



# CONSTRUCTIVE DISMISSAL CLAIMS

10 SEPT. 2025 | 9.00AM - 5.00PM | MEF ACADEMY, PETALING JAYA

The HR/IR/ER Practitioners play a vital role in recognizing and dealing appropriately regarding Constructive dismissal claims. Constructive dismissal is a form of termination that occurs when an employer's actions or omissions make an employee's working conditions intolerable, has become an increasingly prevalent issue in Malaysia. It is a legal term used to describe a situation where the employee quits under protest because of the employer's actions that have violated the fundamental terms of the employment contract. There are employees who claim constructive dismissal based on issues which may not be based on breach of contract expressly or implied and there are also cases which are based on fundamental breach of contract of employment.

Constructive dismissal claim is a very COMPLEX concept and this needs to be understood very carefully. Hence, it is strongly advised that all HR/IR/ER Practitioners to attend this session and to have a comprehensive understanding of this subject matter of Constructive dismissal in order to avoid any potential liability where the Company may lose a case at the Industrial Court on a Constructive dismissal claim brought by an employee and consequently, the Company may have to pay an enormous sums of money if the dismissed employee is reinstated or awarded back wages as well as compensation in lieu of reinstatement, not forgetting that the Industrial Court may in appropriate circumstances also award punitive damages as well.

## Who Should Attend

- Senior Managers
- Line Managers
- HR/IR Executives
- Compliance and legal officers

## Learning Outcomes

- Able to know what amounts to constructive dismissal
- Understand what constitutes to violation of fundamental term of employment contract
- Able to prevent potential liability on constructive dismissal claims

## Course Registration



<https://forms.office.com/r/6pXs9WBKxG>

**RM 1200.00\***

(Price Inclusive of 8% SST)

Course fee is claimable under HRDC.



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## Course Structure

DAY 1	Time	Agenda
Module 1	9:00 am – 10:30 am	<ul style="list-style-type: none"> <li>Principles Involving Constructive Dismissal</li> </ul>
	10:30 am – 10:45 am	<ul style="list-style-type: none"> <li>Break</li> </ul>
Module 2	10:45 am – 1:00 pm	<ul style="list-style-type: none"> <li>The Contract Test</li> <li>The Unreasonableness Test</li> <li>Review of Judicial Pronouncements on the test for Constructive Dismissal</li> </ul>
	1:00 pm – 2:00 pm	<ul style="list-style-type: none"> <li>Lunch</li> </ul>
Module 3	2:00 pm – 3:30 pm	<ul style="list-style-type: none"> <li>Prerequisite conditions for claiming Constructive Dismissal</li> <li>Burden of proof in cases of Constructive Dismissal</li> </ul>
	3:30 pm – 3:45 pm	<ul style="list-style-type: none"> <li>Break</li> </ul>
Module 4	3:45 pm – 5:00 pm	<ul style="list-style-type: none"> <li>Case Laws On Constructive Dismissal</li> <li>Scenarios to determine as whether a claim for Constructive Dismissal exist</li> </ul>

## Trainer Profile



Mr Nantha Kumar, Assistant General Manager – IR, joined MEF since 2009. He has represented numerous member companies at the Industrial Court, Labour Court and CA negotiation and conciliation proceedings and Court cases. He has previous working experience with a Bank where his last position was as a Senior Executive in the Operations Control/Audit Review Dept. He left in 2000 to further his legal studies. After qualifying as an Advocate & Solicitor he practiced with Messr Sri Ram & Co and Messr P Kupusamy & Co specializing in Employment Laws. He has extensive experience in IR matters including conducting training programs.



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