



**FMM Institute**  
Kedah/Perlis Branch

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## “LATEST EMPLOYMENT LAWS UPDATES”

▸ 9:00 am to 5:00pm ▸ 17-18 Dec 2012, Mon-Tue ▸ FMM Institute, Sungai Petani

### INTRODUCTION

Since 2011 many employment laws such as the *Employment Act 1955* and the *Children And Young Persons (Employment) Act 1966* had been amended or new provisions had been introduced. The *Wages Councils Act 1947* is to be repealed and replaced by *National Wages Consultative Council Act 2011*. The *Act* came into force on 23rd September, 2011 as the mechanism for implementing the national minimum wage for workers of private sector with the objective of realizing a new economic model founded on high-income economy and improving the living standards of low income households. By virtue of subsection 23(1) of the *Act*, the *Minimum Wages Order 2012* was gazetted on 16/7/2012, and it will come into effect on 1st of January, 2013. Moreover, the impending *Minimum Retirement Age Bill* may come into force very soon, most probably by next year. It is the paradigm shift in employment and workforce structure as well as our country's economy.

It is important and of the benefits of the employers to comprehend fully the requirements as well as the implication of the new employment laws on the cost of wages, productivity, competitiveness and other related subjects.

This program is specially designed to update the participants regarding the amendments and new provisions of the current employment laws and new employment laws which have been enforced lately or is going to be implemented very soon so that they will be able to strike a balance in implementing the requirements in an orderly manner without jeopardizing productivity and industrial harmony.

### OBJECTIVES

At the end of this program the participants will be able to know the provisions and have the sound knowledge of the **new requirements of the employment laws-**

- for making proper adjustment in accordance with the new requirements under the Employment (Amendment) Act 2012 and the impending statutory minimum retirement age;
- for the readiness on potential wages restructuring to be in line with the implementation of statutory minimum wages,
- to prepare the estimated cost for implementing the Minimum Wages Order 2012; and
- to prepare possible work around and solutions in anticipation of industrial relations challenges from the implementation of the new requirements of the employment laws especially the statutory minimum wages and statutory minimum retirement age.

### WHO SHOULD ATTEND

CEO, Managers, HR Directors/Managers and officers, personnel from accounts department, heads of department, executives and those who are entrusted with the responsibilities of resources planning and strategy.

### CONTENTS

#### Day One

#### Children And Young Persons (Employment) Act 1966 and Children And Young Persons (Employment) (Amendment) Act 2010

1. Definition:
  - a) “child”
  - b) “young person”
  - c) “light work “
2. Employment in which children and young persons may be engaged
3. Hours of work for children
4. Hours of work for young persons.
5. Offence and Penalty

#### Employment Act 1955 and Employment (Amendment) Act 2012

1. Background
2. Scope of the Employment Act 1955
3. Definition of “employee” and other important terms
4. Appeal to Minister
5. Validity of Term or Condition of Contract of Service

6. The Primary Purpose of Employment (Amendment) Act 2012
7. Time of payment of wages
8. Limitation on advances to employees

9. System of paying wages
  - Wages to be paid through bank and
  - Payment of wages other than through bank
10. Priority of wages over other debts
11. Contractors and Principals
12. Information relating to supply of employees
13. Maternity Protection
14. Employment of foreign domestic servant
15. Public Holiday (Malaysia Day)
16. Employment of foreign workers – to furnish information and returns
16. Complaints and Inquiries
17. Sexual Harassment (new)
18. Protection of officers (pegawai JTK)
19. Power to compound offences
20. Penalty and offences

## Day Two

### Minimum Wages Order 2012 and Related Employment Laws

1. Background
  - a) Wages Councils Act 1947
  - b) Wages Regulations Orders:
    - (i) Wages Regulation (Shop Assistants) Order 1970;
    - (ii) Wages Regulation (Catering and Hotel) Order 1967;
    - (iii) Wages Regulation (Cinema Workers) Order 1972;
    - (iv) Wages Regulation (Penang Stevedores and Cargo-handlers) Order 1974; and
    - (v) Wages Councils (Wages Regulation Order) (Statutory Minimum Remuneration of Private Security Guard In Peninsular Malaysia) Order 2011; and
    - (vi) Sarawak has its own minimum wages regulations Orders
  - c) The Decision of The Federal Court on the case of Asia Motor Co. (KL) Sdn. Bhd. v. Ram Raj.....
  - d) ILO Convention No. 131- minimum wages fixing.
  - e) Employment Act 1955 –
    - (i) Definition of “wages”- s. 2.
    - (ii) s. 7B – Removal of doubt in respect of matters not provided for by or under the Employment Act 1955
    - (iii) Jurisdiction of Labour Court under s. 69 (1)(c).
2. Minimum Wage Policy For Private Sector
3. Salient Features of National Wages Consultative Council Act 2011
  - a) Interpretation-
    - (i) “wages”
    - (ii) “minimum wages”
    - (iii) “Contract of service”
  - (iv) “Employer”
  - (v) “Employee”
  - (vi) “Minimum wages order”
4. Minimum Wages Order 2012 – P.U.(A) 214
  - a) Date of commencement
  - b) Scope of Minimum Wages Order 2012
  - c) Non-application of Minimum Wages Order 2012
  - d) Minimum Wages Rates
  - e) Minimum Wages Rates for Probationers
  - f) Negotiation for Restructuring of Wages and Section 7B of the Employment Act 1955
  - g) Revocation and Savings of Wages Orders made under Wages Councils Act 1947
  - h) Lacuna, ambiguity, etc.
5. Implication on the employment of foreign workers
6. Adjustment of wages and Industrial Harmony

### Salient Features of Minimum Retirement Age Bill 2012

1. Scope
2. Exclusion – First Schedule
3. Definition of some of the important terms “Retirement age”, “premature retirement”, “retirement”, etc....
4. Minimum Retirement Age
5. Optional Retirement
6. Invalidity of term of contract of service and collective agreement
7. Power of Director General
8. Offences and Penalty

### Q & A

### TRAINER:

**Mr. H'ng Piau** has vast experience in the field of administration and enforcement of Labour Laws. He has more than 32 years of experience before retired as the State Director of Labour, Kedah/Perlis. During his tenure of service, he was a facilitator and trainer for Labour Officers serving under the Ministry of Human Resources. He had also conducted many training programmes for various large and small corporations in private sector. After his retirement, he was appointed as a Company Director of a company dealing in sporting goods.

Currently, he lectures in various topics of Labour Laws, provides consultancy and advisory services to corporations. He acts in an advisory capacity to lawyers at the Industrial Court; and represents employer or employee for claims/matters in Labour Court. He has experiences in conducting domestic inquiry for corporations. He is also serving as a Company Director of a company dealing in food and beverages.

### Administrative Details

Date : 17-18 Dec 2012 (Mon-Tue) Time : 9.00 am – 5.00 pm  
Venue : FMM Institute, Sungai Petani Fees : RM650.00 (Members); RM750.00 (Non-Members)  
*All fees are inclusive of course materials, lunch and refreshments.*

Attendance is by prior registration only. Registration form must be completed and returned to FMM Institute **by 14 Dec 2012** with correct payment by cheque made in favour of “**FMM INSTITUTE**” and crossed “Account Payee Only”. Payment by cash is acceptable during the day of registration. **Registration is on first-come-first-served basis.** For enquiries: Contact Meeza (04-4216876) / Shita 04-7343110/011 or email [meeza@fmm.org.my](mailto:meeza@fmm.org.my) / [fmmkedahperlis@fmm.org.my](mailto:fmmkedahperlis@fmm.org.my)

### **CANCELLATION MUST BE IN WRITING TO FMM.**

*There will be no refund for cancellation within 3 days prior to the program. 50% refund for cancellation between 4 - 5 days and full refund for cancellation 6 days prior to the program. **No additional cost for replacement.***

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## REGISTRATION FORM

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**To** : FMM Institute (**Attn: Meeza**) **Fax: 04-7344057**

**Please register the following participants:**

1. Name & Designation : \_\_\_\_\_

2. Name & Designation : \_\_\_\_\_

3. Name & Designation : \_\_\_\_\_

4. Name & Designation : \_\_\_\_\_

*(Please attach separate list if space is insufficient)*

**Submitted by**

Name : \_\_\_\_\_

Designation : \_\_\_\_\_

Company : \_\_\_\_\_

Tel : \_\_\_\_\_ Fax: \_\_\_\_\_

Address : \_\_\_\_\_

Email : \_\_\_\_\_

Membership No. : \_\_\_\_\_