



Updates on the Trade Unions (Amendment) Act 2024

6 - 7 JANUARY 2025

9.00 AM - 5.00 PM

SHERATON HOTEL, PETALING JAYA

SPEAKERS



Anna Balasubramaniam
CEO,
MECA



Dharmen Sivalingam
Partner,
Dharmen Sivalingam & Partners



Jerry Cheong
Consultant,
MECA



Cassandra Peter
Consultant,
MECA

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COURSE OBJECTIVE

- To understand the major amendments in the Trade Unions Act 1959 as introduced by the Trade Unions (Amendment) Act 2024.
- To assess the impact of these amendments on trade unions, employers, and employees.
- To explore strategies for union management under the new framework.
- To provide practical guidance for compliance with the new regulations.

Day 1

Registration 8.30am – 9.00am

Module 1: Introduction to the Trade Unions (Amendment) Act 2024

- Overview of the Trade Unions Act 1959 and the need for the 2024 amendments.
- Key reasons behind the changes and the goals of the updated legislation.

9.00am – 10.30am



Morning Tea Break

10.30am – 10.45am

Module 2: Redefining 'Trade Union'

- Explanation of the updated definition of 'trade union' in Section 2.
- Removal of restrictions based on specific industry, trade, or occupation.
- Case studies: From industry-specific unions to broader representation (e.g., FIEU expanding beyond the food industry).

10.45am – 1.00pm



Lunch Break

1.00pm – 2.00pm

Module 3: Multiplicity of Trade Unions

- Impact of the removal of restrictions on forming trade unions within specific establishments or industries.
- Practical steps unions need to take to expand their membership scope.
- Case study: How in-house unions and industry-specific unions can adapt to the new framework.

2.00pm – 3.45pm



Afternoon Tea Break

3.45pm – 4.00pm

Module 4: DGTU's Powers and Responsibilities

- Understanding the Director General of Trade Unions (DGTU)'s authority to refuse registration based on specific criteria.
 - Conflict with the Act's provisions or regulations.
 - Similarity of names with existing unions.
 - Potential to promote ill-will or hostility.
- Procedures for union registration and dealing with DGTU refusals.

4.00pm – 4.45pm

Q & A Session

4.45pm – 5.00pm

End of Day 1

Day 2

Module 5: Changes to Strike Procedures

- Examination of the amendments to strike requirements:
 - Reduction in the majority required for strike approval from two-thirds to more than half of 60% of eligible voters.
 - Case study: Strike voting processes before and after the amendment.
- Timelines for submitting secret ballot results to DGTU (7 working days).
- Rules regarding voting eligibility (exclusions for dismissed, retired, or retrenched members).

9.00am – 10.30am



Morning Tea Break

10.30am – 10.45am

Module 6: Minimum Union Membership Age and Leader Accountability

- Changes to the minimum union membership age (from 16 to 15 years).
- Introduction of liabilities for union leaders (president, secretary, treasurer) for offences committed by the union.
- Case studies and legal interpretations: Understanding leadership accountability in union operations.

10.45am – 1.00pm



Lunch Break

1.00pm – 2.00pm

Module 7: Enforcement and Investigation Powers

- Detailed discussion on the five new sections introduced by the 2024 amendments:
 - S63A: Investigation and enforcement powers.
 - S63B: Appointment of enforcement officers.
 - S63C: Powers to compel witness attendance for investigation.
 - S63D: Inspection and production of documents/articles.
 - S63E: Power to seize articles/documents during investigations.
- Practical exercises: How these new powers impact trade union compliance and internal governance.

2.00pm – 3.45pm



Afternoon Tea Break

3.45pm – 4.00pm

Module 8: Appeals and Stay of Execution

- Introduction of S71A: Automatic stay of execution of DGTU's decision during appeals related to union registration.
- Legal considerations and practical applications of the appeal process.

4.00pm – 4.45pm

Q & A Session

4.45pm – 5.00pm

End of Training

Speakers Profile



Anna Balasubramaniam
CEO,
MECA

Ms. Anna Balasubramaniam's path to becoming CEO of MECA is marked by over two decades of dedication and expertise in employment and industrial relations. She joined MECA at its inception in 1996 as a Research and Training Officer and quickly advanced to the role of Consultant after gaining practical legal experience in Employment and Labour Law at a reputed law firm. During her time in practice, she worked on landmark cases on the definition of "employee" and constructive dismissal such as Colgate Palmolive v Cheong Foo Weng, Southern Bank v Ng Keng Liang and Petroliam Nasional v Nik Ramli.

Her legal expertise, particularly in policy drafting and providing innovative solutions to workplace challenges, established her as a trusted consultant in the field. Anna also co-authored publications (A Practical Guide To The Employment Act 1955) with MECA's founder, Mr. T. Balasubramaniam, and Mr. Dharmen Sivalingam, further solidifying her thought leadership in the industry.

Before assuming the role of CEO, Anna devoted time to raising her three children—Dhanya, Sid, and Vid. Now, as CEO, she is poised to lead MECA into its next phase of growth, with a strong team that forms the backbone of the organization.



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.



Dharmen Sivalingam
Partner,
Dharmen Sivalingam & Partners

Dharmen, an Industrial Relations practitioner with more than 20 years' experience, has supported numerous employers on every aspect of Industrial Relations. He has experience in the end to end management of what can be a delicate relationship between an employer and an employee. He represents only employers and has acted as Counsel for many employers in litigious matters before the Malaysian Courts. He has written numerous articles on Industrial Relations issues at various platforms.

Dharmen has earned a reputation for success in IR disputes because of his distinct ability to process data quickly and distinguish issues in question, thereby producing solutions which are clear and accurate. Dharmen read law at University of Wolverhampton and was called to the Malaysian Bar in 2001. He commenced legal practice with one of the larger legal firms in Malaysia and set up DSP in 2013.



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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