

€ TRAINING

Advanced Labor Law



18 - 22 November 2024
Kuala Lumpur (Malaysia)



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Introduction:

Employment contracts may be concluded either for a definite term or for an indefinite term.

And an employment contract is deemed to have been made for an indefinite period where the employment relationship is not based on a fixed term. On the other hand, the conclusion of a definite termed employment contract is exceptional in labor law which is possible only if the work or contract is subject to an objective condition such as the cases where the work has a specified term or will be completed in a specified term or where a certain event occurs.

And definitely termed contracts shall be made in written form as a legal obligation.

An employment contract for a definite period must not be concluded more than once, except for essential reasons which may necessitate repeated {chain} contracts. Otherwise, the employment contract is deemed to have been made for an indefinite period from the very beginning.

One of the major differences between definite termed and indefinite termed employment contracts is the rights each of which grants for the employee. For example, whereas indefinite termed contracts necessitate a notice to be made prior to termination, payment of severance if an employee had worked for more than one year, as the case may be, definite termed contracts expire automatically {without any notice} upon the lapse of definite term and employee will not have the right of severance pay, except for unjustified early termination.

Course Objectives:

- At the end of this course the participants will be able to:
- Knowing the general provisions of the labor law.
- Understand employment Contracts, Types, and Termination.
- Apply system wages and salaries.
- Organization of Work.
- Knowledge of the occupational health and safety system.
- Knowledge of the employment Service.
- Supervision and Inspection of Working Conditions.
- Knowledge of the administrative Penal Provisions.
- Understand Supplementary, Transitional, and Concluding Provisions.

Targeted Audience:

- Team leaders.
- lawyers.
- Advisors.
- Human resource staff.
- Contract administrations in state cases, government departments, companies, and various institutions.
- Employees who want to gain great skills & knowledge to improve their career.

Course Outlines:

Unit 1:General Provisions:

- Purpose and scope.
- Definitions.
- Declaring the establishment.
- Exceptions.
- The principle of equal treatment.
- Transfer of the establishment or no one of its sections.
- Temporary employment relationship.

Unit 2: Employment Contract, Types, and Termination {1}:

- Definition and form.
- The freedom to determine the type and conditions of the employment contract.
- Employment contract for a definite and indefinite-term labor contract.
- Part-time and full-time employment contracts.
- Employment contract with a trial clause.
- Notice of termination
- Justification of termination with valid reasons.
- Procedure in termination.
- The procedure of appeal against termination.
- Consequences of termination without a valid reason.

Unit 3: Employment Contract, Types, and Termination {2}:

- Change in working conditions and termination of the contract.
- Responsibility of new employer.
- Employee's right to terminate the contract for just cause.
- Employee's right to terminate the contract for just cause.
- The prescribed period within which the right to summary termination may be exercised.
- Permission to seek new employment.
- Certificate of employment.
- Collective dismissals.
- The obligation to employ a disabled person and ex-convicts.

Unit 4: Wages {1}:

- The wage and its remuneration.
- Insolvency of the employer.
- Non-payment of wages.
- Protected portion of wages.
- The obligation of public agencies and principal employers to deduct employees' wage claims from contractors' entitlements.
- Wage account slip.
- Deduction of fines from wages.
- Minimum wage.
- Half wage.
- Overtime wage.
- Compulsory overtime work.
- Overtime work in emergencies
- Work on national days and public holidays.

Unit 5: Wages {2}:

- Protected rights.
- Remuneration for a weekly rest day.
- Remuneration for a holiday.
- Temporary disability.
- Holiday pay in respect of the remuneration method.
- Payments are not included in holiday pay.
- Percentages in wages.
- Documenting percentages payments.
- Annual leave with pay and leave periods.
- Entitlement annual leave with pay and its application period.
- Unworked periods considered to have been worked to qualify for annual leave with pay.
- Implementing annual leave with pay.
- Remuneration during annual leave.
- Restriction on working during annual leave.
- Annual leave pay upon the termination of the contract.
- Regulations concerning annual leave with pay.
- Social insurance contributions.
- Cases where a reduction in wages is not permissible.

Unit 6: Organization of Work:

- Working time.
- Compensatory work.
- Short-time work and its pay.
- Periods are considered as hours of work.
- The beginning and end of the daily working time.
- Rest breaks.
- Night hours and night work.
- Preparatory, complementary, and cleaning operations.
- Working-age and restrictions on the employment of children.
- Restrictions on the night work.
- Work during maternity and nursing leave.
- Personnel file of the employee.

Unit 7: Occupational Health and Safety:

- Obligations of employers and employees.
- Regulations on occupational health and safety.
- Suspending operations or closing the establishment.
- Occupational health and safety boards.
- Occupational health and safety services.
- Engineers or technical staff in charge of safety at work.
- Rights of the employee.
- Prohibition of alcohol and narcotics.
- Arduous and dangerous work.
- Medical certificate in arduous and dangerous work.
- Medical certificate for employees aged under eighteen years.

Unit 8: Supervision and Inspection of Working Conditions:

- Powers of the state.

- Competent authorities and officials.
- Duties of the competent official.
- Exemptions from fees and taxes.
- Inspections by other authorities.
- Responsibility of employees and employers.

Unit 9: Administrative Penal Provisions:

- Violation of the obligation to notify the establishment.
- Violation of general provisions.
- Violation of provisions on collective dismissals.
- Violation of obligation to employ disabled persons and ex-convicts.
- Violation of provisions on wages.
- Violation of provisions on annual leave with pay.
- Violation of provisions on the organization of work.
- Violation of the provisions on occupational health and safety.
- Violation of provisions on employment services.
- Violation of provisions on the supervision and inspection of working conditions.
- Provisions on applications of administrative fines.

Unit 10: Supplementary, Transitional, and Concluding Provisions:

- Written notification.
- Special working conditions of janitors.
- Severance pay of employees working in certain public institutions and public organizations.
- Guaranty of wages of employees employed in certain jobs.
- The Tripartite Consultation Board.
- Repealed provisions.
- Entry into force.