

# *Managing Absenteeism, Excessive Sick Leave & Poor Performance at the Workplace*

This is a specially designed, comprehensive and intensive One (1) Day course focussed for HR Managers, HoDs, Line Leaders & Supervisors which deals with the most complex and sensitive issue that the employer has to regularly confront. This Public Training programme focuses on managing and controlling costly 'missing in action' or absence without leave turnover, excessive sick leave & poor performance at work which can significantly impact business profitability and quality of products or services. Upon completion of this Training, you will have a strong understanding of the causes of absenteeism, excessive sick leave, poor performance and knowledge in how to analyse the extent of it, and a strategy to address and resolve it.

*IR Workshops*

# COURSE CONTENT

## Managing Absenteeism

### 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 Relevant HR Policies on Absenteeism

# COURSE CONTENT

## Managing High Levels of Sick Leave at Work

### Sick Leave Administration

- Law on Sick leave
- Section 60 (f), Employment Act 1955
- Hospitalisation & Non-hospitalization Leave
- Treating Sick Leave beyond entitlement
- Defining '60 days of sick leave
- Conditions for sick leave
- Sick Leave during probation?
- Can employees go to non-panel doctors?
- Consequences for Non Compliance
- Medical Certificates in Sick Leave

### Excessive Sick Leave

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

### Termination On Medical Grounds or Medical Board Out

- Sickness & Disability
- Medical Board Out Policy
- Prolonged Illness Policy
- Frustration Of Contract
- Requirement for Medical Examination
- Compensation & Benefits
- Application of Employment (Termination & Lay -Off Benefits )
- Regulations 1980
- Mutual Separation Schemes ('MSS')

### Malingering

#### Failure to notify employer of absence due to illness

#### Termination where sick leave taken is excessive

### Reducing High Sick Leave

Establishing policies and procedures;  
Notice requirements;

- Case Laws on Sick Leave

# COURSE CONTENT

## Managing Poor Performance

### Overview

- Performance Enhancement Process
- Poor performance – the Legal Perspective
- Causes for poor performance
- The law and test to prove a poor performance case
- Performance Improvement Plan (PIP)
- Overview of a performance improvement plan (PIP) process
- Coaching & Counselling for Performance Improvement
- Documentation involved to prove poor performance
- Case Studies (Industrial Court & superior Cts)
- Overview of misconduct
- The progressive disciplinary process for poor performance
- Malingering
- Sleeping on duty
- Best practices in managing poor performance
- Terminating poor performers
- Sample Letters/Documentation
- Notice of Poor performance
- Letter of Non confirmation
- Extension of probationary period
- Termination for Poor performance
- Performance Appraisal Form
- Performance Improvement Plan

# COURSE CONTENT

## Poor Performance for Probationers, Permanent Employees & Senior Management

- Rights of a Probationer
- Status of Non-Confirmation
- Fair Assessment of a Probationer
- Importance of Proper Interview
- Selections, Job Descriptions and Standard
- Operating Procedures
- Standard Laid Down by Court
- Need for Warnings
- Opportunity to Improve
- Performance Appraisals
- Failure to Show Improvement Despite Opportunity
- Discussion on Case Laws

# TRAINER'S PROFILE

## Raja Vishnu Sivarajah

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 Proof-reader. 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 In Employment - Cases, Commentary & Materials (First Edition), aside from providing consultation on labour, employment and industrial law matters to members of MEF. After spending several years in the Corporate Sector, where he continued honing his Industrial Relations skills in a Managerial capacity, he joined MECA Employers Consulting Agency Sdn Bhd as its Senior Legal Advisor in 2011.

While in MECA, aside from providing advisory services to employers, he had also won many Labour Department cases on behalf of employers whilst conducted successful Training Courses on matters in connection to Employment Act 1955 and Industrial Relations Act 1967, domestic inquiry procedure, managing misconduct and poor performance, managing absenteeism and excessive sick leave etc.

With his experience and practical hands on approach in Industrial Relations, Raja Vishnu serves as a full time Consultant of IR Law and provides Training Courses on Industrial/Labour/Employment Law issues. He is well versed in assisting employers in handling day to day IR/HR operations including dispensing advise on compensation and benefits issues, drafting employment contracts, Company Handbooks, conducting investigation on disciplinary issues, HR Audit and domestic inquiries, handling employee grievances and negotiations for collective agreements, providing legal opinions, representing employers at Labour Department etc.

# TRAINER'S PROFILE

## **K.Jebaratnam**

K. JEBARATNAM has served in the Human Resources Ministry for over 30 years in the Department of Labour and the Trade Union Affairs Department. He was the Regional Director of Trade Unions for Selangor, Wilayah Persekutuan Kuala Lumpur and Pahang before he opted out to join the private sector. As an enforcement officer in the Ministry of Human Resources, he has vast experience in enforcing the Employment Act 1955, Industrial Relations Act 1967 and Trade Unions Act 1959, conducting Labour cases, prosecutions and providing advisory services to both the employers and the employees. As a Director in the Trade Union Affairs Department, under the Trade Unions Act 1959, he was responsible for the registration and administration of Trade Unions in Wilayah Persekutuan Kuala Lumpur, Selangor and Pahang. As a member of the MIHRM he has conducted various training programmes on Labour Laws for DIPM and DIR courses participants. K.Jebaratnam is a certified trainer by the Pembangunan Sumber Manusia Berhad (Human Resources Development Berhad)

After opting out from the civil service in 1995, he served as the Industrial Relations Adviser of the Malayan Commercial Banks' Association (MCBA), an umbrella body for all the Commercial Banks and Finance companies in Malaysia. He was involved in successfully negotiating and concluding collective agreements with the Nation Union of Bank Employees (NUBE) and Association of Bank Officers (ABOM). During his five years in MCBA, he has conducted training programmes including in-house sessions for Bank managers and officers on Labour Laws and disciplinary matters. During the consolidation of the financial institutions, has formulated guidelines to introduce Voluntary Separation Scheme (VSS) and Early Retirement Scheme (ERS) for implementation by member banks and finance companies. During his tenure in MCBA, he was appointed to the Industrial Relations Panel of MEF, a high-powered body to advise the MEF council on amendments to Labour Legislations and other related matters.

His command of the Employment Act 1955, Industrial Relations Act 1967, and the Trade Unions Act 1959, the hands-on experience in handling employees in unionised environment, matters leading to termination of employment, conducting programmes in handling domestic inquiries and grievance handling as well as implementation of VSS and ERS are added advantages for the achievement of human resource development of any progressive and dynamic organisation.

## Program Dates

Tuesday, 26 April 2016, 09:00am to 05:00pm

Venue:

IR Law Training Room

IR Law Sdn. Bhd, 2B-7-3 Block 2B, Level 7, Plaza Sentral,  
Jalan Stesen Sentral 5, 50470 Kuala Lumpur

You can register by completing the enclosed form below and faxing it to +603 2034 9468 or scan/email to [accounts@irlaw.com.my](mailto:accounts@irlaw.com.my).

- 1) RM700.00 per delegate.
- 2) RM550.00 (IR Law Member's Price) per delegate.  
( Excluding 6% GST)

## Course Fee & Registration

Participants will be given two weeks trial to contact IR Law Consultants for any consultation/ query on Industrial and Human Resource matters, including free two week password for Online Access to IR Digital Library where the participants can freely access all Industrial Court awards, High Court, Court of Appeal and Federal Court cases, Articles including updated legislation on all employment/industrial law matters.

(Fully HRDF Claimable (includes morning & afternoon tea break, lunch, printed notes worth RM20.00 each and certificate of attendance)



# Registration Form

**IR LAW**  
WORKSHOPS  
2016



## HRDF CLAIMABLE

- 26 April 2016**  
Tuesday (09:00am to 05:00pm)  
*Managing Absenteeism,  
Excessive Sick Leave & Poor  
Performance at the Workplace*

Mr. K. Jebaratnam  
Mr. Raja Vishnu Sivarajah

IR Law Training Room  
IR Law Sdn. Bhd,  
2B-7-3 Block 2B, Level 7,  
Plaza Sentral, Jalan Stesen Sentral 5,  
50470 Kuala Lumpur

- 27 April 2016**  
Wednesday (09:00am to 05:00pm)  
*Managing Downsizing Correctly  
During Economic Downturn*

Mr. K. Jebaratnam  
Mr. Raja Vishnu Sivarajah

IR Law Training Room  
IR Law Sdn. Bhd,  
2B-7-3 Block 2B, Level 7,  
Plaza Sentral, Jalan Stesen Sentral 5,  
50470 Kuala Lumpur

- 28 April 2016**  
Thursday (09:00am to 05:00pm)  
*Understanding TPPA and its Impact  
on Employment/Industrial Laws of Malaysia*

Mr. K. Jebaratnam  
Mr. Raja Vishnu Sivarajah

IR Law Training Room  
IR Law Sdn. Bhd,  
2B-7-3 Block 2B, Level 7,  
Plaza Sentral, Jalan Stesen Sentral 5,  
50470 Kuala Lumpur

**IR Law Sdn Bhd**  
2B-7-3 Block 2B, Level 7, Plaza Sentral,  
Jalan Stesen Sentral 5, 50470 Kuala Lumpur  
Tel: +603 5033 1812 Fax: +603 2034 9468  
enquiries@irlaw.com.my  
<http://irlaw.com.my>

# Registration Form

**IR LAW**  
WORKSHOPS  
2016

## PARTICIPANT 1

NAME: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

EMAIL ID: \_\_\_\_\_

TEL NO: \_\_\_\_\_

## PARTICIPANT 2

NAME: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

EMAIL ID: \_\_\_\_\_

TEL NO: \_\_\_\_\_

## PARTICIPANT 3

NAME: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

EMAIL ID: \_\_\_\_\_

TEL NO: \_\_\_\_\_

## BANK DETAILS

Bank : Maybank – Taman Melawati Branch

Account No : 012204111142

Account Name : IRLaw Sdn Bhd

## TERMS AND CONDITIONS

- Registration may be made through telephone/fax/email/website form
- Cheques should be made payable to: “IRLaw Sdn Bhd”.
- You may make substitutions at any time.
- No refunds will be given for cancellations received less than 5 working days prior to the workshop date.
- Excluding 6% GST.

## COMPANY INFORMATION

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TEL NO: \_\_\_\_\_

FAX NO: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

CONTACT'S EMAIL: \_\_\_\_\_

COMPANY CHOP / SIGNATURE: \_\_\_\_\_

## WORKSHOP FEES

Workshop Rates

1-day Workshop

RM 550 (IR Law members)

RM700(non members)

( Excluding 6% GST)



**HRDF CLAIMABLE**

**IR Law Sdn Bhd**

2B-7-3 Block 2B, Level 7, Plaza Sentral,  
Jalan Stesen Sentral 5, 50470 Kuala Lumpur

Tel: +603 5033 1812 Fax: +603 2034 9468

enquiries@irlaw.com.my

http://irlaw.com.my