



MANAGING CONCILIATION **AT IR DEPARTMENT** & PREPARATION FOR INDUSTRIAL COURT CASE

RM1,300



100% HRDC Claimable

Module Overview

After attending this one (1) day training workshop, participants will have a working knowledge on what happens to unresolved IR disputes and dismissal cases during the conciliation meeting at the IR Department. A “trade dispute” may result from CA negotiations that ended in a deadlock, or termination/dismissal of an employee performance, redundancy or serious misconduct. They will understand the documents that need to be organized and to fill up the prescribed form (dismissal cases) provided by the IR Department, and how to manage the various stakeholders including the IR Officer during the conciliation process.

The conciliation process may involve trade disputes under Sec. 18 IRA 1967 as well as trade disputes concerning a termination/dismissal under Sec. 20 IRA 1967. It prepares participants with the knowledge and competence to prepare the necessary documentation as well as obtain a mandate to resolve the trade dispute amicably at the IR Department.

Where there is no amicable resolution of the trade dispute (dismissal and/or non-dismissal cases) at the IR Department, the matter will be automatically referred to the Industrial Court for adjudication. Participants will obtain the knowledge and competence to prepare for a reasonable mandate, organise the company’s witnesses and documents, and select and manage the company’s lawyers representing the company at the Industrial Court hearing. Participants will be trained to be well prepared with documents and company’s witnesses for the entire Court hearing from the pre-trial procedures to case management and to the trial proper.

TARGETED PARTICIPANTS

HR/ER/IR Managers and Executives, Department Managers, People Managers.

METHOD OF TRAINING

Lectures, Open Group Discussions, case study/role play.

DURATION

1 Day

LEARNING OUTCOME

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

- Understand what happens after a trade disputes or termination/dismissal case has been referred to the IR department.
- Understand how to be well prepared in terms of the relevant documents during conciliation of CA trade disputes, or termination/dismissal cases arising from misconduct, performance, retrenchment, unsatisfactory forced resignation, constructive dismissal and/or serious misconduct.
- Manage and resolve the conciliation meeting within the approved mandate. Can the Company be represented by Consultants and/or lawyers?
- Manage the matter at the Industrial Court where there is no amicable resolution of the trade dispute/termination/dismissal at the IR department. Who can represent the Company in Court?
- Understand the Industrial Court process from pretrial procedures to the trial, how to prepare and manage the Company's witnesses and the relevant documents and also the lawyers representing the Company, till the outcome of the Court Award.



CONTENTS | DAY 1 **(9:00AM – 5:00PM)**

Module 1:

Conciliation of Trade Disputes at the IR Department

- Ice Breaker.
- "Due Inquiry" under Sec. 14 (1) EA 1955.
- Conciliation of Trade Disputes under PART V (Secs. 18, 19, 19A and 19B IRA 1967).
- Conciliation of Trade Disputes under PART VI (Sec. 20 IRA 1967).
- Role Play – Case Study: Conciliation – Dismissal for Serious Misconduct.
- Coffee Break

Module 2:

What to Prepare during the Pre-Trial Procedures

- Industrial Court Proceedings – Notice of Mention of Case – Form F.
- Representation – Form A (Legal Practitioner) and Form B (Warrant of Authority – Trade Union, MTUC, MEF, Legal Practitioner, Company's employee
- Mention of Case.
- Statement of Case (SOC).
- Statement in Reply (SIR).
- Lunch Break

Module 3:

Pre-Trial Procedures (Continue)

- Rejoinder.
- Extension of time to file a SOC, SIR or Rejoinder.
- Amendment of SOC, SIR or Rejoinder.
- Application to strike out paragraphs contained in the pleadings or for further particulars in a pleading.
- Bundle of Documents.
- Admissibility of illegally obtained evidence.
- Statement of Witnesses.
- Coffee Break

Module 4:

Procedures and Preparation for Industrial Court Hearing

- Procedure during Industrial Court Hearing.
- Case Management.
- Court Trial Procedures – Examination of Witnesses, Examination-in-Chief, Cross-examination and Reexamination, Submission and Decision.
- Joinder of Parties
- Appeal against Industrial Court Award to the High Court under Sec 33C IRA.
- Wrap Up/Q&A Session.