public space.

Some look to the democratic legislative process to arbitrate, or as Dr Goh puts it, arrive at a shared notion of justice, to balance individual group rights and the common good of society. This common core of national values will be "universally humanistic in character", he says.

This shared notion of justice - such as protection of women from discrimination - "must trump the specific cultural rights of individual employers", he adds.

Such an arrangement may not be easily achieved and agreed upon. Should the laws of the land part ways with the moral laws of religious organisations, how all parties navigate these differences will be important, too, for society at large.

That the issue is a point of conflict happens in other societies too. For instance, in the US, the Roman Catholic Church has faced pressure to provide for abortion services for its employees.

In Singapore, for the moment, even amid the debate over the sacked pregnant church worker,

Habitat's Mr Yong does not see any conflict, saying: "We absolutely believe our moral laws are above our secular laws. All major faiths have that kind of thinking process, but at the moment, in the context of Singapore, there are no conflicts. The laws of the land and the laws of the church gel together."

However, he warns: "But as time changes, it is going to be challenging because moral standards change."

"There may be a case where you need to uphold what the state wants and at the same time tell the church in no uncertain terms not to condone (what the state wants). If not, you set up a clash that is unnecessary."

Mr Yong seems to be suggesting another approach, one that does not require the Government to intervene, softly or not, but one in which the church obeys the law, but, within its own organisation, emphasises its moral high ground.

Such a nuanced approach may indeed avoid any "clash" and signal one way forward.

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WORKPLACE MUST BE A SECULAR SPACE

The rules and regulations in a code of conduct should be reasonable. (They) should relate to the job and position held, and should not govern the private lives of their employees unless it relates to the performance of the job.

As a multicultural and multi-religious society, our workplaces must remain secular so as to accommodate people of different beliefs. Employers should refrain from imposing their religious beliefs or values on their employees.

- A Manpower Ministry spokesman

DOING WHAT'S RIGHT, FAIR AND JUST

The Christian employer should abide by the requirements of the law (the Employment Act), as both the law and Christian practice overlap in being concerned about doing what is right, fair and just.

Churches and Christian organisations exist to call people to God so that they can become the persons that God wants them to be. The goal is the cultivation of love, truth, justice and other virtues.

To be authentic, employees must integrate the ethos and values of the Christian faith in their daily lives. It is for this reason that people in Christian employment are expected to abide by strict codes of behaviour and morality.

- National Council of Churches of Singapore

NO TO DISCRIMINATION

The freedom of religion does not encompass the right to discriminate against non-believers in secular matters such as employment. It also does not convey the right to impose one's religious beliefs on others, especially in an employment setting.

- Law professor and Nominated MP Eugene Tan

MAINTAIN SHARED NOTION OF JUSTICE

It is not a good thing for a multicultural nation such as ours for workplaces to become segregated ghettos of parochial interests and values. At the same time, it does not make sense for an organisation to employ workers who do not fit into its culture and values and who may even undermine them. It is thus important that we develop and maintain a shared notion of justice that allows organisations to maintain (their) cultural distinctiveness and yet maintain a common core of national values.

- Sociologist Daniel Goh, of the National University of Singapore

EXPECTATIONS OF HIGHER LEVELS OF MORALITY

People expect faith-based groups to operate in particular ways. For instance, they often expect higher levels of morality from those who work in a church compared to a secular business. If so, (faith-based) organisations need to be able to set their own standards of discipline.

- Sociologist Mathew Mathews of the Institute of Policy Studies

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