

# EMPLOYMENT ACT 1955



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## INTRODUCTION

The Employment Act 1955 is the principal legislation governing employment practices in Malaysia. Since the majority of employees fall under the ambit of this Act, it is imperative that the employers understand and comply with the obligations mandated by the Act.

This two-day program is crafted to provide participants with thorough knowledge and understanding of the Act. There will be 'hands-on' practical guidelines and examples given for worksite implementation to help ensure compliance to the requirements of the law and the contract of employment. This program also offers the opportunity for participants to improve their understanding of the rights and obligations of both the employer and the employee, which will help organisations to avoid the costly consequences of non-compliance and promote harmony in the work environment in the long run. This will also enable companies to fully focus on achieving growth, competitiveness, and excellence with minimal hindrances or deviation.

## TARGET AUDIENCE

HR practitioners, employers, and anyone with working knowledge of the Employment Act 1955

## TRAINING OUTLINE

### 1. The Contract of Service

- a. Introduction
  - Contracts of Service are Not Unfettered
  - Employer's Rights and Employee's Rights
  - Employer and Employee Cannot Contract Out of the Law
- b. Types of Contracts of Service
  - Probationary, Permanent, Fixed Term, Task-Based, and Part Time
  - Implications for Employers
- c. Contract of Service and Contract for Service
  - Understanding the Difference
  - Implications for the Employer through 'Contract Tests'
- d. Contractors and Principals
  - Liability of Principals
- e. Understanding Definitions and Application of Key Operative Terms in the Act
  - Employee
  - Wages, Day, Hours of Work, Normal Hours of Work
  - Ordinary Rate of Pay, Average True Days Wages
- f. Termination Simpliciter
  - Notice of Termination of Contract Vides Section 12
  - Termination for Willful Breach under Section 13 (2)
  - Employer's Action for Poor Performance and Incompetence

## **TRAINING OUTLINE (cont)**

### **2. Employee Misconduct**

- a. Action by Employer for misconduct under Section 14 (2)
- b. Deemed Breach of Contract, vide application of Section 15 (2)

### **3. Wages**

- a. Understanding the Term 'Wages' under Section 2 (1)

### **4. Application of Term 'Wages'**

- a. The First Schedule
- b. Calculation of Ordinary Rate of Pay under Part 12
- c. Determining Unpaid Leave and Absence
- d. Determining 'Average True Days' Wages as Per Termination and Lay-Off Benefit Regulations 1980

### **5. The Law on Payment of and Deductions from Wages**

- a. Part IX of the Act
- b. Maternity Leave
- c. Eligibility for Maternity Protection

### **6. Application of Benefits under Part 12 of the Act**

- a. Action Maximum Hours of Work and Rest Days
- b. Annual Leave and Public Holidays
- c. Medical Leave and Hospitalisation
- d. Employers Rights in Managing Staff Benefits

### **7. Wages Employer's Obligations under Part XIII**

- a. Powers of the Director General under Section 69
- b. Definition of Employees Extended to Those Earning RM5,000 and Below
- c. Setting Aside Decisions Made by Employer under Section 14(1)
- d. Consequential Orders
- e. Employer's Right of Appeal to High Court

### **8. Employment (Amendment) Act 2012**

- a. The Payment of Wages (s.25A)
- b. Payment of Wages of Domestic
- c. Servants (new s.25B)
- d. Contractor for Labour (new s.33A)
- e. Maternity Protection (ss.2, 40, 42)
- f. Public Holidays (s.60D)
- g. Employment of Foreign Employees (s.60K)

## DURATION

2 Days (9.00 am – 5.00 pm)

## TRAINING DATE(S) & VENUE

13 – 14 Aug @ PSDC, Penang

## COURSE FEE

RM950/participant (excluding 6% GST). Course fees are HRDF claimable under the *SBL* Scheme.

## TRAINER'S PROFILE



### **MATHY RANDHAWA**

**Bachelor of Law (Anglia Ruskin University, United Kingdom)**

**Masters in Human Resource Development (Universiti Putra Malaysia)**

Mathy Randhawa has more than 18 years of experience in the training field and specialises in soft skill- and HR-related programs. She is an established consultant and facilitator in modern business writing, technical writing, and communication skills. She has an honours degree in Law from the UK and was called to the Bar in England at Lincoln's Inn (UK). Besides that, Mathy is also a certified Corporate Trainer by Deloitte, United Kingdom and PSMB.

Mathy has conducted training interventions for various industries such as oil and gas, banking, hotels, small-scale industries, minor and major manufacturing industries, government units/ public sector, colleges, and other educational institutions. She has a proven track record in identifying training needs, designing training content, developing assessment, and executing them. She is also an expert in conducting training programs on impactful communication, business writing, presentation skills, technical report writing, assertiveness, managing cultural diversity, interpersonal skills, and Employment Act 1955.

Mathy has acted as a legal advisor for a few organisations that were focusing on setting up Domestic Enquiry Panels. She is a self-starter with the ability to analyse organisational behaviour and recommend strategies to improve performance and maintain professionalism at all times. She also focuses on helping people improve and maximize their image impact, visual presence, business and social skills, communication skills, and levels of performance. Her experience in training allows her to infuse her natural enthusiasm and extensive practical experience with proven techniques to facilitate adult learning. Mathy's ability to understand people and industries and her appreciation of different work cultures help her to guide aspiring young people and organisations to achieve their goals. She was previously invited as a guest speaker on Business FM (BFM) where she spoke on *Key Traits To Break or Make A Leader*. In addition, she also writes articles on HR- related matters.

## ADMINISTRATIVE DETAILS

### **Cancellation Policy:**

The PSDC reserves the right to cancel or postpone the program but with due notice to the participating company. For any cancellation or postponement of training by the participating company, a written notification by email must be sent to the PSDC. Cancellation/postponement charges are calculated based on the following:

<b>Receipt of Cancellation/Postponement Notification</b>	<b>Charges/Penalty</b>
<i>Seven (7) working days prior to the commencement of training</i>	<i>Nil</i>
<i>Less than seven (7) working days prior to the commencement of training</i>	<i>50% of package fee</i>
<i>On the day of the training</i>	<i>Full package fee</i>

### **Online Registration:**

To register, log on to <http://www.psd.org.my> or contact our sales personnel below.

### **Enquiries:**

For further information, please contact Ken Shin (ext 512/[shinyk@psdc.org.my](mailto:shinyk@psdc.org.my))



To find out more, call our **Corporate Training Team** at ext 523/577/514/517 or email to [corptraining@psdc.org.my](mailto:corptraining@psdc.org.my)

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