Effectively Managing Absenteeism, Excessive Sick Leave & Poor Performance At The Workplace
October 10,
DoubleTree by Hilton Hotel
Kuala Lumpur
Raja Vishnu Sivarajah,
Consultant, IR Law

Practical Application Of Sarawak Labour Ordinance In HRM
October 17&18,
Pullman Kuching, Sarawak
Dr. Balakrishnan Muniapan

IR LAW CONFERENCE 2018
POST-CONFERENCE WORKSHOPS
Effectively Managing Absenteeism, Excessive Sick Leave & Poor Performance At The Workplace
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INTRODUCTION
IR Law’s Program on Effectively Managing Absenteeism, Excessive Sick Leave & Poor Performance at the Workplace is designed to provide delegates with sound knowledge and understanding of this subject matter within the purview of the Employment Act 1955, complemented by ‘hands on’ practical guidelines and examples for worksite implementation.

WHO SHOULD ATTEND

DURATION
One (1) day

PROGRAMME FACILITATOR
RAJA VISHNU SIVARAJAH obtained his LL.B (Hons) in 1996 from the University of Wolverhampton and joined the Malaysian Current Law Journal in 1999 as the Legal Proofreader. In 2001, he was promoted to the position of Sub-Editor and subsequently in 2002, he was made Editor-in-charge of the Industrial Law Reports (ILR). He left to join Malaysian Employers Federation (MEF) in 2006 as the Research Analyst for the Industrial Relations Department, where he researched and wrote several MEF’s Industrial Relations publications, specifically Leave & Absenteeism at the Workplace – Cases, Commentary & Materials (First Edition) and ‘Criminal’ Misconduct.

MANAGING ABSENTEEISM & EXCESSIVE SICK LEAVE
Definition of Absenteeism
- What Is Absenteeism And Its Definition
- Primary Causes Of Absenteeism

Legal Provisions For Handling Absenteeism
- Statutory Provisions On Absenteeism
- Section 15(2) Of Employment Act 1955
- Absence Due To Police Detention
- Section 23 Of Employment Act 1955
- Absenteeism In Conjunction Of Public Holiday
- Section 60d(2) Of Employment Act 1955
- Handling Absence Without Leave Or Notification: Missing In Action
- Absenting On Medical Leave Without Informing Employer
- Prolonged Medical Leave

Court Decisions On Absenteeism
- Approach Of The Courts
  - Decisions By The Industrial Court & Judicial Courts

Absenteeism Prevention Procedures
- Controlling Absenteeism Through Administrative Controls
- Role Of Line Managers In Managing Absenteeism Effectively
- Developing Relevan

Excessive Sick Leave
- Causes Of High Sick Leave
- Costs Of High Sick Leave
- Excessive Sick Leave & Misconduct

MANAGING POOR PERFORMANCE
- Poor Performance – The Legal Perspective Performance Improvement Plan (PIP) Overview Of A Performance Improvement Plan (PIP) Process Documentation Involved To Prove Poor Performance The Progressive Disciplinary Process For Poor Performance
- Status Of Non-confirmation
- Need For Warnings
- Opportunity To Improve
- Failure To Show Improvement Despite Opportunity
- Managing Poor Performance For Probationers & Senior Management

CASE DISCUSSION, QUESTION & ANSWER & STUDY
INTRODUCTION
Labour Ordinance (Sarawak Cap. 76) is a fundamental employment law, which provides minimum terms and conditions of employment to those recognized as employees under the Ordinance. This Labour Ordinance has been enforced by the Labour Department with effect from 1 Oct. 2005 which covers employees in Sarawak. It is important for employers, especially managers, supervisors who have the responsibility for people management including the human resource practitioners to understand the legal aspects of this ordinance including its proper and effective implementation. Failure to grasp the principles of law can result in the Labour Court and Industrial Court ruling in favour of employees and the payment of monetary compensation.

COURSE OBJECTIVES
- To provide invaluable guide for both employers and employees leading to good industrial harmony
- To understand the Ordinance and able to manage HR within the legal framework
- To enable operation managers, executives as well as HR personnel to be well versed with the relevant sections of the Ordinance, to address or overcome daily situational issues in the most productive way directed towards the common interest of both parties
- To learn the "how-to" tools to handle disciplinary problems of employees

METHODOLOGY
The program is highly participatory with short lectures, group discussions, group presentations, role plays and case studies. Participants are encouraged to contribute their own experience and issues at their organisations. This is in accordance with research on adult learning, which shows that a deeper level of learning occurs when there is active participation on the part of the participants.

WHO SHOULD ATTEND
Managers, Heads of Department and Executives involved in people management and industrial relations

DURATION
Two (2) days

PROGRAMME FACILITATOR
Dr. Balakrishnan Muniapan [B.Econs, CIWT, MSc(HRM), DBA] is a specialist in HRM and was conferred the "Best Professor in HRM" awards at the World Education Congress, Asia's Education Excellence 2014 (Singapore) and at the World HRD Congress 2017 (Mumbai). He has also been a Visiting Professor in HRM and an external examiner for DBA/PhD thesis for universities within Asia and Africa. Dr Bala has published over seventy articles in international journals, conference proceedings, and book chapters. As a HRM speaker, Dr Bala has spoken in numerous countries within Asia, the Middle East, USA, Australia, South Pacific, Africa and Europe. Dr Bala has a PSMB (Malaysia) Certified Trainer (Exemption No: EMP/0899), an Australian College of Applied Psychology (ACAP) Certified Workplace Trainer (Level IV) and a Certified Trainer, Speaker, Teacher and Coach with the John Maxwell Team. As a HRM trainer and consultant, Dr Bala has vast experience in conducting training and consultancy programmes in HRM and has contributed tremendously towards HRM effectiveness for more than hundred organisations within Malaysia and in Asia.

DAY 1

MODULE 1
- The SARAWAK LABOUR ORDINANCE - General
- Contract Of Service And Contract For Service Dichotomy
- Categories Of Employees Covered
- Principles And Contractors / Sub-contractors
- Part- Time Employees (With Discussion On Recent Employment Legislation)
- Implied Duties Of Employers And Employees
- Psychological Contract And Meeting The Expectations

MODULE 2
- Statutory Entitlements Expressed In The Labour Ordinance Of Sarawak
- Working Hours And Shift Work
- Payment Of Wages
- Public Holidays And Rest Days
- Payment Of O/T Allowances
- CASE STUDIES

MODULE 3
- Termination Of Contract Of Service
- Notice Of Termination / Termination Without Notice
- Employee Misconduct And Termination Of Contract - For Special Reasons
- When Employment Contract Deemed Broken – Circumstances Within The Legislation
- Principal Of Natural Justice And Domestic Inquires
- CASE STUDIES

DAY 2

MODULE 4
- Payment Of Wages
- Deduction From Wages
- Priority Of Wages Before A Secured Creditor Is Settled - (Shut Down Operations)
- Liability Of Contractors & Principals
- CASE STUDIES

MODULE 5
- Employment Of Women
- Handling Sexual Harassment Within The Legal Context
- Maternity Leave And Allowance
- Employment Of Children And Young Persons
- Employment Of Foreign Employees
- Employment Of Domestic Servants

MODULE 6
- Labour (Termination & Layoff Benefits) (Sarawak) Rules 2008
- Notice Period Required For Termination Of Employment Contract
- Non-entitlement For Termination Benefits – Situations Arising
- Creating And Sustaining Harmonious Employer-employee Relationship