TRIPARTITE ADVISORY ON ENSURING SUSTAINABILITY OF THE LANDSCAPE SECTOR IN VIEW OF COVID-19

Introduction

1. This advisory provides recommendations on measures that service buyers and providers should adopt to ensure the sustainability of the landscape sector given COVID-19.

2. The first advisory was introduced on 13 August 2020 at the start of the COVID-19 pandemic to help sustain the landscape industry during the circuit breaker period. As Singapore transits to an endemic COVID-19 state, it is timely for an update of the advisory to provide targeted guidance on the revised testing and healthcare protocols.

Crucial to Ensure Sustainability of Landscape Sector

3. The COVID-19 pandemic has resulted in significant disruptions to the demand and supply of landscape services by service buyers and providers respectively, as well as the livelihoods of landscape maintenance employees. Adjustments would have to be made by all stakeholders through close cooperation to ensure the sustainability of the landscape sector, with the support of the Government.

4. Service buyers play a critical role in ensuring the sustainability of service providers and the landscape sector, notwithstanding that landscape is an outsourced service. This includes making reasonable business arrangements that enable service providers to continue to employ their landscape maintenance employees and retain their capabilities during the current COVID-19 situation, so that essential landscape services can be maintained, and fuller services can resume when businesses reopen and the economy recovers.

5. As the COVID-19 situation is likely to be drawn out, unsustainable practices will compromise the ability of service providers to upkeep the maintenance of landscaping in their contracted premises during this crucial period, as well as the service providers' longer-term viability. Such an outcome would be detrimental to service buyers, service providers, landscape maintenance employees, as well as the general public.

Recommendations

6. **Reprioritise and reallocate landscape needs**. For contracts affected by the current COVID-19 situation, service buyers should exercise flexibility and work with providers to review landscape needs and come to an agreement to focus landscape maintenance work on higher priority areas, while reducing the intensity and/or frequency of landscape maintenance work at lower priority areas, with some flexibility when enforcing existing contractual requirements such as required frequency for landscape maintenance work, headcount deployment, and landscape maintenance outcomes. This redistribution can help to manage service providers' and landscape maintenance employees' workloads and maintain them at levels consistent with their

normal scope of duties. If the intensity and/or frequency of landscape maintenance work remains significantly higher even after reprioritisation and reallocation, service buyers should consider exercising their discretion to provide additional payments to service providers and landscape maintenance employees (see also para 9).

7. **Exercise restraint in activating penalty clauses**. There may be unforeseen instances where service providers may not be able to fulfil the contractual expectations due to manpower shortage when employees test positive for COVID-19 and are undergoing home recovery or treatment. In such instances, service buyers should demonstrate understanding towards service providers by exercising restraint in activating liquidated damages contract clauses to penalise service providers, for breaches in contract clauses that are beyond the service providers' control.

8. **Discuss resourcing to adhere to vaccination and testing requirements for landscape maintenance employees reporting to the workplace.** Service buyers and providers should discuss and mutually agree on the shared responsibilities and additional resources needed to adhere to prevailing safe management requirements, e.g. provision of test kits, monitoring the reporting of test results if required.

9. **Pay service providers appropriately**. Service providers should be paid as per contract terms if there is no change in landscape services required. If there is any significant change in landscape services required, service buyers should engage service providers to reach a mutually agreed revision to payments for the landscape services.

10. **Remunerate landscape maintenance employees appropriately**. If there is any significant change in landscape services required, service providers should remunerate their landscape maintenance employees appropriately:

a. For landscape maintenance employees with higher workloads, service providers should consider increasing their wages, and/or providing them with allowances.

b. For landscape maintenance employees with reduced workloads, service providers should refer to the Tripartite Advisory on Managing Excess Manpower and Responsible Retrenchment and render appropriate support to their employees.

11. **Seize the opportunity to upskill workers.** Service providers should consider taking this opportunity to send landscape maintenance employees, particularly those with decreased workloads, for training and upskilling. They can tap on Government support, such as the Workfare Training Support[1] and Enhanced Training Support for SMEs, to help defray training costs as well as receive absentee payroll funding.

[1] Enhanced as the Workfare Skills Support scheme from 1 Jul 2020. www.wsg.gov.sg/programmes-and-initiatives/URL/

12. **Continue to ensure workplace safety and health (WSH) of landscape maintenance employees.** Our landscape maintenance employees face additional exposure and increased workloads. These risk factors reinforce the importance of service buyers and providers ensuring that workplaces are made safe for them, such as the provision of suitable personal protective equipment, and emplacement on relevant WSH training courses. Service buyers and providers should discuss and come to a mutual agreement on the required cost-sharing where applicable. Companies should facilitate vaccination by granting paid time-off to their workers for their vaccination (including vaccination booster shots), and additional paid sick leave (beyond contractual or statutory requirement) in the rare event that they experience a vaccine-related adverse reaction. Special consideration should be given to workers who are certified to be medically ineligible for vaccines under the National Vaccination Programme or are pregnant.

Conclusion

13. The COVID-19 pandemic is a difficult period for both service buyers and providers, as well as landscape maintenance employees. All stakeholders should share the responsibilities arising from changes in landscape services required. The tripartite partners call on all stakeholders to work together, to review and reprioritise landscape needs, as well as explore voluntary renegotiation of contracts or payments for variations in the intensity and/or frequency of landscape maintenance work. Landscape maintenance employees should be appropriately recognised and remunerated for any increased workload and risks they shoulder. The tripartite partners also urged all service buyers and providers, and landscape maintenance employees to adhere to the Safe Management Measures to mitigate the risk of widespread COVID-19 transmission that may disrupt the landscape business operations and manpower resources. This will ensure the sustainability of the landscape sector and the upkeep of our greenery during this COVID-19 pandemic.

14. For further queries, please contact:

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This tripartite advisory is issued by the National Parks Board, Ministry of Manpower, National Trades Union Congress, Singapore National Employers Federation, Landscape Industry Association (LIAS), and Tripartite Cluster for Landscape Industry.