MANAGING DISCIPLINE AT THE WORKPLACE

Understanding The EMPLOYMENT ACT 1955 & Applying INDUSTRIAL RELATIONS Acts

Know the Legal Rights, Protections, Obligations & Limitations of Employers

OVERVIEW

Running a business in Malaysia will require you to have a clear understanding of the Malaysian Employment Law and Industrial Relations practice. It is an invaluable tool to help protect your rights and obligation as both an employer and employee. Have poor understanding about these laws and practices may lead to a lack of harmony, negative work environment, low morale and productivity and worse, taken to the Industrial courts and face penalties. So be equipped with the knowledge to help you run your businesses smoothly.

YOU WANT TO ATTEND THIS COURSE BECAUSE

At the end of the programme, participants are able to:
- Understand the main provisions of the Employment Act 1955 and specific sections of Industrial Relations Act
- Make legally binding contracts of employment
- Use the right formula for work on rest days, public holidays and OT
- Use the right formula for calculating prorated salary for unpaid leave, joining during the month, leaving before the end of the month
- Administer leave benefits correctly including unutilized leave
- Handle problems related to sick leave
- Handle problems and challenges related to maternity leave
- Handle various types of disciplinary problems commonly found in organizations
- Manage problem with probationers
- Manage problems related to termination of employees due to various reasons
- Understand what to do in cases of dismissals
- Understand the various other legal issues in organisations for better employee handling

SUITABLE FOR

HR Managers / Executives/ Assistants
Production Managers / Executives
Purchasing Managers / Executives
Accounts and Finance Managers / Executives
Administration Managers / Executive
Office Managers / Executives
Operations Managers / Executives
Services Managers / Executives
Sales and Marketing Manager
Secretaries/ Personal Assistants

COURSE OUTLINE

Day 1: Employer Employee Relationship

Module 1: Employment Contracts
- Types of contracts
- Differences between Contract of service and Contract for service
- What should be included in contracts
- What documents form the basis of contracts?
- Master – Servant Relationship
- Legal Registers

Module 2: Working Hours and Days and Overtime
- Normal working hours, 6 or 5-day weeks?
- Overtime Rates, Duty Roster
Module 3: Rest Days and Overtime (OT)
- Rest Days entitlement
- Calculation of payment rates for 2 rest days per week
- Can rest days be replaced?

Module 4: Public Holidays and Overtime (OT)
- Public holidays entitlement
- Payment rates if PH falls on Rest Day
- Rate for work in excess of normal hours on OT
- Absenteeism before and / or after PH

Module 5: Annual Leave
- Annual Leave entitlement
- Carry forward of annual leave
- Forfeiture of unutilized annual leave
- Annual leave entitlement for terminated employee
- Handling the problem of unutilized annual leave on termination

Module 6: Sick Leave
- Hospitalization & Non-hospitalization Leave entitlement
- Prolonged illness leave
- Time limit to inform employer of sick leave
- What action can employer take if employee does not inform of sick leave within the time limit?
- MC from non-panel doctors
- Termination / Dismissal of employee while on sick leave
- Medically Boarding Out

Module 7: Maternity Protection
- Number of days of Maternity Leave entitlement
- Obligations of employer to pay maternity allowance to ex-employees under certain conditions
- Calculation of maternity allowance for deceased employees
- Conditions for Maternity Allowance
- Dismissals before, during and after maternity leave
- Can an employee be forced to go on maternity leave before confinement date?
- Legal Register

Module 8: Wages & Salaries
- Limit on deductions
- How to recover monies owed by employee
- Limit of salary advance for any purpose
- Procedure for giving staff loans
- How to recover for overpayment of salaries
- Legalities involved in paying by cheque or crediting the bank
- Registers

Day 2: Overview of Industrial Relationship Act 1967
Understand the meaning of 'strike', 'lock-out', 'collective agreement', 'collective bargaining' and 'essential services',
Industrial Court of Malaysia

Misconduct in Employment
Module 9: Definition of Misconduct
- Negligence and insubordination
Aggravation of Misconduct
Provocation of Misconduct
Criminal Misconduct
Module 10: Suspension of Employees
- Suspension period
- Situation for suspension
- Limit on suspension period
- The different payment rates during suspension

Module 11: Disciplinary action
- Types of disciplinary action
- The legal need for Domestic Inquiry
- The Code of Conduct for Industrial Harmony

Module 12: Legal Handling of Situations for Disciplinary Action
- Habitual absenteeism, Tardiness
- Habitual late coming / leaving early
- Abuse of MC, Poor performance

Module 13: Unfair Dismissals and Constructive Dismissals
- Time limit for employee to make complaints under Industrial Relations Act 1967
- Who may represent employer for conciliation proceedings?
- Who may represent employer in Industrial Courts?
- Maximum compensation

Module 14: Probationers
- Probation period
- Termination of probationer, Extension of probation
- Non-confirmation of probationer
- Issue of the ‘forgotten’ probationer
- The “deeming” clause for probationers, Disciplinary problems
- Notice period for resignation during probation
- Benefits for probationers

Module 15: Termination: Retrenchment/Lay-off/Downsizing/Relocation of Business/Change of Ownership
- Notice period for Termination / lay-off
- Situations for termination, Situations for giving notice
- Rate of Termination Benefits, Payment date
- LIFO or FIFO, Voluntary Separation Scheme (VSS)

Module 16: Other Legal Issues
- Medically Boarding Out
- Frustration of contracts
- Benefits, expiry and renewal of fixed term contracts, Retirement
- Gratuity payments
- Transfers, Job reallocation
- Reduction of salary, allowances and benefits
- Re-designation of position, Reorganization of company
- Training, Performance management
- The Code of Conduct for Industrial Harmony
- Legal precedents set by Industrial Court Awards

Module 17: Domestic Inquiry Procedure (Practical)
- The Stages of a Domestic Inquiry
  Preliminary Inquiry
  Charge sheet
  Notice of Inquiry
  Inquiry Proper
  Decision of Panel
  -When is a DI necessary and how to handle?
METHODOLOGY
Presentations, *case studies, interactive group discussions, workshops
*Industrial Court Awards and Superior Court Judgements shall from the basis of case Study.

COURSE LEADERS (ONE OF THESE KEY PANEL GST TAX CONSULTANT WILL CONDUCT THE COURSE)

MR SYAMSUL AHMAD
Syamsul has been actively in the field of Training/Learning and Development for more than 15 years. He has trained and developed hundreds of people being an in-house trainer/facilitator in various organisations that he had worked with. He always emphasizes that it is the passion for training and educating people that has ignited him to pursue a career in the training and development. With his over 20 year experiences in the field of Human Resources and Industrial Relations Management, his credentials in the training field were gained over the years with passionate and love for knowledge.

He is known of his ability to incorporate his vast knowledge and industrial experience into his training sessions, enabling participants to relate to the subject matter and benefit the best.

He started his career in the Human Resources and Industrial Relations Management way back in the 90's, for 12 years servicing the National Carrier. He then enhanced his career with couple of Government-Linked companies, LLC as well as rapid growing SMEs.

Passionate in people’s management and development, he became an in-house Licensed Facilitator of the 7 Habits of Highly Effective People. He further marked his journey in establishing an international collaborated Leadership Programme and won for the Company an International Award for the Asian Region.

Syamsul has great experiences to share with, in the human resources and industrial relations management in both unionised or non-unionised environment, as well as Learning & Development and Human Capital/Talent Management.

He also has assisted many HR personnel in an advisory capability for the Malaysian Labour Laws, Training Needs Analysis, Performance Management, Human Resource and Industrial Relations Management, Talent Management, Managing Conflicts, Motivation and etc.

Over time, inspired from the 7 Habits programme, he came out with his own programme : 'Jadi Pro-Aktif, Jadi Positif' which has enlightened many individuals in various levels in the organisation. Syamsul was a national Rugby player and active in outdoor activities and sports.

INVESTMENT
Normal Fee : RM 2590.00 per person
Early Bird fee: RM *1990.00 per person (*Payment 14 days before the course commence)
Group Registration fee: RM 1890.00 per person for a minimum of 3 participants register together.
(Fee inclusive of Buffet Lunch, Refreshment, Training Materials, Certificate of Achievement)
Pricing is excluding GST of 6%.
Consultancy for GST Implementation is also available.

REGISTRATION
Download Registration from: [http://www.itrainingexpert.com/Registration-Form/](http://www.itrainingexpert.com/Registration-Form/)
This Training Programme is SBL Claimable *Subject to PSMB conditions.
We Are An Approved Training Provider Under SBL Scheme With Pembangunan Sumber Manusia Berhad (PSMB/HRDF).
All registrations MUST be accompanied with PAYMENT 14 days after the issuance of invoice or fully paid before the event.