



TERMINATION OF EMPLOYMENT & DISMISSAL

How to do it Right?

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

RM 2,800



100% HRDC Claimable

MODULE OVERVIEW

This training will cover the salient features of termination and dismissal. These include issues such as retirement, retrenchment, breach of contract, medical boarding-out and misconduct leading to dismissal. What constitutes the types of misconduct and what are the due inquiry procedures for dismissal?

This training will be an interactive with real life scenarios and Industrial Relations Court case studies and analysis to ensure that you understand the right ways of handling termination procedures, and to effectively apply them in your workplace immediately.

TARGETED PARTICIPANTS

Stakeholders, Top Management, Human Resource Practitioners, HODs, Line Managers and Supervisors

LEARNING OBJECTIVES

- Participants will understand the critical aspects of termination of employment contract options available to the Company so that they are able to act appropriately with confidence when dealing with any employment issues.
- Participants will be able to conduct an exit inquiry that is aligned with legal requirements and in accordance with the principles of natural justice, aimed at minimizing the risk of litigation.
- Participants will also explore suitable, pragmatic approaches and applicable best practices in managing overall discipline and termination of employment at the workplace, to avoid unnecessary conflicts and sustain a harmonious work environment.

METHOD OF TRAINING

- Lectures: For presenting theoretical concepts and key information.
- Hands-on Activities: Practical sessions to apply learning in real-world scenarios.
- Case Studies: To analyze and discuss real-life examples and solutions.
- Group Discussions and exercises: To encourage sharing of ideas and collaborative learning.

LEARNING OUTCOME

Upon completing this training, participants will be able to:

- Participants will understand the critical aspects of termination of employment contract options available to the Company so that they are able to act appropriately with confidence when dealing with any employment issues.
- Participants will be able to conduct an exit inquiry that is aligned with legal requirements and in accordance with the principles of natural justice, aimed at minimizing the risk of litigation.
- Participants will also explore suitable, pragmatic approaches and applicable best practices in managing overall discipline and termination of employment at the workplace, to avoid unnecessary conflicts and sustain a harmonious work environment.

DURATION

2 Days

CONTENT DAY 1 | 9 AM - 5 PM

Module 1: Employment Laws in Malaysia

- What are the governing laws?
- Understanding the legal aspects of employment law in Malaysia
- Court structure
- Consequence of wrongful termination

Module 2: Statutory Provisions on Termination & Retirement

- S.11 – Expiration of Fixed Term Contract
- S.12 – Statutory notice period
- S.13 & 15 – Breach of contract and abandonment of employment
- S.14 – Summary dismissal for misconduct
- Minimum Retirement Age Act 2012

Module 3: Termination for Misconduct

- Understanding what employment misconduct is
- Types of Misconduct
- Disciplinary Process

CONTENT DAY 2 | 9 AM - 5 PM

Recap and Review of Day 1

Module 4: Termination Due to Poor Performance

- What is poor performance
- How to manage permanent employee's performance
- Who is a probationer?
- How to manage probationer's performance
- Is termination the only option?

Module 5: Termination Due to Medical Grounds

- Distinction between malingering and pro-longed illness
- Termination due to malingering
- Termination due to pro-longed illness
- Does compassion play a role?

Module 6: Retrenchment

- What is retrenchment?
- When can the Company retrench their employees
- Process to be complied with
- Code of Conduct
- LIFO
- Selection Process
- Submission of PK Form
- Difference between VSS -vs.- MSS

Module 7: Constructive Dismissal

- What is CD?
- When does CD claim arise?
- How to prevent/manage a CD Claim
- Is Forced Resignation = CD

Module 8: Frustration of Contract

- Definition of frustration
- When does it arise?
- Can it be prevented?

