



# 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

**8 & 9 October 2024**  
(Tues & Wed)  
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](#)

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