

EMPLOYMENT ACT 2022 AMENDMENTS:

Insights & Lessons One Year from Implementation

• 9.00 am - 5.00 pm

KL **12-13** Sheraton Hotel,
February Petaling Jaya



JERRY CHEONG
Consultant, MECA



CASSANDRA PETER
Consultant, MECA



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TODAY!**



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*Group Discount Applicable

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COURSE OBJECTIVE

- Gain a comprehensive understanding of the impact of 2022 amendments
- Identify recurring challenges since implementation and how companies have addressed them;
- Assess your organization's compliance with current laws and regulations
- Identify and address any gaps or uncertainties that arise after implementation.

Day 1

Day 2

Registration 8.30am – 9.00am

(VIII) Part XI - Domestic Employees

(I) Short Title & Application

(IX) Part XII - Rest Days, Hours of Work, Holidays and Other Conditions of Service

(II) Interpretation

- a. "Apprentice"
- b. "Apprenticeship Contract" and exemptions to certain sections of EA
- c. "Domestic Employee"
- d. "Foreign Domestic Employee"

9.00am – 10.30am

- s.60A - Hours of Work and Working at Night
- s.60A(1)(d) - Reduction of hours worked per week
- 48 to 45 hours – Case Studies on the reduced working hours per week and the impact on Companies
- s.60C - Shift Work
- s.60C(1) - Reduction of hours worked per week for shift work
- Navigating shift cycles with the "48 to 45". What's working and what isn't.
- s.60C(2A) – Ministers Powers to make Regulations for shift allowance.
- s.60F – Sick Leave – Implications of the increase
- s.60FA – Paternity Leave - Entitlement, Eligibility & Impact
- S. 60K – Requirement for DGL's approval to employ foreign workers.
- s.60KA – Notice to DG when foreign worker leaves employment
- s.60M - Discrimination against locals over foreigners

9.00am – 10.30am



Morning Tea Break

10.30am – 10.45am



Morning Tea Break

10.30am – 10.45am

(III) Payment of Wages

- s. 18A - Calculation of wages for incomplete month's work
- s.22(2) - Limitation on Advances to Employees

(IV) System of Payment of Wages

- s.25 - Wages to be paid through "Financial Institution"
- 25A - Payment of Wages other than through Financial Institutions

10.45am – 1.00pm

(XIV) Part XIIC – Flexible Working Arrangement

Discussion points:

- Procedures and Timelines
- Implementation and Effects on Collective Agreements
- Effects of Company's Refusal to Implement

10.45am – 1.00pm



Lunch Break

1.00pm – 2.00pm



Lunch Break

1.00pm – 2.00pm

(V) Part VII - Principals, Contractors, Subcontractors and Contractors for Labour

- s.33A(1A) - Legal Requirements between these Parties
- s.33A(3)(aa) - Offenses from failure to comply under this Part
- s.33A(3) - Increase in Fines

(VI) Part IX – Pregnancy & Maternity

- S.37(1)(aa) - Situations where female employee may commence work earlier
- S.37(1)(d)(ii) - increase to eligible period

2.00pm – 3.45pm

(XV) Part XVI - Offences and Penalties

- S101C(1) - Presumptions of Employer Status
- S101C(2) - Six conditions under which a person is presumed to be an Employer
- S101C(3) - To whom does the presumption of employer status extend to?
- Discussion points:
 - The Impact of this presumption a year on
 - Contract of Service vs. Contract for Service - how it all fits in.
 - Role of Intermediaries

2.00pm – 3.45pm



Afternoon Tea Break

3.45pm – 4.00pm



Afternoon Tea Break

3.45pm – 4.00pm

(VII) S.41A Restriction on Termination;

- s.41A(1) - of pregnant female employee
- s.37(4) - during eligible period
- s.42 - after eligibility period

- S.41A(2) - "Reverse" Burden of Proof on Employer
- Implication of DG's powers
- S. 42 - Restriction on termination after eligible period
- S. 44A - Application irrespective of wages of female employee

4.00pm – 4.45pm

(XVI) First Schedule:

- Who is an "employee"?
- Is it your "Wages" that determines this?
- Maybe it's your "Occupation"
- Does the whole EA apply to some, but not others? OR
- Does only some of the EA apply to everyone?

4.00pm – 4.45pm

Q & A Session

4.45pm – 5.00pm

Q & A Session

4.45pm – 5.00pm

End of Day 1

End of Training

Speaker Profile



Jerry Cheong
Consultant,
MECA

Jerry Cheong obtained his Bachelor of Laws from the University of London in 2010. He completed his Certificate of Legal Practice in 2012 and was admitted as an Advocate and solicitor of the High Court of Malaya in 2013. Since commencing legal practice, Jerry continues to gain experience as a civil litigator.

During his time at MECA, Jerry has been involved in some notable consulting transactions which include:

- Investigating an internal fraud case involving several board members of an international company;
- Investigating and assisting in the disciplinary action process against upper management personnel of a public-listed company; and
- Developing and drafting policies and code of conduct for a public-listed company

He is fluent in Mandarin and has had experience dealing with several clients from China.



Cassandra Peter
Consultant,
MECA

Cassandra Peter graduated with a Bachelor of Law, Second Class Honours (1st Division) from Aberystwyth University in 2017. She was admitted as an Advocate and Solicitor of the High Court of Malaya in January 2020. Prior to joining MECA, she chambered under Manian Raju at Manian Raju & Associates and subsequently joined the firm as a legal associate.

During her time at Manian Raju & Associates, Cassandra had hands on experience in civil litigation matters with cases pertaining to Contract Law, Company Law, Family Law, Land Law, Bankruptcy, Construction Law, Trust Law, Financial Law and Employment Law.

Cassandra's experience in civil litigation equips her to provide apt and effective solutions for her clients in employment and industrial relation matters.



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