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2023 Asia Pacific Employers' Forum

The Future World of Work: Mitigating Risks and Responding to Change



3 Restructuring in the Asia Pacific region

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Agenda

- A** Redundancy landscape in Asia Pacific

- B** Problem areas and increase in claims by affected employees

- C** Moving talent

- D** Developing exit programs





A Redundancy Landscape in Asia Pacific

Redundancy landscape in Asia Pacific

Selection for redundancy



When determining which employees will be selected for redundancy, does an employer have to establish set criteria?



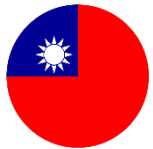
In the Philippines, is there a requirement to use certain criteria when selecting employees to be dismissed due to redundancy?

Redundancy landscape in Asia Pacific

Rationale and approval



Do labor authorities need to grant approval before a company may implement mass lay-offs in mainland China? What role does the government play in mass lay-offs in China?



Is it easy to make employees redundant in Taiwan based on business contraction or corporate restructuring? What are the major hurdles?

Redundancy landscape in Asia Pacific

New legislation



In Malaysia, amendments have been introduced to the Employment Act which took effect on 1 January 2023. How does the amended Employment Act affect the entitlements and selection of employees in redundancies?



The new Labor Code in Vietnam provides some new regulations which impact the redundancy process. Could you summarize what they are?

Redundancy landscape in Asia Pacific

Minimising risk



In Thailand, what are the main things to look out for in a redundancy case?



What challenges do you typically see when working on a redundancy project in Japan?



B Problem areas and increase in claims by affected employees

Problem areas/increase in claims

Careful planning



In Hong Kong, are any issues becoming increasingly challenging for employers when managing redundancies or other exit programs?



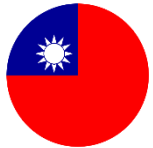
What particular issues do employers need to plan for in mainland China aside from complying with legal requirements?

Problem areas/increase in claims

Dispute resolution



Malaysia is a jurisdiction where it's relatively easy for employees to file unfair dismissal claims. What alternatives or options are open to employers to minimize risks of such claims in redundancies?



What are your observations on recent trends and outcomes when courts have handled wrongful termination lawsuits in Taiwan?



C Moving talent

Moving talent



Moving talent

Hiring considerations



In the Philippines, will the hiring of an equivalent or similar position by another affiliated entity based in another country affect the validity of the redundancy termination?



Can a foreign entity have individuals employed in Indonesia through a PEO? What are the risks and if so, how can companies mitigate such risks?

Moving talent

Hiring considerations



Given that Singapore is a hub for SEA, how would you advise clients who intend to use their Singapore entity to hire employees directly in neighboring countries?



What common challenges do employers in Thailand face when they want to move someone who is based abroad to come and work for them in Thailand?

Moving talent

Transfer of employment



In Australia, is there a standard employment offer which must be met when an employer is seeking to transfer employees to a related entity?



In most jurisdictions transfer of employment is carried out by way of termination and rehire, but in Singapore it is different given that there is TUPE like legislation in place. Could you please elaborate more on this and advise on managing this process?

Moving talent

Key considerations for businesses



Talent mobility is one of the key aspects of the Greater Bay Area initiative – what are some of the key considerations for businesses looking at this?



D Developing exit programs

Developing exit programs

Strategies



What are the key things an employer needs to consider when designing an exit program to help facilitate an employee resignation and settlement?



Considering the complex formal termination process in Indonesia, should a company put a termination policy in place so that if there is a need to terminate employees, the company can simply follow that policy?

Developing exit programs

Strategies



What would be the best strategy to manage a redundancy in Vietnam?



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