

HR Best Practices for Employment Terminations : A Step-by-Step Guide

Time :
9.00 AM - 5.00 PM

Speakers



19-20 Aug
**Sheraton
Petaling Jaya
Hotel**

9-10 Sept
**Eastin Hotel
Penang**

11-12 Sept
**Renaissance
Johor Bahru
Hotel**

Dzulfadhli Lead Consultant, MECA	Jassmine Joseph Northern Branch Manager & Consultant, MECA	Joel Choo Consultant, MECA	Sara Sia Consultant, MECA
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TRAINING FEE

MECA Member	RM 2300	PER PAX PER COURSE	<i>including 8% SST</i>
Non-Member	RM 2600	PER PAX PER COURSE	<i>including 8% SST</i>

**Prices are inclusive of 8% SST
Employers contributing to HRDCorp may claim the seminar rate subject to a maximum of RM 1300 / day / pax

For more information contact us :
KL - Ms. Zulaikha - 017-466 9598 / zulaikha@meca.com.my
JB - Ms. Nasihah - 011-5417 8284 / nasihah@meca.com.my
PEN - Ms. Wanie - 6019-695 5760 / wanie@meca.com.my

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How to Terminate the Employment Relationship with Compassion

COURSE OBJECTIVE

HR is usually the party responsible for hiring, firing and everything in between. What are ways to end the employment relationship with minimal noise. Parting ways with an employee can be tricky without understanding the right approach to use. Do I use VSS, MSS or retrenchment in a redundancy exercise? Dealing with Illness - Medical termination or retirement? Prolonged absence from work – Is frustration of contract, 15(2) or abandonment from service the appropriate route to take? Is termination on medical grounds after the expiry of prolonged illness the Company's right? Can fixed term contracts be terminated prematurely and if so, what are the employers' obligations? Understand when to use which method of termination not only to avoid hefty payments in backwages and reinstatement, but to part ways with employees on a good note! Termination of employment can be a happy outcome for all, if done right. Learn from actual court decisions, industry best practices delivered by trainers who face these issues daily. Get familiar with relevant sections in the newly amended Employment Act that apply in a termination; e.g termination benefits, notice, last dates to pay salary upon termination and so much more.

Day 1

Registration

8.30am – 9.00am

Understanding Statutory Provisions

- Termination of employment under Employment Act 1955 and Industrial Relations Act 1967
- Legal risks associated to termination of employment
- Available remedies under Malaysian law

9.00am – 10.30am



Morning Tea Break

10.30am – 10.45am

Types of Termination of Employment – thorough understanding of the different processes together with recently decided awards by the Industrial Court

- Dismissal for misconduct
- Poor performance
- Probationers – misconduct and poor performance

10.45am – 1.00pm



Lunch Break

1.00pm – 2.00pm

(Continue) Types of Termination of Employment – thorough understanding of the different processes together with recently decided awards by the Industrial Court

- Expiration of fixed term contracts
- Constructive dismissal
- Breach of contract
- Termination on medical grounds

2.00pm – 3.45pm



Afternoon Tea Break

3.45pm – 4.00pm

(Continue) Types of Termination of Employment – thorough understanding of the different processes together with recently decided awards by the Industrial Court

- Expiration of fixed term contracts
- Constructive dismissal
- Breach of contract
- Termination on medical grounds

4.00pm – 4.45pm

Q & A Session

4.45pm – 5.00pm

Day 2

Registration

8.30am – 9.00am

Rights of the Company post termination of employment

- The right to confidentiality
- The legal position on conflict of interest (competition)

9.00am – 10.45am



Morning Tea Break

10.45am – 11.00am

(Continue) Rights of the Company post termination of employment

- Deductions or withholding of employee's salary upon termination of employment
- Post employment discovery of serious act of misconduct

11.00am – 1.00pm



Lunch Break

1.00pm – 2.00pm

Taking Legal Actions (or defending a claim)

- Understanding the Court process
- Essential requirements to prove or defend a matter at Court

2.00pm – 3.45pm



Afternoon Tea Break

3.45pm – 4.00pm

(Continue) Taking Legal Actions (or defending a claim)

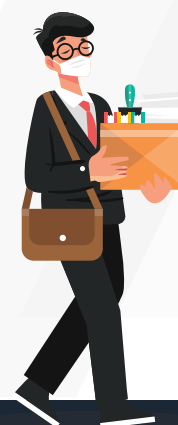
- Key considerations
- Common failures by employers in defending a matter at Court

4.00pm – 4.45pm

Q & A Session

4.45pm – 5.00pm

End of Day 2



End of Day 1

Speaker Profile



Dzulfadhli Bin Lamin
Lead Consultant,
MECA

Dzulfadhli Lamin obtained his Bachelor of Law degree (Hons) from Multimedia University. Dzul practiced as an Advocate and Solicitor in the Civil Litigation field for several years before joining MECA as a Legal Consultant.

During his tenure as a practicing lawyer, Dzul has successfully negotiated and recorded Consent Judgements (settlement) amounting more than RM4 million for Personal Injury cases. Dzul has represented leading companies in the Insurance, Oil & Gas and Energy industries for Trials before the Malaysian Courts.

Dzul's vast experience as a lead counsel has given him exposure to various disciplines of the law and the experience to deal with complex legal matters professionally. His passion for Employment Law and Industrial Relations matters allows him to provide sound advice and effective solutions to our clients.



Sara Sia
Consultant,
MECA

Sara has extensive experience in advising clients across a broad spectrum of employment law matters, including compliance, terms and conditions of service, trade unions and dismissal matters. She is also a strong advocate for a modern workplace concept, having been involved in flexi work strategies and remuneration schemes involving employee share options. Sara is a seasoned trainer and speaker, clocking an average of 200+ hours per year on training and speaking on employment law topics.

Sara was a practicing lawyer and a member of the Malaysian Bar prior to her consulting career at MECA.

Notable Transaction

During her stint at MECA, Sara has been involved in some notable consulting transactions which includes:

- Investigating an internal fraud case involving internal employees to the value of approximately RM8million;
- Performing audits on allegations involving forced labour and successfully implementing policies and tracking mechanisms across multiple MNCs;
- Planning and conducting a HR Open Day for a reputable client in Johor as part of their employee engagement exercise;
- Strategizing and implementing successful flexible working schemes with measurable growth in employee engagement without loss of revenue; and
- Developing and drafting organizational policies for an MNC entering the Malaysia market, ensuring local labour compliance and global alignment.



Jassmine Joseph
Consultant,
MECA

Jassmine Joseph obtained her Degree of Bachelor of Laws from University of Malaya and was admitted to the High Court of Malaya as an Advocate & Solicitor in 2018. Prior to joining MECA, Jassmine practiced as a Civil Litigation lawyer for several years in the areas of medical negligence, professional negligence (solicitor's negligence), employment, construction, land and appeals board.

Jassmine was then offered a Regional Legal Executive role in a MNC that specializes in recruitment and HR solutions where Jassmine had among others, the privilege to provide legal advice for the business in Singapore, Hong Kong and Malaysia on the risk associated in commercial contracts and employment laws applicable to the relevant countries.

Jassmine's experience both as a practicing lawyer and an in-house lawyer has given her the exposure needed to provide clients with reliable and effective advice on a commercial and legal standpoint for Employment and Industrial Relations matters.



Joel Choo
Consultant,
MECA

Joel Choo is one of MECA's legal consultant who holds a Bachelor of Law (Hons) Degree from Multimedia University and a Master of Commercial Law Degree from University of Malaya.

Prior to joining MECA as a legal consultant, he commenced his pupillage in Messrs Azim, Tunku Farik & Wong and was exposed to, among others, insurance law and banking law. Upon completion of his pupillage, he was admitted as an Advocate & Solicitor of the High Court of Malaya in 2020 and started his legal practice as a legal associate in 2022 under the Intellectual Property, Sports & Gaming practice group in Messrs Lee Hishammuddin Allen & Gledhill, whereby he was exposed to multiple areas to law including intellectual property as well as compliance & regulatory matters at varying complexities. Throughout his term in MECA, Joel has provided various forms of support including advisory and drafting services as a legal consultant and training services as a certified HRDC trainer to a wide range of clients ranging from global conglomerates to local companies in all matters regarding Malaysian employment & industrial relations laws. In furthering his expertise in HR & ER matters, he is also a WZ (Wicklander-Zulawski) certified HR/ER investigator.

Joel's passion for teaching as well as his exposure that derives from the legal fraternity equips him with the requisite knowledge and skills to provide effective and pragmatic solutions in the area of employment and industrial relation laws.