



UNDERSTANDING EMPLOYMENT ACT 1955 & DISCIPLINARY RULES AND PROCEDURES

Date: 24-25 October 2011

Venue: FMM Institute, Sungai Petani

INTRODUCTION

Employment Act 1955 is the fundamental employment legislation in this country setting out the statutory minimum standards of terms and conditions under which employees are to be employed. The *Act* enshrines the rights of both the employees and employers, and the obligations or responsibilities they are obliged to fulfill to have the legal protection. The scope of *Employment Act 1955* only covers workers who are defined as “employees” under the *Act*. The *Act* is only applicable to West Malaysia.

Year after year, the Industrial Courts awarded millions of Ringgit Malaysia to the workmen as their dismissals were found to be unfair or the disciplinary procedures were not followed. The figures do not include the amounts paid as amicable settlement by employers to the workmen for thousands of cases handled by the Industrial Offices (4,890 cases in 2009). Many a time, the extra cost as well as time lost suffered by the employers are due to the fact of impaired Domestic Inquiry or the Rules of Natural Justice or the disciplinary procedures have not been complied with.

This program has been specially designed to equip the participants with the essential knowledge and skill for their respective levels of handling of disputes on terms and conditions of employment as well as disciplinary problems.

COURSE OBJECTIVES:

Upon completion of the course, participants will be able to:

- Identify both the rights and obligations/responsibilities of the employers and employees;
- Plan and compute the cost of labour in according with the statutory minimum standards;
- Complement the initiation of proper and effective disciplinary action;
- Recognize that the maintenance of good discipline at work place demands consistent and coherent team effort; and
- Have proficiency and better exposure to the *Act* and disciplinary procedures for the ultimate aim of enhancing a more conducive and productive working environment.

TARGET GROUP:

- HR Manager/HR department personnel and all those who are involving in human resources management.
- Departmental managers and supervisors who are involving in planning and supervising workers.

COURSE METHODOLOGY:

Facilitator presentation, Short exercises, Practical workshops and Role-play

COURSE CONTENTS:

Day One

Employment Act 1955

- Scope of the Employment Act 1955
- Definition
- Validity of terms and conditions of service
- Contract of service
- Specified /unspecified period of contract
- Notice of termination of contract of service
- Termination and lay-off benefits
- Termination of contract on ground of misconduct
- Payment of Wages
- Deduction from Wages
- System of paying wages
- Employment of women
- Maternity protection
- Weekly rest day
- Public Holiday
- Annual Leave
- Sick Leave
- Hours of work
- Overtime work and overtime payment, etc
- Ordinary Rate of Pay
- Employment of Foreign Employee
- Labor Court
- Q & A

Day Two

Disciplinary Rules and Procedures

- Employer
- Employee/workman
- Discipline
- Objective of discipline
- How to maintain proper discipline
- Misconduct
- Types of misconduct
- Condonation and factors leading to condonation
- Disciplinary track record keeping
- Disciplinary action
- Suspension
- Domestic inquiry
- Natural justice
- The purpose of domestic inquiry
- The right of employer to take disciplinary action
- Right of employee
- Section 20 of Industrial Relations Act 1967
- Preliminary Investigation
- Duties of Investigating Officer
- Taking Statement
- Show Cause Letter
- Charge Sheet and Notice of Domestic Inquiry
- Duties of Prosecuting Officer
- Chairman/Panel Members of Board of Domestic Inquiry
- Role of Witness
- Role of Trade Officials
- Evidence
- Burden of Proof
- Standard of Proof
- Skeleton of domestic inquiry (normal proceedings)
- Disciplinary Process (a brief overview)
- Q & A or Mock Domestic Inquiry

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: **24-25 October 2011**

Time: **9.00 a.m – 5.00 p.m**

Venue: **FMM Institute, Sungai Petani**

Medium of Instruction: **English**

Duration of Course: **2 days**

Fees: FMM Members – RM650/participant

Non-Members – RM750/participant

(Fees include Course Materials, Refreshment, Lunch and Certificate of Attendance)

Attendance is by prior written registration only. Registration form must be completed and returned to FMM Kedah/Perlis by **October 17, 2011**. Registration is on a first-come-first serve basis. Cheque made in favour of "**FMM Institute**" should be forwarded to the FMM Institute Unit 3, 2nd Floor, Bangunan EMUM 55, Jalan Gangsa, Kawasan Perindustrian Mergong 2, 05150 Alor Star, Kedah. There will be no refund or cancellation within 4 days prior to the programme, 50% refund for cancellation between 5-9 days and full refund for cancellation 10 days prior to the programme. Cancellation must be made in writing. However, replacement can be accepted at no additional cost. FMM Institute reserves the right to cancel or re-schedule the above programme and all the efforts will be taken to inform participants of the changes. **For enquiries: Contact Meeza/ Shita at 04-7343110/011** or email fmmkedahperlis@fmm.org.my

REGISTRATION FORM

UNDERSTANDING EMPLOYMENT ACT 1955 & DISCIPLINARY RULES AND PROCEDURE

Date: 24-25 October 2011

Venue: FMM Institute, Lot 88, Sungai Petani

FMM Kedah/Perlis Fax: 04-7344057
(Attn: Meeza/ Shita)

Please register the following participants for the above programme:

1. Name: _____
Designation: _____
I.C. No: _____
2. Name: _____
Designation: _____
I.C. No: _____

(Please attach a separate list if space is insufficient)

Enclosed is our cheque no. for RM being payment for the registration of
participant(s) made in favour of the '**FMM INSTITUTE**'

Submitted by:

Name: Designation:.....
Company: Address:
..... Tel No.: Fax No.: M/ship No.:



FMM INSTITUTE Kedah/Perlis (475427-W)

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