



EMPLOYMENT ACT 1955, (2022) AMENDMENTS

Trainer: Mathy Randhawa

Date: 13 April 2023 (Thursday)

Time: 9AM – 5PM

Mode: Virtual Training

Platform: Zoom / Microsoft Team

INTRODUCTION

The Employment Act 1955 encompasses all things in Employment law that a HR practitioner is supposed to know. This course will equip participants with the application of all clauses under the Employment Act 1955 while focusing on application / solutions being provided to a Company.

As an addition, this program shall also cover the up-to-date amendments proposed by the Ministry with regards to the Employment Act.

OBJECTIVES

By the end of this program, participants will be able to anticipate the changes on the Employment Act and able to make necessary changes in their HR policies to ensure that it is in line with the new amendments.

TARGET AUDIENCE

All levels.

OUTLINE

MODULE 1: INTRODUCTION TO LABOUR LAWS IN MALAYSIA

- Application of the Act and key definitions.
- Difference between the Employment Act and other key legislations (that may overlap), ie. Industrial Relations Act 1967.

MODULE 2: KEY DEFINITIONS UNDER S.2 OF THE ACT

MODULE 3: CONTRACT OF SERVICE

- Contracts of service that must be in writing.
- Provisions of contracts of service that must be in writing.
- Restrictions on contracts of service.
- Termination of contract of service.
- Normal Termination.



- Termination for Special Reasons.
- Breach of Contract.

MODULE 4: WAGES

- Payment of wages.
- Calculation of wages for incomplete month's work.
- When wages not due for absence from work through.

MODULE 5: PREGNANCY AND MATERNITY

- Maternity protection.
- Returning to work during maternity leave – s.37.
- Restriction on termination of pregnant female employee.

MODULE 6: BENEFITS

- Rest Days.
- Hours of Work.
- Paid Public Holidays.
- Paid Annual Leave.
- Paid Sick Leave.
- Paid Paternity Leave.
- Ordinary Rate of Pay (ORP).

MODULE 7: EMPLOYMENT OF FOREIGN EMPLOYEES

- Employment of foreign employee.
- Prohibition on termination of local for foreign employee.
- Termination of employment by reason of redundancy.
- Termination of employment of foreign employee.

MODULE 8: SEXUAL HARASSMENT – PART XVA

- Definition of Sexual Harassment.
- Inquiry into complaints of sexual harassment.
- Notice on sexual harassment.
- Offence – Increased fines for employers who do not comply with sexual harassment.

MODULE 9: PENALTIES

Higher penalties for offences – maximum fine penalties raised from RM10,000 to RM50,000, existing punishment of a fine originally capped at RM50,000 will be further increased to RM100,000.



MODULE 10: OTHER AMENDMENTS TO THE EMPLOYMENT ACT

- Issue with First Schedule and Ministerial Order – Scope of Coverage.
- Removal of restrictions on Employment of Women – Part VIII removal.
- Removal of ss.44A and ss.81G.
- Wider Jurisdiction of Labour Department – removal of s.69B, s.69C, s.69D and s.69E.
- Discrimination in Employment – s.69F.
- Court Order for payments due to employee – s.87A.
- Flexible working arrangements – Part XIIC.
- Forced labour – s.90B.
- Section 18A Calculation of Wages for Incomplete Month's Work.
- Section 41A Restriction on Termination of Pregnant Female Employee.
- Section 60FA Paternity Leave.
- Section 60KA Termination of Employment of Foreign Employee.
- Part XIIC Flexible Working Arrangement.
- New Section 81H Notice on Sexual Harassment.
- New Section 87A Court Order for Payments Due to Employee.
- Section 90B Forced Labour.
- Section 101C Presumption as to Who is An Employee and Employee.



Trainer Profile

MATHY RANDHAWA
HR CONSULTANT & TRAINER
Mental Health Responder
GENOS Emotional Intelligence Assessor & Practitioner

Mathy brings with her more than 18 years of working experience in training and consultancy. Mathy is an experienced facilitator with over 18 years in-house corporate experience around Asia. She is passionate about learning and development and has been working in this space for 18 years focusing on Change, Culture and People. Her clients range from Oil & Gas, MNC, Manufacturing, FMCG, Financial Institutions, Education, Insurance and Public Sectors.

She is an expert in HR related trainings especially in Employment Act 1955, Disciplinary & Termination Process. She has been a consultant for few organizations on setting up of the Domestic Enquiry Panels and advising on Employment Act 1955. She has done extensive research on Eradication of Sexual Harassment at workplace. She has been a guest speaker & panelist for Symposiums and Conferences, especially on the topic of Gender Harassment & Women Empowerment topics.

She was involved in the development and implementation of the Employability Skills initiated by Ministry Of Higher Education.

As an accredited Trainer of Genos Emotional Intelligence by Swinburne University, Mathy consistently receives positive reviews for her work. The clients will always walk away with a unique aspect of emotional intelligence implementation in their organisation by learning The Neuroscience of Emotions, The Genos EI Model & Behaviours. In addition, as a Master Trainer in Emotional Intelligence and Positive Psychology, she has vastly shared her tools and techniques with many industry leaders to be resilient and to cope with emotions.

She was interviewed on local radio station, Business FM on Key Traits To Break or Make A Leader. In addition, she writes articles on HR related matters. Self-starter with the ability to analyse organizational behaviour and recommend strategies to improve performance and maintain professionalism at all times.