

EMPLOYMENT CONTRACTS

LEGAL AND PRACTICAL GUIDE

**MALAYSIA HR FORUM ACADEMY,
MENARA PKNS PETALING JAYA**

RM2,800



100% HRDC Claimable

MODULE OVERVIEW

This comprehensive training program on “Employment Contracts – Policy, Practice and Legal Implications” is designed to provide participants with an overall understanding of the importance of employment policies and practices that are in compliance with the law as the implications of wrong policies and practices may result in heavy penalties including jail sentence in some cases for employment related offences.

LEARNING OBJECTIVES

To have an open interaction and discussions with participants with regards to issues and challenges concerning employment contracts with reference to the statutes and relevant case laws decided by the Courts. This will enable participants to gain invaluable insights, embrace some best practices and avoid the common pitfalls that are seen in HR practices by some employers in Malaysia.

LEARNING OUTCOME

At the end of this program participants will be able to understand:

- The difference between contract of Service and Contract for Service.
- Certain acts that employers and employees are prohibited by law to carry out in relation to their employment contract.
- The legal protection on employee's security of job tenure versus employer's right to organize its business.
- The minimum wages and benefits under the law and that contracting out of the law is void ab initio.
- The presumption under the EA 1955 as to who is an employer and employee where there is no contract.
- What are breaches of contract by employer or employee and the legal consequences.
- The rights of probationers and the lawful termination of probationers under the law.
- The application of Employment (Termination and Lay-Off Benefits) Regulations 1980.
- The implications and application/non-applicability of the First Schedule, EA.
- Employment related rights enshrined under the Federal Constitution.
- Employers' obligations to protect employees against acts of Sexual Harassment at the workplace.
- Fixed Term Contracts and issues regarding its legal termination.

TARGETED PARTICIPANTS

- HR/IR Managers
- Executives
- People Managers
- HOD of IR

METHOD OF TRAINING

- A combination of various learning methodology including
- Lecture
- Group Discussion
- Case Study

CONTENTS DAY 1 | 9 AM - 5 PM

Module 1: Introduction

- What constitute Contract?
- Contract Act 1950 vs Employment Contract as per EA 1955

Module 2: Rights and Obligations

- First Schedule, Employment Act 1955
- Employer and Employee Right in Employment Contracts
- Industrial Relations Act 1967

Module 3: Contract of Service vs Contract for Service

- Presumptions as to who is an employee and an employer
- Duties as Principal in Managing Contractors / Foreign Worker

Module 4: Minimum Contractual Entitlements under the EA 1955

- Work Hours, Shift and Rest day
- Annual Leave
- Maternity and Paternity Leave
- Public Holidays

Module 5: Breach of Contract

- What is the constitute breach of Contract
- Key Process prior any breach and its consequences
- Employer and Employee right in Breach of contract

CONTENTS DAY 2 | 9 AM - 5 PM

Module 6: Rights as Probationers

- Court Case on Probationers
- Managing Probationers
- Termination Simpliciter and its Impact

MODULE 7: Managing Misconduct

- Definition of Misconduct
- Key Process in Managing Misconduct

MODULE 8: Due Inquiry

- Definition of Due Inquiry
- Court Case focusing on Due Inquiry
- Is not doing Domestic Inquiry fatal to dismissal case?

MODULE 9: Other areas in Employment Contract

- Retirement Age
- Fixed Term Contract vs Permanency
- Forced Labour
- Discrimination in Employment
- Stamp Acts 1949

MODULE 10: Legal Procedures for Contract Interpretation

- Amendment of Employment Contract and Handbook
- Communication and Consultation
- Right to reject the Amendment

