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A **NEW**
AGENDA

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EVENT OR
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NATIONAL EMPLOYMENT LAW CONFERENCE

NELC 2020

29 & 30 SEPTEMBER

PULLMAN
KUALA LUMPUR
CITY CENTRE



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Sivabalah Nadarajah
Shearn Delamore & Co



Dato' Thavalingam Thavarajah
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Tham Li Vyen
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Shariffullah Abdul Majeed
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Chen Fong Tuan
Samsung Electronics



Sam Haggag
ManpowerGroup



Salina Tukimin
Department of Occupational
Safety and Health (DOSH)
Malaysia

Hear these topics and more

Working from Home (WFH) – A Legal Perspective
Employment Legalities on Cost-Cutting Measures
Preventing Claims for Constructive Dismissal During These Pandemic Times
Recruitment Challenges for 2020 - The New Normal

9:00am - 9:30am

Keynote Address

TBC

9:40am - 10:40am



Reena Enbasegaram
Partner
Shearn Delamore & Co.

Employment Legalities on Cost-Cutting Measures

As the coronavirus disease 2019 (COVID-19) continues to impact the global economy in unprecedented ways, companies worldwide are facing difficult decisions with respect to their personnel. In Malaysia, even in light of government recovery packages, wage subsidies and loan initiatives, some employers may need to take additional steps to control costs, such as compensation reductions or deferrals. What liabilities may employers be exposed to if they unilaterally impose a pay cut or unpaid leave on their employees? Will Court Consider COVID-19 Cost Cutting Measures as Fair?

10:40am - 11:00am

Coffee Break

11:00am - 12:00pm



Janice Anne Leo
Partner
Steven Thiru & Sudhar
Partnership

Workplace Discrimination in Gender, Race and Religion

In employment, discrimination causes people being denied of jobs, restricted to certain occupations, offered lower pay, declined promotions & increments, to name a few. Therefore, new provisions to the Employment Act will be legislated to prohibit discrimination of employees based on religion, ethnicity and gender, among other things. Let's take a look into issues of discrimination and the policies that could be adjusted.

This session will address:

- Types of discrimination
- Avoiding discriminatory practises in recruitment processes
- Employment discrimination cases & complaints
- What to expect with the new provisions

12:00pm - 1:00pm



Siva Kumar Kanagasabai
Partner
SKRINE

Fraud & Compliance Investigations and Recovery

Many workplace crimes are "inside jobs." They can involve employees stealing money, inventory, equipment or intellectual property. Or they could be more sophisticated schemes such as bribery, kickbacks or payroll fraud. An investigation into an employee's wrongdoing can be costly, disruptive and time-consuming, with unexpected complications if it is not conducted with the utmost care and confidentiality.

This session will address:

- Monitoring of employees
- Developing a fraud response plan
- Responding to fraudulent activity
- Conducting an internal investigation
- Employee rights & duties during an investigation
- Recovery remedies

1:00pm - 2:00pm

Lunch Break

2:00pm - 3:00pm



Tham Li Vyenn

Partner - Dispute Resolution
Raja, Darryl & Loh

Prevention and Eradication of Sexual Harassment in the Workplace

Two years after the international burst of the #MeToo movement, yet there is still much to improve in the handling of sexual harassment complaints. What are the guidelines to employers on the establishment of in-house mechanisms at the enterprise level to prevent and eradicate sexual harassment in the workplace? Let's take a closer look at how human resources can plan a part in managing & mitigating sexual harassment issues, including some case studies.

This session will address:

- Developing a responsive process
- Changing the culture
- Including a discrimination and sexual harassment code/policy in your Handbook
- Fostering a safer culture for employees to come forward
- Procedures to prevent and understand the major misconduct
- New era of online sexual harassment

3:00pm - 4:30pm



Sam Haggag

Country Manager
- Malaysia & Indonesia
ManpowerGroup

Panel Discussion: Recruitment Challenges for 2020 - The New Normal

In the midst of a pandemic, it's hard to remember that at some point, the economy will come online again and companies will have to resume hiring—and in many cases, hire for spots that were vacated during the crisis. It's going to be a big swing, from an economy with talent scarcity to one with potentially high unemployment and a remote work attitude. But how will recruitment planning look after COVID-19?

This panel will discuss :

- Succession planning
- Remote technology online
- Better benefits
- Remote working
- Interim hires
- Continued communication
- Adjusting your HR policies



Alvin Low

Head of People
Tesco Stores (Malaysia)

DAY 02

9:00am - 10:00am



Dato' Thavalingam Thavarajah
Partner
Lee Hishammuddin
Allen & Gledhill

Employer's Prerogative to Retrench - Principles and Procedures

Retrenchment has now become an issue in the country due to the MCO regulations. When undergoing a retrenchment exercise, employers have certain obligations to take note of and employees have certain rights. We take a look at retrenchment from a legal perspective and the many legal considerations behind a retrenchment exercise.

This session will address:

- Best practices in retrenching
- Guidelines in selecting employees to retrench
- Legal considerations
- Code of conduct for industrial harmony

10:00am - 11:00am



Sivabalah Nadarajah
Partner
Shearn Delamore & Co.

Working from Home (WFH) – A Legal Perspective

Many companies have implemented working from home policy since the movement control order. Some are already making arrangement to embrace working from home in a more permanent way and many employers may have acknowledged the benefits of working from home. What are the advice & legal practices that employers should know when employees WFH? What are the risk mitigation measures for the employer?

This session will address:

- Misconduct and disciplinary issues while working from home
- Managing performance for remote employees, especially under-performance
- Confidentiality and data breaches in a remote-working situation

11:00am - 11:20am

Coffee Break

11:20am - 12:20pm



Salina Tukimin
Forensic Engineering Division
Department of Occupational
Safety and Health (DOSH)
Malaysia

OSHA Investigations – Know the Process

The Occupational Safety and Health Administration Act exists to enforce safety and health regulations in places of employment throughout Malaysia. The Department of Occupational Safety & Health typically conducts workplace investigations without notifying employers, and an unexpected knock on the door can leave employers overwhelmed. Knowing DOSH's inspection process prepares employers in any situations.

This session will address:

- The provision of the Occupational Safety and Health Act 1994
- Type of accidents & ensuing investigations
- Investigation processes
- Penalties

12:20pm - 2:00pm

Lunch Break

2:00pm - 3:00pm



Shariffullah Abdul Majeed
Partner
Lee Hishammuddin Allen
& Gledhill

Preventing Claims for Constructive Dismissal During These Pandemic Times

In situations where an employee is effectively forced out, their resignation is actually considered a dismissal, as it is not regarded as a voluntary decision. As such, they are entitled to resign without providing notice and may bring a claim for constructive dismissal. Thus, how can employers prevent such claims from happening in the first place, taking into consideration present challenging scenario pursuant to the pandemic event.

This session will address:

- Nature of constructive dismissal
- Onus of proof
- What constitutes breach of fundamental terms of contract
- Salary reduction & removal of certain allowances during MCO-Can it be done unilaterally by the employer?
- Can employers adjust benefits if employees as cost reduction exercise during MCO?
- Whether employer can be liable if employee claims constructive dismissal

3:00pm - 4:30pm



Fong Tuan Chen
Country HR & General
Affairs Director
Samsung Electronics

Panel Discussion: Future of Work Trends Post-COVID-19

As the pandemic resets major work trends, HR leaders need to rethink workforce and employee planning, management, performance and experience strategies.

This panel will discuss:

- Remote working
- Expanded data collection
- Contingent worker expansion
- Expanded employer role
- Separation of critical skills and roles
- (De-)Humanization of employees
- Emergence of new top-tier employers
- Transition from designing for efficiency to designing for resilience
- Increase in organization complexity



Zamir Hamdy Hamdan
Asst Vice President for
Stakeholder Management
ASTRO Malaysia

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NATIONAL EMPLOYMENT LAW CONFERENCE

NELC 2020

29 & 30 SEPTEMBER
GRAND MILLENNIUM HOTEL
KUALA LUMPUR

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(Ending 28th August)

NORMAL PRICE

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RM 2,100

RM 2,400

VIRTUAL CONFERENCE (ZOOM)

RM 900

RM 950

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** Past participating companies of NELC 2019 enjoy an additional 10% discount of any prevailing prices

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