



PERSEKUTUAN MAJIKAN-MAJIKAN MALAYSIA
MALYSIAN EMPLOYERS FEDERATION



HRD Corp Claimable Courses
No. : 10001674180



Managing Misconduct, Absenteeism and Performance Issues at Workplace

20 August 2026

Online via Microsoft Teams

OVERVIEW

This training provides a comprehensive and practical understanding of workplace discipline, focusing on misconduct, absenteeism and performance management within the framework of Malaysian employment and industrial relations law. Participants will be guided through:

- The legal foundation of the employment relationship (contract of service, master-servant doctrine);
- The scope of employer's disciplinary powers and management prerogatives;
- Identification and handling of misconduct, absenteeism, and non-performance;
- The legal requirements of "just cause or excuse" and procedural fairness; and
- Proper investigation and Domestic Inquiry (DI) processes.

The training integrates Industrial Court principles, statutory provisions and Court case examples, ensuring participants can confidently apply knowledge in real workplace scenarios.

WHO SHOULD ATTEND

Primary Audience

- HR Managers / HR Executives
- Industrial Relations Practitioners

Secondary Audience

- Line Managers / Supervisors
- Heads of Department
- Employers / Business Owners

This training is particularly critical for personnel involved in disciplinary decisions, investigations, and employee management.

CONTACT US : CIK SHAHADAH (09-509 1712)

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KEY OBJECTIVES

By the end of this training, participants will be able to:

A. Employment & Disciplinary Framework

- Understand the contract of service vs contract for service
- Explain the master-servant relationship and employer's rights
- Apply management prerogatives under Section 13(3) IRA 1967

B. Misconduct Management

- Define and classify misconduct (duty, discipline, morality)
- Distinguish between minor vs major misconduct
- Identify criminal vs non-criminal misconduct
- Apply Industrial Court principles in assessing misconduct

C. Absenteeism Control

- Identify types of absenteeism (late coming, AWOL, abuse of sick leave)
- Apply Section 15(2) & Section 60F Employment Act 1955
- Evaluate when absenteeism justifies disciplinary action or dismissal
- Handle medical leave abuse and unauthorized absence

D. Performance Management

- Apply the "fit for purpose of employment" principle
- Implement structured performance management (evaluation, PIP, warning)
- Identify legal requirements before dismissal for poor performance
- Avoid common pitfalls in probation and appraisal processes

E. Legal Principles in Disciplinary Action

- Apply "just cause or excuse" test
- Understand burden and standard of proof (Burchell test)
- Apply principles of natural justice

F. Investigation & Domestic Inquiry (DI)

- Conduct proper fact-finding and investigation
- Draft legally sound charge sheets
- Execute DI process (pre, during, post)
- Ensure procedural fairness to avoid unfair dismissal claims

G. Practical Application

- Analyse real case scenarios
- Identify legal risks and procedural errors
- Make defensible disciplinary decisions

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COURSE CONTENT

- 8.30 am Registration & Introduction
- Introduction of trainer and participants
 - Overview of training objectives
- 9.00 am Session 1: Employment Relationship & Misconduct Fundamentals
- Employer's rights and duties
 - Master-servant relationship
 - Definition and categories of misconduct
 - Types of misconduct (duty, discipline, morality)
- Activity 1: Misconduct Classification Exercise
- Group discussion on workplace scenarios
 - Identify:
 - Whether misconduct exists
 - Minor vs major misconduct
 - Group sharing and trainer clarification
- 10.30 am Morning Tea Break
- 10.45 am Session 2: Absenteeism & Legal Principles
- Part 1: Managing Absenteeism
- Types of absenteeism:
 - Late coming
 - Absence without leave (AWOL)
 - Leaving workplace early
 - Abuse of sick leave
 - Legal provisions:
 - Employment Act 1955 (relevant sections)
 - Case law on absenteeism and dismissal
- 10.45 am
- Part 2: Legal Principles in Disciplinary Action
 - Just cause or excuse
 - Burden of proof
 - Standard of proof (Burchell principles)
 - Principles of natural justice
- Activity 2: Case Analysis (Absenteeism Scenario)
- Group analysis:
 - Issues
 - Evidence required
 - Whether dismissal is justified
- Presentation and trainer feedback
- 1.00 pm Lunch Break
- 2.00 pm Session 3: Performance Management
- Identifying non-performers
 - "Fit for purpose of employment" principle
 - Performance management framework:
 - Evaluation
 - Counselling
 - Warning
 - Performance Improvement Plan (PIP)
 - Legal requirements before dismissal
 - Industrial Court expectations

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COURSE CONTENT - cont.

2.00 pm	Activity 3: Performance Case Discussion - Analyse poor performance scenario - Identify: - Whether proper procedure followed - Legal risks - Group sharing and trainer input	3.45 pm	Debrief: - What went wrong - Common legal risks - Key improvement points
3.30 pm	Afternoon Tea Break	4.45 pm	Session 5: Common Pitfalls, Best Practices & Wrap-Up - Common mistakes by employers: - Defective charges - Poor investigation - Failure in performance management - Bias in DI - Best practices for legally defensible decisions
3.45 pm	Session 4: Domestic Inquiry (DI) – Practical & Simulation Part 1: Practical Guide - Drafting charge sheet (with material particulars) - Roles in DI (panel, prosecutor, accused, witness) - Conducting hearings - Managing evidence and documentation Activity 4: Mock Domestic Inquiry (Role Play) Participants assigned roles: - Panel members - Prosecutor - Employee (accused) - Witness Simulation includes: - Presentation of charges - Witness examination - Basic cross-examination - Application of natural justice principles	5.00 pm	Final Q&A and Key Takeaways

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TRAINER'S PROFILE



MUHAMMAD AIMAN FIRDAUS B NOOR AZMAN
MEF Consultant – Legal and Industrial Relations

Prior to joining the Malaysian Employers Federation (MEF) in October 2024 as the Legal & Industrial Relations Consultant cum East Coast Branch Manager, Muhammad Aiman Firdaus was a practicing Advocate and Solicitor, managing his own legal firm, Messrs Muhammad Chambers, in Kuantan. His practice primarily focused on civil litigation including corporate and banking, estate administration and employment-related disputes.

He obtained his Bachelor of Laws (LL.B) from the National University of Malaysia (UKM) and is currently pursuing his Master of Laws (LL.M) at the same institution.

He commenced his pupillage at Messrs Ravi Moorthi Noriza Mala & Partners in Kuantan. After being called to the Malaysian Bar in March 2021, he continued as an advocate and solicitor, handling litigation matters involving civil and insurance claims, commercial and banking disputes and estate matters. His work included appearances at all levels of courts for hearings, mentions and case management, as well as managing execution proceedings such as Writ of Distress, Writ of Seizure and Sale, besides Bankruptcy and Winding-up proceedings. He also represented clients at the Land Office for land inquiries and auctions.

In May 2022, he joined Messrs Noorhuda & Partners where he oversaw the firm's litigation portfolio until May 2023. During this period, he also served the Pahang Bar Committee as the Honorary Secretary (2023/2024), where he was responsible for correspondence, document management, official communications with the Bar Council, and coordination with various government and corporate entities.

From June 2023, he established and managed Messrs Muhammad Chambers, where he handled both litigation and conveyancing matters while overseeing firm administration, client relations, and financial management. His experience extends from Civil Court to appearances at the Labour Court.

Between March and July 2024, he was appointed as a Part-Time Lecturer at the University College of Yayasan Pahang (UCYP), where he taught Business Law to Business Management students, emphasizing practical understanding of legal principles in commercial contexts.

Throughout his career, Muhammad Aiman Firdaus has developed extensive experience in civil litigation and industrial disputes, with particular expertise in policy development and contract drafting. He has actively represented clients, including employers, in conciliation proceedings as well as Industrial Court and Labour Court hearings, demonstrating a strong command of statutory compliance and practical human resource management.



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In October 2024, he joined the Malaysian Employers Federation (MEF) as a Legal & Industrial Relations Consultant for the East Coast Region. In this capacity, he advises and represents employers across various industries on all aspects of Malaysian employment law and industrial relations. His responsibilities include representing member companies before the Industrial Court and Labour Court, drafting and reviewing employment contracts, employee handbooks, and internal policies, as well as conducting training programmes for employers. He also actively engages with members and KESUMA agencies throughout the East Coast Region.

REGISTRATION



COURSE FEE

- MEF Members: RM 700.00 (inclusive of 8% SST)
- Non-Members: RM 900.00 (inclusive of 8% SST)

PAYMENT

Upon receiving your registration, a pro-forma invoice will be issued for companies applying for the HRD Corporation's grant. Only the pro-forma invoice will be provided, and no payment is required at this stage pending HRD Corporation's approval.

For companies not applying for the HRD Corporation's grant, an invoice will be issued and full payment must be made before the event.

MEF now offers a convenient online payment gateway for faster, easier transactions. Please note that this option is available only for non-HRDC payments.

Payment details :

- Affin Islamic Bank Berhad
- Account No. : 105280002422
- In favour of : Malaysian Employers Federation

Email the transfer slip and invoice to :

- natasya@mef.org.my
- yeokhoon@mef.org.my
- accounts@mef.org.my

Any cancellation of attendance must be communicated via email to shahadah@mef.org.my at least 3 working days prior to the event of MEF reserves the right to charge the full fees for "NO SHOW".

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