



# HR Training for Lawful Terminations: Domestic Inquiry & Disciplining Staff

**Trainer:** Suresh Kumar

**Date:** 19-20 July 2023 (Wednesday-Thursday)

**Time:** 9AM – 5PM

**Venue:** Ming Garden Hotel, Kota Kinabalu

## COURSE DESCRIPTION

This course provides an introduction to the various functions of human resource management, namely Performance Management, Reward Management and Consequence Management. As part of the effective Performance Management system, we will guide participants on the importance of Scope of Work design, Job Description and KPI setting to facilitate a smooth performance level and to support performance appraisal of all employees.

This programme also covers many aspects of best practices and how to manage human resources from a risk management perspective i.e: managing a existing and potential risks in relation to human resources by way of strategic planning to ensure business continuity and to PREVENT the organization from being cited for non-compliance and institution of LEGAL SUITS against them.

## COURSE OBJECTIVES

*After completing this course participants will be able to:*

1. Understand the general requirements of the HR Practices within the ambits of Malaysian Labour Laws and its relative application at work.
2. Ability to implement the right processes and procedures covering the following crucial areas: Hiring, Managing Human Resources (Permanent Employees; Part Timers; Contract Staff), Effective Deployment, Setting of KPIs, Performance Appraisal and Management; Consequence Management (Management of Disciplinary Issues; Correspondence; Domestic Inquiries; Termination Process; Legal Claims by Dismissed Employees)
3. Understanding discrimination as a serious / major misconduct in an organization; learning methods of avoiding all kinds of discrimination; methods of identifying discrimination; methods of reporting a discrimination as a misconduct.
4. Ability by Management / Organization to reduce the risk of wrong Human Resource Management Practices by learning the skill sets of conducting risk assessment.

## COURSE OUTLINE & SCHEDULE

### A. Introduction and Foundation

1. General Principles of Malaysian Labour Law and its purpose (An Overview)
  - Employment Act 1955 (inclusive of Amendments 2022)
  - Other related Statues (Eg:- Industrial Relations Act 1967, Personal Data Protection Act 2010, Minimum Retirement Age Act 2012, Minimum Wages Order 2012)



- Social Compliance
  - Malaysian Anti-Corruption Commission Act 2009 and the relevance to HR Management
2. Human Resources Management within the ambits of Labour Laws
    - Process Definition
    - Documentation
      - Processes
      - Management Action
  3. Contract: What forms the basic relationship between employee and employer?
    - Contract of Service - Elements
    - Terms
      - Express Terms
      - Implied Terms

### **B. HR Planning, Recruitment & Selection Process**

- Manpower Planning, Recruitment, Interview & Selection, Succession Planning
  - Scope of Work vs Head-Count Formula
  - Job Description
  - KPI Setting
  - Due Diligence and Qualification Metrics
1. Employer – Definition, Duties and Obligation
  2. Employee – Definition, Duties and Obligation; Categories of Employees
  3. Probationer – Definition, Duties and Obligation; Rights

### **C. Performance Management**

1. Key Performance Indicators and Performance Management
  - Introduction to Performance Management System
  - Benefits to Key Performance Measurement
  - Planning and Preparations
  - Job Description vs KPI
  - Introduction to 6-Step Performance Management System
  - Setting Functional/Departmental KPIs and Targets
  - KPIs Implementation
  - Setting individual KPIs
  - KPIs Format
  - Aligning KPIs

2. The Importance of Staff Performance Appraisal:
  - Defining aims, purpose, objectives in order to improve performance
  - Developing an Effective Appraisal System
  - Frequency of appraisal, supported by one-to-ones and informal review
  - Action plans and development plans
  
3. Your Responsibilities:
  - Approaching appraisals with confidence
  - Getting balanced and honest feedback on performance
  - Effective Planning for the Appraisal
  - Gathering the information you need: drafting an appraisal plan
  
4. The Performance Appraisal Interview:
  - Establishing open and honest communications
  - Questioning and listening skills
  - Planning and conducting a structured, balanced and participative discussion
  - Review of current compared to previous performance
  
5. Managing the Performance
  - Providing evidence
  - Dealing with conflict
  - Addressing issues of poor performance
  
6. Setting SMART objectives
  - Adopting an Assertive and Confident Appraisal Technique
  - Interpersonal skills within the appraisal interview
  - Inspiring confidence in the appraisal
  - Overcoming resistance and handling unco-operative individuals
  
7. Giving Feedback
  - Completing the appraisal document
  - Using positive and action promoting language
  - The Follow-up Process
  - Identifying areas of concern

## **D. Reward Management, Compensation & Benefits, Entitlement**

1. Wages – General Rules and Exceptions; Entitlement; Minimum Wage; Deduction of Wages and its related rules and regulations; Failure to pay wages
2. Hours of Work - Routine Hours and provision of the law;
3. Leave
  - Annual Leave
  - Maternity Leave.
  - Absence Without Leave

## **E. Consequence Management**

1. Right to Hire, Fire and Transfer
  - Hiring
  - Performance Appraisal
  - Consequence Management
    - Firing
    - Employee Misconduct
    - Transfer
    - Dismissal
    - Summary dismissal
    - Unfair Dismissal
    - Demotion
  - Burden and Standard of Proof
2. Domestic Inquiry – Overview of Process and Requirements
  - Rules of Natural Justice
  - Communication for Domestic Inquiry
  - Domestic Inquiry Panel – General; Small Companies and its process / requirements
  - Decision and Execution
  - Absence of Domestic Inquiry - Implications
3. Types of Misconduct
  - Discrimination
    - Definition of discrimination
    - Laws against discrimination
    - Rights and responsibilities of employers and employees
    - Workplace policies

- Types of discrimination (Power, Job Performance, Special Needs, Sexual Orientation, Gender Biased, Racial, Religion, Community, Cyber Discrimination, Disabilities)
- Single Incidents and incidents that lead to bullying and harassment
- Discriminative conduct outside the workplace
- Intention vs social interactive behaviour (Acceptable behaviour)
- Employee responsibility
- Employer responsibility
- How to respond to discrimination
- Method of reporting (Contents of report)
- Insubordination
- Theft & Dishonesty
- Malingering
- False Claim
- Bribery & Corruption
- Misrepresentation
- Fraud
- Criminal Breach of Trust
- Rules of Evidence to prove and disprove

#### 4. Termination of Employment Contract

- Employees; Contractors; Part Timers
- By either party - Employer / Employee (Resignation)
- Justification
- Due Process
- Benefits
- Termination Notice- Compliance and Non Compliance
- Constructive Dismissal
- Forced Resignation – Validity?

### **F. Additional Pointers To Note**

1. Restraint of Trade
  - Validity
  - Reasonableness
2. Conflict of Interest
  - Ethics
3. Guidelines for Industrial Court – Brief Overview



Mind Mapping of the overall HR Practices, requirements and standards.

**Methodology:** Face to Face (Physical Delivery Session)

: Highly Interactive Session, with a bilateral approach to the subject matter allowing participants to share incidences at respective work locations.

: Video Presentation

: Desktop Exercises

: Mind Mapping and Recap Sessions

: The related labour laws, case studies would be invoked and analysis of legal implications for non-compliance would be discussed and outlined

**Who Should Attend** : HR Practitioners, HODs, Management (Middle / Top Level)



## **TRAINER PROFILE**

### **S. Suresh Kumar LL.B (UK)**

S. Suresh Kumar is a trained and certified Risk Management professional in the area of Supply Chain Management and Brand Protection. He attained his Bachelor's Degree in Law from the University of Wolverhampton (UK). He then went on to be trained and certified as an auditor and practitioner in the specialized area of Risk Management under the auspices of United States of America Customs and Border Protection (CTPAT Standards); and; Transported Asset Protection Association (TAPA Standards), Asia. He is also a Human Resources Development Trainer certified by the Human Resources Ministry.

He is currently the Managing Director of Paradigm Resources (his own business entity), specialized in providing risk management / assessment services for internal / external associates; Consultation on Brand Standards / Management / Protection; Contract Management; Outsourcing & Subcontracting; and; Human Resources training and development programmes on various specialized topics, predominantly, Risk Management related subject matters, either on an one off or Project basis.

Due to his passion for training and knowledge sharing, he is also currently a Lecturer for Asia e University, lecturing both undergraduate and post graduate students on Risk Management module.

In his capacity as a trainer, he has conducted trainings on the following topics:-

### **Core Programmes**

- Operational Risk Management – Approach & Methodology (ISO 31000; ISO 9001:2015)
- Crisis Management & Business Continuity– Synergy Workshop
- Supply Chain Security Programme - Customs Trade Partnership Against Terrorism (C-TPAT); Transported Asset Protection Association (TAPA) – ISO 28000
- Asset Management – ISO 55000; ISO 55001:2015
- Transportation and Logistics Security – A Risk Management Perspective
- Security Professional Training - Guards / Supervisory / Management Level.
- Brand Management & Protection – A Risk Management Perspective
- Interviewing Skills During Investigation
- Corporate Governance
- Debt Collection & Recovery
- Debt Collection and Legal Procedures
- Business Ethics and Compliance - A Risk Management Perspective
- Human Resource Management – A Risk Management Perspective
- Fraud Management – A Risk Management Perspective
- Anti – Bribery & Corruption – Implementation, Compliance and Enforcement
- Investigation Skills & Techniques – A Risk Management Perspective
- Loss Prevention Programme – Approach, Design & Execution Method
- Organizational Restructuring – During Challenging Times



- Personal Data Protection Act 2010 – A Risk Management Perspective
- Contract Management – A Risk Management Perspective
- OSHA – The Law and Application
- SA8000 – Standards and Compliance Methodology
- Electronic Industry Citizenship Coalition (EICC) (RBA)– Code of Conduct and Application
- Labour Laws – The Risk Management Perspective
- Contract Management – A Risk Management Perspective
- OSHA – The Law and Application
- SA8000 – Standards and Compliance Methodology
- Electronic Industry Citizenship Coalition (EICC) (RBA)– Code of Conduct and Application
- Labour Laws – The Risk Management Perspective
- Contract Management – A Risk Management Perspective
- Contract Drafting – A Risk Management Perspective
- Industrial Relations – The Risk Management Perspective
- Domestic Inquiry – Approach & Method
- Intellectual Property – A Risk Management Perspective

### **Soft Skills**

- Critical Communication Skills
- Effective Presentation Skills
- Time Management & Professional Effectiveness at Work

With his background of a law degree, he is able to invoke legal implications in his programmes to make it more comprehensive and value added substance. In addition, his fluency in English and Bahasa Malaysia enables him to conduct training programmes effectively in both languages.

Prior to his involvement in this field, the facilitator has wide working experience throughout his 15 years of working career in the specialized area of Risk Management, Security Management and Investigations (HR, Security (Operational and Information Security) and Safety, Corporate Governance and Ethics). Being a Head of Department in each of this portfolios, he has acquired substantial job related knowledge and experience in sectors comprising of Manufacturing, Telecommunications, Hospitality Management (Brand Standard & Management) and Contract Manufacturing (Brand Protection and Management). He is also a trained Workplace Counselor and by virtue of his portfolio of having to deal with people of different job hierarchy, he has very profound people management skills, negotiation skills and effective interaction skills.