88/2020

CCS Insights: Retrenchment 30 – The Difference between Voluntary and Involuntary Separation

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The Difference between Voluntary and Involuntary Termination

When it comes to voluntary and involuntary termination of employment contracts, everyone may get a bit muddy; especially we tend to use incorrect definitions when talking about terminations in everyday language.

In fact, there is still a huge difference between voluntary and involuntary termination.

Voluntary termination of an employment contract means that someone leaves the job on their own accord, while involuntary termination of an employment contract means that someone has no choice in this matter. This means that in this type of layoffs, employees have no control over the decision to retrench.

Involuntary Separation

Although the retrenchment planning is entirely determined by the employer, the employer has no free right to choose who is to be retrenched.

There are certain important principles that need to be observed by employers in retrenching the redundant employees. These principles are important in ensuring that proper retrenchment has been carried out, thus protecting the employees from wrongful retrenchment.

In the case of involuntary termination of employment contracts, the selected employees should be given sufficient time before retrenching them and when compensation is given to them, must also comply with legal requirements.

自愿与非自愿解除雇佣合约的区别

当涉及自愿与非自愿解除雇佣合约时，大家可能会变得有些混淆，尤其是在日常谈论解除合约的语言中，我们会不知不觉使用错误的词句。

其实，自愿解除和非自愿解除之间还是存在巨大差异。

自愿终止雇佣合约是指某人自行离职，而非自愿终止雇佣合约指的是某人在此事上别无选择。这意味着在这类型的裁员中，员工是没有掌控权的。

非自愿解除雇佣合约

裁员计划虽然完全由雇主决定，但是雇主却没有自由的权利去选择要裁员那些员工，因为雇主在裁员时必须遵守某些重要原则。

而这些原则之所以重要是因为它确保裁员的执行是适当的，避免员工遭受不当的裁员。

在非自愿解除雇佣合约的情况下，应事先给予雇员合足够的通知时间，针对裁员补偿，也要符合法律要求。

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