

NAVIGATING EMPLOYMENT LAWS AND INDUSTRIAL RELATIONS

DATE: 22-23 April / 18-19 September 2024
13-14 January 2025

FEE: RM1,100

DURATION: 2 Days

HRD CORP SCHEME:
HRD Corp Claimable Course

PROGRAM OVERVIEW

This course is designed to provide participants with a comprehensive understanding of the legal framework governing the employer-employee relationship, the rights and responsibilities of both parties, and the mechanisms for dispute resolution. The course will cover key aspects of employment law, enabling participants to navigate the complex HR legal landscape and make informed decisions in the workplace.

Upon completion of the course, you will be well-equipped to navigate the intricate landscape of employment laws, ensuring legal compliance, fostering positive workplace relations, and mitigating risks associated with employment-related matters.

You will benefit fully from our real-life case studies and competency activities. Our interactive workshop will ensure that you understand the challenges associated with handling employee's issues, and to effectively apply them in your workplace immediately.

LEARNING OUTCOMES

Upon completion of this program, participants will be able to:

- Navigate and comply to essential Employment Laws and regulations within the context of the latest amendments and updates
- Ensuring compliance with legal requirements and safeguarding the interests of both employer and employees
- Have full knowledge and insights into the dynamics of industrial relations, to navigate dispute resolution mechanisms, ultimately contributing to a harmonious and legally compliant work environment
- Explore the employer's and employee's rights and benefits under the Malaysian employment laws
- Apply theoretical knowledge to practical scenarios and make informed decisions in complex employment situations

METHODOLOGY

- Interactive Presentation
- Practical / Role Play / Video
- Competency Exercises
- Industrial Court Case Studies and Analysis
- Quizzes
- Questions & Answers

WHO SHOULD ATTEND

- Mid/Senior Level Manager
- First Level Manager
- Executive/Supervisory

FACILITATOR

Serene Yap

Serene Yap, a Human Resource Trainer and Consultant has been enthusiastically involved in all aspects of human capital development and management for more than 20 years. Her greatest passion is to share her knowledge and insights to maintaining and increasing the professionalism and competencies of an Organization's Human Assets and to the HR Community. Her hands-on experience in the corporate world has enabled her to impart her knowledge based not only on theory but also based on her own vast working experiences which ensure that your employees are able to relate better and able to apply the knowledge and skills to their work, immediately and effectively.

PROGRAM CONTENT

Module 1

Essential Employment Laws

Employment Laws and Employment Relationships

- Employment Act 1955
- E.A. First Schedule Amendment 2022
 - What or Who is deemed as Manual Labour
 - Rights of Manual and Non-manual
- Industrial Relations Act 1967
- Children and Young Persons (Employment) (Amendment) Act 2019
- Employment of Foreign employees

Dissecting the Employment Contracts

- What forms a Contract
- Contract of Service and Contract for Service
- Employee or Independent Contract
 - Section 101C Employment Act 1955, Amendment 2022
 - Control Test, etc
- Is Director an employee
- Employment Contracts and impact on employment relationships
 - Permanent Contract
 - Fixed-term Contract
 - Transfer
 - Secondment
 - Outsourcing
- Apprenticeship Contract

Employer's Rights and Obligations

- Employer's Prerogative (Industrial Relations Act 1967)
- Employer's implied obligations
- Employee's Implied obligations

Module 2

Employee's Essential Benefits and Rights

Wages

- Wages, Section 2 Employment Act 1955
- Minimum Wages Order
- Calculations of Incomplete month's of work
- Payment of Wages
- Advances and limitations
- Lawful Deductions and limitations
 - Types of lawful deductions
 - Types of unlawful deductions
- Statutory Contributions
 - EPF Act 1991 (KWSP)
 - Socso Act 1969
 - EIS Act 2017 (SIP)

Public Holidays and Rest Days

- Public holiday and Rest day entitlement and payment
- Sick leave on a Public holiday and Rest day

Hours of Work

- Normal Hours of Work
- Overtime limitations
- Overtime Payment and Computations
- Guidelines on performing Solat during working hours
- Employment (Part-time Employees) Regulations 2010
- Flexible Working Arrangement
 - Employee's & Employer's rights

Employee's Leave

- Annual Leave
 - Encashment computation
- No Pay Leave
 - Computation of NPL
- Sick Leave
- Hospitalization Leave

Pregnancy and Maternity Protection

- Restriction on Termination of pregnant employee
- Maternity Leave
 - Paid and Unpaid Maternity leave
- Paternity Leave

Protection against Workplace Harassment

- Prohibition of Forced Labour
- Discrimination in Employment
 - Employer's legal obligations
- Sexual Harassment in the Workplace
 - Employer's legal obligations

Module 3:

Just Cause and Excuse in handling Misconduct, Poor Performance and Termination of Employment

What is Just Cause and Excuse

- Legal Test for Misconduct
- Legal Test for Poor Performance
- Legal Test for Redundancy

Due Inquiry under the Employment Act 1955 and Industrial Relations Act 1967

- Principles of Natural Justice
- Is Suspension necessary ?
- Employment Act 1955, Section 14
 - Termination of Contract for Special reason
 - Suspension
- Permitted Disciplinary Process and Procedures
 - Counselling, Show Cause, Warning
 - Investigations
 - Progressive Discipline

Domestic Inquiry (DI)

- Why need to conduct Domestic Inquiry
- Prepare & Draft Charges and Notice of DI
- Role of Various Parties at An Inquiry
- Domestic Inquiry Process flowchart
- Can DI be conducted online?
- Setting and Seating arrangement and implications
- Meting Out Correct Punishment and Mitigation

Navigating Misconduct

- What is Misconduct
- Establishing the Level of Severity
- Types of Misconduct and Analysing Misconduct
 - Absenteeism
 - Breach of Company policy
 - Conflict of Interest
 - Fighting
 - Fraud
 - Insubordination
 - Sexual Harassment
 - Sleeping on the job

Managing Probationer and Navigating Poor Performance

- Handling Probationer
 - Dismissal of Probationer
- Managing Poor Performance
 - Warning
 - Opportunity to Improve
 - Performance Improvement Plan
 - Failure to Improve
 - Dismissal of Poor Performer

Navigating Termination of Employment

- Minimum Retirement Age Act 2012
- Normal Termination of Employment
- Payment in-lieu of termination notice
- Breach of Contract
- Employment Act 1955, Section 15 (2)
 - Self-termination / Abandonment of employment
- Retrenchment and Redundancy
 - Termination and Layoff Benefits Regulations 1980
 - Code of Conduct for Industrial Harmony
- Force Majeure
- Frustration of Contract
- Medical Board out
- Forced Resignation
- Constructive Dismissal
- Unfair Dismissal / Wrongful Dismissal

Module 4

Navigating Employment Disputes

Employment Courts in Malaysia

- Remedies for Employment Disputes

Jurisdiction of Labour Department and Labour Court

- Jurisdiction of Jabatan Tenaga Kerja
- Penalty for Employment offences (Amendment 2022)
- Power of the Director General of Labour
- Power of the Labour Court (Amendment 2022)

Jurisdiction of Industrial Relations Department and Industrial Court

- Jurisdiction of Jabatan Perhubungan Perusahaan
- Power of the Director General of IRD
- Functions of the Industrial Court
- Unfair Dismissal claims in the Industrial Court
 - Section 20 of the IRA
 - Remedies
- Industrial Relations (Amendment) Act 2020
- Representation in Court
- If the Claimant dies
- Appeal or Challenging an Industrial Court Award

PROGRAM SCHEDULE

Day 1

9:00am - 10:30am	:	Session 1
10:30am - 10:45am	:	Coffee Break
10:45am - 1:00pm	:	Session 1 (<i>Continue</i>)
1:00pm - 2:00pm	:	Lunch
2:00pm - 3:30pm	:	Session 2
3:30pm - 3:45pm	:	Coffee Break
3:45pm - 5:30pm	:	Session 2 (<i>Continue</i>)
		End of the day

Day 2

9:00am - 10:30am	:	Session 3
10:30am - 10:45am	:	Coffee Break
10:45am - 1:00pm	:	Session 3 (<i>Continue</i>)
1:00pm - 2:00pm	:	Lunch
2:00pm - 3:30pm	:	Session 4
3:30pm - 3:45pm	:	Coffee Break
3:45pm - 5:30pm	:	Session 4 (<i>Continue</i>)
		End of the day