

PUBLIC COURSE



Investigation, Misconduct, & Domestic Inquiry

3 & 4 JUNE 2025
9.00 AM - 5.00 PM

SHERATON HOTEL, PJ



TRAINING FEE

MECA Member

RM 3500 PER PAX PER COURSE *including 8% SST*

Non-Member

RM 4000 PER PAX PER COURSE *including 8% SST*



**Prices are inclusive of 8% SST*

**Employers contributing to HRD Corp may claim the seminar rate subject to a maximum of RM 1750 / day / pax effective 1st November 2024*



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COURSE OBJECTIVE

The aim of this course is to provide participants with the best practices in managing misconduct, investigation techniques on obtaining admission to ease the process of disciplinary management at work and end-to-end knowledge of when and how a domestic inquiry should be conducted in order to defend an unlawful dismissal claim.

Day 1

Registration

8.30am – 9.00am

Module 1: Introduction to Labour Laws (Employment Act 1955 and Industrial Relations Act 1967) in Malaysia

Intention of the Acts

Who does the Acts apply to?

The process, timeline and legal exposure to employers in the Labour and Industrial Relations Department

**Morning Tea Break**

10.30am – 10.45am

Module 2: Overview of Misconduct

Statutory provisions on misconduct (s.14 of the Employment Act 1955 & s.20 of the Industrial Relations Act 1967)

Difference between managing misconduct and poor performance

Disciplinary process of managing misconduct

Blueprint in managing misconduct

Hot stove principle in managing misconduct

**Lunch Break**

1.00pm – 2.00pm

Module 2: Overview of Misconduct [contd.]

Types of misconduct

Malingering

Absenteeism & Abuse of MC

Lateness

**Afternoon Tea Break**

3.45pm – 4.00pm

Module 2: Overview of Misconduct [contd.]

Types of misconduct (cont)

Neglect of duty and negligence

Insubordination

Theft, cheating and dishonesty

Fighting & Assault

Sexual Harassment

Private Conduct

Q & A Session

4.45pm – 5.00pm

End of Day 1

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Day 2

Registration

8.30am – 9.00am

Module 3: Investigation Techniques for Disciplinary Management

How investigation notes are important in preparing for domestic inquiry and/or a potential court case?

**Morning Tea Break**

10.45am – 11.00am

Module 3: Investigation Techniques for Disciplinary Management [contd.]

Non-Confrontational Investigation Approach

Traditional investigation vs non-confrontational investigation approach, defining the objective of an investigation session, pre-investigation plans and strategies, legal and ethical considerations, admissible and non-admissible evidence, behavioural norming exercise, exploring emblems, rationalisation process and testing for admission, obtaining and recording admission, options when admission is not obtained, presenting the investigation report, & assisting the framing of a charge/allegation in Show Cause Letter and Notice of Charge and recommending suspension

**Lunch Break**

1.00pm – 2.00pm

Module 4: Domestic Inquiry Process

Preparing a DI – checklist to consider

Principles of Natural Justice

Burden of proof and standard of proof

Understanding the roles – Chairman, panel members, prosecutor, secretary and accused employee

Understanding the flow of DI

Examination techniques

Admissible evidence vs unlawfully obtained evidence or hearsay

Case studies on defective Domestic Inquiry

Drafting a solid panel report

**Afternoon Tea Break**

3.45pm – 4.00pm

Module 5: Conclusion of the Disciplinary Process

Considerations of punishment

Effect on single misconduct

Proportionality of punishment

Past misconduct

Q & A Session

4.45pm – 5.00pm

End of Day 2



Jerry Cheong
Consultant,
MECA

A results-oriented Industrial Relations Consultant with over 10 years of legal experience in general litigation. 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. Currently in the field of IR which involves managing labour relations, negotiating collective bargaining agreements and resolving workplace disputes, fostering positive employee relations, implementing compliance strategies, and minimizing labour-related risks. Adept at collaborating with unions, management teams, and legal counsel to ensure smooth and efficient organizational operations. Highly skilled in conflict resolution, strategic planning, and training development to support sustainable business growth.



Rachel Tan
Consultant,
MECA

A graduate with honours from the University of London with a Bachelor of Laws, Rachel Tan completed her Certificate of Legal Practice in 2011 and was admitted to the High Court of Malaya as an Advocate & Solicitor in 2015. As a civil litigator, she has excelled in diverse legal realms, including Family Law, Construction Law, Insurance Law, and Medical Negligence. Her professional repertoire extends beyond legal practice, as she is a certified HRDF trainer with a focus on Industrial Relations training, courses, and workshops. Rachel has a proven track record of effectively imparting knowledge and facilitating learning experiences. Since joining MECA, Rachel has conducted over 200 trainings relating to industrial relations and employment law courses.



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