TRAINING OUTLINE

COURSE TITLE	Conducting A Domestic Inquiry for Employment Misconducts
DURATION	2 days

Introduction

The task of dismissing employees has been made increasingly more difficult over the years due to changes in the concept of natural justice, security of tenure and social justice. The Industrial Relations Act, 1967 had been amended and effective 1.1.2021, all cases of dismissals which are not settled at the IR Department would automatically be referred to the Industrial Court for an award. As such complying with the right procedures to dismiss employees has become more crucial.

Wrongful dismissal can be a very expensive affair if the matter ends up at the Industrial Court. Employees view dismissals without proper cause as an abuse of power and unfair labour practice by the management. It can lead to strained employer-employee relationships in the company. As such the duty of the employer to conduct a proper domestic inquiry before dismissing an employee is expected by the employees as they have become more aware of their rights of being heard before being dismissed.

Training Objective

- To introduce to the participants the concept and practice of industrial relations in Malaysia.
- To provide participants with a sound knowledge of how to conduct a proper domestic inquiry

Who Should Attend?

The programme is designed primarily for those Managerial staff who need to manage subordinates.

Learning Methodologies

Learning module, workbook, video, case study

Course Content

Day 1 - 9.00 a.m. to 5.00 p.m.

Domestic Inquiry Procedures

- Misconduct Defined
- Domestic Inquiry Defined
- Need for Domestic Inquiry under S14(1)
- Rules of Natural Justice
- Defective Domestic Inquiries
- Investigation Process
- Taking Witness Statements
- Drafting the Charge Sheet
- Notice of Domestic Inquiry
- Case Study

Day 2 - 9.00am to 5.00pm

Domestic Inquiry Process

- Appointment & Role of Panel Members
- Role of Prosecutor
- Roles of Witnesses
- Role of Union Officials
- Burden and Standard of Proof
- Procedures and Rules to be complied
- Examination & Cross Examination
- Preparation of Submission
- Findings and Decisions of panel members
- Disciplinary Action
- Mock Domestic Inquiry