

Managing Employee's Discipline & Domestic Inquiry ('DI'): Practice & Procedure

IR Law has specially designed this one day course for the specific purpose of training all HR Managers, Executives & Officers on the correct method and procedure to manage employee's discipline, how to carry out a proper investigation and how to effectively prosecute at a domestic inquiry. Effective prosecution includes skillful cross-examination and making a convincing submission.

By the end of the program, the participants will have a clear understanding of the legal principles that govern disciplinary proceedings and domestic inquiry, the circumstances under which they are needed and the role of the various parties involved. Participants will gain that understanding through lectures, case studies and practical exercises. They would also gain structured practice in the skills required to interact with staff in a disciplinary situation.

Program Outline

STATUTORY PROVISIONS ON DISCIPLINE

Rules of natural justice

Duty to refer to documents on procedures/policies before taking action

- Duty to report misconduct
- Investigation Process
- Interviewing Witnesses/Recording Statement
- Role of Investigation Officer
- Issuance of Show Cause Letter
- Monitoring reply within stipulated period
- Confidentiality of Show Cause Letter & Reply
- Notice of Inquiry & Charge Letter

Due Inquiry

- Scope
- Industrial Court guidelines on due inquiry
- Domestic Inquiry Procedure
- Role of Prosecutor
- Applicability of Rules Of Evidence
- Examination In Chief, Cross Examination & Re-Examination
- Notes of DI proceedings
- Written/Oral Submission
- Right of Appeal
- Decision of Appellate courts on requirement of due inquiry

Domestic Inquiry Panel

- Requirement of Independence of Panel
- Criteria for Panel Members
- Rules of confidentiality & impartiality
- Panel can be person(s) from outside organization

Role of Punishing Authority

- No pre-judgment
- Punishment should be based on facts, not being influenced by outside facts/party(ies)
- Punishment should be consistent regardless of rank or relationship
- Delay in punishment amounts to condonation

Court case discussion/study

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 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 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.

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

5 March 2015 (Thursday), 09:00am to 05:00pm
at IR Law Training Room
IR Law Sdn. Bhd, 2B-7-3 Block 2B, Level 7, Plaza Sentral,
Jalan Stesen Sentral 5, 50470 Kuala Lumpur

Course Fees & Registration

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

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

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)