

# 2 – DAY DISCIPLINE AND PERFORMANCE MANAGEMENT



## Introduction

This course is specially designed to offer participants a comprehensive and interactive learning experience spanning two days. It aims to equip individuals with the necessary skills and insights to effectively manage difficult employees, navigate disciplinary processes, and handle termination procedures. By delving into these crucial aspects of personnel management, participants will gain a deeper understanding and practical, hands-on experience, ultimately fostering better industrial harmony and enhancing overall productivity within their respective organizational contexts.

## Course Objectives

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

- Have a better understanding of the proper procedures in managing difficult employees in accordance with established industrial relations practices.
- Avoid the potential legal or procedural landmines and loopholes so that it does not escalate into a costly legal/ industrial dispute.

## Methodology

- Trainer led interactive presentation.
- Q & A sessions.
- Case studies and analysis.
- Individual work exercises.

## Who Should Attend?

- Business Owners
- Entrepreneurs/ SME Owners
- Head of Department
- Human Resource Managers
- Human Resource Practitioners
- Executives
- Team Leaders
- Supervisors
- All those who are keen in learning and mastering the Employment Laws



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## Course Outline

### MODULE 1: INTRODUCTION

- Roles and responsibilities of the manager.
- Difference between a leader and manager.
- Leadership at the workplace.
- Role of managers as leaders in managing discipline, attending to employee grievances, reducing employee conflicts and creating industrial harmony in the workplace.

### MODULE 2: MANAGING MISCONDUCTS

- Understand difficult employees.
- Definition of misconduct.
- Importance of discipline in the workplace.
- Managing common misconducts in accordance with the Malaysian Employment Act 1955 for a healthier work environment. Discussion on:
  - Criminal intimidation & assault.
  - Tardiness (Lateness & Habitual lateness);
  - Absenteeism (during work hours, during holiday season, before/after weekend) & breach of contract;
  - Malingering (Abusing medical leave & fake medical certificates);
  - Refusal to work Overtime
  - Conflict of interest;
  - Insubordination, etc.
- Progressive discipline and punishment options/penalties.
- Consequences of inappropriate/too harsh punishment.
- Case Study & Discussion : Selected Industrial Court cases and questions by participants.

### MODULE 3: MANAGING POOR PERFORMANCE – PERFORMANCE IMPROVEMENT PLAN (PIP)

- How to define poor performance.
- Objective of PIP.
- Managing poor performance and implementing a performance improvement plan (PIP) for a win-win work environment.
- Discussion on company's PIP procedure or designing a PIP procedure.
- Role Play (Optional).

### MODULE 4: REDUNDANCY & TERMINATION OF EMPLOYMENT

- Voluntary & Mutual Separation Scheme (VSS & MSS)
- Retrenchment Planning.
- Termination of probationers, contract staff, permanent staff, foreign employees.
- Termination of employees earning more than RM4K per month.

### MODULE 5: INTRODUCTION

- The Law relating to Domestic Inquiry.
  - With reference to the Employment Act 1957 and court cases.
- The Principles of Natural Justice.
  - What are the principles of Natural Justice.
  - Consequences of non-compliance.
- Types of misconducts
  - Understanding the various types of misconducts.

### MODULE 6: PRE-DOMESTIC INQUIRY

- Drafting of show cause letter/charge sheet.
  - Distinguishing between a show cause letter and a charge sheet.
  - Evaluating facts & evidence when drafting a show cause letter/ charge sheet.
  - What are the key points to take note when drafting a show cause letter/charge sheet in order not to jeopardize the case.
- Domestic Inquiry role players.
  - Composition & qualification of panel members.
  - Who can be the prosecutor.

### MODULE 7: DOMESTIC INQUIRY

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



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### MODULE 8: POST DOMESTIC INQUIRY

- Panel's Report / Findings and/or recommendations.
- Punishment.
  - What are the options available to the management.
  - How to apply the most appropriate punishment.
- Representation to the DG of 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 Relations Act 1967).
- Procedure at Industrial Court.
  - How to manage a representation which has been referred to the Industrial Court.

### MODULE 9: MOCK DI

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

