

MANAGING CONCILIATION AT IR DEPARTMENT & PREPARATION FOR INDUSTRIAL COURT CASE

MALAYSIA HR FORUM ACADEMY,
MENARA PKNS PJ

RM1,300



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MODULE OVERVIEW

After attending this one (1) day training workshop, participants will have a working knowledge on what happens to unresolved IR disputes and dismissal cases during the conciliation meeting at the IR Department. A “trade dispute” may result from CA negotiations that ended in a deadlock, or termination/dismissal of an employee performance, redundancy or serious misconduct. They will understand the documents that need to be organized and to fill up the prescribed form (dismissal cases) provided by the IR Department, and how to manage the various stakeholders including the IR Officer during the conciliation process.

The conciliation process may involve trade disputes under Sec. 18 IRA 1967 as well as trade disputes concerning a termination/dismissal under Sec. 20 IRA 1967. It prepares participants with the knowledge and competence to prepare the necessary documentation as well as obtain a mandate to resolve the trade dispute amicably at the IR Department.

Where there is no amicable resolution of the trade dispute (dismissal and/or non-dismissal cases) at the IR Department, the matter will be automatically referred to the Industrial Court for adjudication. Participants will obtain the knowledge and competence to prepare for a reasonable mandate, organise the company’s witnesses and documents, and select and manage the company’s lawyers representing the company at the Industrial Court hearing. Participants will be trained to be well prepared with documents and company’s witnesses for the entire Court hearing from the pre-trial procedures to case management and to the trial proper.

TARGETED PARTICIPANTS

HR/ER/IR Managers and Executives, Department Managers, People Managers.

METHOD OF TRAINING

Lectures, Open Group Discussions, case study/role play.

LEARNING OUTCOME

Upon completion of the programme, participants will be able to:

- Understand what happens after a trade disputes or termination/dismissal case has been referred to the IR department.
- Understand how to be well prepared in terms of the relevant documents during conciliation of CA trade disputes, or termination/dismissal cases arising from misconduct, performance, retrenchment, unsatisfactory forced resignation, constructive dismissal and/or serious misconduct.
- Manage and resolve the conciliation meeting within the approved mandate. Can the Company be represented by Consultants and/or lawyers?
- Manage the matter at the Industrial Court where there is no amicable resolution of the trade dispute/termination/dismissal at the IR department. Who can represent the Company in Court?
- Understand the Industrial Court process from pretrial procedures to the trial, how to prepare and manage the Company's witnesses and the relevant documents and also the lawyers representing the Company, till the outcome of the Court Award.

DURATION

1 Day

CONTENTS | DAY 1 (9:00AM – 5:00PM)

Module 1:

Conciliation of Trade Disputes at the IR Department

- Ice Breaker.
- “Due Inquiry” under Sec. 14 (1) EA 1955.
- Conciliation of Trade Disputes under PART V (Secs. 18, 19, 19A and 19B IRA 1967).
- Conciliation of Trade Disputes under PART VI (Sec. 20 IRA 1967).
- **Role Play – Case Study: Conciliation – Dismissal for Serious Misconduct.**
- Coffee Break

Module 2:

What to Prepare during the Pre-Trial Procedures

- Industrial Court Proceedings – Notice of Mention of Case – Form F.
- Representation – Form A (Legal Practitioner) and Form B (Warrant of Authority – Trade Union, MTUC, MEF, Legal Practitioner, Company’s employee
- Mention of Case.
- Statement of Case (SOC).
- Statement in Reply (SIR).
- Lunch Break

Module 3:

Pre-Trial Procedures (Continue)

- Rejoinder.
- Extension of time to file a SOC, SIR or Rejoinder.
- Amendment of SOC, SIR or Rejoinder.
- Application to strike out paragraphs contained in the pleadings or for further particulars in a pleading.
- Bundle of Documents.
- Admissibility of illegally obtained evidence.
- Statement of Witnesses.
- Coffee Break

Module 4:

Procedures and Preparation for Industrial Court Hearing

- Procedure during Industrial Court Hearing.
- Case Management.
- Court Trial Procedures – Examination of Witnesses, Examination-in-Chief, Cross-examination and Reexamination, Submission and Decision.
- Joinder of Parties
- Appeal against Industrial Court Award to the High Court under Sec 33C IRA.
- Wrap Up/Q&A Session.

TRAINER'S PROFILE



DATO' DR. LIM WENG KHUAN

Dato' Dr. Lim was an ex-Investigating Officer attached to the Commercial Crimes Division of the Royal Malaysia Police. He has more than 32 years of hands-on experience in Human Resources and Industrial Relations serving in companies that include Maybank, Lion Group, Hong Leong Group, F&N Group, HSBC Bank and Tan Chong Group. He is currently a member of the Industrial Court Panel representing employers (7 terms), a Council member of MEF (3 terms) and serving as a member of the National Labour Advisory Council (NLAC) for 6 years. He is an active trainer on employment laws of Malaysia and various topics in HR Strategy and Human Resource Management, and had trained more than 3,000 employees from 1,500 over companies in Malaysia in the last 2 decades.

His top training that has been conducting are: (but not limited to)

- Practical Aspects of CA Negotiations
- Implementing Cost-Cutting Measures in Compliance with the Law
- The Salient Provisions of the IRA 1967
- The Salient Provisions of the TUA 1959
- The Salient Provisions of the EA 1955 & Regulations

His qualifications and credentials:

- Doctor of Business Administration (DBA), University of South Australia (UniSA) (2005)
- Master of Business Administration (MBA), General Management (University of Hull, UK) (1995)
- Certificate in Legal Practice (CLP), Legal Profession Qualifying Board, Malaysia (1990)
- Bachelor of Laws (LL. B, University of London)