

# Handling Employment Disputes, Termination and Dismissal for Singapore



## Faculty Directors



**Desmond Wee**

Equity Partner  
Rajah & Tann LLP



**Terence Quek**

Partner, Corporate & Capital Markets Practice  
Rajah & Tann LLP



**Luo Qinghui**

Partner, Commercial Litigation Practice  
Rajah & Tann LLP

# Handling Employment Disputes, Termination and Dismissal for Singapore

## FACULTY DIRECTORS



### **Desmond Wee**

Equity Partner  
**Rajah & Tann LLP**

Desmond is a Partner in Rajah & Tann LLP's Corporate and Commercial Practice Group with expertise in Employment and Labor, General Corporate matters, mergers and acquisitions and corporate restructurings.

Desmond is also the head of the non-contentious practice in the Firm's Employment and Executive Compensation Practice Group. This group has one of the largest team of lawyers in Singapore within a specialized practice grouping arrangement and is recognized as a ranked practice by *The Legal 500*.

Desmond's experience in this area includes advising on: structuring of employment terms, crafting of employment policies and guidelines, restructuring and retrenchment advice, employee compensation/performance plans and other forms of executive compensation, labor issues arising from mergers and acquisitions, statutory and compliance requirements; amongst others.

Desmond has 17 years of legal practice experience, having been a general commercial litigator as well as the regional legal counsel of a Hong Kong Stock Exchange publicly listed company before joining Rajah & Tann's corporate practice.

Desmond graduated from the University of Nottingham in 1994 and is called to the Bar of England and Wales. He is also admitted as an Advocate and Solicitor of the Supreme Court of Singapore. He has written several employment related articles.



### **Terence Quek**

Partner, Corporate & Capital Markets Practice  
**Rajah & Tann LLP**

Terence is a Partner in Rajah & Tann's Corporate-Commercial Practice Group. He specializes in employment and industrial relations law, mergers and acquisitions, local and cross-border joint ventures, corporate reorganizations and general commercial law.

Terence regularly advises large multinational corporations and local enterprises such as Mitsubishi Corporation, AXA Insurance, Delaware North, Zurich Insurance, and many more on employment related issues, such as (i) drafting and reviewing employment contracts, employment handbooks and compliance manuals; (ii) advising and conducting internal seminars on confidentiality and restrictive covenants (non-compete and non-solicitation clauses), redundancy exercises, separation agreements for high-level employees, retrenchment benefit claims, recognition of trade unions and negotiations with unions and Section 18A transfers under the Employment Act; (iii) preparing employee share option plans, stock grants and other employee incentive schemes; and (iv) allied issues pertaining to expatriate employees, such as reviewing tenancy agreements and applications for employment passes or permanent residence.

Terence is a member of Singapore Academy of Law and Law Society of Singapore.

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## Luo Qinghui

Partner, Commercial Litigation Practice  
Rajah & Tann LLP

Qinghui is presently a Partner with the Commercial Litigation Practice Group in Rajah & Tann, with a broad based practice in commercial and banking litigation, with an emphasis on shareholders' disputes and employment cases. She has been with the Firm since she was called to the Singapore Bar in 2007.

Qinghui has advised and acted for financial institutions (particularly banks and insurers), public listed companies, as well as both local and foreign companies and MNCs in a variety of matters ranging from banking disputes, employment issues, joint venture disputes, as well as shareholders' disputes (where she has acted for both majority and minority shareholders), spanning both court cases and international and domestic arbitration.

She pursued her LLB degree at the National University of Singapore where she was consistently placed on the Dean's List every year. In 2011, she was selected by the Firm for a secondment to a leading set of barristers' chambers in London, where she spent 8 weeks shadowing and learning from eminent Queen's Counsels, to further hone her skills as a litigator.

Qinghui has also recently been placed on the Supreme Court's Young *Amicus Curiae* Scheme for 2012/2013, a scheme designed to appoint promising young advocates to assist the Singapore courts in cases involving novel or cutting-edge issues of the law. In March 2013, she was appointed as *amicus curiae* under the Scheme to assist on a preliminary issue on the court's jurisdiction to hear a specific case.

She is committed to the pro bono cause, and has been helping out regularly at a legal clinic in Bukit Batok since her graduation from law school. She is also effectively bilingual.

# Handling Employment Disputes, Termination and Dismissal for Singapore

## EXECUTIVE SUMMARY

Program:	Handling Employment Disputes, Termination and Dismissal for Singapore	Early Bird 1 (Register & pay by 2 June 2014):	S\$2,650
		Early Bird 2 (Register & pay by 30 June 2014):	S\$2,850
		Regular Tuition Fee:	S\$2,950
Dates:	21 – 22 July 2014	Group discount of 10% for 2nd participants from the same organization	
Location:	Shangri-La Hotel Singapore	For limited time only by 30 June 2014, registration for 3 participants, the 4th participant will receive a complimentary seat (one discount scheme apply).	

*Note: GST is applicable only to participants from Singapore registered companies. Check your eligibility for 60% Cash Back at IRAS website.*

Program Essence:	This highly interactive two-day program is designed to provide you with an <b>in-depth knowledge on how to handle employment disputes and termination procedures in Singapore</b> . You will <b>discover the recent changes to the employment act and learn policies that should be put in place in order to avoid typical contentious areas</b> . Throughout this course, you will understand <b>acceptable grounds for termination, and the best practices to dismiss employees in Singapore without violating the law</b> . You will also learn <b>how to handle potential disputes arising during the contentious termination process such as compensation and bonuses</b> . Led by lawyers with immaculate track record, they will also teach you <b>how to protect your company's confidential information upon departure of your employees</b> . Throughout the program, you will be involved in several <b>case studies discussions drawn from actual legal cases</b> to maximize the learning benefits and also to help you leave with specific actions steps for resolving current and future challenges. At the end of the program, you will leave this course with the confidence to deal with termination and dismissal process as well as any potential disputes arising.
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## PROGRAM INTRODUCTION

The decision to terminate an employee carries with it the risk of a possible legal challenge. Employers need to be cognizant of possible discrimination claims arising from employment termination. Thus, it is crucial for employers to be aware of the proper legal procedure when terminating employees in Singapore. Failing to adhere to this can put an employer in a vulnerable position and risk being involved in unlawful practices, lawsuits and litigations. This comprehensive two-day executive program is designed to enable delegates to recognize and deal with the risks and benefits of workplace law while avoiding potential disputes and claims.

Designed for HR Professionals, you will gain an **in-depth knowledge on how to handle employment disputes and termination procedures in Singapore**. You will **discover the recent changes to the employment act and learn policies that should be put in place in order to avoid typical contentious areas**. Throughout this course, you will understand **acceptable grounds for termination, and the best practices to dismiss employees in Singapore without violating the law**. You will also learn **how to handle potential disputes arising during the contentious termination process such as compensation and bonuses**. Led by lawyers with immaculate track record, they will also teach you **how to protect your company's confidential information upon departure of your employees**. Throughout the program, you will be involved in several **case studies discussions drawn from actual legal cases** to maximize the learning benefits and also to help you leave with specific actions steps for resolving current and future challenges.

At the end of the program, you will leave this course with the confidence to deal with termination and dismissal process as well as any potential disputes arising.

# Program Details

## WHO WILL BENEFIT THE MOST

This course is designed for all Managers, Directors, and Human Resource Personnel who are involved in Workplace Relations & Compliance, Labor Relations, Organizational Development, Talent & Recruitment, Mediators & Arbitrators of employment law, counseling, discipline, and termination process.

## LEARNING OBJECTIVES

- Learn how to structure appropriate employment policies in your employment agreements to avoid typical areas of contention
- Find out types of acceptable grounds of dismissal, requirements, and entitlements to be in compliant with Singapore's Employment Act
- Identify ways to handle disputes arising during the dismissal process, particularly on bonuses and other compensation
- Understand best practices and strategies in terminating employees in Singapore without violating the employment law
- Learn how to protect your company's important confidential information post termination with restrictive covenants
- Be involved in case studies discussions related to employment termination to maximize your learning

## PROGRAM OUTLINE

### DAY ONE - MORNING

#### Introduction to Employment Law Regime in Singapore

*This topic provides a general overview of employment law in Singapore and discusses the trends and developments that are shaping the legal landscape where employment is concerned.*

#### Recent Amendments to the Employment Act

*In this session, we take a look at the recent changes to the Employment Act, particularly the extension of its provisions to managers and executives, and its impact on employment contracts going forward*

- Application to managers and executives
- Refresher on termination provisions under Part II of the Employment Act
- Redress for "unfair dismissal"
- Mediation by MOM

### DAY ONE - AFTERNOON

#### Management of Employment Policies

*This session will focus on the policies that should be put in place, and general guidelines to think about and address, in order to head off typical areas of contention.*

- Changes to job duties/position
- Bonuses
- Dual employment contracts
- Personal Data Protection Act
- Retrenchment benefits
- Confidentiality
- Termination notices and salary-in-lieu of notice
- Obligations upon termination
- Retirement and re-employment

#### Case Studies Discussion

# Program Outline & Agenda

## DAY TWO - MORNING

### **Termination of the employer-employee relationship**

*This topic examines the different scenarios in which the employer-employee relationship has to come to an end, and outlines best practices and pitfalls to avoid in the termination process so as to minimize the company's potential risk of litigation for wrongful termination.*

- Summary dismissal
- Termination on grounds of misconduct
- Termination on grounds of incompetency/ poor work performance
- Termination due to redundancy/ Retrenchment
- Termination without cause i.e. on a no-fault basis
- Termination on a negotiated basis/ by mutual agreement
- Employee-initiated termination

### **Dispute over payment of bonuses and other forms of remuneration upon termination**

*A common disputed area when the employer-employee relationship comes to an end is the issue of whether bonuses and other forms of remuneration previously promised, such as sign-on fees, share options, stock awards etc, remain payable. This topic discusses what is typically payable or not payable to the employee upon the termination of his/her employment with the company, and provides practical suggestions on how best to manage this potential dispute once termination of the employee is contemplated.*

- Discretionary bonuses vs guaranteed bonuses
- Refund of sign-on fees – whether it is payment-for-loyalty or forfeiture-for-competition
- Share options, stock awards etc – vested?

## DAY TWO - AFTERNOON

### **Post-termination restrictive covenants**

*One major challenge facing the company is how best to protect its business upon the departure of particularly its key employees. This topic discusses commonly utilized post-termination restrictive covenants in employment contracts, and whether and how they can withstand the scrutiny of the court.*

- Non-solicitation clauses
- Non-compete clauses
- Confidentiality clauses
- Garden leave

### **Case Studies Discussion**

## REGISTRATION PAGE

Booking Contact (Approving Manager) Mr/Mrs/Ms: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Department: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Postal Code: \_\_\_\_\_

I would like to receive more information on hotel accommodation using Clariden Global corporate rate.

### Please Register the following participant(s) for this Program:

1st Participant Name (Mr/Mrs/Ms): \_\_\_\_\_  
Job Title: \_\_\_\_\_ Department: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

2nd Participant Name (Mr/Mrs/Ms): \_\_\_\_\_  
Job Title: \_\_\_\_\_ Department: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

3rd Participant Name (Mr/Mrs/Ms): \_\_\_\_\_  
Job Title: \_\_\_\_\_ Department: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

4th Participant Name (Mr/Mrs/Ms): \_\_\_\_\_  
Job Title: \_\_\_\_\_ Department: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

### PROGRAM FEES

- 1<sup>ST</sup> EARLY BIRD FEE: S\$2,650**  
(Registration and payment must be received by 2 June 2014)
- 2<sup>ND</sup> EARLY BIRD FEE: S\$2,850**  
(Registration and payment must be received by 30 June 2014)
- REGULAR FEE: S\$2,950**
- GROUP DISCOUNT:** For 2 registrations from the same company and billing source, the 2nd participant enjoys a 10% discount.

For registrations before 30 June 2014 and for 3 or more participants, the 4th participant will receive a complimentary seat

Note: GST is applicable only to participants from Singapore registered companies.

Important Notice: Payments are required with registration and must be received prior to the Course to guarantee your place.

### PAYMENT METHODS

#### BY CHEQUE / BANK DRAFT :

Made payable to CLARIDEN GLOBAL PTE LTD and mail to: 3 International Business Park, #04-29, Nordic European Centre, Singapore 609927.

#### BY TELEGRAPHIC TRANSFER TO:

Bank Name: **DBS BANK**  
Bank Branch code: **027**  
Bank Address: **6 Shenton Way, DBS Building, Singapore 068809**  
Bank Account No: **027-903583-8**  
Bank Account name: **Clariden Global Pte Ltd**  
SWIFT Code: **DBSSGSG**

Please note that all bank charges are to be borne by participants. Please ensure Clariden Global Pte Ltd receives the full invoiced amount.

Note: Please include invoice number on all payment types and your company's name in your payment instructions for our reference.

#### CREDIT CARD:

To make payment by credit card, please call our client services hotline at +65 6899 5030.

### 4 WAYS TO REGISTER



Email: [admissions@claridenglobal.com](mailto:admissions@claridenglobal.com)



Fax: +65 6567 4328



Call: +65 6899 5030



Website: [www.claridenglobal.com](http://www.claridenglobal.com)

### DATE AND LOCATION

This executive program will be held at:

#### Shangri-La Hotel, Singapore

21 – 22 July 2014  
22 Orange Grove Road,  
Singapore 258350  
Tel : +65 6737 3644  
Fax : +65 6737 3257

Website : <http://www.shangri-la.com/en/property/singapore/shangrila>

The fee for this two-day executive program includes all written materials, lunch and refreshments.

### HOW TO REGISTER AND PAY

An invoice and registration confirmation will be sent within 7 days, please contact us if you have not heard from us within 7 days. Payment can be made by credit card, by bank transfer or by cheque made payable to "Clariden Global Pte Ltd".

**ALL PAYMENTS MUST BE RECEIVED IN ADVANCE OF THE EVENT.**

### ACCOMMODATION

Accommodation is not included in the program fee but you will be entitled to use our corporate rate for your accommodation. Information will be sent along with your registration confirmation.

### ENJOY 60% CASHBACK

Productivity and innovation Credit (PIC) scheme allows registered Singaporean businesses to claim 60% cash back or enjoy 40% tax deduction for training.

For more information, please visit <http://www.claridenglobal.com/pic.php>

### CANCELLATIONS AND SUBSTITUTIONS

Once we have received your booking, the place(s) are confirmed. No refunds will be made for any cancellations, however, program credits of equivalent value only applicable for Clariden Global events will be provided. Credits can only be redeemed for 1 program and is valid for only one (1) year from date of issue.

Substitution with a qualified candidate is allowed by providing at least 5 working days of advance notice to Clariden Global. One time substitution is allowed with no charges. Subsequent substitutions will be charged 10% admin fee.

### ALL CANCELLATIONS MUST BE RECEIVED IN WRITTEN FORM

PLEASE NOTE: Clariden Global Pte Ltd reserves the right to change the content and timing of the programme, the speakers and the date and venue due to reasons beyond their control. If in the unlikely event that the course is cancelled, Clariden Global Pte Ltd will refund the full amount and disclaim any further liability.

ENQUIRIES: If you have any queries about registration or payment please do not hesitate to contact our client services department on +65 6899 5030.

PRIVATE DISCLOSURE STATEMENT: Any information provided by you in relation to this event is being collected by Clariden Global Pte Ltd and will be held in the strictest confidence. It will be added to our database for the primary purpose of providing you with information about future events and services.

Visit us at [www.claridenglobal.com](http://www.claridenglobal.com) for upcoming events

### FOR OFFICIAL USE

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