

# Employment Law: New Amendments to Employment Legislation

*(Updates on the EA 1955 & IRA 1967)*

**1 & 2 March 2023 (Wednesday & Thursday)**  
**Pullman Kuala Lumpur Bangsar**

The legislation governing the employer-employee relationship needs to be properly understood as non-compliance will lead to workplace conflict and disrupt the harmony of this essential relationship needed for business growth and profitability. Inadequate implementation of employment laws and improper handling of misconduct and domestic inquiries can result in the Industrial Court ruling in favour of the employee and subsequently lead to costly monetary compensation by the employer.

Hence it is necessary to have a holistic understanding of employment laws, from drafting employment contracts to the proper method of terminating an employee whilst mitigating being taken to the Industrial Courts. This programme will provide an in-depth overview of all current issues commonly faced by employers covering topics such as drafting of fool-proof employment contracts, handbooks, dealing with misconduct and poor performance, sexual harassment, domestic inquiries, transfer of employees, as well as separation schemes, redundancy and retrenchment.

You will also gain practical hands-on training on Domestic Inquiries (DI), focussing on the recommended method in framing proper DI charges and effectively conducting internal DI in accordance with the requirements of Malaysian employment laws.

## OBJECTIVES

This programme seeks to help you:

- Examine the complexities in employment contracts
- Deal with poor performance, misconduct and other disciplinary issues
- Frame proper disciplinary charges
- Conduct successful domestic inquiries
- Review the employment right on transfer of undertaking
- Assess the legalities of terminating an employment contract

## WHO SHOULD ATTEND

- Human Resource Managers
- Industrial Relations Managers
- In-House Counsel
- Employee Relations Managers
- Compensation and Benefits Managers
- Business Owners

## METHODOLOGY

A highly interactive learning session with trainer-led facilitation and Q&As.

## FACILITATOR

### JEREMIAH R. GURUSAMY

Jeremiah is a founding partner of RDJLaw (Ramesh Dipendra Jeremiah Law) a corporate boutique law firm. He possesses a wealth of experience having worked in the corporate sector before entering active legal practice in 1999 with a large Kuala Lumpur-based law firm. Prior to being admitted as an Advocate and Solicitor, he was attached to the legal documentation unit at a leading banking group in Malaysia.

He has acted for a wide range of clients from various industries and has extensive experience in corporate banking, project financing, corporate and commercial matters, joint ventures, mergers & acquisitions, capital markets, trust and estate planning, private mutual funds and employment law.



# Employment Law: New Amendments to Employment Legislation (Updates on the EA 1955 & IRA 1967)



## PROGRAMME OUTLINE

### DAY 1

8.30 am REGISTRATION AND REFRESHMENTS

- 9.00 am
- Proposed Amendments to Schedule 1 of the Employment Act 1955 (EA) which broadens the application of the EA to a much wider employee base
    - > Salary threshold increase from RM2,000 to RM4,000
    - > Amendments to increase maternity leave entitlement
    - > Introduction of Paternity leave
    - > Apprentice contracts
    - > Increase in EA general penalties
    - > New calculation of wages
    - > Requirement to display notice on sexual harassment
    - > Increase in the jurisdiction of the Labour Court
    - > Overtime payments to a wider group of employees
    - > Scope of shift allowance
    - > Application of scope of termination benefits
    - > Clear distinction between employee and independent contractors
    - > Prohibition to terminate pregnant employees
    - > Relaxation on scope of work for female employees: night work, underground work
    - > Reduction on the hours of work to 45 hours per week
    - > New sick leave and hospitalisation calculation
    - > New flexible working arrangements
    - > Prohibition on employee discrimination
    - > Prohibition on forced labour
    - > Prior approval before hiring foreign workers

10.30 am MORNING REFRESHMENTS AND NETWORKING

- 11.00 am
- New Amendments to the Industrial Relations Act 1967
    - > Expanded Representation in conciliation meetings at the Industrial Relations Department
    - > Automatic referrals of unfair dismissal cases to the Industrial Court
    - > Appeal against Industrial Award to the High Court

12.30 pm NETWORKING LUNCH

- 1.30 pm
- Powers of the Industrial Court
    - > Continued conduct of proceedings notwithstanding the death of the workman
    - > Awarding compensation to the workman's next-of-kin
    - > Hearing dismissal claims brought by employees of statutory bodies
    - > Imposition of interest on the award made
  - Restraint of Illegal Strikes, Lock-Out & Picketing

3.00 pm AFTERNOON REFRESHMENTS AND NETWORKING

- 3.30 pm
- Overview of Employment Legislation in Malaysia
    - > Understanding your rights as an Employer
    - > What are the rights of the Employee
    - > New development in Employment Law
    - > Minimum wage from 1 January 2019: Minimum Wage Order
    - > Minimum Retirement Age Act
    - > Employment Insurance System (EIS)

5.00 pm END OF DAY 1

### DAY 2

8.30 am REGISTRATION AND REFRESHMENTS

- 9.00 am
- Preparation of a "Fail-Safe" Employment Contract
    - > Incorporation of essential provisions into the employment contract
    - > Different types of contracts of employment
    - > Dealing with Independent contractors
    - > Fixed term contracts and part time employees
    - > Employment Handbooks and Codes of Conduct
    - > Safe-guards for the Employer, Common Mistakes and Pitfalls

10.30 am MORNING REFRESHMENTS AND NETWORKING

- 11.00 am
- Examining Instances and Challenges Involved in Managing Poor Performance
    - > Analyse specific instances of poor performance
    - > Common issues and concerns faced by employers
    - > Identifying the best mode of handling poor performance
    - > Applying the law appropriately according to varied circumstances
    - > Legal requirements on terminating a probationer and a permanent employee due to poor performance
    - > Standards and test laid down by the Courts

12.30 pm NETWORKING LUNCH

- 1.30 pm
- Handling and Investigating Misconduct
    - > Understanding the legalities of dismissing an employee
    - > Whistleblowing provisions and reporting of misconduct
    - > Condonation of misconduct: time is of the essence
    - > General outline of procedures when dealing with an allegation of employee misconduct
    - > Procedures to follow when investigating alleged offences
    - > Essential points to be included in the Show Cause and Suspension letter
    - > Types of punishment available to the employer
    - > Types and classifications of misconduct
    - > Sexual Harassment
    - > Domestic inquiry (DI): when is it required?
    - > What are the consequences of not holding a proper DI?
    - > The value of a proper DI to Industrial Court proceedings

3.00 pm AFTERNOON REFRESHMENTS AND NETWORKING

- 3.30 pm
- Excess Manpower: Identifying the Available Options and the Legal Implications
    - > Identifying the available cost cutting measures
    - > Exhausting all available options
    - > The last resort: Voluntary Separation Scheme (VSS) or retrenchment?
    - > Weighing the considerations and choosing the best option
    - > VSS
    - > Retrenchment

5.00 pm END OF PROGRAMME

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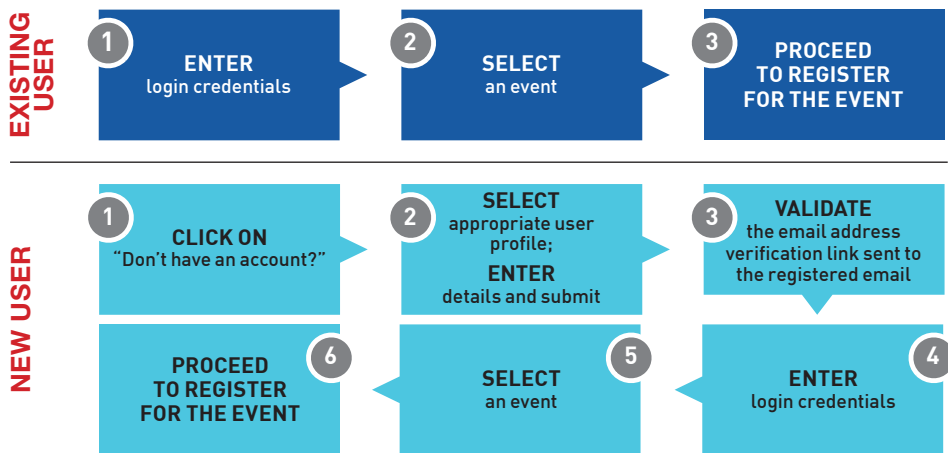
## (Updates on the EA 1955 & IRA 1967)

With immediate effect, enrolment for all CPE programmes will be

**STRICTLY VIA ONLINE REGISTRATION ONLY**

### REGISTRATION PROCESS

- To view more events and download the full brochure, please visit: [pd.mia.org.my](http://pd.mia.org.my)
- Search and select the event
- Click 'Register' to experience the new system by continuing with the respective steps below:



For any assistance, please call (8.45am-5.30pm, Monday-Friday)  
**MIA Help Desk @ 603-2722 9000**

### TERMS & CONDITIONS

#### PROGRAMME FEE

- Fee is payable to MALAYSIAN INSTITUTE OF ACCOUNTANTS
- Depending on the event, the fee includes course materials and/or lunch and/or tea breaks.
  - **Individual Registration:** Full payment shall be made at the point of online registration.
  - **Corporate Registration:** Full payment shall be made within thirty (30) days from the date of the Invoice or 1 day before the programme, whichever earlier.
- Admittance to the programme shall be granted only upon full payment as per the above requirement.

#### PAYMENT MODE

- Payment must be made through the **electronic channels i.e. online payment via the MIA member service portal and electronic fund transfer (EFT).**
- Payment by **cash and cheque is NOT ACCEPTABLE** effective from 1 January 2022.

#### HRD CORP (FOR CLAIMABLE EVENTS ONLY)

- MIA is an approved Training Provider registered under 'Institut Akauntan Malaysia' (MyCoID: 631967).

#### Employer's Obligations

- To ensure grant approval is obtained prior to event registration and to provide the Grant ID notification upon event registration.
- To make full payment to MIA as per the issued Invoice within 14 working days upon receipt of MIA's notification in the event the approved training fee is cancelled by HRDC due to non-compliance on the part of the participant or his/her employer or any valid reasons stipulated by HRDC.
- To settle the balance payment to MIA within 14 working days upon receipt of MIA's notification in the event only partial claim is approved by HRDC. MIA will provide copy of the original invoice and will not issue a new invoice for the balance amount.
- If employer has made payment prior to grant approval, a refund will be made to employer subject to reimbursement received from HRDC. Refund will be made upon receipt of duly completed employer's EFT Form.
- To provide required information and/or documents after completion of event for the purpose of HRDC Claim within 7 working days upon receipt of MIA's notification.

#### CANCELLATION

Should the participant decide to cancel his/her enrolment, a cancellation policy shall be applied as follows:

- For written cancellation received with minimum seven (7) days' notice from the date of the programme, no penalties will be imposed and full refund will be made to participants who have paid.
- For written cancellation received less than seven (7) days from the date of the programme, an administrative charge of 20% of the registration fee will be imposed. Unpaid registrations will also be liable for a 20% administrative charge.
- No refunds will be made for written cancellations received on the day of the programme or for participants who failed to join the programme. Unpaid registrations will also be liable for full payment of the registration fee.
- Replacing registered participants is not allowed.
- Paid registration that is cancelled can opt to transfer the paid amount to future event(s) after deducting any applicable administrative charges.
- The transfer request to future event(s) should be confirmed by Corporate/Individual within three (3) days after cancellation otherwise the cancellation will be confirmed with refund action. Transfer request will not be entertained after the refund is processed.

- Corporate/Individual is required to top-up the balance amount if the amount to be transferred to the future event is insufficient.
- Any excess amount after transfer will be refunded to the Corporate/Individual's bank account as provided in the EFT form.
- Corporate/Individual is required to provide the EFT form each time when a refund is requested.

#### PARTICIPANT'S CLASSIFICATION AND INFORMATION

Category: Corporate/Individual

- Please select the participant classification carefully as it determines the fee payable. No alteration will be allowed upon registration.
- The information on Corporate/Individual provided shall be deemed true and correct. No alteration will be allowed upon registration.

#### VERIFICATION OF ATTENDANCE

- All participants are required to present photo identification (NRIC, driving licence or company's ID card) at the point of registration prior to signing the registration list when attending the programme. Admittance may be denied upon failure to present photo identification.

#### CERTIFICATE OF ATTENDANCE AND CPE CREDIT HOURS

- Upon full attendance of the programme, participants will be issued an e-certificate of attendance. For this purpose, it is **COMPULSORY** to fill in the email address clearly.
- CPE credit hours will be credited into the MIA Member Services Portal within 14 days of the programme for participants who have complied with all terms and conditions stipulated herein.
- Participants will only be entitled to the CPE hours upon attending the entire duration of the programme. CPE hours will not be accorded for partial attendance.

#### COPYRIGHT

The materials of the programme shall not be disclosed or used in any manner, either wholly or partially against any other parties and/or used in any manner, either wholly or partially as a defence by you and/or any other parties under any circumstances. The participants are therefore prohibited from reproducing any materials of this programme. All copyright and/or intellectual property rights in any relevant materials produced in this Programme will remain with the party who produced such materials. MIA disclaims responsibility for the materials of this programme. Neither the MIA, its Council or any of its Boards or Committees nor its staff shall be responsible or liable for any claims, losses, damages, costs or expenses arising in any way out of or in connection with any persons relying upon the materials provided during the programme.

#### DATA PROTECTION

Information given by the participants to MIA is true, accurate and to the best of their knowledge. The participants have read and agreed with the Privacy Notice as stated on MIA's official website and therefore, allow MIA to collect, process, store and use the participants' data other than what is provided under the Personal Data Protection Act 2010.

#### EXCLUSION OF LIABILITY

This programme shall not constitute an endorsement of the speaker(s) by MIA and MIA shall not be liable for whatsoever circumstances arising from any engagement between the speaker(s) and the programme's participants.

#### DISCLAIMER

Malaysian Institute of Accountants (MIA) reserves the right to change the speaker(s), date(s), time(s) and to cancel the programme should circumstances beyond its control arise. MIA shall not be responsible for any costs, damages or losses incurred by the participant due to the changes and/or cancellation. MIA also reserves the right to make alternative arrangements without prior notice should it be necessary to do so. Upon registering, you are deemed to have read and accepted the terms and conditions herein.

### PROGRAMME FEES

Member/Member Firm	RM 1,500
Non-member	RM 1,700

*Preferred Payment: Pay with MIA-CIMB Affinity Credit Card*

### PROGRAMME DETAILS & REGISTRATION

**1 & 2 March 2023 (Wednesday & Thursday)**  
Pullman Kuala Lumpur Bangsar

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