



**MALAYSIA
HR FORUM**


Employment Contracts

Legal and Practical Guide


RM 2,600



**MALAYSIA HR FORUM ACADEMY
LEVEL 12, LOT 12A, MENARA PKNS PETALING JAYA,
JALAN YONG SHOOK LIN, 46050 PETALING JAYA**

 Sophie: 010-861 1851

 sophie@malaysiahrforum.com

 www.malaysiahrforum.com



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.

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

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.



CONTENTS DAY 1 | 9 AM - 5 PM

Pre-Test (12 Questions)

Module 1:

- The Contracts Act 1950 – Key Provisions

Module 2:

- Contracts of Service – Provisions under the EA 1955

Module 3:

- Secs. 4, 5, 7 & 8 IRA 1967 – Rights of Workmen and Employers & Prohibition in terms of certain acts

Module 4:

- Sec. 20 (1) IRA 1967 – Employee's security of Job Tenure vs Employer's right to reorganise

Module 5:

- Contract of Service vs Contract for Service

Module 6:

- Minimum Contractual Entitlements under the EA 1955

Module 7:

- Presumptions as to who is an employee and an employer

Module 8:

- Employment Contracts – Group Discussion
[See overleaf]

Module 9:

- Breach of Contract – what is the measurement and consequence to employee?

Module 10:

- Termination of Probationers and Confirmed Staff – Sec. 14 (1) EA 1955.

Post-Test (12 Questions)

Q&A Session



CONTENTS DAY 2 | 9 AM - 5 PM

Pre-Test (12 Questions)

Module 11:

- Probationers – Is confirmation deemed under the law?
- What are the rights of probationers in terms of confirmation, extension and termination?

MODULE 12:

- Employment (Termination and Lay-Off Benefits) Regulations 1980 – Legal Application

MODULE 13:

- The First Schedule, EA 1955 – Scope of coverage and non-applicability of EA 1955

MODULE 14:

- Sexual Harassment under Part XVA, EA 1955 & Anti-Sexual Harassment Act 2022

MODULE 15:

- Articles 5, 6, 8 & 10, Federal Constitution

MODULE 16:

- Confidentiality Obligations under the EA 1955

MODULE 17:

- Whistleblower Protection Act 2010

MODULE 18:

- Fixed Term Contract in Malaysia – Genuineness of a Fixed Term Contract

MODULE 19:

- Issues Surrounding Fixed Term Contracts in Malaysia – Case Laws

MODULE 20:

- Impact of Minimum Retirement Age Act 2012 [Act 753] on Fixed Term Contracts in Malaysia

MODULE 21:

- Discrimination in Employment under Sec. 69F EA 1955

Module 22:

- Forced Labour under Sec. 90B EA 1955

Post Test (12 Questions)

Q&A Session

