

COURSE OUTLINE · PUBLIC PROGRAMME · ENGLISH

What HR & Employers Must Know Before Terminating an Employee

A practical, legally grounded full-day programme on sexual harassment complaints, domestic inquiries, Performance Improvement Plans, probation and termination, taught through Industrial Court, High Court and Federal Court cases.

DATE	TIME	MODE	FEE
Tuesday 3 November 2026	9:00am to 5:00pm Full day, 7 contact hours	Live online via Zoom Remote Online Training (Public)	RM1,750 per pax HRD Corp claimable

Programme overview

Most employers who lose at the Industrial Court did have a reason to let the employee go. They lose because the reason was not proven, the process was not fair, or the documents told a different story. Under section 20 of the Industrial Relations Act 1967, the employer carries the burden of proving that a dismissal was with just cause or excuse.

This programme covers the five areas where termination cases are most often won or lost: sexual harassment complaints under Part XVA of the Employment Act 1955, the domestic inquiry, genuine Performance Improvement Plans, the termination decision itself (just cause and proportionality), and probation and non-confirmation. Each module is built on decided cases so that participants leave knowing what the courts look for and what to do on Monday morning.

Who should attend

- HR managers and executives
- Line managers and supervisors
- Business owners and directors
- In-house legal counsel and industrial relations practitioners

Learning outcomes

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

- 01 Handle a sexual harassment complaint in line with the employer's duties under Part XVA (sections 81A to 81H) of the Employment Act 1955.
- 02 Decide when a domestic inquiry is needed, draft charges and the show cause letter, and run an inquiry that observes natural justice.
- 03 Distinguish misconduct from poor performance and run a genuine Performance Improvement Plan rather than a sham one.
- 04 Apply just cause and proportionality to the termination decision, and recognise constructive dismissal and fixed-term contract risks.
- 05 Manage probation, extension and non-confirmation properly, including the non-confirmation letter.
- 06 Understand the remedies and financial exposure in a section 20 claim: backwages, compensation and reinstatement.

Programme schedule

8:45 to 9:00	Zoom check-in and attendance Participants log in with full name as per company records for the HRD Corp attendance report.
9:00 to 9:45	Module 1: Sexual harassment at work Definition under section 2 of the Employment Act 1955. Statutory duties under Part XVA (sections 81A to 81H). When a complaint lands on your desk: what to do and what not to do. The inquiry from complaint to outcome and where employers get it wrong.
9:45 to 11:05	Module 2: The domestic inquiry Is a DI compulsory? The seven stages of the DI roadmap. Drafting charges and the show cause letter. Natural justice. Common DI defects that sink dismissals. Case study: Mohd Zharif v Venus Assets Sdn Bhd (IC Award 881/2026).
11:05 to 12:25	Module 3: Performance Improvement Plans Misconduct and poor performance as two different roads. Running a genuine PIP in six steps. The sham PIP trap. Case study: Yang Mee Eng v MDEC. Drafting exercise: write a PIP, then test whether it is genuine or a veiled push-out.
12:25 to 1:25	<i>Lunch break</i>
1:25 to 2:40	Module 4: Termination The reason you give is the case you defend. Proportionality of punishment (Federal Court). The fixed-term contract trap and a RM1.13 million award. Constructive dismissal. Remedies and exposure: backwages, compensation and reinstatement.
2:40 to 4:00	Module 5: Probation and non-confirmation Probationers' rights and the employer's discretion. Handling non-confirmation step by step. Case study: Lai Pow Ling v Yow Seng. Drafting the non-confirmation letter. Which employer wins and why.
4:00 to 4:40	Module 6: Revisit and test yourself Three live scenarios on constructive dismissal and fixed-term foreign employees. A quick decision guide and a Monday morning action list.
4:40 to 5:00	Q&A and closing Open questions and closing reflection. Short comfort breaks are taken between modules.

Methodology

Interactive lecture and legal exposition, case study analysis, pair discussions and scenario-based problem solving, a solo PIP drafting exercise, live scenario testing, and Q&A with a reflective debrief.



Every participant also receives a free, editable Employee Handbook template aligned with the Employment Act 1955.

Your trainers



Lawyer Khoo

Trainer

Practising lawyer in employment disputes and Industrial Court matters. HRD Corp Accredited Trainer (ID 21060).

Lawyer Bernice

Trainer (Ng Wei En)

Employment law and workplace advisory for employers.

Claiming under HRD Corp

This is an HRD Corp Claimable Course (Programme No. 10001744642). When applying for the grant on eTRiS, please select **Remote Online Training (Public)** as the Type of Training, as this run is delivered live online.

HRD Corp requires a system-generated attendance report with each trainee's name and clock-in and clock-out times, so each participant should join from their own device under their full name and stay connected throughout.