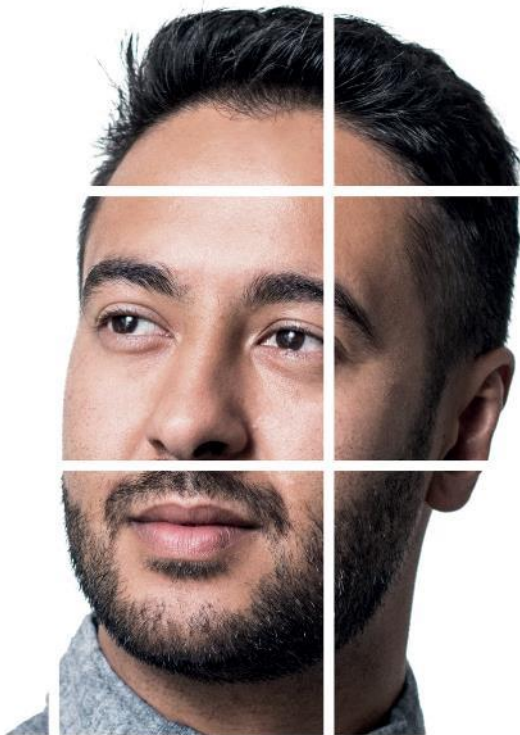




WORKPLACE DISCRIMINATION IN SOUTHEAST ASIA

September 2026



ABOUT DREW NETWORK ASIA

COMBINED BRILLIANCE

Some of the most dominant law firms in Southeast Asia have joined hands as Drew Network Asia (DNA) — a formidable, premium legal network comprising of legal powerhouses **Drew and Napier LLC** from Singapore, **Makarim & Taira S.** from Indonesia, **Shearn Delamore and Co.** from Malaysia, **Martinez Vergara & Gonzalez Sociedad (MVGS)** from the Philippines, and **Tilleke & Gibbins**, established in Cambodia, Laos, Myanmar, Thailand and Vietnam.

The network boasts over 800 fee-earners, including over 230 partners, and a total headcount of more than 1,700 in nine ASEAN countries. We are a 'firm of firms' that operates as a united collective, bringing both international perspectives and local expertise to the table. DNA operates as a one-stop shop in handling complex and time sensitive multi-jurisdictional transactions and disputes. We are seamless, client responsive and effective.

PEER REVIEWED AND REVERED

The reputation of each DNA firm transcends borders and is built on consistently delivering sound legal advice alongside world-class service. This unwavering commitment is recognised by our clients and peers and has earned us top rankings in the world's most prestigious legal publications.

INTRODUCTION

Drew Network Asia recently held a seminar with a panel that discussed key employment themes across six jurisdictions in Southeast Asia. One main theme was workplace discrimination, and the legal and practical issues in each jurisdiction. This paper brings together the key points and suggestions from the panel discussion.

The Workplace Fairness Act is due to come into force in Singapore by end-2027. It creates a statutory framework to prohibit discrimination in the workplace and introduces an actionable tort that affected employees can bring claims for. As employers in Singapore gear up to meet their duties, it was timely to see how they might also level up their practices across the region.

Given the diversity of the legal, regulatory and cultural contexts, it is critical for employers to refrain from applying a blanket approach to employment issues, including discrimination. On the other hand, there is a remarkable commonality in terms of the dos and don'ts that employers should be aware of and adopt.

IN THIS UPDATE

We discuss the various key protections against workplace discrimination in Singapore, Malaysia, Indonesia, the Philippines, Thailand, and Vietnam, before turning to the common best practices across the six jurisdictions.

Singapore

Singapore's first comprehensive legislation against workplace discrimination, the Workplace Fairness Act 2025 ("**WFA**"), is expected to take effect by end 2027. The key features of the WFA are as follows:

- **Protected characteristics:** The WFA prohibits employers from making adverse employment decisions against employees, based on age, nationality, sex, marital status, pregnancy, caregiving responsibilities, race, religion, language ability, disability or mental health condition.
- **Mandatory grievance handling process:** The WFA requires employers to establish a written grievance handling process, including having proper inquiries, reviews and documentation of workplace discrimination complaints. Employers must inform employees of this process, communicate inquiry outcomes to affected employees, and keep the identity of affected employees confidential.
- **Tiered framework for resolving disputes:** If the dispute is not resolved through the internal grievance handling process, an employee may submit a request for mediation to the Commissioner for Workplace Fairness. If the mediation is unsuccessful, the claim can be referred to the Employment Claims Tribunals ("**ECT**") or the High Court, depending on the amount in dispute.
- **ECT's expanded jurisdiction:** The ECT's jurisdiction will be expanded to include work workplace discrimination claims of up to S\$250,000, beyond which workplace discrimination claims may be brought in the High Court.

Beyond the WFA, the Tripartite Guidelines on Fair Employment Practices will continue to address other forms of workplace discrimination which may not be covered by the WFA.

Malaysia

In Malaysia, protections against workplace discrimination of employees come in various forms:

- **Constitutional protection:** Article 8 of the Malaysian Federal Constitution guarantees equality before the law and prohibits discrimination on the grounds of religion, race, descent, place of birth or gender.
- **Avenue for complaints of workplace discrimination:** The Director General of Labour may inquire into and decide disputes relating to discrimination in employment, and to make orders: see Section 69F of the Employment Act 1955. Failure to comply with an order may expose the employer to fines of up to RM50,000, and for a continuing offence, a further fine of up to RM1,000 for each day the offence continues.
- **Reputational risks:** Employers may also face reputational damage arising from allegations of discriminatory workplace practices. For example, employees and labour unions may resort to social media to call out discriminatory workplace practices by employers.

Indonesia

While workplace discrimination is not comprehensively or specifically regulated under Indonesian law, it is addressed across several legal instruments:

- **Equal opportunity and equal treatment:** Employees are entitled to equal opportunities in employment and equal treatment by their employers, without discrimination (Law No. 13 of 2003 on Manpower, as amended). This is the principle statutory protection against workplace discrimination in Indonesia. The elucidation explains that equal opportunity prohibits discrimination based on gender, ethnicity, race, religion, political views, and disability. Employers are also required to provide equal treatment without differentiating based on gender, ethnicity, race, skin colour, or political views.
- **Anti-Discrimination in recruitment:** Employers must not discriminate against job applicants based on age, disability, or other factors unrelated to competency (MOM Circular Letter No. M/6/HK.04/V/2025 on the Prohibition of Discrimination in the Manpower Recruitment Process).
- **Disability:** Persons with disability are entitled to employment without discrimination and equal pay for the same work and responsibilities as non-disabled employees. They are also entitled to proper workplace accommodation, protection from termination on the basis of disability, access to return-to-work programmes following a work-related accident or illness, fair, proportionate, and dignified work placement, equal opportunities for career development, and all other statutory employment rights (Law No. 8 of 2016 on People with Disabilities). They are also entitled to opportunities to establish and develop their own businesses.

To help prevent discriminatory conduct, employers are encouraged to implement internal anti-discrimination policies, incorporate those policies into company regulations or collective labour agreements, and provide regular training.

Philippines

The Philippines has implemented a patchwork of laws that prohibit discrimination against employees based on various protected characteristics:

- **Sex:** An employer cannot discriminate against any female employee in the terms and conditions of her employment, solely on the ground of her sex: Labour Code and the Magna Carta of Women (Republic Act No. 9710).
- **Disability:** An employer shall not discriminate against a qualified person with disability on the ground of such disability: Magna Carta for Persons with Disability (Republic Act No. 7277, as amended).
- **Union activity:** Discrimination of employees for the purpose of encouraging / discouraging unionism is prohibited: Labour Code.
- **Age:** Discrimination based on age is prohibited: Anti-Age Discrimination in Employment Act (Republic Act No. 10911).

- **Mental health:** Discrimination against persons with mental health conditions based on such mental health conditions is prohibited: Mental Health Act (Republic Act No. 11036).

An employee may obtain monetary awards and/or payment of damages for workplace discrimination. If the discrimination results in wrongful dismissal, the employee may be awarded reinstatement or separation pay in lieu of reinstatement, and full back wages and damages.

Thailand

In Thailand, current laws prohibit certain types of workplace discrimination and proposed legislative reforms may expand protections against workplace discrimination of employees:

- **Gender:** Employers cannot discriminate against employees based on their gender: see sections 15 and 53 of the Labour Protection Act B.E. 2541 (1998) (as amended). See also Thai Gender Equality Act B.E. 2558 (2015).
- **Wrongful dismissal:** Dismissing an employee based on discriminatory reasons would generally not constitute fair or justifiable grounds for termination under Thai law, and may expose the employer to legal claims.
- **Legislative reforms:** In May 2026, a member of the House of Representatives submitted two draft amendments to the Labour Protection Act. The second draft bill broadly prohibits employers from discriminating against employees based on disability, gender identity, religion, beliefs, or political views. These draft bills have not yet been enacted into law. If ultimately enacted, they would expand statutory protections against workplace discrimination in Thailand.

Vietnam

In Vietnam, labour laws specifically forbid “*labour discrimination*”:

- **Labour discrimination:** “*Labour discrimination*” is forbidden: see Clause 1 of Article 8 of the Labour Code (No. 45/2019/QH14) (the “**2019 Labour Code**”).
- **Prohibited grounds of discrimination:** “*Labour discrimination*” refers to discrimination on the grounds of race, skin colour, nationality, ethnicity, gender, age, pregnancy, marital status, religion, opinion, disability, family responsibility, HIV infection, establishment of or participation in trade union or internal employee organization, in a manner that affects the equality of opportunity of employment: see Clause 8 of Article 3 of the 2019 Labour Code. However, positive discrimination on the grounds of professional requirements, the sustainment and employment protection for vulnerable employees will not be considered discrimination.
- **Consequences of breach:** A breach of these provisions may expose a non-compliant employer to administrative fines.

Best practices across Southeast Asia

The above discussion shows that, although the law takes different forms throughout Southeast Asia, there is consistency in the rejection of discriminatory behaviour at the workplace. Another common trend is for substantial employers to have rules against discrimination built into their employment handbooks and policies. Against this background, there are common best practices for employers across all the jurisdictions.

Some of the key best practices that the panel discussed are as follows:

- **Objective and measurable criteria:** Use objective and measurable criteria in employment decisions to ensure consistency and transparency in decisions.
- **Avoid unnecessary references to personal characteristics:** Avoid making unnecessary comments on or references to an employee or job applicant's personal characteristics, as doing so may give rise to the appearance of discrimination by the employer.
- **Maintain accurate records:** Record employment decisions and reasons accurately, in writing.
- **Establish written policies:** Establish and implement written grievance-handling and anti-discrimination policies. Ensure that all employees and managers are well-informed of these internal policies and processes.
- **Train and educate those who make and communicate decisions:** Provide practical guidelines and training to HR personnel and people managers to aid them in identifying and preventing workplace discrimination and in handling complaints properly.
- **Handle complaints with care:** Ensure that complaints of workplace discrimination are properly investigated, handled with care and not brushed aside, which would help avoid unnecessary escalations of such disputes.
- **Seek localised advice:** Seek local employment advice to ensure that jurisdiction-specific legal, regulatory and cultural factors are adequately considered before employment decisions are made.

CONTACTS



Kelvin Tan
Director, Dispute Resolution
Co-head, Employment Practice
Drew & Napier LLC
T +65 6531 2526
E kelvin.tan@drewnapier.com



Benjamin Gaw
Director, Corporate & M&A
Co-head, Employment Practice
Drew & Napier LLC
T +65 6531 2393
E benjamin.gaw@drewnapier.com



Rudy Andreas Sitorus
Partner
Dispute Resolution, Employment
Makarim & Taira S.
T + 6221 5080 8300
E rudy.sitorus@makarim.com



Suganthi Singam
Partner, Head, Immigration
Employment & Administrative Law
Shearn Delamore & Co.
T +603 2027 2829
E suganthi@shearndelamore.com



Reynaldo T. Dizon
Partner, Head, Labor and Employment
Practice Group
Martinez Vergara & Gonzalez Sociedad
T +63 2 8687 1195
E reynaldo.dizon@mvglaw.com



Pimvimol (June) Vipamaneerut
Partner
Tilleke & Gibbins (Thailand)
T +66 2056 5588
E june.v@tilleke.com



Sarah Galeski
Counsel
Tilleke & Gibbins (Vietnam)
T +84 28 628 45671
E sarah.g@tilleke.com

Drew & Napier LLC
10 Collyer Quay
#10-01 Ocean Financial Centre
Singapore 049315
E mail@drewnapier.com

 **DREW & NAPIER**

Makarim & Taira S.
Summitmas I, 16th & 17th floors
Jl. Jend. Sudirman Kav. 61-62
Jakarta 12190
E info@makarim.com

MAKARIM & TAIRA S.
COUNSELLORS AT LAW

Shearn Delamore & Co.
7th Floor, Wisma Hamzah-Kwong Hing
No.1, Leboh Ampang
Kuala Lumpur 50100
E info@shearndelamore.com

Shearn Delamore & Co.

Martinez Vergara & Gonzalez Sociedad
33rd Floor, The Orient Square
F. Ortigas Jr. Rd., Ortigas Center, Pasig City,
Metro Manila 1600
E info@mvglaw.com



MARTINEZ VERGARA &
GONZALEZ SOCIEDAD

Tilleke & Gibbins
Supalai Grand Tower, 26th Floor, 1011 Rama 3
Road, Chongnosi, Yannawa,
Bangkok 10120
E bangkok@tilleke.com

**Tilleke
& Gibbins**

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