

# Complete Guide to Retrenchment, Voluntary Separation Scheme (VSS) and Mutual Separation Scheme (MSS) – Legal Compliance - HRD Corp Prog No: 10001103354



AC Hotel Penang: 17-18 April 2024

Remote Online via Zoom: 8-9 May 2024

*Retrenchment has been defined as the discharge of surplus labour or staff by an employer for any reason whatsoever otherwise than a punishment inflicted by way of disciplinary action as said in the case of William Jacks & Co (M) Bhd v S. Balasingam (1997) 3CLJ 235. Even though it is the right of the employer to retrench redundant employees, this action of the employer can be challenged by retrenched employee in the Industrial Court. This two days training provides complete guide to retrenchment, voluntary separation / retirement scheme and mutual separation scheme / agreement. The training is made practical and easily understood by participants.*

## Training Objectives

- Have complete knowledge on Retrenchment, VSS and MSS
- Fully understand the legal requirements of Retrenchment, VSS and MSS
- Carry-out confidently Retrenchment, VSS and MSS exercises for your organisation without infringing industrial law.



## Participant will be given:

- Course material
- Sample Letter: Notice of Retrenchment
- Sample Retrenchment Letter
- Sample Letter: Invitation to Apply for VSS
- Sample VSS Application Form
- Sample VSS Letter for Successful Application
- Sample VSS Letter for Rejection of Application
- Certificate of Completion

## Training Methodology

Interactive Lectures, Power Point presentation, Case study, discussion and review of Court awards

## Who should attend

CEOs, General Managers, Directors, HR Practitioners, Head of Departments, Unit Heads, Managers, Executives, Officers and All those involved in handling employees and industrial relations functions.



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# Course Content

## Module 1: Introduction to Retrenchment

- Definition of Retrenchment, Redundancy and Lay-off
- Security of Tenure and Right to Livelihood
- Dismissal and claim for reinstatement under Section 20 of Industrial Relations Act 1967
- Function of industrial court in dismissal due to retrenchment

## Module 2: Landmark Cases

- William Jacks & Co. (M) Sdn Bhd v S Balasingam, Court of Appeal, 1997
- Bayer (M) Sdn Bhd v. Ng Hong Pau, Court of Appeal, 1999

## Module 3: Employer's Rights to Reorganization of Business and Limitations

- Prerogative to Reorganize Business
- Bona fide Reasons to Reorganize Business
- Limitations in Reorganization of Business
- Reorganisation: Case Reviews

## Module 4: Principles of Last-In First- Out

- General Principles of Last-In First-Out
- Determining Length of Service: Grade v. Category
- Should LIFO be applied group basis?
- Valid Reasons to Depart from LIFO Principle

## Module 5: Legal Guide to Retrenchment Procedures

- Code of Conduct for Industrial Harmony
- MOHR Guidelines on Retrenchment Management
- Employer's Responsibilities Prior to Retrenchment
- Implementing Retrenchment
- Should the Employer Find Alternative Employment
- Is it Necessary to Warn or Consult Employees or Trade Union Prior to Retrenchment?

## Module 5: Legal Guide to Retrenchment Procedures

- Is it Mandatory to Provide Termination Notice in Retrenchment?
- Principles of Foreign Workers First Out
- Payment of Retrenchment Benefit: What to Include.
- How to Calculate Termination Benefit Amount?

## Module 6: Voluntary Separation / Retirement Scheme (VSS / VRS)

- What is VSS According to Industrial Court?
- The Effect of VSS in Claim for Unfair Dismissal
- Can VSS be Used as a Cost Cutting Measure?
- Issues Relating to VSS.
- Frequently Asked Questions (FAQ) on VSS

## Module 7: Mutual Separation Scheme / Agreement (MSS / MSA)

- Contract Act 1950 – Relevance to MSS
- Validity of MSS in Industrial Law
- Can an Employee Claim Unfair Dismissal After MSS?
- MSS v. VSS v Retrenchment: What are the Differences?
- Principles of MSS
- Issues Relating to MSS

## Module 8: Outsourcing, Mergers and Closures of Business

- Reorganising Business through Outsourcing and Subsequent Retrenchment
- Mergers in Business and Subsequent Retrenchment
- Closure of Business and Subsequent Retrenchment



**Dave Muniswar M**  
**Master of Human Resource Management, Hons**  
**Bachelor of Economics, Hons (UKM)**  
**PSMB/HRDF Certified Trainer**  
**ex-Industrial Court Panel**  
**ex- SOCSO Appellate Board Panel**

**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.**

# Training Registration

## COMPLETE GUIDE TO RETRENCHMENT, VOLUNTARY SEPARATION SCHEME (VSS) AND MUTUAL SEPARATION SCHEME (MSS)- LEGAL COMPLIANCE

Choose the appropriate

Register at

<https://tinyurl.com/2r953bzx>



AC Hotel Penang: 17-18 April 2024  
(Course Fees: RM2,190.00)



Remote Online via Zoom: 8-9 May 2024  
(Course Fees: RM1,400.00)



No	Name	NRIC	Designation	Hp	email

Registration form can be send to [davemunish@practicaldoctrinasplt.com](mailto:davemunish@practicaldoctrinasplt.com)

Contact person Mr. / Ms..... Designation:.....

H/P: ..... 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

**Inhouse Training can be arranged**