



Investigating Misconduct & Drafting Show Cause Letters

Managing Workplace
Discipline Fairly,
Professionally &
Defensibly

100% HRD Corp
Claimable!

Duration:
1 Day Programme



Programme Overview

Many organisations struggle with misconduct management not because the misconduct is unclear, but because investigations are poorly handled and disciplinary letters are weakly drafted.

A poorly managed disciplinary process may expose the organisation to claims of unfair treatment, procedural unfairness, constructive dismissal, or Industrial Court disputes.

This highly practical one-day programme equips HR professionals, managers, and employee relations practitioners with the skills to:

- **Identify misconduct issues properly**
- **Conduct fair and structured workplace investigations**
- **Gather and document evidence professionally**
- **Draft clear, defensible show cause letters aligned with principles of natural justice and Malaysian employment law**

Participants will work through real workplace scenarios, practical exercises, and guided drafting activities to strengthen both investigation and disciplinary documentation capabilities.

Targeted Participants

- **HR Executives**
- **HR Managers**
- **Employee Relations / Industrial Relations Practitioners**
- **Department Heads**
- **Line Managers**
- **Compliance & Administration Personnel**
- **Supervisors handling disciplinary matters**

Learning Objectives

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

- Differentiate misconduct issues from performance issues.
- Understand employer obligations under Malaysian employment laws.
- Conduct fair and systematic workplace investigations.
- Gather and assess evidence objectively.
- Apply principles of procedural fairness and natural justice
- Draft legally defensible show cause letters with proper particulars.
- Reduce risks of procedural errors and wrongful dismissal claims.
- Build proper disciplinary documentation trails.

Learning Outcomes

Upon completion of the programme, participants will be able to:

- Manage misconduct cases more confidently and professionally.
- Conduct investigations with clearer structure and consistency.
- Avoid common disciplinary and documentation mistakes.
- Improve the quality and defensibility of disciplinary correspondence.
- Strengthen organisational compliance and disciplinary governance.



Methodology

Methodology

This programme adopts a highly interactive and practical approach through:

- Real Malaysian workplace case studies
- Investigation simulations
- Group discussions
- Guided drafting exercises
- Sample disciplinary templates
- Case-based analysis
- Facilitator feedback and review sessions



Programme Outline

Module 1: Understanding Misconduct & Workplace Discipline

Topics Covered

- What constitutes misconduct?
- Misconduct vs poor performance
- Categories of workplace misconduct
- Minor vs major misconduct
- Common disciplinary mistakes by employers
- Role of HR and managers in disciplinary management

Activity

Case discussion:

“Misconduct or Performance Issue?”

Module 2: Legal Framework & Principles of Natural Justice

Topics Covered

- Employment Act 1955
- Industrial Relations Act 1967
- Due inquiry requirements
- Principles of procedural fairness
- Natural justice in workplace investigations
- Recent Industrial Court trends
- Consequences of procedural non-compliance

Key Takeaway

Understanding how procedural errors weaken employer decisions.

Module 3: Conducting Workplace Investigations Properly

Topics Covered

- Purpose of investigation
- When investigations should be initiated
- Investigation planning and scope
- Gathering documentary evidence
- Witness interviews and statement taking
- Preserving confidentiality
- Investigation do's and don'ts
- Common investigation failures

Activity

Investigation planning exercise using misconduct scenarios.

Module 4: Investigation Findings & Documentation

Topics Covered

- Assessing facts objectively
- Distinguishing facts vs assumptions
- Structuring investigation findings
- Writing investigation summaries
- Maintaining proper records
- Building defensible documentation trails

Activity

Participants analyse evidence and identify documentation gaps.

Module 5: Drafting Legally Defensible Show Cause Letters

Topics Covered

- Purpose of show cause letters
- Essential components of a proper letter
- Drafting allegations clearly and specifically
- Importance of date, time, place, and conduct particulars
- Using firm but professional language
- Common drafting mistakes
- Avoiding emotional or accusatory language
- Linking investigation findings to allegations

Activity

Participants review weak show cause letters and improve them.

Module 6: Practical Drafting Workshop & Case Study

Workshop Activities

Participants will:

- Review misconduct case scenarios
 - Analyse evidence provided
 - Draft a complete show cause letter
 - Present and justify their drafting approach
 - Receive facilitator feedback and improvement guidance
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Case Examples

- **Absenteeism**
- **Insubordination**
- **Harassment**
- **Breach of SOP**
- **Misuse of company property**
- **Conflict of interest**