

Investigation, Misconduct And Domestic Inquiry

9.00am - 5.00pm



DZULFADHLI BIN LAMIN

Lead Consultant, MECA



SARA SIA

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6 - 7 MAR	JB Renaissance Johor Bahru Hotel
6 - 7 MAY	KL Sheraton Petaling Jaya Hotel
19-20 JUNE	PENANG AC by Marriott Penang

Training Fee

MECA Member	RM 2300	PER PAX PER COURSE	<i>including 6% SST</i>
Non-Member	RM 2600	PER PAX PER COURSE	<i>including 6% SST</i>

*Prices are inclusive of 8% SST

*Employers contributing to HRDCorp may claim the seminar rate subject to a maximum of RM 1300 / day / pax



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For more info :



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COURSE OBJECTIVE

This course aims to provide end-to-end knowledge of when and how a domestic inquiry should be conducted. The program focuses on investigation techniques, roles of Managers in a matter concerning misconduct, the evidence collection process and DI proper. Participants can expect to independently run a domestic inquiry without qualms by the end of the session.

Day 1

Registration

8.30am – 9.00am

Overview of Industrial Relations in Malaysia

- Requirements under s.14(1) of the Employment Act 1955
- Brief introduction to s.20 of the Industrial Relations Act 1967
- Understanding how Line Managers fit into a process of managing their people

9.00am – 10.30am



Morning Tea Break

10.30am – 10.45am

Overview of Misconduct

- Statutory provisions on misconduct
- Blueprint for Supervisors in managing misconduct
- Hot stove principle in managing misconduct

10.45am – 1.00pm



Lunch Break

1.00pm – 2.00pm

(Continue) Overview of Misconduct

- Case studies on various types of misconduct and the importance of a Manager's thought process when investigating
- Difference of processes between misconduct and poor performance
- Disciplinary flowchart

2.00pm – 3.45pm



Afternoon Tea Break

3.45pm – 4.00pm

Types of Misconduct

- Malingering
- Sleeping on duty
- Absenteeism
- Lateness and leaving early
- Neglect of duty and negligence
- Refusal to obey instructions
- Disrespect and insubordination
- Theft, cheating and dishonesty
- Fighting / Assault
- Private Conduct

4.00pm – 4.45pm

Q & A Session

4.45pm – 5.00pm

End of Day 1

Day 2

Registration

8.30am – 9.00am

Domestic Inquiry

- Statutory provisions on discipline
- Due Inquiry
- Preparing for a DI – checklist to consider
- Understanding the roles – Chairman, panel members, prosecutor, secretary
- Understanding the flow of a DI

9.00am – 10.45am



Morning Tea Break

10.45am – 11.00am

(Continue) Domestic Inquiry

- Rules of natural justice (with case studies)
- Examination techniques
- Admissible evidence vs unlawfully obtained evidence or hearsay
- Difference between Responsibility and Accountability
- Case studies on defective DI – how other companies have failed

11.00am – 1.00pm



Lunch Break

1.00pm – 2.00pm

Decision Making Process

- The role of a panel in decision making process
- Drafting a solid panel report

2.00pm – 3.45pm



Afternoon Tea Break

3.45pm – 4.00pm

(Continue) Decision Making Process

- Burden of proof and standard of proof
- Punishment-considerations, case studies

4.00pm – 4.45pm

Q & A Session

4.45pm – 5.00pm

End of Day 2

SPEAKERS' PROFILE



Dzulfadhli Bin Lamin
Lead Consultant,
MECA

Dzulfadhli Lamin obtained his Bachelor of Law degree (Hons) from Multimedia University. Dzul practiced as an Advocate and Solicitor in the Civil Litigation field for several years before joining MECA as a Legal Consultant.

During his tenure as a practicing lawyer, Dzul has successfully negotiated and recorded Consent Judgements (settlement) amounting more than RM4 million for Personal Injury cases. Dzul has represented leading companies in the Insurance, Oil & Gas and Energy industries for Trials before the Malaysian Courts.

Dzul's vast experience as a lead counsel has given him exposure to various disciplines of the law and the experience to deal with complex legal matters professionally. His passion for Employment Law and Industrial Relations matters allows him to provide sound advice and effective solutions to our clients.



Sara Sia
Consultant,
MECA

Sara Sia completed her law degree at Multimedia University in 2020 and was admitted as an Advocate & Solicitor of the High Court of Malaya in 2021. She chambered in Messrs Dharmen Sivalingam & Partners and subsequently joined the team as a legal associate. During her pupillage, she was exposed to both litigation and conveyancing matters. At present, Sara specializes employment and industrial relations matters in Industrial Court and Labour Court. She also assists in civil litigation such as judicial review matters in High Court of Malaya.

Sara believes that the clients' interest would be best protected by having clients' best interest at heart and providing the advice based on each client's requirements as well as taking into account the legal knowledge and experience.



Jassmine Joseph
Consultant,
MECA

Jassmine Joseph obtained her Degree of Bachelor of Laws from University of Malaya and was admitted to the High Court of Malaya as an Advocate & Solicitor in 2018. Prior to joining MECA, Jassmine practiced as a Civil Litigation lawyer for several years in the areas of medical negligence, professional negligence (solicitor's negligence), employment, construction, land and appeals board.

Jassmine was then offered a Regional Legal Executive role in a MNC that specializes in recruitment and HR solutions where Jassmine had among others, the privilege to provide legal advice for the business in Singapore, Hong Kong and Malaysia on the risk associated in commercial contracts and employment laws applicable to the relevant countries.

Jassmine's experience both as a practicing lawyer and an in-house lawyer has given her the exposure needed to provide clients with reliable and effective advice on a commercial and legal standpoint for Employment and Industrial Relations matters.