

1 – DAY AMENDMENTS TO THE EMPLOYMENT ACT



Introduction

Every manager who manages subordinates who are within the scope of the Malaysian Employment Act 1955 needs to understand the amendments to this Act so that he is able to manage his subordinates effectively for better industrial harmony and greater productivity.

This course is specially designed to equip managers to have the necessary legal and technical knowledge to manage in accordance with the provisions of the Malaysian Employment Act 1955.

Course Objectives

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

- Have a better understanding of the amendments to the Employment Act
- Be able to manage their operations in accordance with the provisions of the Employment Act
- Be able to avoid potential legal or procedural landmines and loopholes so that it does not escalate into a costly legal/ industrial dispute

Methodology

- Q & A sessions
- Case studies and analysis
- Individual work exercises

Who Should Attend?

- Owners of SMEs
- Heads of Department / Line Managers
- Executives / Supervisors / Team Leaders
- Human Resource Practitioners

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Course Outline

MODULE 1: INTRODUCTION

- Scope of Employment Act 1955
- Definitions & interpretations
- Discussion on the proposed amendments.

MODULE 2: CONTRACT OF SERVICE

- Difference between Contract of Service & Contract for Service.
- More favorable terms or conditions of service
- Termination of Contract
- Breach of Contract
- Retirement
- Notice of termination
- Termination & Lay-Off benefits

MODULE 3: WAGES

- Definition of wages
- Payments and restrictions
- Calculation for incomplete month's work
- Limitation on advances to employees
- Payment of wages other than through bank

MODULE 4: EMPLOYMENT OF WOMEN

- Prohibition of night work
- Prohibition of underground work
- Prohibition of employment by Minister

MODULE 5: PREGNANCY & MATERNITY

- Length of eligible period and entitlement to maternity allowance.
- Restriction on termination of pregnant female employee.
- Restriction on dismissal of female employee after eligible period.
- Application of Maternity Protection irrespective of wages of female employee

MODULE 6: EMPLOYMENT OF FOREIGN WORKERS

- Termination of contract.
- Employment of foreign domestic servant.
- Duty to inform Director General of termination of service of foreign domestic servant

MODULE 7: HOURS OF WORK, REST DAY & HOLIDAYS

- Hours of Work
- Shift work
- Sick leave
- Paternity leave

MODULE 8: EMPLOYMENT OF FOREIGN EMPLOYEES

- Duty to furnish information and returns
- Termination of employment of foreign employee
- Director General may inquire into complaint

MODULE 9: FLEXIBLE WORKING ARRANGEMENT

- Flexible working arrangement
- Application for flexible working arrangement

MODULE 10: COMPLAINTS & INQUIRIES

- Director General's power to inquire into complaints
- Additional powers of Director General to inquire into complaints
- Claims for indemnity for termination of contract without notice
- Order of Director General
- Penalty for offence
- Discrimination in employment
- Procedure in Director General's inquiry
- Prohibitory order by Director General to third party
- Appeal against Director General's order to High Court



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MODULE 11: SEXUAL HARRASSMENT

- Application of this Part irrespective of wages of employee
- Offence
- Notice on sexual harassment

MODULE 12: PROCEDURE

- Service of summons
- Jurisdiction
- Saving clause as to civil jurisdiction of courts
- Court orders for payments due to employee

MODULE 13: OFFENCES & PENALTIES

- Forced labour
- General penalty
- Presumption as to who is an employee and employer

MODULE 14: REGULATIONS

- Amendments

