

# KNOW & APPLY – HR laws

*A great many common law rulings, statutes, administrative rules and legislation make up the practice and interpretation of employment law. Its governance falls under the umbrella of both federal and state statutes, as well as administrative regulation and judicial precedent. Understanding legal decisions and legislation is fundamental in our increasingly litigious society.*

This programme is a precise and comprehensive model that tells participants exactly what decisions and calculations they have to make as Human Resource or Administration Staff within the scope allowed by law in Malaysia.



## HR MANAGEMENT - APPLICATION & CALCULATION IN ACCORDANCE WITH THE LABOUR ORDINANCE (SABAH CAP.67)

### OBJECTIVES

This training programme is designed to help all levels of Human Resource Management Staff, Administration Staff, Accounting Staff, Executives, Officers, and Supervisors who manage employees, as to how to apply the HR laws in practical situations. Many would have attended training programmes on the HR laws.

However this programme helps the staff to apply the law with many examples in real life case study situations in a simple and easy way to comprehend. Having understood the Applications and Calculation participants will be able to explain the application through communication with the relevant persons involved. It can be the employee, the management or a third party. Participants will also understand as to why it is done in that way and the law which says to do it that way.

### COURSE OUTLINE

#### UNDERSTANDING THE INTERPRETATION OF IMPORTANT

Agricultural Undertaking  
Apprenticeship Contract  
Approved Amenity or Approved Service  
Approved Payment Incentive Scheme  
Child  
Confinement  
Constructional Work  
Contract of Service  
Day  
Week  
Employee  
Wages  
Women  
Ordinary Rate of Pay (ORP)  
ORP Formulas  
Example Payment of ORP for OT and Sick Leave  
*Exercise 1,2,3,4*

#### CONTRACT OF SERVICE

Introduction to Contract of Service  
Guaranteed Week  
Provisions as to Termination of Contract  
If the termination of the employee is attributed to the fact that: Termination of Contract without Notice

Termination of Contract for Special Reason.

Employee Terminates without Notice When Threatened with Danger  
Terminating Employee without notice

Example of Employee Terminating Contract or Service without Notice  
*Exercise 5*

Terminating Employee without Notice absent from work more than 2 days. Refer Section LOS13A(2)

Explanations on Absent Without leave deemed to have broken his Contract.

Contracts to be in Writing and to include the Provision for Termination

Understanding the Terminology used in Termination

Reasons for Termination of Contract of Service:-

Dismissal without Warning and Notice Relating to Misconducts classified as Major  
*Exercises 6,7,8,9,10*

#### EMPLOYMENT OF WOMEN AND CONDITIONS

Maternity Protection

Conditions and Limits for Maternity Leave and Allowance main points to remember

Entitlement of Maternity Allowance

Maternity Allowance from 2 Employers

Notification of Pregnancy

Forfeiture of Maternity Allowance

Any defect or inaccuracy in the notice given

Failure to give any notice within the specified period

Notice can be in writing or oral

Employee can nominate other person to receive maternity allowance

No notice of termination shall be given

Employee absents herself after eligible period

*Exercise 11,12*

#### GENERAL PROVISIONS RELATING TO CONTRACTS OF SERVICE

Advances to Employee

No employee shall be held liable

Any advances of wages may be recovered in installments

#### HOLIDAYS

Paid Holiday

Display Notice Specifying the 10 Gazetted Holidays

Public holiday or a day substituted

Employee who absents himself before or after a public holiday

Monthly rated employee with holiday pays

Employer can ask his employee to work on any paid holiday

OT carried out on a public holiday

OT carried out on a public holiday in excess of the normal hours

Travelling allowance.

Ordinary Rate of Pay payable on holiday falling on a half working day

February

2012

13 & 14 February 2012 (Mon & Tues) TIME 9am - 5pm VENUE Promenade Hotel, K. Kinabalu

## HOURS OF WORK

Conditions of Working Hours  
DG permission to exceed  
Special Reasons to Require Employee to exceed on rest day  
OT Rate  
Shift Work

## REST DAY

Conditions pertaining to Rest days  
Roster for Rest Day  
Payments on Rest Days  
*Exercises 13,14,15.*  
*Exercises 16,17,18,19,20,21,22*

## ANNUAL LEAVE

Eligibility  
Computation of annual leave when employee terminates  
Non eligibility of annual leave  
Sick Leave when in Annual Leave  
Lose eligibility if annual leave not taken at the end of the period  
Employee is entitled to take before his termination  
Payments made for annual leave not taken  
Employee is granted leave of absence without pay  
*Exercises 23,24*

## SICK LEAVE

Employee entitled to sick leave with hospitalization and without hospitalization  
Employee Considered Absent on Sick Leave.  
ORP paid during Sick leave  
*Exercise 25*  
Wages Payment  
Wages means basic wages  
The contract of service must specify the wage period.  
Explanation on Wage period.  
If wage period not stated in the contract of service.  
Wages are not payable to or recoverable while in prison  
Wages must be paid within 7 days  
*Exercise 26*  
*Exercise 27*  
Wage payment day on normal termination.  
Explanation as to date of notice.  
An employee who terminates his contract of service with due notice  
An employee who terminates his contract of service without notice and does not wait for the expiry of the notice  
*Exercise 28*  
*Exercise 29*  
NO employer shall pay wages at the following places:  
Wages to be paid in Legal Tender  
Every employee is entitled to recover in the courts  
Consent given by the employee for the other modes of payment can be withdrawn  
Conditions restricting employees spending his wages

## LAWFUL DEDUCTIONS

No deductions other than in accordance with Labour Ordinance Sabah  
Lawful deductions  
The following deductions only be made at the request of the employee in writing  
Purchase of sundries from the registered cooperative Store  
Total amount of Deductions not more than 50% of the Wages.  
Interest on advances is forbidden  
Deduction of Fines not allowed  
*Exercise 30*

## TERMINATION AND LAY-OFF BENEFITS RULES 2008

Interpretation Rule 2  
Business  
Continuous Contract of Service  
Out Worker  
Relevant Date  
Renewal  
Termination or Lay-Off Benefits Payment  
General Provisions Entitlement of Termination Lay-Off Benefits Payment Rule

Rule 4(1) Termination or lay-off after continuous service of not less than 12 months service.  
Rule 4(2) Conditions for eligibility and non eligibility of Termination Benefits  
Rule 5. Lay -Off Conditions.  
Rule 6. Amount of Termination Lay-Off benefits payable  
Rule 8. Change of Ownership of Business  
Rule 9. Death of Employer  
Rule 10. Death of Employee  
Rule 11 Time Frame for Payment of Termination and Lay-Off Benefits  
Rule 12 Written statement of the computation of benefits must be given to the employee.  
*Exercises 31,32,33,34,35,36,37,38*

## HOW WILL YOU BENEFIT?

This programme in a precise and comprehensive way tells participants exactly what decisions and calculations they have to make as Human Resource or Administration Staff within the scope allowed by law in Malaysia.

Participants will be exposed in real life examples of problems met by Human Resource and Administration Department staff and how-to decide the line of action to resolve the matter within the scope of the EA 1955.

Participants will be exposed to as many 38 exercises on all the topics during the workshop as well as simple calculations of eligibility: Executive Staff overtime, Compassionate leave, Turnover statistics, Retirement age, VSS, Determining lay-off period, Absenteeism rate, Rest days, Sick leave, Wages, Maternity leaves, Annual leave, Unpaid leave, Public Holidays, Shift work, Limits on deduction, Notice period, Demotion, Promotion, Probation, Bonus, Transfer of employees and others.

## 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.

## WHO SHOULD ATTEND?

All levels of Human Resource Management Staff, Administration Staff, Accounting Staff, Executive, Officers, Supervisors and all who Manage Employees

Register Online

Download Registration Form



### COURSE FEES

**RM 1,180.00** per person for 2 days  
Includes Lunch, Tea-Breaks,  
Course Notes and  
Certificate of Completion



### ORGANISER / CONTACT PERSON

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