

# Preliminary Investigation

## *In Due Inquiry Process*



 **25 October 2024**

 **CeDR Corporate Consulting**

**RM800 / per pax**

**RM760 / per pax for Group Registrations of 3 pax & above.**

• Subject to 8% SST • HRD Corp Claimable



## INTRODUCTION

This course is designed to provide attendees with a comprehensive understanding of the investigation and due inquiry process in the context of Malaysian Labour Laws.

Attendees will learn how to conduct fair and legally compliant investigations, manage disciplinary issues, and ensure due inquiry procedures are followed to protect the rights of both employers and employees.

### WHO SHOULD ATTEND

- Human Resource Managers, Executives, Assistants
- Heads of Department / Line Managers
- Executives / Supervisors / Team Leaders

### PROGRAM OBJECTIVES

**By attending the program, the participants will be able to:**

- Understand the legal framework governing employment investigations and due inquiry processes in Malaysia.
- Learn the steps involved in conducting a fair and thorough investigation, and in compliance with the law.
- Gain insights into the roles and responsibilities of employers and employees during the investigation process, ensuring fairness and integrity in handling workplace issues.
- Document investigation findings effectively.
- Ensure compliance with Malaysian Labour Laws to avoid legal repercussions.



### TRAINER

**Serene Yap** is a Human Resource Trainer and Consultant who has been enthusiastically involved in all aspects of human capital development and management for more than 20 years. Over the years, Serene has developed and conducted many programs, such as Employment Act, Industrial Relations and Domestic Inquiry, Employment Laws compliant HR documentations and procedures, and many more. Her wide breadth of experiences allows her participants to relate better and be able to apply the knowledge and skills to their work, immediately and effectively.

# 1 Employer's and Employee's Rights and Obligations in the Workplace

- ▶ Employer and Employee Dispute management
  - Jabatan Tenaga Kerja
  - Jabatan Perhubungan Perusahaan
- ▶ Do's and Don'ts in Termination of Employment and Disciplinary Management

# 2 Disciplinary Management

- ▶ Understanding the legal basis for workplace investigations and due inquiries
  - Principles of Natural Justice
  - Due inquiry under the Employment Act 1955
- ▶ Permitted Disciplinary Actions and Procedures
  - Counseling
  - Disciplinary Action Report
    - ▶ Report
    - ▶ Evidence
  - Show Cause
  - Warning and other punishment
  - Domestic Inquiry (DI)

# 3 Importance of a Proper Investigation


- ▶ Legal implications of improper investigations
- ▶ Triggers for an investigation
  - Employee's complaint
  - Whistleblower report
  - Misconduct incident
- ▶ Formulating an investigation plan / checklist


# 4 Gathering Evidence and Conducting Interviews

- ▶ Types of evidence
  - Documentary
  - Testimonial
  - Physical
- ▶ Interviewing Witnesses and Accused
  - Techniques and considerations

For further information, please contact CeDR at 03-3344 7310 or [lgrouplearning@cedr.com.my](mailto:lgrouplearning@cedr.com.my)

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