

职场必备法律知识

Essential legal knowledge for the workplace



What cases can be brought to the Labour Court - 2

哪些案件可以提交到劳工法庭 - 2

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205/2022

CCS Insights

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Employment Act 1955



- Under subsection 14(1):
 - An employer may, on the grounds of misconduct inconsistent with the fulfillment of the express or implied conditions of his service, after due inquiry—
 - a) dismiss without notice the employee;
 - b) downgrade the employee; or
 - c) impose any other lesser punishment as he deems just and fit, and where a punishment of suspension without wages is imposed, it shall not exceed a period of two weeks.



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- Complaints relating to disciplinary action taken against an employee which results in his dismissal, demotion, or other punishment including a suspension without pay.
- If the Labour Court decides that a dismissal of an employee is to be set aside [not on the grounds of misconduct], then the Labour Department will order the employer to pay:
 - Termination Benefits;
 - Wages in Lieu of Notice; and
 - Wages in Lieu of any Annual Leave due to the employee



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- If an employee has been punished with a warning for having committed misconduct or some other punishment that does not involve loss of wages or other payment, the Department of Labour is not authorized to order the employer to withdraw the punishment.
- If an employee files a complaint with the Labour Department about a disciplinary action (such as dismissal, demotion, or any lesser penalty), the complaint must be filed within 60 days from the date on which the decision under section 14 is communicated to him either orally or in writing by his employer.



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1955 年劳工法令



- 根据第14(1)条文：
 - 雇主可在经过适当调查后，以不符合履行其服务的明示或默示条件的不当行为为由
 - a) 在不通知雇员的情况下将其解雇；
 - b) 降低雇员的职级；或
 - c) 施加他认为公正和适当的任何其他较轻的处罚，如果施加停职停薪的处罚，则不得超过两周。

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- 与对雇员采取纪律处分有关，该处分导致雇员被解雇、降级或其他惩罚的投诉
- 如果劳工法庭认为雇员的解雇不是以不当行为为由，那么劳工部将命令雇主支付： -
 - 辞退福利 [Termination Benefits]；
 - 替代通知的工资 [Wages in Lieu of Notice]；以及
 - 替代雇员应得的任何年假的工资 [Wages in Lieu of any Annual Leave]

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- 如果雇员因犯有不当行为而受到警告处罚，或其他一些不涉及工资或其他款项损失的处罚，劳工部无权命令雇主撤销该处罚。
- 如果雇员就纪律处分（如解雇、降级或任何较轻的处罚）向劳工部提出申诉，则必须在雇主向其口头或书面传达第14条规定的决定之日起60天内提出申诉。



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