

Burden of proof

It is incumbent upon the employers to show evidence on a balance of probabilities and not mere allegation

Here's a 1 day learning and interactive program that offers a practical approach to prepare the staff in the organization to conduct a Domestic Inquiry that is comprehensive and precise and in conformity with the requirements of the EA1955 and the IRA1967



A domestic inquiry is an internal hearing held by an employer to ascertain whether an employee is guilty of misconduct. The purpose of a domestic inquiry is to find out the truth of the allegations made against the workman. Dismissal of an employee must withstand the scrutiny of the Industrial Court and therefore it is essential that a proper domestic inquiry be held before dismissals are contemplated.

DOMESTIC INQUIRY - HOW TO ORGANISE AND CONDUCT A DOMESTIC INQUIRY?

A practical approach to prepare the staff in the organization to conduct a Domestic Inquiry that is comprehensive and precise and in conformity with the requirements of the EA1955 and the IRA1967

PROGRAM OVERVIEW

Due Inquiry Means Domestic Inquiry
Natural Justice
Employment Act 1955 Section 14
Misconduct
Types of Misconduct
Proceedings Domestic Inquiry
Role of Prosecuting Officer
Role of Witnesses
Role of Alleged Employee
Role of Secretary
Introduction
What is the Requirement under the EA1955?
Position of Employees not Governed by the EA1955
Brief Guidelines for Conducting a Proper Inquiry
Procedure Prior to Inquiry
Investigation of Complaint
Show Cause Letter
Suspension during Period and Show Cause
The Domestic Inquiry Proper
Notes of Inquiry
Procedure Subsequent to Inquiry

Need for Domestic Inquiry
Concept
Definition of the Term Domestic Inquiry
Domestic Inquiry and Departmental Inquiry
Principles of Domestic Inquiry
Process of Domestic Inquiry Charge Sheet
Inquiry
Evidence to be weighed not counted
Conducting Inquiry
Preliminary Inquiry
Purpose of Preliminary Inquiry
Inquiry Proceedings
Role of Inquiry Officer
Functions of Inquiry Officer
Inquiry Findings
Other Salient Points
The Role of the Defense

Contents:

Examples of Disciplinary Rules and Procedure
General Principles
Disciplinary Rules Example
Minor Misconducts
Major Misconducts
Gross Misconducts
Verbal Warning
First Written Warning
Final Written Warning
Dismissal

February

2012

15 February 2012 (Wed) TIME 9am - 5pm VENUE Promenade Hotel, Kota Kinabalu

Procedure for Major Misconduct
Precautionary Suspension
Disciplinary Warning
Appeals Procedure

With 7 sample letters as follows:

Handout 1 - Report of Domestic Inquiry Format
Handout 2 - Sample HR Letter: Notice of Domestic Inquiry
Handout 3 - Sample HR Letter : Warning Letter
Handout 4 - Sample HR Letter: Letter of Allegation (Pre-Domestic Inquiry)
Handout 5 - Sample HR Letter: Termination
Handout 6 - Sample HR Letter: Dismissal (Post-Domestic Inquiry)
Handout 7 - Sample HR Letter: Breach of Contract

- The participants would have a better insight on conducting preliminary investigations, the actions that they need to take after a show cause letter has been issued.

UNDERSTANDING NATURAL JUSTICE IN CONDUCTING A DOMESTIC INQUIRY

TRAINERS PROFILE

R.Ramamurthy KMN, PTS is the managing consultant of Alert Management Consultants a Safety and Health consultancy practice. Established 1992. A member of the Malaysian Society for Occupational Safety & Health and is one of the pioneers in this field in Malaysia. He has been member & trainer for MIPM in occupational safety and health in their personal management programmes.

Five decades of experience as practitioner in the areas of Occupational Safety Health and Security and Human Resource Management, both during his service with government and now in the private sector. For his contributions to the nation especially in the area of security and safety, he was decorated by the Federal Government with KMN, and PTS by the Perak State Government. Mr.R.Ramamurthy has extensive experience in conducting safety audits, public and in-house training in his specialised areas throughout Malaysia and Indonesia. More than 7000 participants from all levels of management and engineering from 700 companies have benefited from his programmes. He was a member of the UTM Johor panel on Occupational Safety and Health. 1995 and was an adjunct lecturer for University Petronas Tronoh.

The participants' from some companies who have benefited are from Pergau Hydro Project, Road Builders Malaysia, Motorola, GL Furniture (Pahang), KTS Timber Industries Sarawak, KKB Engineering Kuching, Steel Industries Sarawak, Plus, Petronas Dagagan, Texaco Panama Inc, MHS Aviation, Sime Sembawang, National Semiconductor, Hitachi, Texas Instruments, Sony, PJVC, Chung Hwa Picture Tube, Solectron, Nilai Concrete, Genting Sanyen, Boh Plantations, Otis Manufacturing, FELDA, Samsung, Ansell, Revertex, Pertima, Aro Bina, Johor Port Authority, Sarawak Oil Mills, Penang Ship Building Industry, Sarawak Cement Industries, MAY BANK ASSURANCE, SOUTH EAST ASIA ASSURANCE Antah Transfield Transmission, Tenaga Nasional, Rubber Thread Industries, UPS, Sime Sembawang, IOI Oil Mills Sandakan and many more.

HOW WILL YOU BENEFIT?

After this hands on workshop the participants will be able to GAIN KNOWLEDGE:

- To Organise and Conduct a domestic inquiry in a fair and judicial manner to all parties applying the principles of Natural Justice.
- To understand what is a Domestic Inquiry and why is it important to conduct one in the case of misconduct.
- To Get to Know what preliminary actions an organization needs to take before a starting a Domestic Inquiry procedure.
- To Gain Insights on the procedures of a domestic inquiry.
- To familiarize with the various stages before and after heading into a Domestic Inquiry process.
- To recognize the importance of recording inquiry notes after the proceedings to ensure good documentation.
- To Have a better understanding on domestic inquiry and avoid pitfalls through industrial court decisions.
- Awareness of the measures that needs to be taken after the inquiry.
- Be Aware of the legal and technical effects of improper domestic inquiry procedures.
- To Know the roles of the panel members, witnesses, decisions makers, investigation officers and prosecuting officers
- Prepare inquiry notes, management letters, charge sheets and panel findings that is accurate and in conformity to the requirements.
- The participants will look into the important steps that a company must take prior to a Domestic Inquiry proceeding.

Register Online

Download Registration Form

COURSE FEES

RM 750.00 per person for 2 days
Includes Lunch, Tea-Breaks,
Course Notes and
Certificate of Completion



ORGANISER / CONTACT PERSON

Malaysian Export Academy
306, Block C, Glomac Business Centre,
Jalan SS 6/1, Kelana Jaya,
47301 Petaling Jaya, Selangor

Tel: **03 7880 0413**

Fax: **03 7880 2817**

Email : exportacademy2012@gmail.com
Contact Person : Shafinaah

