Handling Misconduct with Effective Disciplinary Management and Domestic Inquiry

Disciplinary action is sometimes necessary so that employees who infringe on workplace rules recognise personal and team accountabilities, which would groom them into true professionals. Grievance handling and disciplinary actions are both challenging aspects of people management, but it has got to be done when the need arises.

Improper handling of misconduct and domestic inquiry can result in the Industrial Court ruling in favour of the employee and subsequently leading to costly monetary compensation by the employer. A one-day practical and hands-on workshop to enable participants to understand the importance of holding a proper domestic inquiry (DI) as well as adhering to strict procedural requirements, in order to withstand the scrutiny of the Industrial Court in the dismissal of an employee.

This course provides participants with the knowledge and skills necessary to effectively handle employee grievances, administer discipline, and conduct terminations in a fair, legal, and respectful manner. Furthermore, participants able to know the method of framing proper DI charges and effectively conducting internal DI in accordance with the requirements of Malaysian employment laws. Through a combination of lectures, case studies, role-playing exercises, and discussions, participants will learn practical strategies for resolving conflicts, addressing performance issues, and navigating termination procedures.

Course Objectives:

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

1. Enhance people managing skill to handle grievance and disciplinary actions.
2. Understand the legal framework governing employee grievances, discipline, and termination.
3. Navigate the termination process while minimizing legal risks and preserving employee dignity.
4. Learn to draft proper charges with the material particulars.
5. Understand the role played by the various players in the domestic inquiry process.

Who Should Attend:

a. Leaders and Managers
b. HR personnel
c. Industrial Relations Executives
d. Executives / Secretaries
e. Supervisory Staff
f. Employee Intending to specialize in Human Resources Management

Methodology:

This course utilizes an interactive lecture approach with an emphasis on discussions which include participants sharing details of their workplace experiences. This stimulating program will maximize the understanding and learning through Lecture, Interactive Discussions, Quiz and Role play.

Pre-test will be given before the class started whereas post-test will be given upon completion of course. In addition, this training programme comes with real case studies (Industrial Relation case studies) to enhance participant's skills.

Live case studies from participants will be carried out from time to time during training.

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Course Outline:

Module 1: Introduction to Employee Grievances	• Definition and types of employee grievances • Legal and ethical considerations • Importance of addressing grievances promptly • The consequences of ignoring employee grievances • Grievance Policy and Procedure • Guideline for conducting a grievance hearing
Module 2: Legal Framework and Compliance	• Overview of relevant employment laws and regulations (according to latest amendments 2022) • Understanding employee rights and employer obligations • Discrimination, harassment, and retaliation issues
Module 3: Type of Misconduct	• To identify the type of misconduct (major / minor): 1. Tardiness 2. Poor or inefficient job performance 3. Absence without approval 4. Absence before or after PH 5. Absence from the workplace 6. Excessive MC 7. Malingering 8. Disobedience 9. Insubordination 10. Sexual Harassment 11. Corruption 12. Fraud/ Cheating 13. Breach of Trust 14. Leak of Trade Secrets • Ways of handling misconduct • Documentation Process • Role-playing exercises and simulations
Module 4: Differentiation of Harassment	• Identify type of work harassment

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	• Time limit to file a complaint • Example of workplace harassment • Policy
Module 5: Disciplinary & Dismissal	• Types of terminations: voluntary vs. involuntary • Conducting fair and respectful terminations • Inquiry suspension pay • Dismissal during notice period • Providing support to affected employees • Managing emotions during disciplinary actions and terminations
Module 6: Domestic Inquiry in Malaysian Contents	• Investigation Techniques • Concept of Misconduct • Criminal Misconduct • Issuance of Show Cause Letter • Suspension
Module 7: Handling Disciplinary Hearing	• Roles of committees • General guidelines for the chairperson • Employee refuses / fails to attend a disciplinary hearing • Disciplinary hearings that are criminal offences • Dismissal without due inquiry • Inquiry suspension pay

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	• Dismissal during the notice period – criminal offences • Panel Decision Methodology • The Penalty/ Consequences

Participants able to experience a mock session of Domestic Inquiry during training.