

The employment relationship between the employer and his employees stems from the employment contract or from the contract of service. Therefore, it is imperative for the essential terms to be incorporated in the contract of employment as once the employee has accepted the employment terms, the employer cannot further impose "other terms" unilaterally. With the development of industrial law with the courts creating new rights, there has been an increase in the implied terms that are also read into the contract. A badly drafted employment contract that does not correctly express the intentions of the employer on the essential terms and conditions can give rise to serious consequences for employers.

CONTENTS

DAY 1

Meaning And Law

- *Contract of service v. contract for service*
- *Statutory and Case Laws*

Different Types Of Contracts

- *Permanent, temporary and casual contracts*
- *Fixed term contracts*
- *Agency contracts*

Elements Of A Contract

- *What must be incorporated in the contract of employment*
- *What cannot be incorporated in the contract of employment*
- *How can contracts be changed?*

DAY 2

Breach Of Contract

- *Consequences of a breach by the employer*
- *Consequences of a breach by the employee*

Drafting Contracts For Different Categories

- *Terms and conditions for unskilled workers*
- *Terms and conditions for skilled workers*
- *Terms and conditions for executives and above*

Objectives

At the end of the programme, participants will be able to:

- identify the essential terms and conditions to be incorporated in the contract of employment;
- understand the consequences of not incorporating essential terms in the contract of employment;
- appreciate the importance of an employment contract;
- understand the correct construction of language;
- know the pitfalls to be avoided in drafting a contract; and
- learn how to link the company handbook to the employment contract.

Trainer

Mr Alfred Charles has extensive experience in the area of Industrial Relations and Human Resource Management. Alfred has served as a panel member of the Industrial Court for two terms from 1976/1977 and 1978/1979. During the last 17 years in the private sector, he has handled various types of disciplinary cases and conducted numerous domestic inquiries. He has also served as Honorary Secretary of the Malaysian Institute of Personnel Management from 1992 – 1994. He was the General Manager – Group Human Resources in a public listed company until December 1996. Alfred authored the Malaysian Employers Legal Guide for CCH (Singapore) Pte Ltd. This guide was released to the market in February 2000. He is currently the Contributing Editor for CCH guide entitled "The Hands On Guide HR Manager". He served as the Vice President – Business Advisory of the Malaysian Institute of Human Resource Management from July 2000 to July 2002. Alfred recently authored "A-Z Guide to Employment Practice

Malaysia". This book was released to the market by CCH (Malaysia) in July 2004.

Who Should Attend

Managing Directors, General Managers, Human Resource and Administration managers and all personnel involved in drafting the employment contract for the organisation's employees.

Administrative Details

Date : December 5 – 6, 2011 (Mon - Tue)

Time : 8.30 am – 4.30 pm

Venue: FMM Institute

Level 5 (South), Wisma STA,
No. 26, Jalan Datuk Abang Abdul Rahim
93450 Kuching, Sarawak

Fees : FMM members RM780 per participant
Others RM980 per participant

(Fees include course materials, lunch and refreshments)

Completed registration form with cheque made in favour of **FMM Institute** should be forwarded to FMM Institute before **November 28, 2011.**

Those who register but do not turn up for the programme will be billed accordingly. There will be no refund for cancellation within 2 days prior to the programme, 50% refund for cancellation between 3 - 6 days and full refund for cancellation 7 days prior to the programme. However, replacement will be accepted at no additional cost. FMM-IM reserves the right to cancel or reschedule the programme and all efforts will be taken to inform participants of any changes.

For further enquiries, please contact :
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Training Grant of 100% from PSMB can be applied through SBL Scheme PRIOR to commencement of the programme.