



NATIONAL
EMPLOYMENT
LAW CONFERENCE

**NELC
2016**

5 & 6 April 2016
Pullman
Kuala Lumpur
Bangsar

PROGRAMME DAY 1 5 APRIL



Conference Chairperson: Puan Maimunah Aminuddin

9.00 am - 9.50 am

Reorganization of Employment in a Tougher Economy: Knowing your Law

About 10,000 people have been retrenched as of July 2015, painting a grim picture for the future employment market. This was due to numerous factors, including the declining value of the ringgit, escalating prices and the lack of new job openings. Price increases mean consumers are more careful in spending, which in turn leads to an economic slowdown as the domestic market lacks necessary stimulation. This means a shrinking job market, where the few jobs available are predominantly contractual instead of permanent. So how employment protections need to be treated during tough times?

Dato' Thavalingam Thavarajah
Partner
Lee Hishammuddin Allen & Gledhill

11.50 am - 12.40 pm

Whistleblower Protection Act 2010 – Dealing with Whistleblowers at the Workplace

The act was passed by Parliament in June 2010, and was brought into force on 15 December 2010. The objective of this act is to give protection to the whistleblower in the form of confidentiality of their information, immunity from civil and criminal action and protection from detrimental action being taken against them. Whistleblower protection is one of the Malaysian Government's efforts towards tackling corruption and promoting good governance under Government Transformation Programme (GTP). As the Act imposes an obligation on employers to investigate improper conduct that constitutes a disciplinary offence, employers should establish a whistleblowing policy in their organizations to enable them to discharge this statutory obligation, should the need to do so arise.

Lim Heng Seng
Partner
Lee Hishammuddin Allen & Gledhill

9.50 am - 10.40 am

Outsourcing Foreign Labour - Issues and Effects

Malaysia has historically represented itself as a traditional foreign worker outsourcing country of semi-skilled and unskilled foreign workers, especially from its neighboring countries since the late 19th and early 20th centuries. From the standpoint of labor, outsourcing may represent a new threat, contributing to worker insecurity, and is reflective of the general process of globalization and economic polarization

Wong Kian Jun
Partner
Shearn Delamore & Co.

2.00 pm - 3.15 pm

Panel Discussion: Crisis Management for the HR Practitioner

This session will focus on identifying and managing risk for HR Practitioners in the wake of natural disasters and epidemics such as tsunami, H1N1..etc, which have an impact on a company's brand . The panel discussion will focus on: identifying obvious and remote risks; engaging the appropriate corporate resources; formulating management plans and reducing risk that adapt to rapidly changing environments; and adapting employment policies and procedures to a workforce impacted by the respective risks.

Shazmi Ali
Director of HR
Pfizer Malaysia

Param Moorthi
Author, Speaker & HR Consultant
Muse Consultancy Asia

Tn. Haji Abdul Wahab bin Abu Bakar
Vice President
Malaysian Employers Federation

11.00 am - 11.50 am

Employee Retention: A Key Challenge in Malaysia

Retention continues to be a key concern for employers in Malaysia. More employees are saying they are likely to leave their organization within two years; now 36% versus 29% in 2012. Organizations need to focus on the key engagement drivers and identify the strategies that will take the organization's performance to the next level.

Param Moorthi
Author, Speaker & HR Consultant
Muse Consultancy Asia

3.30 pm - 4.20 pm

Unfair Labour Practice: Trade Union Victimization

Victimization is a term used in discrimination law to describe action by an employer, against an employee, in retaliation for involvement in bringing, or supporting, a complaint of discrimination. There are cases where employers refused to employ someone or treating them unfairly because of trade union membership or participation in trade union activities, or conversely because they refuse to join a trade union or eschew trade union activities.

Solomon Joseph Pitchay
Secretary-General
National Union of Bank Employees

PROGRAMME DAY 2 6 APRIL



9.00 am - 9.50 am

Indirect Dismissals: Dealing with Forced Resignation & Constructive Dismissal Cases

The issues of wrongful dismissal still had been discussed everyday. We can see there are a lot of cases concerning the issue of wrongful dismissal in Malaysia and claim for wrongful dismissal has increased steadily. Why all of this still happened? Did the authority effectively prevent an employer from dismissing an employee without good cause? What are the procedures they follow in order to seek? Did the compensation given to them was enough for everything that they suffered?

Dato' Ajit Singh Jessy
Partner
Jessy & Associates

9.50 am -10.40 am

Protecting Confidentiality, Enforcing Trade Restraint and Conflict Clauses in Employment Contracts

Restraint of trade clauses are designed to impose restrictions on the freedom to engage in trade or employment when the restraint can be shown to be reasonable. To enforce a restraint of trade there are several steps that must be followed.

Rutheran Sivagnanam
Head Of Chambers
The Chambers of R. Sivagnanam & Associates

11.00 am -11.50 am

Medical Benefits and Man-Days Loss

Employers lost about 591,199 man-days in 2015, and paid an average of about RM4, 475.36 and RM762.27 per employee for hospitalization and outpatient treatment respectively. In terms of man-days loss, number of man-days loss were mostly due to the employee's failure to report at work or being absent from work when they are scheduled to work; such as visits to clinics, sick leave, prolonged illness, lateness, and absent without leave.

P. Jayasingam
Partner
Zul Rafique & Partners

11.50 am -12.40 pm

Steps You Need to Take to Prove Your Case in Employment Litigation

Employment litigators will discuss current evidentiary topics including relevance of testimony of witnesses, discovery and admissibility of social media evidence, hearsay evidence, qualification of expert witnesses, and similar problems arising in the employment litigation context.

Siva Kumar Kanagasabai
Partner
Skrine

2.00 pm - 2.50 pm

Budget 2016: Impact on Employers

Employers are concerned as the decision to revise the income tax rates for higher income earners would make it difficult for employers to attract and retain talents. Malaysia is no longer seen as competitive with the higher tax rates. Employers also anticipate increased challenges next year as it is obvious that the cost of doing business is much more than the improvements in productivity.

Datuk Hj. Shamsuddin Bardan
Executive Director
Malaysian Employers Federation

2.50 pm - 3.40 pm

Occupational Health and Safety Act (OSHA 1997) Issues

Rapid economic growth via industrialization has given not only a significant impact in terms of income distributions and quality of life, but it also resulted in increasing number of accidents at workplace. In reducing risk at the workplace, Occupational Safety and Health (OSH) is an important aspect. It is a standard which are set in legislation with the aim to eliminate and reduce hazards at workplace.

Anis Fahmy Bin Pauzi
Consultant - Occupational Safety,
Health & Environment
Malaysian Employers Federation

3.40 pm - 4.20 pm

GST 2015

There is always challenge for a country to implement a new system or policy as it has to consider the widespread effect on individual citizen, businesses, government and the whole economy. The regulators have to balance the interest between the benefits and disadvantages of the new policy along with the long term goal.

Ng Sue Lynn
Executive Director, Indirect Tax Department,
KPMG Malaysia

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Pricing Structure Per Delegate

No. of Delegates	1-2	3 onwards
Early Bird	RM 2150	RM 1900
For registration received on/before February 29th 2016		
Normal	RM 2350	RM 2100
For registration received after February 29th 2016		
Loyalty	RM 1900	RM 1750
For past participating companies of NELC 2015		

*Fees are inclusive of 6% GST.

100% CASH BACK

SBL Scheme is the main scheme under HRDF, which encourage employers to retrain and upgrade their employee's skills in line with their operational and business requirements.

To redeem your investment simply follow these steps:

1. Register and receive invoice and confirmation letter.
2. Submit grant applications to HRDF with 2 speaker biodata and full agenda.
3. Attend the event and pay the fee invoiced
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* For more information visit www.HRDF.com.my

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- Substitution of delegate(s) are welcomed with 3 working days prior notice.
- All cancellations must be received in writing 5 working days prior to the event.
- In the event that a registered attendee fails to attend, 100% of the event remains due.