



MALAYSIAN INSTITUTE
OF ACCOUNTANTS

MIA WEBINAR SERIES

Employment Law: New Amendments to Employment Legislation

14 & 15 April 2021 (Wednesday & Thursday), 9.00am – 1.15pm

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), focusing 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 to:

- 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/speaker-led facilitation, live Q&As, quick polls/surveys, self-assessment quizzes and participant's feedback on learning outcome achievement.

FACILITATOR

JEREMIAH R. GURUSAMY

Jeremiah is a founding partner of KDJLaw (Koh 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.



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A Highly Interactive Learning Session with Live
Q&As, Self-Assessment Quizzes and Quick Polls or Surveys





PROGRAMME OUTLINE

DAY 1

8.30 am – 9.00 am	PARTICIPANTS LOGIN TO JOIN THE WEBINAR
9.00 am – 11.00 am	<ul style="list-style-type: none"> • New Amendments to the Industrial Relations Act 1967, effective 1 January 2021 <ul style="list-style-type: none"> > 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 > Powers of the Industrial Court to: <ul style="list-style-type: none"> – 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 and Picketing • Proposed Amendments to the Employment Act 1955 <ul style="list-style-type: none"> > Proposed Amendments to Schedule 1 of the EA which will broaden application of the EA to a much wider employee base > Amendments to increase maternity leave entitlement > Increase in the Jurisdiction of the Labour Court > Setting up of the Industrial Appeal Court • Overview of Employment Legislation in Malaysia <ul style="list-style-type: none"> > Understanding your rights as an Employer > What the rights of the Employee are > New development in Employment Law > Minimum wage from 1 January 2019: Minimum Wage Order > Minimum Retirement Age Act > Employment Insurance System (EIS)
11.00 am – 11.15 am	BREAK
11.15 am – 1.15 pm	<ul style="list-style-type: none"> • Preparation of a "Fail-Safe" Employment Contract <ul style="list-style-type: none"> > 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 > Safeguards for the Employer, common mistakes and pitfalls • Managing Employee Grievances <ul style="list-style-type: none"> > Dealing with problematic staff > Implementing proper appraisal mechanisms > Security of tenure and the right to livelihood > Implementing an effective code of conduct at the workplace > Procedures to be implemented when businesses and employees are transferred • Examining Instances and Challenges Involved in Managing Poor Performance <ul style="list-style-type: none"> > 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
1.15 pm	END OF DAY 1

DAY 2

8.30 am – 9.00 am	PARTICIPANTS LOGIN TO JOIN THE WEBINAR
9.00 am – 11.00 am	<ul style="list-style-type: none"> • Handling and Investigating Misconduct <ul style="list-style-type: none"> > 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 • Termination of the Employment Contract <ul style="list-style-type: none"> > Circumstances whereby the employer can lawfully terminate an employment contract > How much due notice is required and procedures to follow > Examining circumstances that may give rise to a claim for constructive dismissal > Other ways of terminating the employment relationship > How to structure a termination package and negotiate a settlement
11.00 am – 11.15 am	BREAK
11.15 am – 1.15 pm	<ul style="list-style-type: none"> • Excess Manpower: Identifying the Available Options and the Legal Implications <ul style="list-style-type: none"> > 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 • Misconduct & the Domestic Inquiry Process: Introduction to the Principles of Natural Justice <ul style="list-style-type: none"> > Inquiry: The requirements of natural justice in the Employment Act 1955/Industrial Relations Act 1967 > The twin pillars of natural justice > Ensuring compliance with the principles of natural justice • Conducting the Domestic Inquiry <ul style="list-style-type: none"> > Procedure when employee pleads guilty > Procedure when employee denies the charge > Ensuring procedural fairness > Holding an ex-parte inquiry > Keeping the notes of inquiry > The findings of the panel > Handing down penalties
1.15 pm	END OF WEBINAR

NOTE: The order of topics to be covered may be revised at the trainer/speaker's discretion.

Employment Law : New Amendments to Employment Legislation

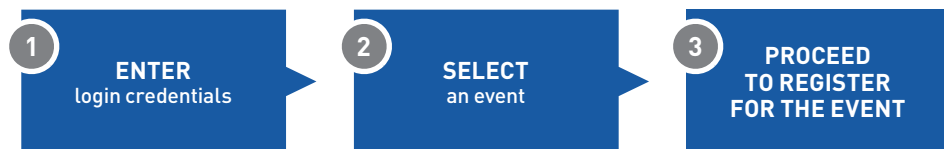
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NEW USER



For any assistance, please call (8.45am-5.30pm, Monday-Friday)

MIA Help Desk @ 603-2722 9000

TERMS & CONDITIONS FOR WEBINAR

WEBINAR FEE

- Fee is payable to MALAYSIAN INSTITUTE OF ACCOUNTANTS
- For selected webinars, the fee includes e-materials.
- 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 Proforma Invoice or 1 day before the webinar, whichever earlier.
- Access to join the webinar shall be granted only upon full payment as per the above requirement.

WEBINAR ACCESS LINK

- The Access Link will be emailed at least 24-hours before the commencement of the webinar.
- The Access Link is unique and should not be forwarded/shared with others.

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 webinar, 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 webinar, 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 webinar or for participants who failed to join the webinar. Unpaid registrations will also be liable for full payment of the registration fee.
- Replacing registered participants is not allowed.

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.

METHODOLOGY, CERTIFICATE OF ATTENDANCE AND CPE CREDIT HOURS

- Live Q&As, quick polls/surveys will be carried out throughout the webinar.
- For selected webinars, pre and/or post course materials will be shared with participants.
- Self-assessment quizzes at the beginning as well as at end of the webinar will be given to enable participants to self-evaluate themselves on their learning performance and level of understanding of the programme content.
- Participants will be issued with an e-certificate of attendance and awarded CPE credit hours upon strict compliance of the following terms:**
 - Remain logged in at least 80% of the time allocated for the webinar,
 - Submit the post-course evaluation on learning outcome within 3 days after the completion of the webinar (late submission of the post-course evaluation will not be entertained).
- CPE credit hours will be credited into the MIA Member Services Portal within 14 days of the webinar for participants who have complied with all terms and conditions stipulated herein.
- Listening to pre-recorded webinar and/or reading from past webinar e-material shall not qualify as structured CPE credit hours.

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WEBINAR FEES

Member/Member Firm	RM 800
Non-member	RM 900

Preferred Payment: Pay with MIA-CIMB Affinity Credit Card

WEBINAR DETAILS & REGISTRATION

14 & 15 April 2021 (Wednesday & Thursday)

Session 1 : 9.00 am – 11.00 am

Session 2 : 11.15 am – 1.15 pm

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