

江三角·善治·实务讲堂一  
企业裁员（减员）中的风险防控与方案实施

RDL· Key to Employment Law Summit—  
Risk Prevention & Control and Plan Implementation in the  
Course of Layoff

上海：5月28日，深圳：5月21日  
Shanghai/May.28th, Shenzhen/ May.21st,

语言：中文      Language: Chinese

注：深圳课程与上海课程主题一致，但内容、讲师有所不同

**【课程背景】**

众所周知，近几年来，全球经济面临多重挑战，市场竞争日益激烈，企业并购与重组速度逐年加快，业绩的下滑使得越来越多的公司不得不采取节流的办法以缩减费用支出，裁员已经成为企业在短时间内缩减开支，提高经济效益的首选战略之一。2014年以来，受全球经济下行压力加大影响，一轮又一轮的裁员已从大型跨国企业波及到大大小小的内资公司。企业裁员最直接的目的就是有效节约企业运营成本，有利于企业核心竞争力的形成、企业价值创造能力的提升和企业战略目标的实现。同时，有效裁员能实现企业组织结构的优化，化繁为简，进一步明确组织功能，整合内部资源，提升运营效率。

但是近两年来，因为裁员所引起的聚众滋事、集体罢工、游行、示威等紧急事件逐年增多。企业裁员如果不遵循法律，理性操作裁员，裁员的缺陷会凸显无疑，严重时会影响企业的正常经营秩序。

江三角律师事务所总结十多年企业人力资源法律服务的经验，精心筹划“江三角·善治·实务讲堂”一，为您详解经济压力下企业裁员中的风险，并提供控制风险的最优策略。

**【参会对象】**

人事总监、人事经理、公司法务、工会干部及其他高级管理人员。

**【课程目标】**

※通过讲解相关法律法规，针对企业裁员中的风险点提供有效解决方案

※通过剖析典型裁员案例，掌握裁员的方法和技巧

※通过介绍谈判技巧，掌握裁员中与员工谈判的相应对策

**【课程大纲】**

主题一：企业减员增效过程中的风险规避

（一）减员增效模式选择

1、协商解除要点

- 2、情势变更解除特别要求
- 3、经济性裁员基本步骤
- 4、常见模式优劣对比
- 5、其他减员模式介绍
  - (二) 违法解除的法律后果
  - (三) 企业应对策略

**主题二：企业关停并转迁过程中的员工安置实务案例解析**

- (一) A 企业因全球性并购而关闭国内部分工厂的减员案例
- (二) B 企业因经济效益下滑而关闭部分厂区的减员案例
- (三) C 企业因公司组织架构调整而需要裁减部分员工案例
- (四) D 企业因部分业务及支持部门外包而导致减员的案例
- (五) E 企业因连续严重亏损而进行经济性裁员案例

**主题三：裁员解雇谈判方案与说服技巧**

- (一) 谈判可以解决一切
  - 1、用谈判思维重构解雇方案
  - 2、说服的一般规律与在解雇裁员中的运用
  - 3、某公司员工违纪解雇案中的谈判方案制作分析
  
- (二) 裁员过程中蕴藏的群体事件风险
  - 1、裁员过程中员工心理的周期性规律
  - 2、裁员过程中管理层与员工心理的脱节
  - 3、失控是群体事件的根本原因
  
- (三) 群体事件冲突的发生与化解过程
  - 1、冲突发生的一般规律
  - 2、冲突的扩大与化解
  - 3、群体事件的深层次原因
  - 4、乌合之众：群体事件中员工的心理规律
  
- (四) 谈判与说服技巧
  - 1、宣布解雇裁员方案的结构化语言
  - 2、员工消极情绪处理技巧
  - 3、员工激励与促动

**日程 Agenda:**

08:30—09:00	签到 Reception
09:00—10:30	主题一：企业减员增效过程中的风险规避（上）
10:30—10:45	茶歇 Tea Break
10:45—12:00	主题一：企业减员增效过程中的风险规避（下）
12:00—13:30	午餐 Lunch
13:30—15:00	主题二：企业关停并转迁过程中的员工安置实务案例解析
15:00—15:15	茶歇

**Course Background:**

As we all know, in these several years with the burst of the global financial crisis, the global economy faces many challenges, the market competition becomes more stiff day by day, and the companies rush to proceed in M&As and restructuring year by year. The decreasing performance compels more and more companies to adopt measures to reduce their expenses, and mass layoff actions have already become one of the first choices that companies make in order to reduce their costs quickly and enhance their economic performance. After 2014 and the increasing negative impact caused by the slowdown of the global economy, many rounds of mass layoff actions are observed in MNCs affecting also both large and small domestic enterprises.

The most direct objective of the enterprises is to cut their operations costs effectively, in order to enhance their core competencies, increase their innovative capacity and finally meet their strategy goals. At the same time, effective mass layoffs can help companies to achieve an optimum organisational structure, make complex things simple, have clear-cut organisation functions, reform their internal resources, increase the operation rate.

However the last two years, mass layoffs have given birth to annually more and more incidents of unrest, collective strikes, protests, demonstrations and other emergency issues.

River Delta Law Firm has accumulated rich experience of more than ten years in providing legal services for enterprises' HR management, and it has meticulously prepared the 'RDL • Perfecting Management Lecture' in order to explain in details the legal risks of enterprises' mass layoff actions due to economic reasons, and provide you the best control risk strategies.

**Course Objective:**

- ▶ Provide effective solution plans for the legal risks involved in enterprises' mass layoff actions through the illustration of the relevant laws and regulations
- ▶ Master the methods and skills for mass layoff actions through the analysis of typical cases of mass layoffs
- ▶ Master the strategies for negotiating with the employees to be dismissed through the explanation of the negotiation tactics.

**Subject of Participants:**

HR director, HR manager, legal counsel, trade union cadre and other senior management.

**Course Outline****1st Topic: How to prevent the risks when companies reduce their staff to increase their efficiency**

- A. Reduce staff and increase efficiency
  1. The key points in termination after negotiations
  2. Special requests for termination due to changes
3. The basic steps for economic mass layoffs
4. the pros and cons of some common layoff modes

- 5. Introduction to other models for reducing employees
- B. Legal consequences of illegal termination
- C. Counter measures the enterprises can adopt

**2nd Topic: Analysis of cases for employees' arrangement during close down of enterprises, operations' suspension, merger, changes in operations lines and relocation of enterprises**

- 1. Redundancy case of Company A that closed down its factory in China due to its global restructure
- 2. Redundancy case of Company B that closed down part of its factory plants due to slowdown of its turnover
- 3. Case of Company C that needed to reduce its personnel due to organisational restructure
- 4. Case of Company D that proceeded to redundancy because it decided to outsource part of its business and ask for external support
- 5. Economic mass layoff case of Company E due to continuous serious losses

**3rd Topic: Negotiation plans for the termination of employees and persuasion skills techniques**

- A. Everything can be solved through negotiations
  - 1. The use of negotiation methods for the reform of termination schemes
  - 2. The general rules of persuasive skill techniques and their operation during mass layoffs
  - 3. Analysis of a case of a company' s employees who violated the agreements for termination under negotiations
- B. The risks of class actions during mass layoffs
  - 1. The general principles of the periodical psychological changes experienced by employees during mass layoff actions
  - 2. The distinction between the psychology of company' s managers and employees during mass layoff actions
  - 3. The basic reasons of uncontrollable class incidents
- C. The occurrence of collective actions and the solving process
  - 1. The general principles for the occurrence of conflicts
  - 2. The expansion of the conflict and its countermeasures
  - 3. The deep causes for the occurrence of collective actions
  - 4. Sheep without a shepherd: The general principles of the psychology experienced by employees in collective actions
- D. Negotiation and persuasion skills
  - 1. The structure of the language used for the announcement of the redundancy schemes
  - 2. Skills for facing the negative feelings experienced by the employees
  - 3. Employees' encouragement and motivation

**【讲师介绍】**

沈骏---江三角律师事务所副主任，高级合伙人

上海市律师协会劳动法委员会委员，上海市劳动争议仲裁委员会兼职仲裁员。

江三角律师事务所劳动法大客户及项目团队负责人，《劳动法苑》期刊“律师手记”专栏撰

稿人。

沈骏律师全面主持江三角律师事务所劳动法律师团队工作，指导仲裁及诉讼代理等各项工作，并常年服务世界五百强企业。

近年来，沈骏律师带领大客户及项目团队参与企业改制、破产重组、解散过程中员工安置方案的策划和实施工作，积累了包括企业架构调整、经济性裁员等在内的大量有关安置工作的司法实践经验，其所带领团队曾多次承担包括世界五百强在内的企业重组项目，具有丰富的群体性争议处置经验。团队常年服务的企业客户包括：飞利浦、西门子、诺基亚、安永、苏格兰皇家银行、汇丰银行、花旗银行、法兴银行、三井住友银行、家得宝、应用材料、江森自控等。

#### 徐元冠--上海江三角律师事务所资深律师

徐律师曾在国有房地产企业长期从事人力资源管理和法务工作，在企业人力资源管理和劳动法律关系实务方面有着丰富经验。

在加盟江三角律师事务所后，徐律师致力于各类劳动法律诉讼与非讼案件的实务与研究，在代理仲裁及诉讼案件的同时，注重对劳动法、劳动合同法及民商事法律的研究，结合自身丰富的实务经验，数次全程参与大中型企业改制、搬迁、重组过程中员工安置或减员增效方案的制定及实施工作。

#### 王冰--江三角律师事务所资深律师

王冰律师从 1994 年开始从事律师至今，担任过多家公司法律顾问，具有丰富的法律实践经验，对法律和公司管理及心理谈判的结合有深刻的见解，对公司法律风险管理具有深入研究，专业领域主要包括知识产权法、公司法、劳动法和合同法。

#### 收费标准 Charging standard

Standard Fee/person 1 人参会费用	3000 RMB/位
Standard Fee/person 2 人参会费用	2800 RMB/位

备注：全天会议包含上、下午茶歇及午餐

Note: All-day meeting covers morning and afternoon tea break, and lunch.

报名注册请填写以下信息

Please help me fill out following information for registration:

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[公司地址] Address	
[邮政编码] Zip Code	
[参会人姓名] Name	
[职位] Position	
[电话] Phone	
[邮箱] Email	
[手机] Mobile	

#### 2nd DELEGATE

[公司名称] Company Name	
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[公司地址] Address	
[邮政编码] Zip Code	
[参会人姓名] Name	
[职位] Position	
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