

簽署勞動契約應注意事項



- 簽署勞動契約前，移工可以跟雇主協商對自己有利的工作與薪資內容，閱讀完勞動契約、沒有疑慮，且雙方都同意後才簽定
- 在簽署勞動契約或開始工作之後，移工如發現勞動契約或工作有疑似不合法或不合理的約定，都可以向1955專線、勞政單位或法院尋求協助或救濟，不受任何限制

**勞動契約如有下列不合理之約定、要求，
移工可以及時向1955專線尋求協助**



雇主提前終止契約，沒有提早告知且沒有給予資遣費



雇主要求移工不得提前終止合約，但是卻未給予合理補償



雇主要求放棄申訴及訴訟的權利



● 本項措施符合就業安定基金用途

Points of note when signing a labor contract



- Before signing a labor contract, foreign workers should negotiate with their employer for favorable work conditions and salary. The contract should only be signed after both parties have read it, have no misgivings and reach mutual agreement.
- If after signing a labor contract or starting work, a foreign worker finds the contract or related work to contain suspected illegal or unreasonable terms, they can seek help or relief through the 1995 Hotline, labor authorities, or the courts — without restriction.

If the labor contract contains the following unreasonable terms or demands, foreign workers should immediately seek help from the 1995 Hotline:

- X** The employer can terminate the contract early without prior notification or providing severance pay.
- X** The employer can prohibit the foreign worker from terminating the contract early but does not provide reasonable compensation.
- X** The employer can demand the worker gives up the right to file a complaint or a lawsuit.



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Hal-hal yang Perlu Diperhatikan Saat Menandatangani Kontrak Kerja

- Sebelum menandatangani kontrak kerja, pekerja migran dapat bernegosiasi dengan pemberi kerja mengenai kondisi kerja dan isi gaji yang menguntungkan bagi dirinya. Baca kontrak kerja sampai selesai, pastikan tidak ada hal yang meragukan, dan tandatangani setelah kedua belah pihak setuju.
- Setelah menandatangani kontrak kerja atau mulai bekerja, jika pekerja migran menemukan ketentuan yang diduga tidak sah atau tidak wajar dalam kontrak kerja atau pekerjaannya, maka dapat mencari bantuan atau penyelesaian melalui hotline 1955, instansi ketenagakerjaan, atau pengadilan tanpa ada batasan apa pun.

Jika kontrak kerja memiliki ketentuan atau permintaan yang tidak wajar seperti berikut ini, pekerja migran dapat segera mencari bantuan melalui hotline 1955

X Pemberi kerja mengakhiri kontrak lebih awal tanpa pemberitahuan sebelumnya dan tidak memberikan pesangon

X Pemberi kerja melarang pekerja migran mengakhiri kontrak lebih awal, tetapi tidak memberikan kompensasi yang wajar

X Pemberi kerja meminta pekerja untuk melepaskan hak mengajukan keluhan dan tuntutan hukum



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Những điều cần lưu ý khi ký hợp đồng lao động

- Trước khi ký hợp đồng lao động, người lao động nhập cư có thể thương lượng với người sử dụng lao động về nội dung công việc và mức lương có lợi cho mình. Sau khi đọc kỹ, không còn thắc mắc gì nữa và cả hai bên đều đồng ý, lúc đó mới ký tên.
- Sau khi ký hợp đồng lao động hoặc bắt đầu làm việc, nếu phát hiện bất kỳ điều khoản nào trong hợp đồng lao động hoặc công việc nghi ngờ là bất hợp pháp hoặc thỏa thuận vô lý, đều có thể tìm kiếm sự hỗ trợ hoặc cứu trợ từ đường dây nóng 1955, cơ quan lao động hoặc tòa án.

Nếu hợp đồng lao động có những thỏa thuận hoặc yêu cầu vô lý sau đây, người lao động có thể lập tức tìm kiếm sự hỗ trợ thông qua đường dây nóng 1955

- ✗ Người sử dụng lao động chấm dứt hợp đồng trước thời hạn mà không báo trước và không trả trợ cấp thôi việc.
- ✗ Người sử dụng lao động yêu cầu người lao động nhập cư không được chấm dứt hợp đồng trước thời hạn, nhưng không cung cấp chế độ bồi thường hợp lý.
- ✗ Người sử dụng lao động yêu cầu từ bỏ quyền khiếu nại và khởi kiện.



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ข้อควรระวังในการเซ็นสัญญาจ้าง



- ก่อนเซ็นสัญญาจ้าง แรงงานต่างชาติสามารถเจรจากับนายจ้างเกี่ยวกับรายละเอียดของงานและค่าจ้างที่เป็นประโยชน์ต่อตนเองได้ หลังจากอ่านสัญญาจ้างจนเข้าใจและไม่มีข้อสงสัย เมื่อทั้งสองฝ่ายเห็นพ้องต้องกันแล้วจึงค่อยลงนามในสัญญา
- หลังจากเซ็นสัญญาจ้างหรือเริ่มทำงานแล้ว หากแรงงานต่างชาติพบว่าสัญญาจ้างหรือการทำงานมีข้อกำหนดที่น่าสงสัยว่าไม่ชอบด้วยกฎหมายหรือไม่สมเหตุผล สามารถขอความช่วยเหลือหรือขอรับการเยียวยาจากสายด่วน 1955 หน่วยงานด้านแรงงานหรือศาลได้ โดยไม่มีข้อจำกัดใดๆ

หากในสัญญาจ้างมีข้อกำหนดหรือข้อเรียกร้องที่ไม่สมเหตุสมผล ตามที่ระบุไว้ด้านล่าง แรงงานต่างชาติสามารถขอความช่วยเหลือจากสายด่วน 1955 ได้ทันที



นายจ้างยกเลิกสัญญาก่อนกำหนด โดยไม่แจ้งล่วงหน้าและไม่จ่ายค่าชดเชยการเลิกจ้าง



นายจ้างห้ามไม่ให้แรงงานต่างชาติดำเนินการยกเลิกสัญญาก่อนกำหนด แต่กลับไม่ให้ค่าชดเชยที่เหมาะสม



นายจ้างเรียกร้องให้แรงงานต่างชาติสละสิทธิ์ในการร้องเรียนและฟ้องร้อง



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Mga Paalala sa Pagpirma ng Kontrata sa Trabaho

- Bago pumirma ng kontrata sa trabaho, maaaring makipag-usap ang migranteng manggagawa sa amo upang pag-usapan ang mga kondisyon ng trabaho at sahod na pabor sa kanya. Pagkatapos basahin ang kontrata at kung wala nang alinlangan at parehong sang-ayon ang dalawang panig, saka lamang ito dapat lagdaan
- Kapag nakapirma na sa kontrata sa trabaho o nagsimula nang magtrabaho, kung mapansin ng migranteng manggagawa na may mga probisyon sa kontrata o sa trabaho na tila labag sa batas o hindi makatarungan, maaari siyang humingi ng tulong o saklolo sa 1955 hotline, sa ahensya ng paggawa, o sa korte—nang walang anumang hadlang o limitasyon

Kung may hindi makatarungang mga probisyon o hinihingi sa kontrata sa trabaho, maaaring agad na humingi ng tulong ang migranteng manggagawa sa 1955 hotline

X Maagang pinutol ng employer ang kontrata nang walang paunang abiso at hind rin nagbigay ng separation pay

X Ipinagbabawal ng employer sa migranteng manggagawa ang maagang pagwawakas ng kontrata, ngunit hindi naman nagbibigay ng makatarungang kompensasyon

X Ipinag-uutos ng employer sa migranteng manggagawa na isuko ang karapatang magreklamo at magsampa ng kaso



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WORKFORCE DEVELOPMENT AGENCY, MINISTRY OF LABOR

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