



Failsafe Termination of Employment Contract and Dismissal

HRD Corp Claimable (SBL-Khas)

Objective

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

- Differentiate between a termination and dismissal
- Know what to consider and the actions to take to effect either a termination or a dismissal
- Understand how to weigh the facts of an offence before deciding on a dismissal
- Identify minor and major misconduct
- Understand the importance of inquiry and investigations
- Visualize a Domestic Inquiry in progress

Course Requirement

- Stable Internet Connection
- Webcam and Earphones

Course Content

Module 1: Contract of Service and Termination

- Different types of contracts of employment
- Termination clause required by law
- Types of termination and grounds for termination
- Notice period for termination, waiver and indemnity

- Alternative actions on failure to pay indemnity
- Consequences of wrongful termination – nature of security of tenure
- Difference between Labour Court and Industrial Court decisions on termination

Module 2: Termination not by Dismissal

Termination by Resignation

- Types of voluntary termination by employee
- Issues concerning the letter of resignation
- The right to not to accept resignation
- Resignation to avoid punishment
- Issues of questionable resignations that can go to court

Termination of Fixed Term Contract

- Problems arising from termination of fixed term contracts
- Genuine and fake fixed term contracts
- Indicators of fake term contracts

Termination of a Probation

- The rights of probationer
- The purpose of probation
- Care on termination of probationer

Termination for Breach of Contract

- Meaning of breach of contract
- Types of breaches of contract by employer and employee
- Termination due to breach of contract by frustration
- Termination of breach of contract due to extended absence from work

Termination by Retirement

- The right to retire an employee
- Types of retirement in practice
- Compensation due upon retirement

Module 3: Termination due to Retrenchment

- The Law on Retrenchment
- Code of Conduct for Industrial Harmony
- Process of retrenchment
- Retrenchment of foreign workers
- Liability to pay retrenchment compensation

Module 4: Termination by Dismissal

Understanding Misconduct and Dismissal

- Consequences of dismissal upon the employee
- Dismissal under Section 14(1)

- Dismissal in the eyes of the Industrial Court
- Meaning of Misconduct
- Types of Misconduct
- Misconducts that merit summary dismissal
- The Process of dismissal
- Principles of Natural Justice

Investigating Offences

- Suspension Pending Inquiry
- Show Cause Letter
- Employee Responses to Show cause letter
- Management Actions on employee's response

The Domestic Inquiry (DI) and Dismissal

- When is DI necessary
- The charge sheet
- Selection of the Panel Members
- The Role of DI members
- Recording Proceedings
- DI procedure
- Findings & Punishment
- Right of Appeal

Module 5: Issues of Misconduct leading to Dismissal

- Minor Misconduct(S)
- Drunkenness
- Sleeping on the Job
- Excessive Sick Leave
- Misconduct after Work
- Sexual Harassment
- Negligence or Gross Negligence
- Malingering
- Showing Disrespect to Employer
- Refusal to obey Lawful Order
- Insubordination
- Refusal to be Transferred
- Criminal Offence Pending Court Hearing
- Refusing New or Additional Duties
- Poor Performance or Failure to Meet Targets

When & Where

18 & 19 March 2024
(Mon & Tues)
9.00 am to 5.00 pm

**Remote Online Learning -
Zoom**

Who Should Attend

All HR personnel,
Managing Directors,
CEOs, COOs, GMs,
Admin Managers,
Finance Managers,
Factory Managers, etc

Training Investment

RM 1,300 per participant
(inclusive of Service Tax,
Online Course Materials, and
E-Certificate of Attendance)

**HRD Corp Claimable (SBL-
Khas)**

Trainer's Profile

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

Carriera Academy Sdn Bhd

Download our company profile [here](#)

Tel: 017-7679688 (Steph)

Email: trainings@carriera.com.my