

Advanced Application of Employment Act 1955: Preventive Strategies for Employers

HRD Corp Claimable (SBL-Khas)

This advanced programme is designed for HR professionals and employers who are already familiar with and have working knowledge of the Employment Act 1955 and wish to strengthen their ability to interpret and apply the law in complex workplace situations.

The course examines less obvious, often concealed statutory implications, common compliance pitfalls and legal interpretations that may unnecessarily restrict management prerogatives or expose employers to avoidable costs and disputes. Particular attention is given to cross-border employment, probation, fixed-term contracts, employment classification, working-hour restrictions, statutory benefits and Labour Department enforcement.

Through practical case studies, statutory interpretation and workplace exercises, participants will develop effective strategies to achieve legal compliance, protect legitimate business interests and manage employment risks.

Objectives

Upon completion of this programme, participants will be able to:-

- Understand jurisdiction and cross-border employment
- Manage probation effectively - Identify, recognize and overcome the legal but unnecessary risks of excessively long probation periods of 3 months or more
- Manage fixed-term employment risks. Learn about the common mistakes relating to fixed-term contract renewals and non-renewals that lead to wrongful dismissal claims.
- Classify employment relationships correctly
- Respond effectively to Labour Department decisions
- Overcome hidden negative effects of new amendments
- Avoid incorrect manual-worker classification
- Distinguish statutory entitlements from additional benefits
- Identify hidden compliance problems – such as unlimited entitlement to 98 days of maternity leave, OT calculations
- Write or amend HR Policies that ensures compliance and practical applications for business and operations.

Pre-Requisite

- Stable Internet Connection
- Webcam and Earphones

Course Content

Module 1: Understanding Jurisdiction, Coverage and the Application of the Employment Act 1955

- Territorial application of the Employment Act 1955, including Peninsular Malaysia and the Federal Territory of Labuan
- January 2023 amendments and the expanded statutory coverage
- The significance of the First Schedule
- Employees earning more than RM4,000 per month
- Manual workers, manual-work supervisors and other specified categories of employees
- Cross-border employment arrangements involving Peninsular Malaysia, Sabah, Sarawak and Singapore.
- Identifying conflicts between contractual provisions and mandatory statutory requirements.
- Common misconceptions concerning jurisdiction, statutory coverage and contractual choice of law.

Module 2: Employment Contracts, Probation and Fixed-Term Employment Strategies

- Distinguishing permanent, fixed-term, part-time, casual, intermittent and other employment arrangements.
- Genuine fixed-term employment versus arrangements that may be regarded as continuing employment
- Probation periods: legal implications, appropriate duration, extensions and the risks of keeping employees on probation indefinitely.
- Confirmation of employment, performance assessment and the consequences of failing to communicate a decision.
- Successive fixed-term contracts, repeated renewals and the risk of creating an expectation of continuing employment.
- Non-renewal of fixed-term contracts and circumstances in which a non-renewal decision may be challenged.
- Early termination, notice requirements and contractual exposure.
- Employment status and the distinction between employees and genuine independent contractors.
- Contractual benefits versus statutory entitlements.
- Drafting effective clauses on working hours, remuneration, leave, termination, notice and variation of employment terms.
- HR policies and employee handbooks: consistency, enforceability and preservation of legitimate management discretion.
- Electronic employment records, acknowledgements and document retention.

Module 3: Wages, Payroll and Statutory Payment Compliance

- The statutory definition and its practical application
- Basic salary, fixed allowances, commissions, incentives and other payments.
- Wage periods, payment deadlines and final wage payments.
- Lawful deductions under the Employment Act 1955.
- Distinguishing deductions permitted by written law from deductions requiring prior approval or compliance with other statutory conditions.
- Salary advances, payroll overpayments, employee indebtedness and recovery of money owing.

- Calculating statutory payments
- Payslips, payroll registers, reconciliation and supporting documentation.
- Common payroll errors

Module 4: Working Hours, Overtime, Rest Days and Public Holidays

- The statutory 45-hour working week and the applicable daily working-hour limits.
- Normal hours of work, meal breaks, intervals and spread-over considerations.
- The statutory meaning of hours of work
- Executives and professionals working beyond eight hours a day
- Employees earning more than RM4,000 per month
- The statutory classification of manual workers and other specified employees
- Shift work and the special rules governing shift arrangements
- Overtime calculations, statutory limits and recordkeeping.
- Rest-day entitlements
- Public-holiday entitlements

Module 5: Leave Entitlements and Family-Related Employment Rights

- Annual leave
- Paid sick leave, hospitalisation leave and medical certification.
- Maternity leave
- Maternity allowance eligibility
- Paternity leave
- Interpreting the statutory requirements concerning the employee's spouse and the qualifying confinement.
- Public-holiday
- Leave applications, carry-forward arrangements and outstanding leave upon termination.
- Absence, overlapping leave and operational requirements

Module 6: Flexible Working Arrangements and Workplace Administration

- Statutory provisions governing applications for flexible working arrangements.
- Documenting decisions and communicating reasons for rejection where required.
- Managing hybrid work, remote work and flexible scheduling arrangements.
- Working-time records and payroll implications
- Flexibility in work location
- Reviewing company policies to avoid unintended contractual commitments.

Module 7: Managing Misconduct, Poor Performance and Attendance Problems

- Distinguishing misconduct, poor performance, incapacity and attendance-related problems.
- The legal significance of due inquiry
- Preliminary investigations, show-cause letters and evaluation of employee explanations.
- Domestic inquiry principles, impartiality, evidence and procedural fairness.
- Managing repeated lateness, unauthorised absence, insubordination, dishonesty and other disciplinary offences.
- Distinguishing isolated misconduct from repeated or serious breaches.
- Performance improvement plans, warnings, counselling and performance documentation.
- Maintaining contemporaneous records and ensuring that disciplinary decisions are supported by evidence.

Module 8: Termination, Resignation, Non-Renewal and Retrenchment Compliance

- Termination by notice and payment in lieu of notice.
- Resignation, failure to serve notice and recovery of money owing.

- Abandonment of employment
- Termination during probation
- Termination of fixed-term contracts, early termination and non-renewal.
- Termination for misconduct, poor performance and incapacity.
- Final wages, accrued leave and lawful deductions.
- Retrenchment, redundancy and restructuring
- Statutory termination and lay-off benefits
- Distinguishing statutory entitlements from contractual or policy-based benefits.
- Documentation, communication and post-termination compliance.
- Common termination errors that may result in Labour Department claims or industrial relations disputes.
- Developing termination procedures

Module 9: Employment Disputes, Labour Department Enforcement and Legal Remedies

- The role, jurisdiction and powers of the Department of Labour.
- Employee complaints, wage claims and disputes
- Labour Department inspections, document requests and preparation for regulatory engagement.
- Distinction between statutory entitlements, contractual claims and disputes
- Offences, penalties and potential employer liability arising from non-compliance.
- Burden of proof, contemporaneous records and evidential weaknesses.
- Assessing the legal basis of a Labour Department officer's interpretation, direction or decision.
- Available review, appeal or court procedures
- Avoiding confrontational or procedurally defective responses to regulatory action.
- Responding to employee grievances before they escalate into formal claims.
- Lessons from relevant Malaysian employment and industrial relations cases.
- Developing a defensible approach to statutory compliance and dispute management.

Module 10: Building an Effective Employer Compliance System

- Conducting a structured Employment Act 1955 compliance audit.
- Identifying high-risk employment processes and prioritising corrective action.
- Establishing a statutory compliance register and responsibility matrix.
- Reviewing employment contracts, HR policies, payroll controls and disciplinary procedures.
- Establishing approval controls for wages, deductions, overtime, leave and termination.
- Standardising documentation, audit trails and escalation procedures.
- Training supervisors to recognise and prevent employment compliance breaches.
- Monitoring legislative amendments and updating internal procedures.
- Distinguishing mandatory statutory benefits from additional contractual and discretionary benefits.
- Reviewing working arrangements and remuneration structures
- Developing consistent procedures for probation, fixed-term contracts, employee classification and termination.
- Balancing legal compliance, business continuity, management discretion and employment cost management.

When & Where	Who Should Attend	Training Investment
18 & 19 January 2027 (Mon & Tues) 9.00 am to 5.00 pm	HR Managers, HR Executives, HR Practitioners, Payroll Managers, Industrial	**RM 1,500** per participant (inclusive of Service Tax, Online Course Materials, E-Certificate of Attendance)

Remote Online Training – Zoom	Relations Practitioners, Operations Managers, Business Owners and Employers	🔥 **Group Promo: Save 15%** Register min. 3 pax for **RM 1,275** per pax (Normal Rate: RM 1500) **HRD Corp Claimable (SBL-Khas)**

Trainer's Profile

Dr. Chan Wang Tak

Current:-

- Author of "400 Q&A on the Practice of Malaysian Labour Laws"
- Recognized Pakar Industry Negara by JPK Malaysia
- HR Consultant for MNCs, GLCs, SMEs
- Elected Council Member of Malaysian Inst of Human Resource Management
- Lecturer for Certified HR Manager training program
- HRDF certified trainer for HR Management and other soft skills courses
- Trains in 3 languages
- Certified RPL assessor

Formerly:-

- Industrial Court Panel Member
- Group HR Manager of public listed company
- HR Manager of semiconductor company
- Guest lecturer at pvt university

Experience:-

- Represent client at labour court
- Develop salary structure, perform salary review for clients
- Conduct TNA and HR Audit
- Review, revise HR polices and contract of service, write HR policy manual & employee handbook
- Reorganizing and re-training HR Dept for client
- Set up training department for client on turnkey handover basis.
- Negotiate collective agreement

Register HERE

Other Programmes HERE



Contact Us

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