

CCS Insights:

Retrenchment 49 – If being retrenched, you need to pay attention to these aspects

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如果被裁员了，你需要注意这些方面：

1. 公司在展开任何裁员活动的 30 天前，需要通过提交表格 PK 知会劳工部。

同时也需要给予员工适当的通知，倘若雇主想在通知期限届满前提前终止雇佣合约，那么他是需要支付**工资以替代通知**

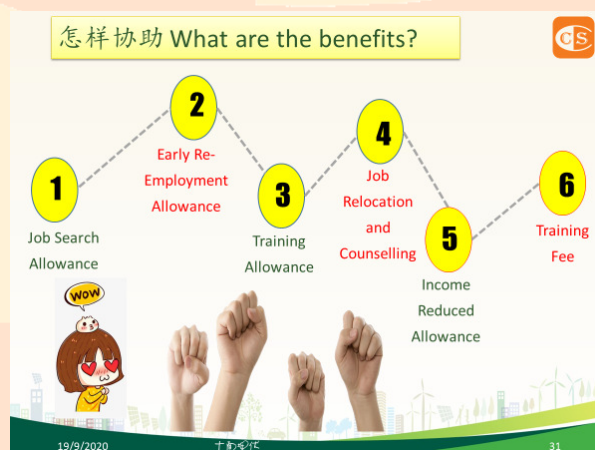
2. 裁员补偿金的计算标准，应按被裁员工之前 12 个月的平均工资性收入计算，包括：基本工资、佣金、津贴等，而非只是基本工资而已 [可千万别傻傻的被 HR 忽悠了]。

裁员福利必须在员工服务的最后一天或之前支付。

3. 要让用人单位给你办**退工手续**，这点很多人没有意识到其重要性。千万要分清楚，**退工手续**不是离职证明。

已被裁的员工，在社会保险机构 (SOCSSO) 的失业保险计划【EIS】下，可以享有长达六个月的临时财务援助；而**退工手续**是证明文件。

这些年你缴纳的失业保险就是这个时候派上用场，但是假设你没有任何被公司裁员的证明文件，你就很大可能领不到这些援助金了。



4. 不要轻易签署公司人力资源部门的文件、协议、表格等。

处于被裁员敏感期，如果你不想放弃诉讼的权利，对每一份需要签署自己姓名的文件或协议都要千万谨慎。

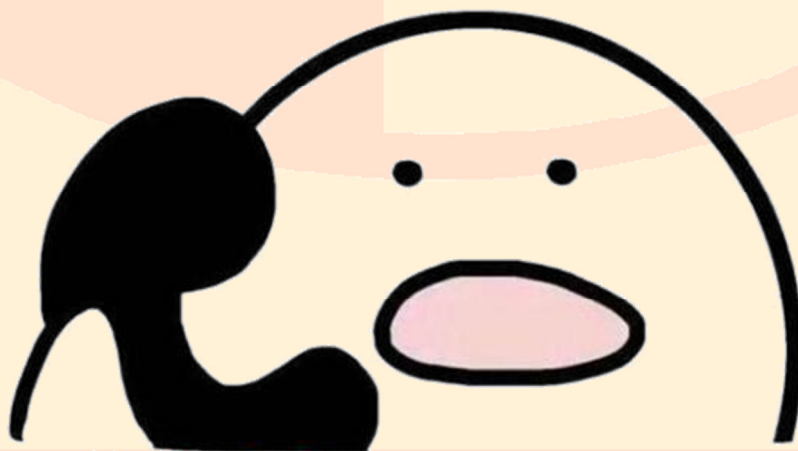
如果无法避免，非要签署的话，可以选择另外用手写在公司所提供的格式文本上。

5. 在裁员期间，千万不要轻易提出“辞职”之类的报告或者邮件。

你不会傻到和钱过不去吧？

这个特殊时期如果你提了辞职，可能马上会被当做“辞职”处理，你将不能享受关于裁员的一切保护性措施。

除此之外，可能有些企业在裁员过程中，要求劳动者在辞职书上签字（甚至单独从辞职书中拿出一页要你签字），目的就是为了逃避相关的法律义务和责任，坏得很，千万要睁大眼睛看清楚了。



我信你个鬼！

你这个糟老头子，坏得很！

If being retrenched, you need to pay attention to these aspects:

- 1) The Company needs to notify the Labour Department by submitting Form PK 30 days prior to starting any Retrenchment Exercise.

At the same time, employees are entitled to Notice. Employer has to consider whether to allow employees to work out the notice period or whether to pay them *wages in lieu of notice*.

- 2) The standard formula of Retrenchment Benefits should be calculated based on the average total wages earned by the employees in the previous 12 months, this including: basic salary, commission, allowances, etc., not merely basic salary [don't be foolish by HR].

Retrenchment Benefits must be paid no later than the last day of employee's service.

- 3) Ask the employer to complete the **Termination** procedures for you. Many people do not realize the importance of this.

Be sure to distinguish clearly that the **Termination** is not equivalent to resignation.

This **Termination** procedure is a precondition for employees who are retrenched or have had some form of loss of income, to receive temporary financial assistance for up to six months under Employee Insurance Scheme (EIS) by SOCSO.

The unemployment insurance you have paid in these years is used at this time, but you may not be able to get it without a legal certificate.

- 4) Do not simply [or blindly] sign documents, agreements, forms, etc. of the company's human resources department I.

In this sensitive period of being retrenched, if you don't want to give up the right to litigate, you must be very cautious about every document or agreement that needs to be signed with your own name.

If it is unavoidable, and you have to sign, you can choose to write it by hand on the format provided by the company.

- 5) During the Retrenchment Exercise, do not easily submit reports or emails such as "resignation".

You won't be so stupid that you can't live with money, will you?

If you mention your resignation during this special period, you may be treated as a "resignation" immediately, and you may not be able to enjoy all the protective measures for retrenchment.

In addition, in the process of Retrenchment, some companies may require employees to sign their resignations (or even take out a page from the resignation for your signature).

The purpose is to evade related legal obligations and responsibilities. Please open your eyes to see clearly.



**For further consultation, please
contact:**

Chin Chee Seng

Partner

+6012 365 4331

cschin@ccs-co.com

Jared Low

Assurance Manager

+6018 763 4813

jared@ccs-co.com

Wong Woei Teng

Audit Manager

+6017 237 8233

woeiteng@ccs-co.com

Vivian Lim

HR Manager

+6012 618 6220

vivian@ccs-co.com

Yap Huey Shan

Assistant Audit Manager

+6012 369 7222

hueyshan@ccs-co.com

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