

# (MC) UNDERSTANDING OF THE EMPLOYMENT ACT 1955 AMENDMENT 2022

22-23 September 2022 (Thursday-Friday), 9.00 am – 5.00 pm

Eastin Hotel Penang

## Overview:

This very intensive two day program focusing entirely on the Employment Act 1955 and all the new amendments via the Employment (Amendment) Act 2022 is based on over 32 years of experience and practical knowledge of the facilitator who is a practicing HR Manager, HR Consultant and Trainer and who has designed this program to provide participants with the knowledge of relevant and pertinent sections within the Employment Act (including the regulations on Part Time Work, the New Minimum Wage Order 2022, Sexual Harassment, and all other amendments from year 2013 up to 2022) thus enabling them to better manage their employees.

This program will cover the pertinent and relevant areas of the Employment Act (both Old and New) and the differences that the new amendments bring about that deals with minimum employee benefits, minimum requirements to be adhered to, definitions that must be complied with and how we can utilize the Act to better manage our employees.

## Who Should Attend:

All HR Managers, C&B Managers & Practitioners, HR Executives and Payroll Officers who are in charge of any of the following job functions, i.e., Overall HR, Compensation & Benefits, Payroll, Industrial Relations and Employee Services & Benefits management in an organization.

Line Managers or Line Sections Heads & Supervisors who need to better manage their subordinates in their respective Departments would also need to have a detailed overview of the Employment Act and all calculations contained therein in order to better manage their subordinates, and thus will also find it most beneficial as it explains the many stipulations of the Employment Act.

HRD Corp Claimable  
Course\*

## Learning Outcomes:

By the end of this training program, participants will be able to:

- ✓ Know the law and regulations under the existing Employment Act 1955;
- ✓ Explain the amendments in Employment Amendment Act 2022;
- ✓ Practice the application of the existing law and Employment Amendment Act 2022 in better managing employees.

## Methodology:

Highly interactive with lectures, role play, exercises and discussion, question and answer session for all participants.

## **Program Outline**

### **Day 1:**

9.00 am	Registration   Pre-Test
9.10 am	Module 1: An Overview of Employment Act <ul style="list-style-type: none"> <li>▪ Objectives of the Employment Act</li> <li>▪ Scope of Coverage of the Employment Act</li> <li>▪ Common Definitions of the Employment Act</li> </ul>
10.15 am	Morning coffee break

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10.30 am	<p>Module 2: The Employment Act and Its Regulations</p> <p>a. Contracts of Service</p> <ul style="list-style-type: none"> <li>▪ Introduction to Contract of Service.</li> <li>▪ Difference between Contract of Service and Contract for Service</li> <li>▪ Offering less favorable Terms and Conditions than those specified in EA1955</li> <li>▪ Demotion of Employee</li> <li>▪ Entitlement to Increment</li> <li>▪ Wage Reduction</li> <li>▪ Transfer an Employee</li> <li>▪ Retirement of Employees</li> </ul> <p>b. Termination of Contract</p> <ul style="list-style-type: none"> <li>▪ Notice period for Termination of Contract</li> <li>▪ Computing the days and weeks of Notice Period for Termination.</li> <li>▪ Termination of Contract of Service and Reasons for Termination</li> <li>▪ Calculation of Wages for an Incomplete month's work</li> <li>▪ Non-Entitlement to Termination Benefits</li> <li>▪ Termination and lay-off benefits eligible by an employee</li> <li>▪ Dismissal without Warning and Notice</li> <li>▪ Termination of an Employee on probation</li> <li>▪ Termination due to Absence and how do we do it correctly</li> <li>▪ Wages Paid in Lieu of Notice given by employee last day of work will be</li> <li>▪ Notice of Termination and the Balance of Annual Leave</li> <li>▪ Payment in Lieu of Notice and Balance of Annual Leave</li> <li>▪ Withdrawal of Employees Resignation letter</li> </ul> <p>c. Payment of Wages</p> <ul style="list-style-type: none"> <li>▪ Payment of Wages introduction.</li> <li>▪ Wage period</li> <li>▪ Pay day for Employees.</li> <li>▪ The Strict Requirement to make payment of Wages through Bank. Any other method requires DG's Approval</li> <li>▪ Time limit for Wage payment Resignation and Normal termination.</li> <li>▪ Payment on Termination without Notice by Employer.</li> <li>▪ Time limit for payment termination without Notice by Employee.</li> <li>▪ Recovery of Overpayment of Wages.</li> <li>▪ Wages during Imprisonment, police custody, and court attendance</li> <li>▪ What is Ordinary Rate of Pay</li> <li>▪ Example Payment of ORP for OT</li> <li>▪ ORP Formulas</li> <li>▪ How to calculate the ORP</li> <li>▪ OT and types of OT and their Calculations</li> <li>▪ Payment of OT</li> <li>▪ Minimum Wage Order 2020 (not the MWO 2022 as the Ministerial Order 2022 is NOT out as Yet)</li> </ul>
12.30 pm	Lunch
1.30 pm	<p>Module 3: Contractors and Principals under the Act</p> <p>Module 4: Advances and Deductions from Wages</p> <ul style="list-style-type: none"> <li>▪ Limit of Advances to Employees</li> <li>▪ Interest on Advances and Loans to Employees.</li> <li>▪ Deductions from Wages –Permission not required from DG</li> <li>▪ Limits on Total Deductions Allowed</li> </ul> <p>Module 5: Employment of Women (this whole section is deleted - Consequences to the Employer is explained)</p>
3.30 pm	Afternoon coffee break

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3.45 pm	<p>Module 6: Pregnancy and Maternity Protection</p> <ul style="list-style-type: none"> <li>▪ How maternity leave is computed</li> <li>▪ Conditions and Limits for Maternity Leave and Allowance.</li> <li>▪ Maternity Allowance Computation</li> <li>▪ Conditions to be Fulfilled for Maternity Allowance</li> <li>▪ Conditions to return back to work within the Maternity Leave period</li> <li>▪ Entitlement of Maternity Allowance after Resignation.</li> <li>▪ This section covers only those under the Act.</li> <li>▪ Restrictions on Terminating a Pregnant Employee who is ill</li> <li>▪ Deletion of Section 44A – thus NOW not all women are covered under the Employment Act. Consequences to the Employer</li> </ul>
5.00 pm	<p>Program ends for Day 1</p> <p style="text-align: center;"><b>Day 2</b></p>
9.00 am	<p>Registration Recap of Day 1 Learning</p>
9.15 am	<p>Module 7: Hours of Work</p> <ul style="list-style-type: none"> <li>▪ Maximum Working hours per week now 45 hours. No longer 48.</li> <li>▪ Hours of work an important term in the contract of service. EA60A(9)</li> <li>▪ When Limit on Hours of Work may be Exceeded</li> <li>▪ Minister may make regulations on Shift work Allowance</li> <li>▪ Rest Day work</li> </ul> <p>Module 8: Annual Leave</p> <ul style="list-style-type: none"> <li>▪ Eligibility of Annual Leave</li> <li>▪ Sick or Maternity Leave during Annual leave.</li> <li>▪ Effect of Absenteeism on Annual Leave Entitlement</li> </ul> <p>Module 9: Sick Leave</p> <ul style="list-style-type: none"> <li>▪ Medical Practitioner Duly Appointed by Employer – is deleted</li> <li>▪ Entitlement of Sick Leave</li> <li>▪ Where Hospitalization is not required and where required</li> <li>▪ Control of Excessive MC Taking</li> </ul>
10.15 am	Morning coffee break
10.30 am	<p>Module 10: Paternity Leave – New Section</p> <p>Module 11: Holidays</p> <ul style="list-style-type: none"> <li>▪ Entitlement</li> <li>▪ Public Holiday Falling on Rest Day</li> <li>▪ Sudden Holidays during Annual Leave</li> <li>▪ Public Holiday Falling on Half Working Day</li> </ul> <p>Module 12: Employment of Foreign Employees – DG of JTK Approval Required Before Applying</p> <p>Module 13: New Section – On the Termination of Foreign Workers</p> <p>Module 14: New Section – Flexible Working Arrangement</p> <p>Module 15: New Section – Discrimination of Employment</p> <p>Module 16: Registers, Returns and Notice Boards</p> <p>Module 17: Inspections</p> <p>Module 18: Complaints and Enquiries</p>
12.30 pm	Lunch
1.30 pm	<p>Module 19: Sexual Harassment – Notices on Sexual Harassment to be put up</p> <p>Module 20: Offences and Penalties – General Penalty Increased to RM50,000</p> <p>Module 21: New Section – Court Order for payments due to Employee (<i>otherwise Court to sell Employer's property to pay off</i>)</p> <p>Module 22: New Section – On Forced Labor (<i>Clear Definitions</i>)</p> <p>Module 23: New Section – Presumption on who is an Employee &amp; Employer</p>
3.30 pm	Afternoon coffee break

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**Closing date for registration:  
15 September 2022**

**flexiEdge Training PLT**  
Shoptel No. 9, Ground Floor,  
Hotel Equatorial Penang,  
1, Jalan Bukit Jambul,  
11900 Bayan Lepas, Penang.  
Tel/ Fax: 604-646 8377

3.45 pm	Module 24: Employment (Part Time Employees) Regulations 2010 Module 25: Termination & Lay Off Benefits Module 26: Discipline and types of Punishment for various misconducts Module 27: Managing Excessive Medical Leave creatively and effectively under the act Module 28: Case Studies for every single section as explained above.
4.45 pm	Post-Test Training evaluation
5.00 pm	Program ends for Day 2

#### Course Leader

**George Aeria** is a graduate of the National University of Malaysia and has a Bachelor of Arts Degree in Mass Communications. He also holds a Teambuilding Instructors Certificate, with the PSDC and a Train the Trainers Certificate from the HRDB thus all programs undertaken by George are claimable under the SBL scheme. He has more than 30 years of "hands on" experience in the field of Training, Industrial Relations, Employee Relations, Recruitment, Compensation and Benefits, and overall Human Resource Management. He is a member of the Malaysian Institute of Human Resource Managers and has over the last 20 years conducted many programs in the various fields of HR. George nonetheless specializes in Industrial Relations, Recruitment, Compensation and Benefits and Training of which Industrial Relations and Employment Act are his core areas of expertise.

Prior to moving into HR Consultancy and Training, George worked in several established Public Listed local Companies and a Multinational Company. His last post held while in employment was as its Senior Group HR Manager in a 1st Board Malaysian Listed Company. In these respective positions as well as in his present Consultancy firm, he has managed the full spectrum of HR activities, including running the related Training Programs in these areas of Human Resource

Some of the more popular programs that George conducts include but are not limited to the following:

- ✓ Malaysian Employment Laws (Employment Act, Industrial Relations Act, Trade Unions Act)
- ✓ Domestic Inquiries
- ✓ Setting up a Pay for Performance System
- ✓ Writing out Key Performance Indicators and linking it to a Pay for Performance System
- ✓ Techniques in Conducting a Fair and Effective Performance Appraisal
- ✓ Supervisory Development Courses
- ✓ Managing Employee Discipline in the Workplace
- ✓ High Performance Recruitment
- ✓ Motivation and Counseling
- ✓ Grievance Handling
- ✓ Effective Communication in an Organization
- ✓ Decision Making in an Organization
- ✓ Teambuilding

#### Investment / Participation Fees

**RM 1,060.00 (inclusive 6% SST) per participant**

#### REGISTRATION FORM

### (MC) Understanding of the Employment Act 1955 Amendment 2022

**22-23 September 2022 (Thursday-Friday), 9.00 am – 5.00 pm**

**Eastin Hotel Penang**

No.	Name of Participant(s)	Designation	*Self-Sponsored? (please tick ✓)
1			
2			
3			

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<b>Registration Submitted By:</b>		
Company Name:		
Company Address:		
Contact Person:		Designation:
Tel:	Fax:	Email:
<p><b>Registration Process &amp; Payment Method:</b></p> <p>(1) Please note that this program is registered under <b>HRD Corp Claimable Course (SBL-Khas)</b>. <b>Participation fees will be deducted from employer's HRD Corp account and paid directly to flexiEdge Training PLT.</b></p> <p>(2) Employer/ Company to fill up and complete the registration form and email to Ms. Felicia Tham/ Mr. Quah Eng Siang of flexiEdge Training PLT at <a href="mailto:administrator@flexiedge.com.my">administrator@flexiedge.com.my</a></p> <p>(3) flexiEdge Training PLT will email the confirmation notification to Employer/Company.</p> <p>(4) Employer/Company needs to submit training grant application to HRD Corp before program date commencement. Once approved by HRD Corp, Employer/Company to email the approved training grant application number to flexiEdge Training PLT, to be included into the JD/14 form (Joint Declaration Form).</p> <p>(5) Employer/ Company and flexiEdge Training PLT to chop-sign the JD/14 form and return to flexiEdge Training PLT for claim submission purpose.</p>		
<p><b>For Self-Sponsored Participants*:</b> Enclosed herewith Cheque/ Bank Draft (No. _____) amounting to RM_____ for ( ) participant(s), crossed and made payable to "flexiEdge Training PLT" <u>OR</u> Bank in / IBG transfer to our CIMB Bank A/C No.: 800 794 3431 and email us the bank in/ transaction slip/ payment advice.</p> <p><b>*For self-sponsored participant(s), <u>registration will only be confirmed if full payment is received before commencement of program.</u></b></p>		
<p><b>Kindly send your completed registration form through email to Ms. Felicia Tham/ Mr. Quah Eng Siang at <a href="mailto:administrator@flexiedge.com.my">administrator@flexiedge.com.my</a></b></p> <p><b>For further enquiry, please contact Ms. Felicia Tham/ Mr. Quah Eng Siang of flexiEdge Training PLT at Tel: 04-646 8377/ 012-479 8377/ 013-588 3355</b></p>		
<b>Terms and Conditions</b>		
<p>1. Registration/ Participation fees are inclusive of hard copy program materials, refreshments, lunch and certificate of attendance.</p> <p>2. Program confirmation will be given through email before the program date.</p> <p>3. (a) Cancellation / notice of withdrawal must be given in writing (email) to us before program confirmation, no fee shall be charged. (b) No cancellation is allowed once our program confirmation is emailed to you. However, <b><u>if registered participant is unable to attend, only replacement from the same company is allowed. Participant(s) who registered but does not turn up on training day(s) shall be fully billed. No refund if participant/ replacement does not turn up on the training day(s).</u></b></p> <p>4. flexiEdge Training PLT has the right to change the dates, time, venue, course leader or cancel the scheduled training due to unforeseen circumstances beyond its control.</p>		

Visit us at [www.flexiedge.com.my](http://www.flexiedge.com.my)