

# *Managing Downsizing Correctly During Economic Downturn*

There has been a wave of downsizing exercises in Malaysia, which started last year and looks to continue through 2016.

Hence, downsizing may arise due to economic reasons. Further, technological advances have transformed the work processes leading to more efficient productive utilisation of human resources, resulting in downsizing. This Course provides a useful insight to employers, human resource practitioners and those who have a professional interest in the subject matter on how to downsize their business in tough economic scenarios, and how to deal with this subject matter from the point of law and practices.

We have assisted many companies in carrying out proper downsizing exercise. We encourage every company to train at least one of its HR Dept. staff on the correct procedure involved in downsizing. We hope that you will take advantage of this Course.

# COURSE CONTENT

## **Statutory Provisions Relevant to Retrenchment**

- Principles of Downsizing
- Establishing Redundancy
- Selection Criteria
- Departure from Last In First Out (LIFO)
- Legal obligations of the employers

## **Code of Conduct for Industrial Harmony**

- Introducing Pay Cuts & Shorter Work Week
- Voluntary Separation Scheme ('VSS')
- Mutual Separation Scheme (MSS)
- Alternatives to retrenchment
- Retrenchment Benefits as per Employment  
(Termination & Layoff Benefits) Regulations 1980
  - Layoff within the meaning of Regulations
- Analysis of Cases on Downsizing

# 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 Malaysian 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

Wednesday, 27 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

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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**

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