

# 2 – DAY

## MASTERING THE EMPLOYMENT ACT

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### INTRODUCTION

This course is specially designed to equip managers with the necessary leadership skills, legal and procedural knowledge in applying the relevant provisions of the Employment Laws. The Employment Act is one of the legislations governing employment in Malaysia. It is essential for every manager or supervisor to be knowledgeable of the relevant provisions of the Employment Act 1955 in order to promote industrial harmony in the workplace. Non-compliance of the Employment Act 1955 may not only be costly to the employer but also embarrassing to the manager if the case is brought to court and highlighted in the media.

### METHODOLOGY

Interactive trainer led presentation, Group discussion, case studies and analysis. Q&A will be discussed within the course.

### COURSE OBJECTIVES

By the end of this course, you will be able to:

### WHO SHOULD ATTEND?

- Entrepreneurs/ Owners of SMEs
  - Head of Departments
  - Human Resource Managers
  - Human Resource Practitioners
  - Executives
  - Team Leaders
  - Supervisors
- & all those who are keen in learning and mastering the Employment Laws

- Understand the General Scope of Employment Act
- Differentiate between Contract of Service and Contract for Service
- Terms and Conditions of service
- Know different types of termination of contract and calculations of payment in lieu of notice
- Study on payment of wages and restrictions, limitation on advances, as well as lawful deductions of wages
- Guidance on Leave, Hours of work, Rest Day and Public Holidays
- Understanding on employment of foreign workers
- Understand the principles in computation of retrenchment, termination and lay-off benefits
- Comprehend Industrial Relations Act 1967 and proposed amendments

# PROGRAM OUTLINES

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## MODULE 1: INTRODUCTION

- General Scope of Employment Act 1955
- Statutory exceptions
- Key definitions and interpretations

## MODULE 2: CONTRACT OF SERVICE

- Contract of Service
- Contract for Service
- Terms or conditions of service
- Rights to join unions
- Notice of termination
- Calculations on Payment in lieu
- Managing breaches of contract
- Minimum Retirement Age Act 2012

## MODULE 3: WAGES

- Definition of wages and wage period
- Minimum Wages Order 2020
  - When wages must be paid
  - Consequences of non-compliance
- Payment of wages and restrictions
- Limitation on advances
- Lawful deductions of wages
- Understanding Ordinary Rate of Pay (ORP) and its implications

## MODULE 4: EMPLOYMENT OF WOMEN AND MATERNITY

- The restrictions and controls
- Maternity leave and allowance calculation

## MODULE 5: HOURS OF WORK, REST DAY AND HOLIDAYS

- Calculation on Rest Day, Hours of Work
- Calculation on Public Holiday, Annual Leave and Sick leave
- Management of False MCs

## MODULE 6: EMPLOYMENT OF FOREIGN WORKERS

- Duty to submit returns
- Prohibition under this section

## MODULE 7: COMPLAINTS & INQUIRIES

- Director General's power to inquire into complaints
- Limitations on Director General's powers

## MODULE 8: SEXUAL HARRASSEMENT

- Interpretation and application
- Understanding the Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace.
- Complaints and Investigations of sexual harassment
- Consequences of non-compliance

## MODULE 9: RETRENCHMENT, TERMINATION & LAY-OFF BENEFITS

- Provisions in the Code of Conduct for industrial harmony
- Calculation on termination or layoff benefits
- Provisions relating to retrenchments under the Employment Act 1955
- Consequences of non-compliance

## MODULE 10: THE INDUSTRIAL RELATIONS ACT 1967

- Claims for wrongful dismissal
- The doctrine of estoppel
- Proposed amendments to the Industrial Relations Act 1967
- Impact of the amendments to the employer/employee