

Domestic Inquiry - Legal Compliance

14-15 Feb 2024 A.C.Hotel, Penang

28-29 Feb 2024 Pullman Bangsar Hotel, KL

PD | PRACTICALDOCTRINAS
training and consulting



Section 14(1) of Employment Act 1955 only mentions "due inquiry" before meeting capital punishment for misconducts but does not provide specific procedures as to how an inquiry should be conducted. The Industrial Court always held that natural justice had not been done if an employer did not hold an inquiry or proper inquiry and the Court would invariably rule against the employer who failed to do this. It is an important principle that no employee should be dismissed for misconduct unless the employee concerned had been given an opportunity to defend himself or had been given an opportunity to be heard.

This practical training encompass procedures and steps in holding domestic inquiry proceedings in line with principles of natural justice (*audi alteram partem* and *nemo iudex in causa sua*). The roles of Chairman, Panels, Investigating Officer, Prosecuting Officer and Secretary is well defined and explained easily.



Training Objectives

- Practically conduct domestic inquiry proceedings at workplace
- Practically write domestic inquiry reports
- Understand principles of natural justice and its compliance
- Understand the importance of domestic inquiry
- Understand misconducts and disciplinary actions

Course Content

- 1. Security of Tenure**
 - Cases relating to Security of Tenure
 - Federal Constitution
- 2. Section 20 of Industrial Relations Act 1967**
 - Representation on Dismissal
 - Conciliation Meeting
- 3. Function of Industrial Court**
 - Burden of Proof
 - Shift in the Burden of Proof
 - Standard of Proof
 - Adverse Inference
 - Award
- 4. Misconduct**
 - Definition of Misconduct
 - Types of Misconduct
 - Minor & Major Misconducts
 - Misconducts Warrants the Punishment of Dismissal
 - Misconducts of Criminal Nature
 - Right of the Employer to Disciplining Employees
- 5. Investigations**
 - When to Investigate?
 - Investigation Report
- 6. Doctrine of Condonation**
 - Essential Elements of Condonation

Training Methodology

Interactive lectures, case study, practical activity and review of court awards

Duration

Two Days (14 hours)

Who Should Attend

Directors, Human Resource Managers, Human Resource Personnel, Head of Departments, Unit Heads, Managers, **Executives, Officers and Supervisors**

7.Suspension of Employee

- Purpose of Suspension
- Duration of Suspension

8.Domestic Inquiry

- What is Domestic inquiry?
- Purpose of Domestic Inquiry
- Principle of Natural and Substantive Justice
- Type and Severity of Punishment
- Pitfalls in Domestic Inquiry

9.Framing of Charges

- Material Particulars in Charges
- Sample Charges
- Consequence of Defective Charges

10. Pre-Domestic Inquiry

- Show Cause Letter and its Effect
- Notice of Domestic Inquiry
- Appointing Panel of Inquiry
- Preparation of Company Witnesses
- Checklist Pre-domestic Inquiry

11. The Domestic Inquiry Proceedings

- Role of the Chairman
- Examination-in-Chief
- Cross-Examination
- Re-examination
- Submissions

12. Mock Domestic Inquiry

13. Post Domestic Inquiry

- The Findings and its Ground
- Writing Domestic Inquiry Report
- Mitigation and Punishment
- Doctrine of Proportionality of Punishment



Dave Munish

Master of Human Resource Management, Hons
Bachelor of Economics, Hons (UKM)
PSMB/HRDF Certified Trainer

Dave is a human resource practitioner with over 20 years of experience. He had served reputable local companies and MNCs upon graduating from National University of Malaysia (UKM). He had been appointed as Industrial Court Panel and SOCSO Appellate Board Panel by the Ministry of Human Resource where he had sat for hearing on trade disputes.

Dave has been training for the past 20 years and he specializes in employment laws, industrial relations and human resource which are his expertise field. He is well known for designing practical training program that improves organizational effectiveness and individual performance leading to organizations achieving their strategic plans.

Dave also provides consulting services actively for both employers and employees with regards to industrial disputes. He had represented numerous clients at conciliation meeting, mediation and hearing at Labor Court and Industrial Court.

He has trained executives and managers from various sectors including manufacturing, hospitality, telecommunications, education, service sector, healthcare, government agencies and plantations with positive track record from participants. He is also engaged as Trainer by numerous renowned training providers.

As a Human Resource Consultant, he actively provides consulting services to many corporate companies. This includes staffing, performance management, disciplinary issues, industrial relations, collective bargaining, collective agreement, succession planning, retrenchment, employee satisfaction surveys, legal compliance auditing, company policies, contract of service, contract for service, training need analysis etc.

REGISTRATION FORM

Register at:

<http://tinyurl.com/2au4ss9s>

DOMESTIC INQUIRY – LEGAL COMPLIANCE

HRD Corp Program No: 1000153283



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Course Fee

Standard Course fee: RM2,190.00 per person only

No	Name of Participant	NRIC	Designation	Mobile No	Email

Contact Person Name::

Designation:

Telephone:

Email:

Company Name:

Company Address:

Payment:

Payment by cheque or bank draft made in favour of “PRACTICAL DOCTRINAS PLT” or Bank in to our CIMB Bank A/C No: 8009071766 and send us the bank-in / transaction slip.

Participation under the HRD Corp claimable course, the total fee will remain payable by the participant or the participant’s company in the event for whatever reason, the claim made by Practical Doctrinas PLT is unsuccessful or rejected by HRD Corporation. Participant must ensure completing 75% attendance.

Please send your completed registration form to davemunish@practicaldoctrinasplt.com

Terms and Conditions

1. Fees are inclusive of training materials and certificate of completion (e-certificate)
2. Program confirmation will be done via email seven (7) working days before the program date.
3. Cancellation / notice of withdrawal must be given in writing to us seven (7) working days before the date of the event. No cancellation is allowed once our program confirmation is emailed to you.
4. PRACTICAL DOCTRINAS PLT reserves the right to change the training dates, time, venue or cancel the scheduled training due to unforeseen circumstances.

Contact us

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