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# Managing Workplace Issues

On EA 1955, IRA 1967 and TUA 1959

21-22 December 2021

MEF Academy, Petaling Jaya

9.00am – 5.00pm

Course Fees: RM 1,400

(including SST)

SBL Khas  
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## Introduction

The Employment Act (EA) 1955 provides for minimum terms and conditions of employment for employees under the scope of the Act. The IRA 1967 seeks to promote and maintain industrial harmony and provides for the regulation of relations between employers, workmen and trade unions, and the prevention and settlement of disputes arising from their relationship. The TUA regulates all matters on the registration of trade unions, rights and liabilities of trade unions, its constitution, formation of or affiliation with federation of trade unions and consultative bodies, disputes, property and funds and accounts of trade unions, and offences and penalties. This 2-day training program is designed for HR/IR practitioners and managers who need a proper interpretation, good working knowledge and correct application of the above three (3) employment laws to manage people and business issues and challenges at the workplace.

## Program Outline

<b>Day 1</b> <b>The Salient Provisions of the EA 1955</b>	<b>Day 2</b> <b>The Salient provisions of the IRA 1967 and TUA 1959.</b>
<b>Module 1</b> <ul style="list-style-type: none"> <li>• Scope of the EA – 1st Schedule and “employee” in Sec. 2 EA.</li> <li>• Interpretation/Definition of Key Words.</li> <li>• Contract of Service &amp; Contract for Service.</li> <li>• Termination under Secs. 13, 14 &amp; 15 of EA 1955.</li> </ul>	<b>Module 1</b> <ul style="list-style-type: none"> <li>• Interpretation/definition of Key Words &amp; Second Schedule IRA.</li> <li>• Protection of Rights of Workmen, Employers and Trade Unions.</li> <li>• Recognition &amp; Scope of Representation of Unions.</li> <li>• Collective Bargaining &amp; Collective Agreements.</li> </ul>
<b>Module 2</b> <ul style="list-style-type: none"> <li>• Wages – Payments, Deductions &amp; Priority.</li> <li>• Contractors &amp; Principals for Labour.</li> <li>• Employment of Women – Prohibitions.</li> <li>• Maternity Protection – Paid Maternity Leave regardless of salary levels.</li> <li>• Quiz Questions using Kahoot</li> </ul>	<b>Module 2</b> <ul style="list-style-type: none"> <li>• Representation on Dismissals – Section 20 IRA 1967.</li> <li>• The Industrial Court – Reference of Disputes, Powers, Court Awards and Appeals.</li> <li>• Declaration of Trade Disputes, Strikes &amp; Lockouts</li> <li>• Exclusion of Evidence, Non-Compliance of Award or CA and General Penalties.</li> <li>• Q &amp; A Session.</li> </ul>
<b>Module 3</b> <ul style="list-style-type: none"> <li>• Rest Day &amp; Rest Day Work</li> <li>• Limits on Contracted Hours of Work</li> <li>• Shift Work, Public Holidays, Annual Leave &amp; Sick Leave.</li> <li>• Ordinary Rate of Pay (ORP), Hourly Rate of Pay (HRP) and Piece Rated employees.</li> </ul>	<b>Module 3</b> <ul style="list-style-type: none"> <li>• Interpretation/definition of Key Words in Sec. 2 TUA 1959.</li> <li>• Registration of Trade Unions.</li> <li>• Rights &amp; Liabilities of Trade Unions – Are Union Leaders immune from Civil or Tortious Liability?</li> <li>• Role of Trade Unions - Why employees Join Trade Unions.</li> </ul>
<b>Module 4</b> <ul style="list-style-type: none"> <li>• Employment (Termination &amp; Lay-Off Benefits) Regulations 1980</li> <li>• Employment of Foreign Employees</li> <li>• Sexual Harassment Claims – Obligations of Employers</li> <li>• Q&amp;A Session.</li> <li>• Group Assignment – Case Study 1 &amp; Case Study 2.</li> </ul>	<b>Module 4</b> <ul style="list-style-type: none"> <li>• Constitution of Trade Unions.</li> <li>• Property &amp; Funds/Accounts of Trade Unions.</li> <li>• Offence &amp; Penalties under TUA 1959.</li> <li>• Federation of Trade Unions &amp; Consultative Bodies.</li> <li>• Q &amp; A Session.</li> <li>• Case Study 3 – Is there a legal or illegal Strike?</li> </ul>

# Managing Workplace Issues & Challenges

## Objective

Participants will learn to:

- Understand the salient provisions of the EA, IRA and TUA and avoid making “costly mistakes” when interpreting or making decisions on relevant issues.
- Understand the application of the various interrelated employment laws when handling issues and challenges.
- Understand and apply the law correctly when making decisions in the respective areas of EA, IRA and TUA.
- Prevent unnecessary disputes from arising due to unfamiliarity with the legal process/procedures or due to lack of knowledge or hands-on experience in managing and resolving those issues.

## Who Should Attend

- Owners of SMEs and Businesses.
- Business leaders, Heads of Finance/Accounts.
- HR Directors/Managers.
- Department Heads/Managers.
- HR Generalists & ER/IR Specialists.

## Facilitator Profile

**DATO' DR. LIM WENG KHUAN** started his early career as a Police Inspector serving in the Special Branch and Commercial Crime Divisions of the Royal Malaysia Police Force for over 9 years. He resigned from the Police Force in late 1989 and started his career in the private sector as the Senior Industrial Relations Officer in Maybank before moving on to other private sector organizations which include Lion Group, Hong Leong Group, Fraser & Neave Group, HSBC Bank Malaysia and Tan Chong Group. Having acquired about 10 years of hands-on experience in covert and overt (criminal) investigations as an Investigations Officer in the Commercial Crime Division, he spent about 30 years of his career focusing in the specialized field of Industrial Relations (IR) and Human Resource Management (HRM) in the above large private sector organizations. He is certified in various Management Programs including “Train-The-Trainer” Program recognized by Human Resource Development Fund (HRDF), Assessment Centre Methodology and The 7 Habits of Highly Effective People.



He had served as a member of the Industrial Court Panel for about 5 years (2004 till 2009), and is currently a member of the Industrial Relations Panel with the Malaysian Employers Federation (MEF). He was elected as a Council Member of MEF in 2018 and 2020 and appointed as a member of the National Labour Advisory Council (NLAC) in Sep 2018. He was also appointed as Adjunct Professor (Law & Investigations) of Saito University College in August 2018. He has many years of experience as Head of HR responsible for planning and execution of HR Strategy and Operations in the Companies he had served. He has on numerous occasions, been invited to be a Facilitator, Speaker and Moderator at IR & HR Workshops/Conferences.

Dato' Dr. Lim obtained his LLB degree from the University of London in 1988, Certificate in Legal Practice (CLP) from the Malaysian Qualifying Board in 1990, Masters of Business Administration (MBA) in General Management from the University of Hull, UK in 1995, and Doctor of Business Administration (DBA) from the University of South Australia (UniSA) in 2005.