



Two Days Intensive Seminar

SBL Claimable Subject to HRDF Approval

Understanding Labour Laws and Legal & Practical Issues

Introduction

This program is designed to assist HR Practitioners, Line Managers and Supervisors and Legal Managers / Executives in understanding legal aspects of the Employment Act 1955, and the Industrial Relations Act 1967. The programs will emphasis on the more important practical aspects of these two Labour Laws.

Outline

Module 1 – Definition of Employee

- Definition of Employee - Schedule 1 of Employment Act 1955 (EA)
- Discussion of Case Laws (Colgate-Palmolive's case)

Module 2 – Contracts of Employment

- Contract of Service (Part II – EA)
 - Importance of an appointment letter
 - Terms and Conditions vs EA
 - Unilateral changes in Terms and Conditions
- Termination of contract (S11 – 13 EA)
- Termination of contract for special reasons (S14 EA)
- Termination of contract by employee (S15 EA)
- Part-time / Temporary / Contract Employees (Part 1 EA definition / Han Chiang High School Case)
- Probationers (Khaliah's case)

Module 3 – Payment of Wages (Part IV EA)

- Definition of wages (Part I – EA)
- Definition of wage period
- Payment of wages – timing / mode
- Must wages be paid if employee in prison / detention?
- Lawful deductions and limits imposed
- Priority of wages
- Registers and requirement for pay-slips

Module 4 – Employment of Women (Part VIII EA) – To be done together with Regulation 1970

- Maternity protection
 - Maternity leave
 - Maternity allowance
 - Restriction of dismissal during

- maternity leave
 - Period of rest for female shift employee

Module 5 – Hours of Work

- Meaning of day (Part 1 – EA)
- Meaning of week (Part 1 – EA)
- Calculation of monthly rate of pay
- Work on a day / week
- Overtime and limitation on overtime hours
- Off shift
- Rest day and work on rest day
- Definition of shift work (Part 1 – EA)
- Hours of work for employees working on shift
- Can you force employees to do overtime?
- How to deal with requesting employees to work on overtime?
- How to deal with failure to attend overtime work?

Module 6 – Public Holidays

- Mandatory public holidays
- Can you work on mandatory public holidays?
- Work on public holidays

Module 7 – Annual Leave

- Annual leave entitlement in EA
- Half-day leave
- Off-setting of annual leave during public holidays, sick leave, maternity leave
- Treatment of annual leave upon termination
- Approval and non-approval of annual leave - management prerogative
- Is notification of non-approval of leave important?
- Implications of employee on leave returning to work

Module 8 – Sick Leave

- Meaning of medical officer
- Can the company restrict employees to panel doctors? (Section 60F)
- Can the company not recognize MCs from non-panel?
- Sick leave from doctors
- Sick leave due to hospitalization
- Employee must inform sick leave within 48 hours
- Sick leave during maternity leave

Module 9 – Some Salient Points of the Industrial Relations Act 1967

- Management prerogatives
 - Promotion / Transfer / Employment
 - Termination by reason of redundancy
 - Dismissal of employee
 - Assignment and allocation
- Essential services – what does it mean?

Module 10 – Dismissal under the IRA 1967

- Summary dismissal (Termination *Simpliciter*) – Can it be done as of right?
- Termination with notice
- Non-renewal of fixed term contract
- Forced resignation

Module 11 – Dismissal under the IRA 1967 (cont)

- Constructive dismissal
 - Contract test vs Unreasonableness test
 - Transfer / Demotion
 - Reduction of terms and benefits
 - Unilateral variation of contract
 - Conduct by employee that breaches trust and confidence of employee
 - Bad treatment of employer
 - Failure to provide work

19TH & 20TH FEBRUARY 2009

JW MARRIOTT HOTEL,

KUALA LUMPUR

Conducted By Distinguished Speaker:

MS. VILASINI MENON

LLB (Hons) London

Ms. Vilasini Menon is an experienced human resources practitioner with more than 21 years of experience in the field of Human Resource Management (HRM) and Industrial Relations (IR).

Ms. Vilasini commenced her career in HRM in Sime Darby Plantations and later moved on to Sistem Televisyen Malaysia (TV3). She has wealth experience in Compensation and Benefits, HR Systems, Training and Industrial Relations. She has served as Company Secretary in Colgate-Palmolive for 3 years where she handled the portfolio of advising on legal aspects of Industrial Relations as well as managing the organization's Company Secretarial Matters and Employee Share Option Scheme. She was also involved in Union Negotiations as well as in the Company's disciplinary management.

Ms. Vilasini pursued a Law Degree and the Certificate in Legal Practice. She was called to the Malaysian Bar in May 2004. She now practices as an Advocate & Solicitor.

Organised By:



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REGISTRATION FORM

Ref: FEB09LL

EARLY BIRDS: Registration and Payment by 3rd February 2009 – RM1088.00 per person

GROUP DISCOUNT: Two or More Persons from same organization – RM1150.00 per person

REGULAR FEE: RM1200.00 per person inclusive of lunch/tea-breaks/valuable seminar materials & CERTIFICATE

(Crossed Cheque/Bank Draft payable to ASIA PACIFIC DILIGENCE SDN. BHD.)

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Cancellations & Transfers: If you are unable to attend, a substitute candidate(s) is welcome at no extra charge. Please provide the name and position of the substitute delegate at least 2 days prior to the seminar. A full refund less 25% administrative charge will be made for cancellation received in writing 2 weeks prior to seminar. A 50% refund will be given for cancellation received 1 week prior to the seminar. Regrettably, no refund can be made for cancellation 3 days before the seminar. If registration is confirmed, a 25% administrative charge will be incurred for non-attendance.

The organizer reserves the right to change speakers and/or modify the programme content without prior notice.