



(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**



(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.”

- ❖ 13 Oct. 2022 – East In Hotel, Petaling Jaya, Selangor
- ❖ 20 Oct. 2022 – Grand Paragon Hotel, Johor Bharu
- ❖ 25 Oct. 2022 – Merdeka Palace Hotel, Kuching Sarawak
- ❖ 27 Oct. 2022 – Promenade Hotel, Kota Kinabalu, Sabah
- ❖ 10 Nov. 2022 – Sunway Hotel, Seberang Jaya, Penang

**TIME : 9.00am – 5:00pm
Course Fees: RM1,200.00 per pax
(including SST)**

SCHEME CODE :

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

(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.

PROGRAMME

9.00 am – 10.30 am

Handling of misconduct at Company's level – by Mr P Iruthayaraj D Pappusamy, Former Industrial Court Chairman

- 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

Tea-Break

10.45 am – 12.00 pm

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

12.00 pm – 1.00 pm

Handling of misconduct at Company's level (continue)

Conciliation and things to be done by employers at conciliation stage

1.00 pm – 2.00 pm

Lunch Break

2.00 pm – 3.30 pm

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

John Kenny, MEF Senior Consultant- Industrial Relations (IR)

(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 by Mr Bernard John Kenny, MEF Senior Consultant- Industrial Relations (IR)

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

by Mr P Iruthayaraj D Pappusamy

5.00

Close of session

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

LINK FOR REGISTRATION AND ENQUIRIES

VENUE / LOCATION	DATE / TIME /CONTACT	LINK FOR REGISTRATION – PLEASE CLICK
Eastin Hotel, Petaling Jaya, Selangor	13 Oct 2022 (9am-5pm) Tel: 03-79557778 Nazlina ext. 137 nazlina@mef.org.my ; Aspalela ext. 136 aspa@mef.org.my	https://forms.office.com/r/EY24B4CEux
Grand Paragon Hotel, Johor Bharu	20 Oct. 2022 (9am – 5pm) Norizah Tel : 07-8624773 norizah@mef.org.my	https://forms.office.com/r/4hZVdGRamz
Merdeka Palace Hotel Kuching Sarawak	25 Oct. 2022 (9am – 5pm) Nurul Ain Tel : 082-247027 nurul@mef.org.my	https://forms.office.com/r/91zBLsUfTD
Promenade Hotel, Kota Kinabalu, Sabah	27 Oct. 2022 (9am – 5pm) Mardhiah Tel :088-210579 mardhiah@mef.org.my	https://forms.office.com/r/ssRV3p32BR
Sunway Hotel, Seberang Jaya, Penang	10 Nov. 2022 (9am – 5pm) Alyaa Tel : 04-6599236 alyaa@mef.org.my	https://forms.office.com/r/pYLPX6sQkN

TRAINING METHODOLOGY

- Lecture
- Discussion
- Case Analysis

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
- ✓ In house company Lawyers, Practicing Lawyers in Employment and Industrial Relations

SPEAKER PROFILES



**MR PETER
IRUTHAYARAJ D
PAPPUSAMY**
**Former Chairman
of the Industrial
Court of Malaysia**

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**
**Former Chairman
of the Industrial
Court of Malaysia**

MR BERNARD JOHN KANNY was former Chairman of the Industrial Court of Malaysia and as Chairman he has adjudicated, written, and articulated complex Awards on 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. Mr. Bernard is currently Senior Consultant Industrial Relations at the Malaysian Employers Federation (MEF).

***WORKSHOP PETALING JAYA**



MS. SARASWATHI RAVINDRAN is a Senior Consultant Industrial Relations with more than 14 years' experience with MEF. She is a lawyer by profession who has completed her Masters in Law (UKM). She graduated from University of Northumbria UK and also has the Certificate in Legal Practice. Prior to joining MEF she has worked in an established legal firm in Kuala Lumpur as an Advocate and Solicitor specializing in Industrial Relations' Practice. Her current duties include handling Industrial and Labour Court cases representing MEF's Member Companies. She also provides advisory and consultancy services to Member Companies pertaining to employment matters. She is also actively involved in providing trainings, in relation to The Employment Act 1955, Disciplinary Procedures, Managing Probationers, Handling Termination, Understanding Sexual Harassment, Domestic Inquiry, etc.