

# Termination of Employment



*The decision to terminate an individual's employment carries with it the risk of a possible legal challenge. The most important consideration when terminating an employee is the reason for doing so.*

*You must be sure the reason for termination is legal and the termination is justified and fair under the circumstances. Although there are myriad bases on which an employee can claim a termination decision to be unlawful or unfair, there are but a few basic considerations that should precede every termination decision.*

This program outlines the laws that govern employment relations, employment agreements, working hours, holidays, pay, disputes and grievances, health and safety, discrimination and privacy. The program is a "must-know" reference for anybody involved in employment law, employment relations, human resources and management – employers, employees, managers, HR and employment relations specialists, union members and representatives, lecturers and students.

## Do's and Don'ts & Legal Implications

### HOW WILL YOU BENEFIT?

Participants will be able to :-

- How to deal with the different termination issues
- Avoid costly mistakes which leads to enormous compensation and settlement
- Know the remedies available to employers against indiscipline and poor performance
- Protection against illegal action by employees

### COURSE CONTENTS

#### Day 1

**Distinction between Employee/Workman Test**

**Definition of Termination of Employment**  
Differences between termination and dismissal  
Under Employment Act 1955  
Under Industrial Relations Act 1967

**The Contract of Employment**  
The Common Law of Master and Servant  
The Rights & Obligations of Master and Servant  
Notice of Termination of Contract

Termination of Contract without notice  
Termination of Contract for special reasons  
When contract is deemed to be broken by employee/employer

#### **Contractual Terms**

Expressed Terms and Implied Terms – Statute Law, Collective Agreement, Custom & Practice

#### **Summary dismissal**

Grounds for summary dismissal

#### **Types of misconduct**

Dishonesty, Fraud, cheating & theft, Breach of trust, Trade Secrets, Engaging in private business, Taking bribes, Moral turpitude, Fighting or assault, Sexual harassment, Lateness or habitual absenteeism, Intoxication and drug-related offences, Insubordination, Negligence, Sleeping on duty, Sabotage, Strike

#### **Fixed-term contract**

Definition, Breach of fixed-term contract of employment, Payment of termination benefits

#### **Retrenchment**

Definition, Procedures to be adhere  
Retrenchment benefits

2012

March

14 & 15 March 2012 (Wed & Thurs) **TIME** 9am - 5pm **VENUE** Armada Hotel, Petaling Jaya

## Day 2

### Termination Due to:-

Termination Simpliciter, Expiry of probationary period, Retrenchment, Retirement, Cessation of business, Frustration of Contract, Medical board-out, Forced Resignation, Resignation under duress, Constructive dismissal, Misconduct, Breach of Contract

### Constructive and Unfair Dismissals

Common law & Industrial law on dismissal  
Definition  
Principles of constructive dismissal  
Dismissal fair or unfair

### Alternatives to termination

Warnings, Transfer, Suspension, Demotion, Withhold of increments or annual bonus

### Remedies and avenues available to employee/workman

### Section 20 of the Industrial Relations Act 1967

The methods & techniques of justifying terminations in order to avoid litigations and expensive repercussions.



## TRAINER'S PROFILE

**KAMARUDZMAN MOHD KASBY** is a freelance training and management consultant. He holds a Masters in Management from UKM, Malaysia and Bachelors of Science from USA.

He is currently a Group Human Resources Manager with his main responsibilities being operational duties in relation to Manpower Planning, Compensation and Benefits, Performance Management, Industrial Relations and Recruitment and Selection for a large manufacturing organisation.

He is currently both a trainer and consultant in subjects relating to Human Resource Management, Organisational Development and General Management. His forte in training is conducting leadership-oriented courses covering areas such as people management and supervisory skills and performance management.

He also has an extensive experience in the area of Industrial Relations. He is currently in his second term as a panel member of the Industrial Court (representing the Employers). During his tenure as the Group Human Resource Manager, he has handled various types of disciplinary cases and conducted numerous domestic inquiries.

He was also one of the pioneers in drafting the Code of Conduct initiated by one of the large local organization.

## WHO SHOULD ATTEND?

General Managers, Managers, Human Resource Officers and Executives, Compensation and Benefits Managers, Officers and Executives, Line Managers and Supervisors

## METHODOLOGY

Lecture, Group Discussions, case studies and Q & A

[Register Online](#)

[Download Registration Form](#)

### COURSE FEES

**RM 980.00** per person for 2 days  
Includes Lunch, Tea-Breaks,  
Course Notes and  
Certificate of Completion



### ORGANISER / CONTACT PERSON

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