

> WRONGFUL DISMISSAL

Fair to limit back pay

I REFER to the letter "Capping back wages unwise" (NST, Sept 17).

The decision by Human Resources Minister Datuk Seri Dr Fong Chan Onn to limit back wages to 24 months in cases of wrongful dismissal under the proposed amendments to the Industrial Relations Act 1967 is equitable and consistent with the vast improvements being made to the conciliation process under the Industrial Relations Department, and the handling of dismissal cases at the Industrial Court.

In the past, due to delays in the conciliation process and reference of cases to the Industrial Court, it is not uncommon for cases to be decided beyond the period of 24 months.

Employers often face difficulties in producing the wit-

nesses to defend their disciplinary action leading to dismissal.

This is because many witnesses may no longer be available at the time the court hears such cases.

The ministry has taken positive steps towards improving the conciliation process under the Industrial Relations Department.

The scenario is rapidly changing with a view to enhancing industry competitiveness in the increasingly globalised and liberalised market place.

Some of these positive steps include limiting the process for conciliation and decision of dismissal cases to a maximum of six months and ensuring that the Industrial Court is able to hear and dispose of more cases.

In terms of the time taken to

dispose of a case, while the delay may not be the fault of the employer, the cost is often forced on the employer.

It is pertinent to note, that in some cases, employees are responsible for causing delays in the Industrial Court process by seeking postponements.

I also support the proposed amendment of introducing the Second Schedule to the Industrial Relations Act 1967, which seeks to reduce back wages by a certain percentage, by taking into account post-dismissal earnings.

It must be stated that workmen are not supposed to make money when they are dismissed.

SHAMSUDDIN BARDAN
Executive director,
Malaysian Employers
Federation