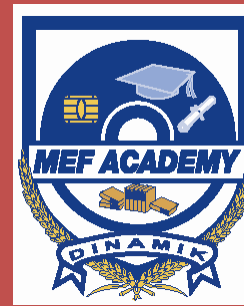


(MC) WORKSHOP ON “What Must Employers Do to Win Dismissal Cases at The Industrial Court”

**EXCLUSIVE TRAINING BY FORMER CHAIRMAN INDUSTRIAL COURT
and COMPLIMENTARY MEF BOOK “HANDLING OF CASES AT THE INDUSTRIAL COURT
OF MALAYSIA – THE LAW & PRACTICE**



☐ 27th OCTOBER 2023

HILTON HOTEL, KOTA KINABALU

TIME : 9.00am – 5:00pm

Course Fees: RM1,200.00 per pax
(including 6% SST)

SCHEME CODE :

HRD Corp Claimable Courses : SKIM BANTUAN LATIHAN
KHAS (HRD CC) payable to MEF Academy Sdn Bhd

Contact Person

Link for Registration

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<https://forms.office.com/r/tRA9Ks8nGP>

(CRITICAL REMINDER) “Should employers decide to take disciplinary action against an employee which leads to dismissal, do it right the first time and all the time to avoid costly unfair dismissal claims made against your Company. Hence, if the dismissal matter is referred to the Industrial Court, the employers must know how to win their cases in the Industrial Court.”

(MC) Workshop on “What Must Employers Do to Win Dismissal Cases at The Industrial Court”

INTRODUCTION / OBJECTIVES

The recent Amendments to the Industrial Relations Act 2020 has a significant impact in the handling of cases at the Industrial Court. This programme is specially designed to equip participants with an in-depth knowledge and understanding of the vital steps that they must take in order to win their cases at the Industrial Court and at the Appellate Courts if taken up by way of Judicial Review/Appeal.

BENEFITS TO PARTICIPANTS

Upon completion of the Programme, the participants will be able to gain the following:

- ✓ Have a clear and right understanding of the importance of conducting a valid domestic inquiry for major misconducts and its implication when conducting cases at the Industrial Court
- ✓ Have a clear understanding of the importance of issuing valid show cause/charge letters and its implication when conducting cases at the Industrial Court
- ✓ The critical role played by IR/HR Practitioners with regard to handling of cases at the Industrial Court
- ✓ Importance of maintaining proper documentation of critical documents when dealing with cases before the Industrial Court.
- ✓ Able to identify common pitfalls and avoid them when dealing and handling cases at the Industrial Court.

9.00 am – 10.30 am

PROGRAMME

Handling of misconduct at Company's level

- Types of Misconduct (Major/ Minor)
- Investigation of misconduct
- Gathering of relevant evidence
- Issuance of show cause letter
- Drafting of valid charges when issuing a Notice of Domestic Inquiry
- Holding a Domestic Inquiry or a Due Inquiry
- Maintaining of minutes of Domestic Inquiry
- Inquiry Panel decision and its justification

10.30 am – 10.45 am

10.45 am – 12.00 pm

Tea-Break

Handling of misconduct at Company's level (continue) – by Mr P Iruthayaraj D Pappusamy

- Recommendations on punishment by Inquiry Panel-Whether it is binding
- Punishment imposed by the Company must be proportionate to the misconduct committed

Handling of misconduct at Company's level (continue)

Conciliation and things to be done by employers at conciliation stage

Lunch Break

Handling of a dismissal case at the Industrial Court : pre-trial procedures

(A). Complying with pre-trial procedures

- Burden and Standard of Proof
- Notice of Mention under Form F (Forms A & B)
- Filing of pleadings

- Statement of Case under Form H,
- Statement in Reply
- Rejoinder

- Importance of pleadings
- Amendments to pleadings
- Filing of relevant bundle of documents
- Identifying and relevant witnesses
- Preparation and Filing of witness statements
- Case Management

3.30 pm – 4.30pm

Handling of a dismissal case at the Industrial Court: trial stage & submission stage

B) Trial Stage

- Preparation of witnesses
- Examination of witnesses
- Cross-examination
- Re-examination

(C) Submission Stage

- Oral
 - Written Submission

4.30 pm–5.00 pm

Handling of a dismissal case at the Industrial Court: Judicial Review/Appeal stage

5.00 pm

Close of session

SPEAKER PROFILE

MR P IRUTHAYARAJ D PAPPUSAMY

was the Former Industrial Court Chairman who had served the Industrial Court for about 14 years. He had adjudicated on numerous cases in Sabah, Sarawak and Kuala Lumpur involving all types of dismissal cases under s. 20(3) of the IR Act 1967, Trade Disputes relating to Collective Agreements and complaints under s. 8(2A) of the IR Act and other matters relating to industrial disputes. He had also successfully applied mediation and early evaluation skills in resolving industrial disputes. He was holding the position of Chairman of Social Security Appellate Board. In addition, he also has vast experience in all aspects of Human Resource and Industrial Relations Management while working with large multinational companies. He has designed and conducted a unique programme entitled Certificate in Domestic Inquiry for all HR and IR Practitioners for the DRB-HICOM Group of Companies as well for other relevant personnel. In addition, he has also authored 2 books published by MEF, ie. (i) Handling of Cases at the Industrial Court of Malaysia published in 2016; and (ii) Co-authored the book on Practical Guide on Performance Management published in 2017.



MR BERNARD JOHN KANNY

is a Senior Consultant Industrial Relations at the Malaysian Employers Federation(MEF).He was Chairman of the Industrial Court of Malaysia and as Chairman he has adjudicated ,written ,and articulated complex Award son numerous cases involving dismissal and other matters relating to industrial disputes. Prior to his appointment as Chairman of the Industrial Court of Malaysia ,Bernard successfully practiced law for 30 years. His experience in industrial disputes includes trade union disputes, collective bargaining, employment issues, unlawful dismissal claims and retrenchments. In 2021, he was appointed by the International Labour Organization(ILO) to serve as National Legal Adviser to the Malaysian Trade Union Congress (MTUC). Bernard has advised both the Employer and Employee in industrial relation matters and as former Chairman of the Industrial Court of Malaysia he is able to render advise from the perspective of both the employer/employee.



TRAINING METHODOLOGY

- **Lecture**
- **Discussion**
- **Case Analysis**
- **Discussion on *FREE BOOK**
- ***HANDLING OF CASES AT THE INDUSTRIAL COURT OF MALAYSIA – THE LAW & PRACTICE***

WHO SHOULD ATTEND?

- ✓ **Human Resource/ Industrial Relations Practitioners**
- ✓ **Department Heads – especially those who may be required to serve as Inquiry Officers/Panel Members at the Domestic Inquiry**
- ✓ **Personnel at the Management Level such as CEOs, Managing Directors and Department Heads involved in decision making relating to Proportionality of Punishment which could result in dismissals of employees**
- ✓ **Inhouse company Lawyers, Practicing Lawyers in Employment and Industrial Relations**