2 – DAY
LEADERSHIP IN MANAGING DIFFICULT EMPLOYEES & DI PROCEDURES

Introduction

Every manager is a human resource (HR) manager and needs to manage his subordinates effectively for better industrial harmony and greater productivity. Every manager needs to know how to manage difficult employees effectively so that it does not escalate into a costly legal/industrial dispute.

The course is specially designed to equip managers to have the leadership, legal, and technical knowledge in managing difficult employees and the technical know-how to handle domestic inquiry (DI) procedures.

Course Objectives

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

- Manage common misconducts in accordance with the Malaysian Employment Act 1955
- Attend to employee grievances and reduce employee conflict to create a harmonious workplace
- Draft show cause letters/charge sheet
- Distinguish between a show cause letter and a charge sheet
- Evaluate facts and evidence when drafting a show cause letter/charge sheet
- Identify Domestic Inquiry role players
- Understand the flow of a Domestic Inquiry (DI) Procedure
- Understand the roles of Panel members, the do's and don'ts during the DI
- What to do post DI? Panel's report and findings
- Procedure at the Industrial Court – how to manage a representation which as been referred to the Industrial Court

Methodology

Case study and Group discussion.

Who Should Attend?

- SME Owners
- Head of Department/Line Managers
- Executives
- Team Leaders
- Supervisors
- Human Resource Practitioners

Course Outline

MODULE 1: INTRODUCTION

Understand the role of managers as leaders in managing discipline, attending to employee grievances, reducing employee conflicts to create industrial harmony in the workplace

MODULE 2: MANAGING MISCONDUCTS

Managing common misconducts in accordance with the Malaysian Employment Act 1955 for a healthier work environment. Discussion on:

- Tardiness (Lateness and Habitual lateness)
- Absenteeism (during working hours, during holiday session, before/ after weekend)
- Malingering (Abusing medical leave and fake medical certificates)
- Sexual Harassment
- Poor work performance/ Low productivity
- Conflict of interest
- Insubordination

Case Study and Discussion
- Selected court cases
- Q&A by participants

MODULE 3: PRE-DOMESTIC INQUIRY

- Drafting of show cause letter/ charge sheet
  - Distinguish between a show cause letter and a charge sheet
  - Evaluate facts and evidence when drafting a show cause letter/ charge sheet
  - Understand what are the key points to take note when drafting a show cause letter/ charge sheet in order not to jeopardise the case
- Domestic Inquiry role players
  - Composition and qualification of panel members
  - Identify who can be the prosecutor
- Witnesses
  - Who can be called as a witness
  - Preparing witnesses for DI
- Consolidate Evidences
  - Distinguish the various types of evidences
  - Tendering and marking of evidence

MODULE 4: DOMESTIC INQUIRY

The Order of Proceedings
- Determine who should start the DI proceedings
- The order of questioning
- Understand the role of Panel Members during the DI and the Do's and Don'ts during the DI
- Rights of the accused employee during the DI proceedings

Course Outline

MODULE 5: POST DOMESTIC INQUIRY

- Panel's report/ Findings and/ or Recommendations
- Punishment
  - What are the options available for the management
  - How to apply the most appropriate punishment if the accused employee was found guilty
- Representation to the Director General (DG) of Industrial Relation (IR)
  - How to handle a representation to the DG of IR
  - What are the options available to the employer
  - Power of the DG of IR (Present and proposed under the amendments to the Industrial Relation Act 1967
- Procedure at Industrial Court
  - How to manage a representation which has been referred to the Industrial Court

MODULE 6: MOCK DOMESTIC INQUIRY (DI)

- Mock DI to enable participants to have a practical experience in conducting a DI with commentaries from the facilitator