



# EMPLOYMENT (AMENDMENT) ACT 2022

## EVENT DETAILS:

Date: 16<sup>th</sup> & 17<sup>th</sup> AUGUST 2022

Venue: Holiday Villa Hotel Johor Bahru City Centre

Fee: RM 1,600 per-person

You may click the Link or scan the QR Code for registration:

<https://forms.office.com/r/aniC2uE4Rk>



For any queries, you may contact:

Cik Aishah / Cik Norizah

Tel: 07-8624776

Email: [aishah@mef.org.my](mailto:aishah@mef.org.my) / [mefjb@mef.org.my](mailto:mefjb@mef.org.my)



## » Introduction:

The Employment Act 1955 is the principal legislation governing employment practice in Malaysia. On 10th April 2022, a draft of amendments to the Principal Act was gazetted. The Act itself now, incorporates new definitions and sections covering the majority of persons in Malaysia (both local and foreign) working under a Contract of Service. This makes it imperative for Employers to understand correctly and comply with the obligations mandated by this Act.

## » Objectives:

The two days programme is crafted to provide participants with a thorough knowledge and understanding of the Act, complemented by "hands on" practical guidelines and examples for worksite implementation

## » Methodology:

Making the laws "come alive" through examples, lively interaction, FAQ"s and topical Q&A sessions, with relevant case laws. Each participant would be given a comprehensive manual with explanatory notes and case law

## » Target Participants:

Top Management Team, Heads of Department, and Senior Supervisors.

## Trainer Profile:



Mr. Gerard holds a Bachelor's Degree in Political Science and a Diploma in HR Management. He also attended GE'S Human Resource Program for Asia Pacific in Beijing in 1994. Additionally, he has attended numerous training programmes ranging from employment law to quality management. Gerard has served various multinational companies from 1979 in the area of Human Resource, Industrial Relations and Administration Management. In 2006, he established his own consulting and training company, Gerard & Associates Sdn. Bhd.

Gerard's 40 odd years of experience covers the entire spectrum of Human Resource and Industrial Relations issues ranging from successfully representing Companies in Labor and Industrial Relations arbitration and leading the Management Team in Collective Bargaining negotiations to effectively advising companies on right sizing manpower deployment. Gerard currently consults for multinational and local organizations. They include companies listed in the Malaysia and Singapore Stock Exchange. Participants at his training programs have included employees from major manufacturing companies, plantation companies in Peninsular Malaysia, Sabah and Sarawak as well as Malaysian Professional Bodies. He is a certified PSMB Trainer, whose training and facilitation skills consistently receive high ratings from participants. He has been elected Chairman of the Malaysian Employers Federation (MEF Southern Region) since 1997, and has served as an Employer Panel Member of the Industrial Court of Malaysia since 1995 and Assessor (Employer) in the SOCSO Appellate Board since 1998.

# Course Content

## 1. The Contract of Services.

- Contracts of Services are not Unfettered
- Employer's Rights and Employee's Rights
- Employer and Employee cannot contract out the Law

## 2. Types of Contracts of Services.

- Probationary, Permanent, Fixed-Term, Task based and Part-Time Regulations
- Implications for Employers

## 3. Contract of Service and Contract for Service.

- Understanding the newly amended changes

## 4. Understanding definitions and application of key operative terms in the Act.

- Employee
- Wages, Day, Hours of Work, Normal Hours of Work
- Ordinary Rate of Pay, Average True Days Wages

## 5. Termination Simpliciter.

- Notice of Termination of Contract vide Section 12
- Termination for Wilful Breach under Section 13 (2)
- Employer's action for Poor Performance and Incompetence

## 6. Employee Misconduct.

- Action by Employer for Misconduct under Section 14 (2)
- Deemed Breach of Contract, vide application Of Section 15 (2)

## 7. Wages.

- Understanding the term Wages under Section 2 (1)

## 8. Application of Term "Wages".

- Under the First Schedule
- Calculation of Ordinary Rate of Pay under Part 12
- Determining "Average True Days" wages as per Termination and Lay Off Benefits Regulations 1980

# Course Content

## **9. The Law on Payment of and Deductions from Wages**

### **10. Part IX of the Act.**

- Maternity Leave
- Eligibility for Maternity Protection

### **11. Application of Benefits under Part XII and Part XII C of the Act.**

- Maximum hours of work and Rest Days
- Annual Leave and Public Holidays
- Medical Leave and Hospitalization
- Section 60FA on Paternity Leave
- Section 60P on Flexible Working Arrangement
- Employers Right in Managing the Benefits

### **12. Powers of the Director General under Section 69.**

- New Section 69F on Discrimination in Employment
- Setting aside decision made by Employer under Section 14 (1)
- Consequential Orders
- Employer's Right of Appeal to Hight Court

## **13. Employment Regulations 1957.**

- Rate of Pay
- Employer's Obligation

## **14. Employment (Termination and Lay-Off Benefits) Regulations 1980.**

- Exclusions under Regulations 14
- Meaning and Application of "Lay Off"
- Application of formula under Regulation 6

## **15. Part XVA on Sexual Harassment incorporating the completely new Section 81.**

- New Section 81H on "Notice on Sexual Harassment"

### **New Section 90B on Forced Labor.**

### **New Section 101C on presumption as to who is an Employee and Employer.**