

SAVE THE DATE HR TRANSFORM- THE FUTURE IS NOW BY MESSRS ALWIN RAJASURYA



JUNE
26
2024

REGISTER YOUR PLACE TODAY



E: sarah@arlegal.my
T: 03-7613 7605

Time:
9 AM - 6 PM

Venue:

Auditorium Asian International
Arbitration Centre, Kuala Lumpur

AGENDA

8 AM - 9 AM : Registration

9 AM - 10:30 AM : Introduction & Discussion on the Key Amendments to the Employment Act 1955

10:30 AM - 11 AM : Break

11 AM - 12:30 PM : Domestic Inquiry Workshop by AR Legal Team

12:30 PM - 1:30 PM : Lunch

1:30 PM - 3 PM : People Analytics by Akram Yusof

3 PM - 3:30 PM : Break

3:30 PM - 5 PM : Effective Management of Gen Z & Closing

5 PM - 6 PM : Networking Session

HR TRANSFORM – THE FUTURE IS NOW CONFERENCE

By Messrs. Alwin Rajasurya

26TH JUNE 2024



Employment & Industrial Relations Dispute Resolution & Arbitration

Unit 1305, Amcorp Tower,
Amcorp Trade Centre,
18, Persiaran Barat, 46050
Petaling Jaya, Selangor Darul Ehsan



general@arlegal.my



03-7613 7605

SPEAKERS



Alwin Rajasurya

Sole Proprietor



Legal 500 “Recommended
Lawyer” since 2017 and
“Firms to Watch” in 2024



Meet

The Team



Akram Yusof

CEO of Emerging
Leaders Asia. Specialist
in Data-driven Strategic
HR and People Analytics
and Technology



Guest Speaker

"Introduction to People
Analytics in HR"

Program

HR Transform – The Future is Now
Conference

People Analytics
by Akram Yusof
09:00

Break
10:30

Discussion on Key
Amendments to
the Employment
Act 1955
11:00

Lunch
12:30

Domestic
Inquiry
Workshop
13:30

Break
15:00

Effective
Management of
Gen Z
15:30

DISCLAIMER

These brief slides have been prepared for ease of reference and sections referred to in the Statute have been paraphrased.

You are advised to refer to the actual wording of the Statute for a complete appreciation of its legal implication.

Professional advice should be sought before making decisions based on this general presentation.

People Analytics for HR and Law

*The future of HR: Using data to
drive better results*



COOKING



Code of conduct



Find the right talent pool



Right blend of people and culture



Managing employee happiness/
satisfaction



Deliver organizational results

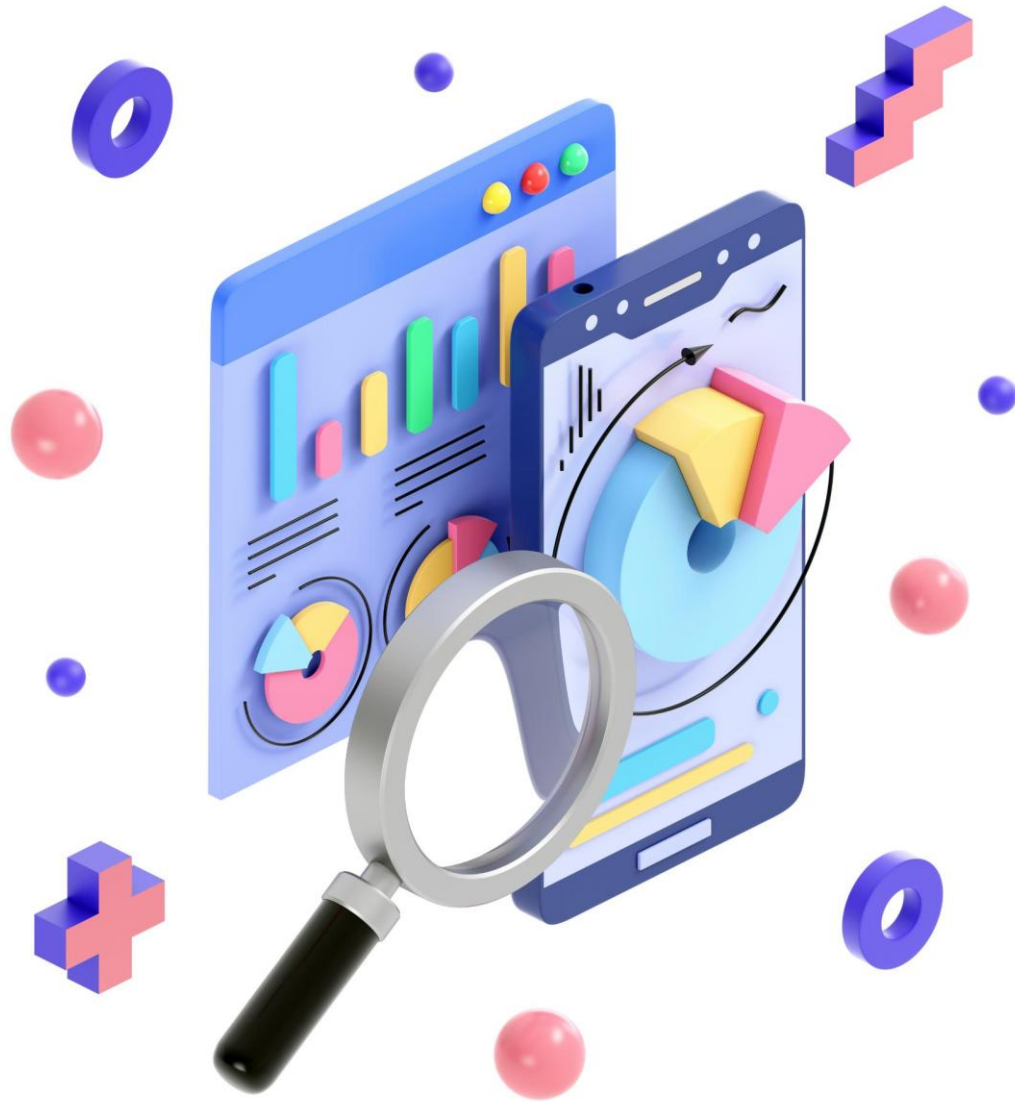
Traditional Kitchen vs Modern Kitchen



- **Recipes and Intuition:** In a traditional kitchen, recipes are often passed down and rely heavily on the chef's intuition and experience. Decisions are made based on what has worked in the past and personal judgment.
- **Manual Processes:** Most tasks are done manually, from chopping vegetables to monitoring cooking times. The process is labor-intensive and relies on individual skill.
- **Limited Data:** There is little to no formal measurement or recording of data. Success is based on subjective taste tests and anecdotal feedback.



- **Precision and Technology:** In a modern kitchen, chefs use precise measurements and advanced cooking technologies like sous-vide machines and smart ovens. Decisions are made based on accurate data and real-time monitoring.
- **Automation and Efficiency:** Many processes are automated, such as using food processors for chopping or timers and sensors for cooking. This increases efficiency and consistency.
- **Data-Driven Insights:** There is a strong emphasis on data collection and analysis. Chefs use customer feedback, temperature logs, and cooking times to continuously improve recipes and processes.



Understanding People Analytics

People analytics is the practice of collecting, analyzing, and interpreting data related to employees and their work environment. This data can come from various sources, including employee surveys, performance metrics, attendance records, recruitment processes, and more.

The goal is to use this data to drive better business outcomes by understanding patterns, trends, and relationships within the workforce

Why is People Analytics Important?

Data-Driven Decisions

People Analytics allows organizations to make data-driven decisions by analyzing employee data such as demographic information, performance metrics, and survey responses.

Improving HR Processes

People Analytics can help organizations improve HR processes by providing insights into employee behavior and identifying areas for improvement.

Improved Business Outcomes

By leveraging People Analytics, organizations can improve business outcomes such as productivity, employee engagement, and retention.



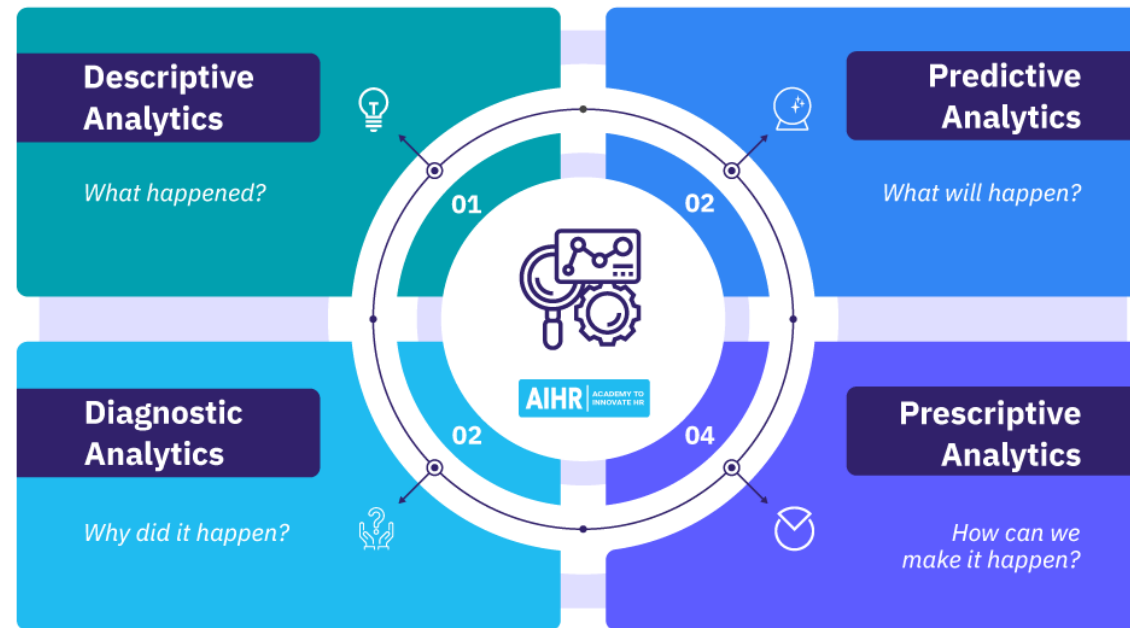
4 Types of People Analytics

Descriptive Analytics: Understand past trends and patterns in employee data, like turnover rates or average tenure.

Example: It involves looking at data such as employee turnover rates over the past year.

Diagnostic Analytics: Dig deeper into the reasons behind workforce trends and issues, such as why turnover rates are high.

Example: It involves identifying the reasons behind high turnover rates, such as lack of career development opportunities.



Predictive Analytics: Use data to forecast future workforce trends and needs, like predicting future hiring demands.

Example: It involves forecasting future hiring needs based on current employee data and trends.

Prescriptive Analytics: Provide actionable recommendations to optimize workforce outcomes, like suggesting new retention strategies.

Example: It involves recommending actions to improve employee retention, such as implementing new training programs

Benefits of People Analytics in HR



Improving Recruiting

People Analytics can help HR departments improve their recruiting process by identifying the most effective channels and methods, as well as the key skills and attributes that lead to successful hires.

Retention

People Analytics can help HR departments improve retention rates by identifying factors that contribute to employee turnover and developing strategies to address them.

Employee Engagement

People Analytics can help HR departments improve employee engagement by identifying factors that contribute to job satisfaction and developing strategies to increase engagement and productivity.

Performance Management

People Analytics can help HR departments improve performance management by providing data-driven insights into employee performance and identifying opportunities for improvement.

Google Project Oxygen



In 2009, Google's People Operations (HR) team analyzed data from performance reviews, employee surveys, and interviews to identify key behaviors that make managers effective.

This project was driven by a belief that good management significantly impacts employee performance and satisfaction.

Key Findings:

1. Be a Good Coach
2. Empower Your Team and Don't Micromanage
3. Express Interest in Team Members' Success and Well-Being
4. Be Productive and Results-Oriented
5. Be a Good Communicator – Listen and Share Information
6. Help Your Employees with Career Development
7. Have a Clear Vision and Strategy for the Team
8. Have Key Technical Skills to Help Advise the Team

Amazon Employee Shift Scheduling



Amazon utilizes prescriptive analytics to optimize shift scheduling in its vast network of warehouses.

This approach ensures that labor supply matches demand, minimizes idle time, and enhances overall productivity, ultimately improving both operational efficiency and employee satisfaction.

1.Data Collection:

1. **Employee Data:** Information on employee availability, skills, preferences, and historical performance is gathered.
2. **Operational Data:** Historical data on order volumes, peak times, seasonal variations, and other operational metrics are collected.
3. **External Factors:** Data on external factors such as local holidays, weather conditions, and economic trends are also considered.

2.Analytics and Modeling:

1. **Demand Forecasting:** Using predictive analytics, Amazon forecasts demand for labor based on historical order data and anticipated future needs.
2. **Optimization Algorithms:** Prescriptive analytics algorithms are employed to generate optimal shift schedules. These algorithms consider various constraints and objectives, such as meeting demand, maximizing employee satisfaction, and minimizing costs.

3.Implementation:

1. **Dynamic Scheduling:** The system dynamically adjusts shift schedules in real-time, responding to changes in demand and operational conditions.
2. **Employee Preferences:** Employee shift preferences and availability are integrated into the scheduling process, ensuring that the schedules are not only optimal for operations but also consider employee well-being.

Applications of People Analytics in Law



People Analytics can be used in law cases related to labor to make data-driven legal decisions. By using data, organizations can increase their chances of success in legal cases.

Applications of People Analytics in Law

Discrimination and Bias Analysis

Details: People Analytics can be used to identify and address potential instances of discrimination and bias within the workplace. By analyzing data on hiring, promotions, performance evaluations, and terminations, organizations can uncover patterns that may indicate biased practices.

Example:

- **Gender Pay Gap Analysis:** Analyzing salary data to identify pay discrepancies between male and female employees performing similar roles.
- **Promotion Disparities:** Examining promotion rates across different demographic groups to ensure fair opportunities for all employees.

Case Study:

- **Example:** A company used People Analytics to investigate a claim of gender discrimination. The analysis revealed that women were being promoted at significantly lower rates than men with similar qualifications and performance, leading to policy changes and training to address the issue.

Compliance Monitoring

Details: People Analytics helps ensure compliance with labor laws and regulations by continuously monitoring HR practices. This includes adherence to regulations related to working hours, overtime pay, health and safety standards, and more.

Example:

- **Working Hours Compliance:** Tracking employee working hours to ensure compliance with labor laws regarding overtime and maximum working hours.
- **Health and Safety:** Analyzing incident reports and safety training records to ensure compliance with occupational health and safety regulations.

Case Study:

- **Example:** An organization used analytics to monitor compliance with the Fair Labor Standards Act (FLSA). The data revealed instances of non-compliance with overtime pay regulations, leading to corrective actions and improved payroll processes.

Applications of People Analytics in Law

Employee Misconduct Investigations

Details: People Analytics can support investigations into employee misconduct by providing a clear, data-driven picture of employee behavior. This can include analyzing communication patterns, access logs, and performance data.

Example:

- Fraud Detection:** Analyzing financial transactions and access logs to identify suspicious activities that may indicate fraudulent behavior.
- Harassment Investigations:** Reviewing communication logs and employee feedback to investigate claims of workplace harassment.

Case Study:

- Example:** A company used People Analytics to investigate a claim of harassment. By analyzing communication patterns and employee feedback, they were able to identify the harasser and take appropriate disciplinary action.

Workforce Reductions and Layoffs

Details: During workforce reductions, People Analytics can ensure that decisions are based on objective criteria rather than subjective judgment, helping to mitigate legal risks associated with wrongful termination claims.

Example:

- Objective Criteria for Layoffs:** Using performance data, skills assessments, and business needs to determine which employees are affected by layoffs.
- Diversity Impact Analysis:** Assessing the impact of layoffs on different demographic groups to ensure that the process does not disproportionately affect any particular group.

Case Study:

- Example:** An organization used People Analytics to guide a round of layoffs. By basing decisions on objective performance metrics and business needs, they were able to defend against claims of discrimination and wrongful termination.

Conclusion



People Analytics is a powerful tool that can improve HR processes and aid in handling legal cases related to labor. By collecting and analyzing data, organizations can gain insights into employee behavior and make data-driven decisions that improve business outcomes.

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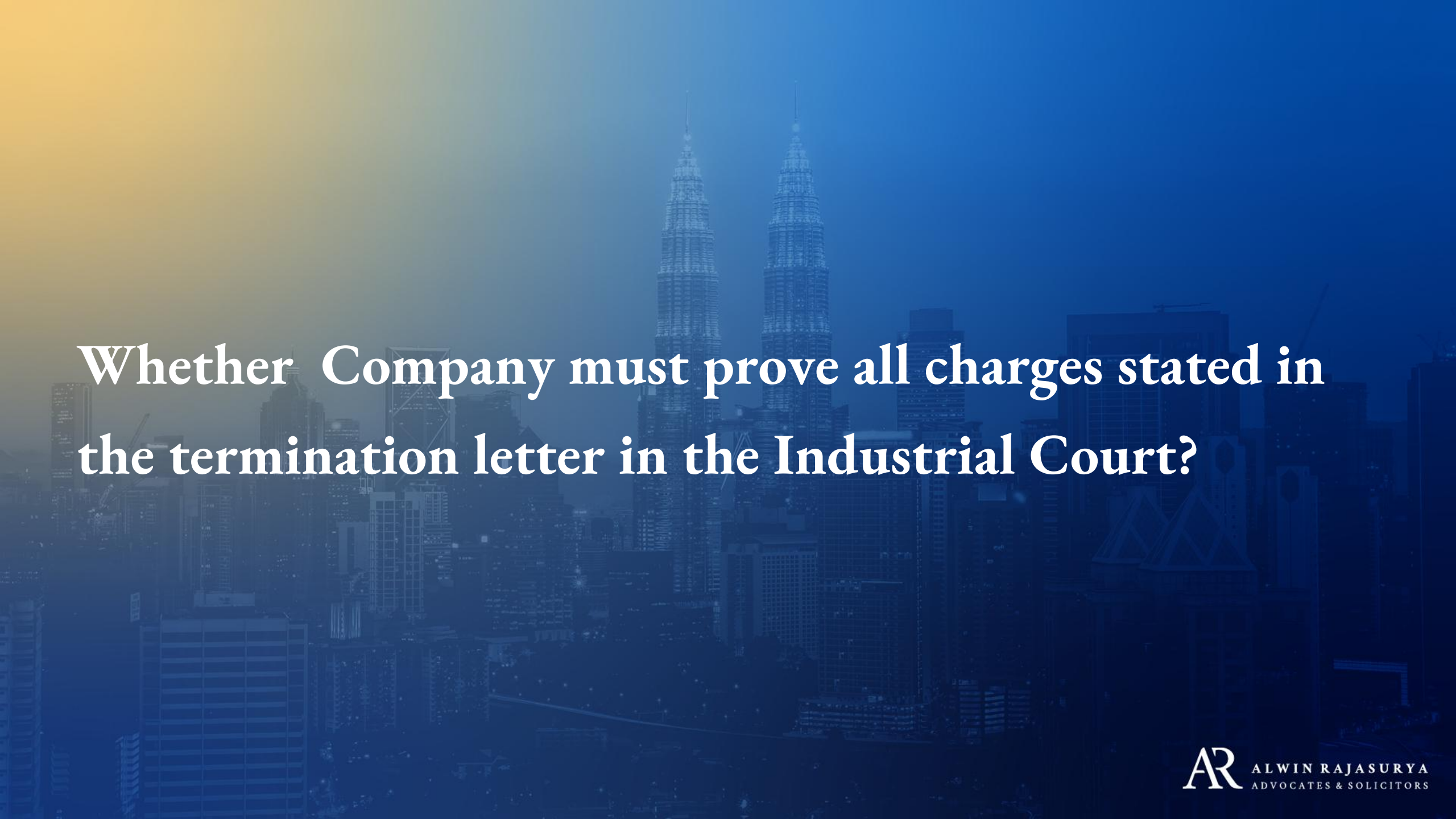
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PART TWO

RECENT DEVELOPMENT TO THE EMPLOYMENT LAW



**Whether Company must prove all charges stated in
the termination letter in the Industrial Court?**

Whether the Company must prove all charges stated in the termination letter in the Court?

- It is established law that the function of the Industrial Court is as per [Section 20\(3\) Industrial Relations Act 1967](#).

Whether the charges against the employee has been established.

and

Whether the proven charges constitute just cause or excuse for the dismissal.

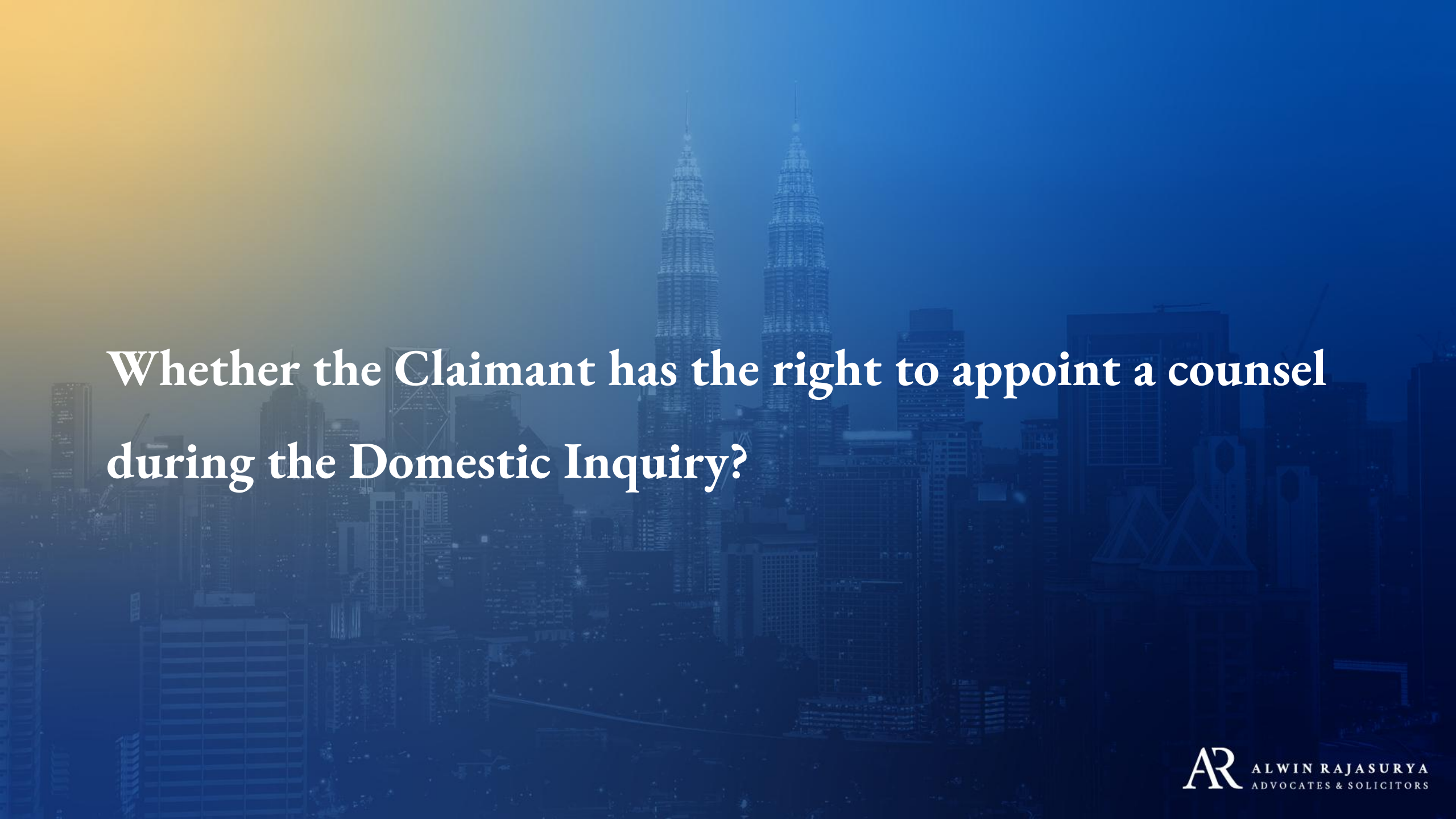
The law is unclear on the specific question but there is consistent judicial precedent that impose the burden and standard of proof of a company.

As long as the one misconduct alleged is established and the misconduct is grave that would justify the termination, the burden of proof is satisfied hence the dismissal is with just cause and excuse.

Case: Lini Feinita Muhammad Feisol v. Indah Water Konsortium Sdn Bhd [2021] 2 MELR 477,

- There were 7 charges made against the Claimant.
- Court of Appeal found the Claimant guilty only for 2 out of 7 charges.
- Termination was held unjust.
- Reason was that it would be highly inequitable and unconscionable to justify the Claimant's dismissal, without proving all 7 charges in the Termination Letter.

- In scenario when employee lodges a claim for unfair dismissal, the burden of proof lies on the employer to prove that the dismissal was justified.
- Under the Industrial Relations Act, the employer must substantiate any claims of misconduct listed in the termination letter. This means presenting clear and convincing evidence that the employee's actions warranted dismissal.
- In summary, the employer must provide adequate proof of all alleged misconducts as stated in the termination letter when defending a dismissal in the Industrial Court.



Whether the Claimant has the right to appoint a counsel
during the Domestic Inquiry?

Does the Claimant have the right to appoint a counsel during the Domestic Inquiry?

- The law provides that a Domestic Inquiry is inequivalent to a court trial hence there is no standard and/or procedure that sets how an inquiry should be conducted.
- This general rule is enumerated in the case of [Lee Moh Hua V. Hilton Kuching \[2010\] 6 MELR 69](#) where it was decided by the Industrial Court that: -

The starting point is to remember that a domestic inquiry cannot be equated with Court proceedings with regards to technicalities. Each organisation can conduct the domestic inquiry in the manner most convenient to it. Nevertheless, the very fundamental principle of natural justice that an employee accused of any misconduct has to be given a fair hearing in that the conduct of the hearing has to be unbiased and fair, and that the employee has to be given an opportunity to present his defence, which of course includes that he be given an opportunity to face and challenge his accuse.

So, what are the rights of an employee in a domestic inquiry? How do they exercise their right to be heard?

- *In the book of "Misconducts Enquiry and Dismissals" by Dr VG Mhetras (Revised Edition) p 348, it was stated that:*

"The rule of natural justice requires that "the delinquent must have a reasonable opportunity of being heard and of correcting and contradicting any relevant statements prejudicial to his interest".

...

Thus, both under common law and statute or the constitution, requirements of reasonable opportunity are that the person proceeded against should be clearly and specifically told the charges against him; he should be given full and adequate opportunity to explain and establish his innocence and allowed to show cause against the punishment. "

Principles of Natural Justice

- 1) When conducting a domestic inquiry, the *principles of natural justice* must be observed to safeguard the employee's right.
- 2) This includes the *right to a fair hearing, the right to present evidence, and the right to cross-examine witnesses.*
- 3) Employers must ensure that the inquiry is conducted *fairly, impartially, and in accordance with established procedures.*

In answering the question whether the Claimant has the right to appoint a counsel during the Domestic Inquiry?

- The answer is *negative*. An employee generally does not have the right to be represented by a lawyer during a domestic inquiry. The right to be heard does not include the right to be represented by a lawyer. (Source: Employment Manual for Practitioner page 436)
- Bear in mind that the purpose of domestic inquiry is to allow the company to investigate the employee on the alleged misconduct to ensure that they have reasonable believe that the employee indeed conducted the misconduct. A domestic inquiry cannot be treated as equivalent to a full trial in court.
- After all, the Claimant's right can be protected if the domestic inquiry is indeed bias and in breach of principle of natural justice. In any case the inquiry is in breach of principle of natural justice, it can be cured through *de novo* hearing at the Industrial Court.

Note: In some cases, employers may allow legal representation as a matter of discretion, particularly if the case is complex or involves serious allegations. However, this is not a common practice and would need to be explicitly permitted by the employer.

In answering the question whether the Claimant has the right to appoint a counsel during the Domestic Inquiry?

Case: Bank Negara v Y.Kohila 2024

Facts: During the domestic inquiry, the Claimant's request was as follows:

- a. Bring witnesses
- b. To be represented by a lawyer of her choice
- c. To produce documents to prepare her case

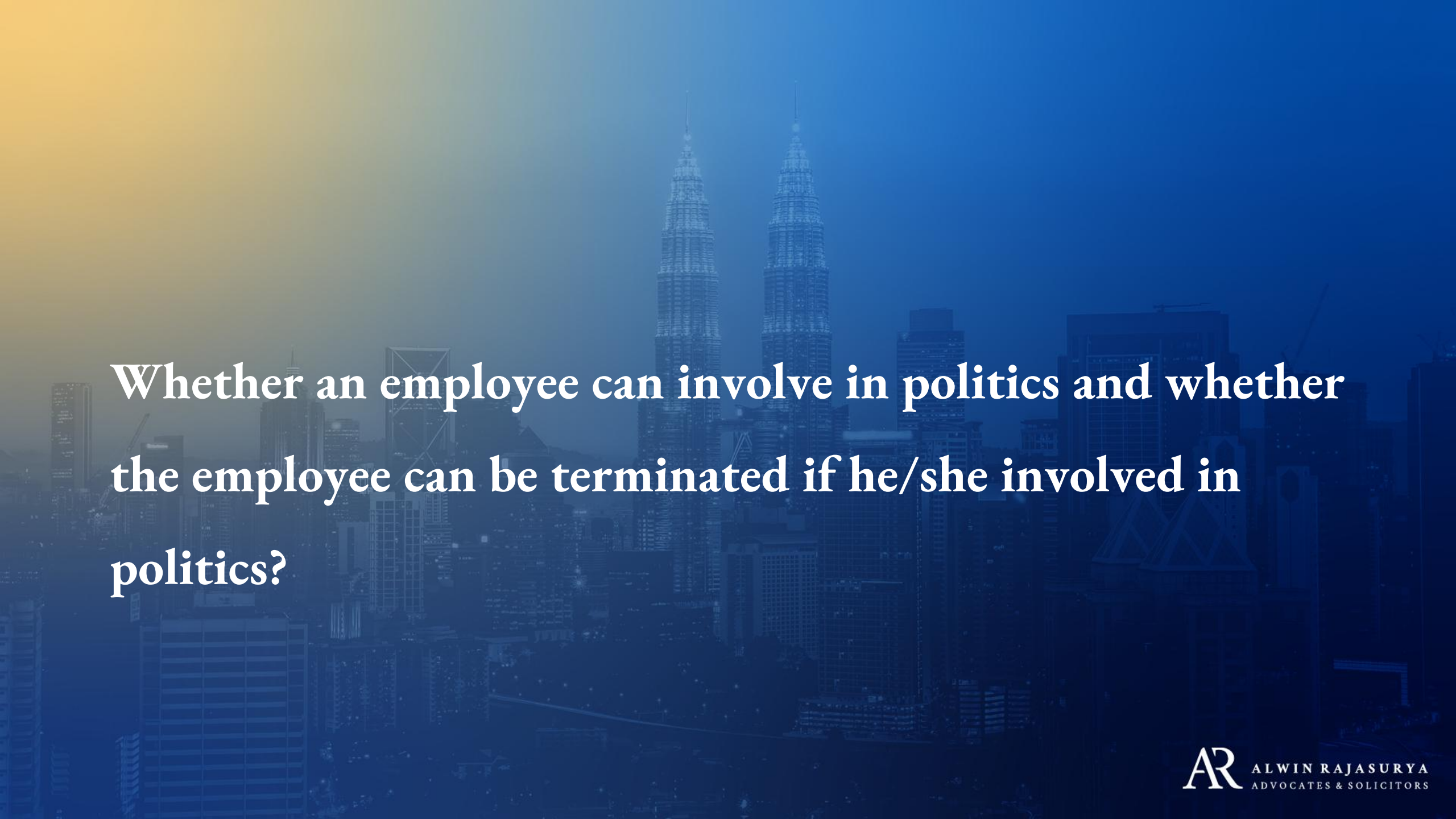
However, the Company refused all of her requests and terminated her.

High Court held: The Domestic Inquiry was irregular and in breach of Rule of Natural Justice due to Company's refusal to the Claimant's request to be represented.

In answering the question whether the Claimant has the right to appoint a counsel during the Domestic Inquiry?

The High Court's verdict in favor of **Y Kohila** not only holds Bank Negara Malaysia accountable for its actions but also reinforces the paramount importance of upholding constitutional rights and principles of natural justice in employment disputes.

Based upon UK and Malaysian case laws and constitutional provisions, Justice Ahmad's ruling sets a significant precedent, underscoring the necessity of fair and transparent disciplinary procedures that respect individuals' fundamental rights.



Whether an employee can involve in politics and whether the employee can be terminated if he/she involved in politics?

What is the freedom of speech assembly and association?

As guaranteed under **Article 10 of the Federal Constitution**, freedom of speech, assembly and association is a fundamental right of a Malaysian Citizen as follows: -

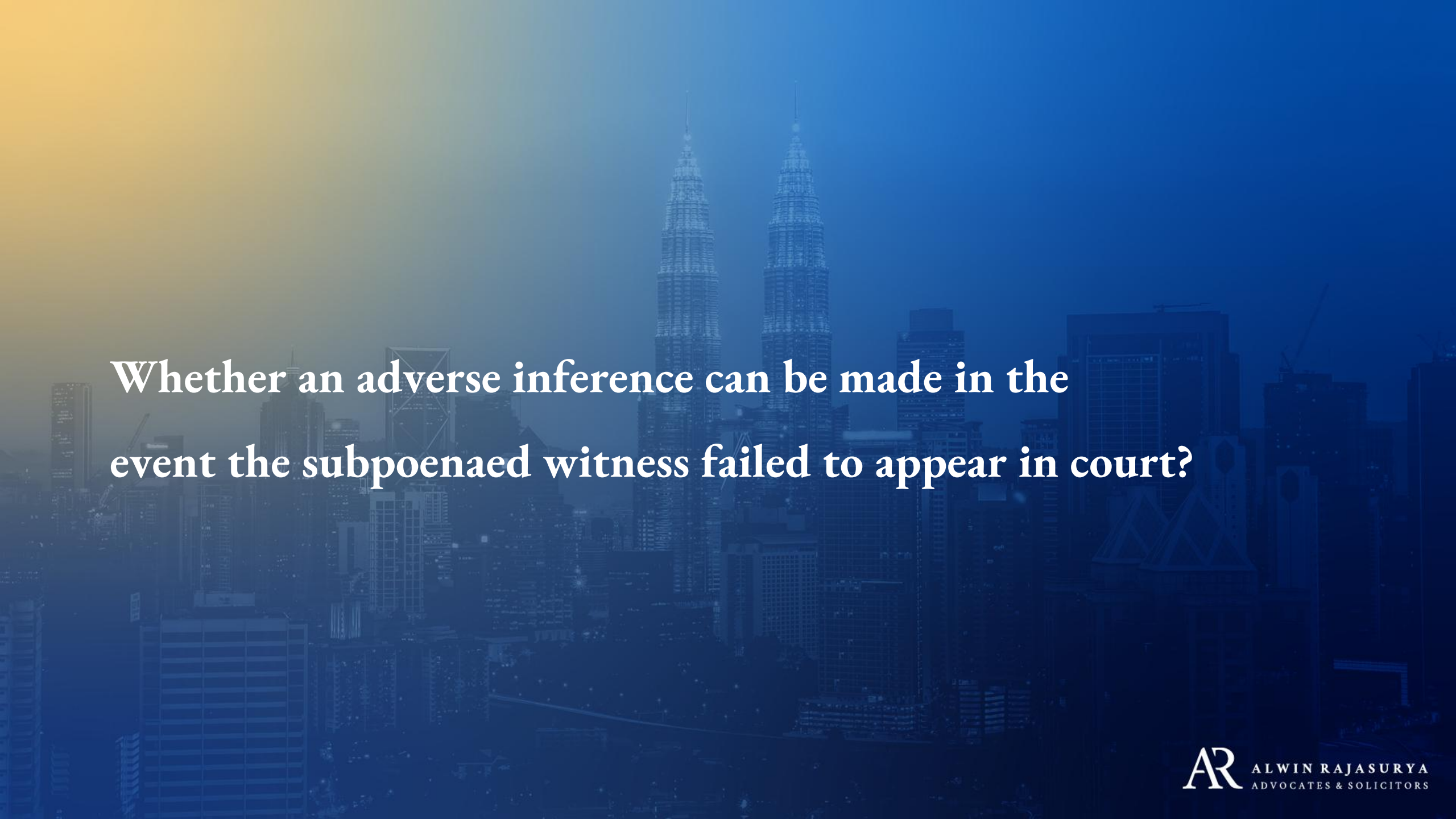
- a) every citizen has the right to freedom of speech and expression;
- b) all citizens have the right to assemble peaceably and without arms;
- c) all citizens have the right to form associations.

Q: As employers, do we have the right to restrict employees in any involvement in politics? Is it fair and just to declare it as an act of misconduct?

- An employer may restrict an employee engagement or involvement in politics to the extent that if their involvement interfere with the employer's business or professionalism in the workplace.
- Do note that an employee have the right to participate in politics as it is guaranteed and protected under *Article 10 of the Federal Constitution*. However, the employee has the responsibility to draw and line and separate work from personal politics involvement. Their involvement in politics shall not in any way associated with the workplace and must be practiced in their personal capacity, not in the name of the company.

What is our suggestion?

- i. The Company should maintain a policy regulating political involvement of employees in the code of conductor handbook.
- ii. The Company should organise a seminar on the involvement of politics of an employee and how it should be separated with the Company.



Whether an adverse inference can be made in the
event the subpoenaed witness failed to appear in court?

Section 114(g) of Evidence Act refers to the drawing of adverse inference that any evidence which could be produced, would if produced be detrimental to the person who withholds it.

The court may presume that evidence which could be and is not produced would if produced be unfavorable to the person who withholds it.

Adverse inference under this section can only be drawn if there is withholding / suppression of evidence and not merely due to failure to obtain evidence. It may be drawn from withholding not just any document, but material document by a party in his possession, or for non-production of not just any witness but an important witness to the case.

In a recent Industrial Court Case

Facts: A forced resignation claim was filed by the claimant. A material witness of the Company refuse to give testimony in Court despite being issued a subpoena.

Decision: The Court drew an adverse inference against the Company.

Ratio: It is insufficient for the Company to come to Court and inform that the subpoena had been served but the witness failed to appear. The Company still had the onus to refute the allegations made by the Claimant against the witness, and this they had failed to do so.



Retrenchment - Last In, First Out: What is the Current Practice / Trend ?

What is Retrenchment?

- Retrenchment is a process where employers reduce their workforce due to economic downturns, restructuring, or other business needs. One common method of selecting employees for retrenchment is the "*Last In, First Out*" (LIFO) principle. This principle suggests that the most recently hired employees are the first to be laid off.

Q: As employers, how do we justify retrenchment?

The Test:

- In the case of *Mohd Nor Hassan & Ors v. Continental Sime Tyre PJ Sdn Bhd* [2014] MELRU 258; [2014] 3 ILR 144 where the Court repeated three tests that needed to be fulfilled are as follows:
 - i. Whether there was a genuine need for the reorganization exercise by the Company;
 - ii. Whether a genuine redundancy situation had arisen which led to the retrenchment of the Claimant; and
 - iii. Whether the Company had complied with the accepted standards and procedure when selecting and retrenching the Claimant.

Whether Company is bound to follow LIFO principle?

General Rule:

- In the case of *Workmen of Sudder Workshop of Jorehaut Tea Co Ltd v. The Management of Jorehaut Tea Co Ltd*, AIR [1980], SC 1454, the Supreme Court held that:

“The rule is that the employer shall retrench the workman who came last, first, popularly known as ‘last come first go’.”

[14] It is well-established and accepted in Industrial law that in effecting retrenchment, an employer should comply with the principle of last in first out unless there are some valid reasons for departure.

However, employers can justify departing from LIFO if there are valid reasons, such as:

- **Skills and Competencies:** Retaining employees with critical skills or competencies that are essential for the business.
- **Performance:** Considering employee performance and productivity rather than just tenure.
- **Business Needs:** Aligning retrenchment decisions with the strategic needs of the business.

Current practice?

- i. **Skill-Based Retrenchment:** Increasingly, companies are prioritizing skill retention and performance over tenure. This approach helps maintain essential business functions and competitiveness.
- ii. **Alternative Measures:** Before resorting to retrenchment, companies should explore alternative measures like voluntary separation schemes (VSS), temporary layoffs, reduced working hours, and pay cuts.
- iii. **Digital Transformation:** As businesses undergo digital transformation, the need for new skills may lead to retrenchment of employees with outdated skills. Reskilling and upskilling programs are becoming more common to address this issue.

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PART THREE: DOMESTIC INQUIRY

GENERAL PRACTICE & WORKSHOP

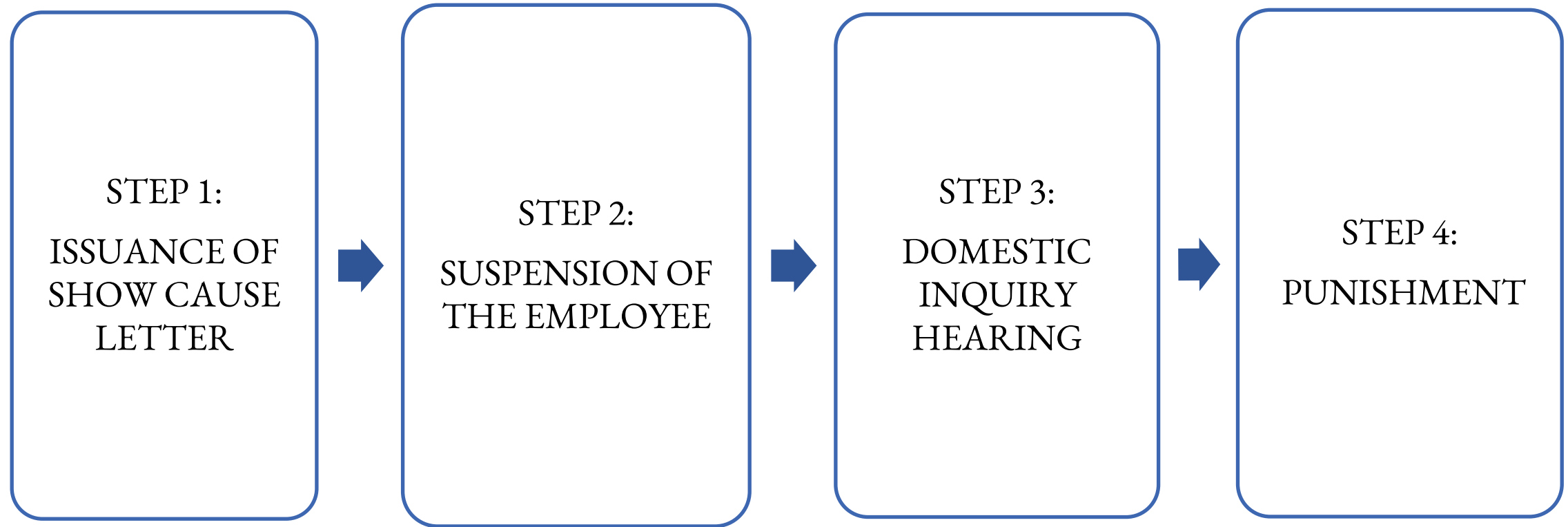
What is a Domestic Inquiry?

- An internal disciplinary proceeding conducted by an employer to make a finding as to whether a given employee has committed an act (or acts, as the case may also be) of misconduct in breach of his terms of employment.
- Under section 14 of Employment Act 1955, employers bear a statutory responsibility to conduct a 'due inquiry' to determine an employee's culpability in cases of misconduct before taking any punitive actions such as dismissal or the imposition of substantial penalties.

Importance of Domestic Inquiry

- Serves as tangible evidence that employers have taken the necessary steps to ensure fairness when addressing allegations of employee misconduct.
- In an unfair dismissal claim, the domestic inquiry serves as a pivotal element for demonstrating that the employer's actions were just and comprehensive.

Steps to a Domestic Inquiry



Issuance of a Show Cause Letter

- Outlines the specific reasons and causes for concern, detailing allegations of misconduct and providing a deadline for the employee to respond in writing.
- It is a critical and delicate process that must be conducted professionally.
- The key components of a show cause letter include:
 - Clear, direct, and easily understandable language
 - References to relevant clauses of company policies or the employment contract
 - A precise explanation of the alleged misconduct
 - A strict requirement and deadline for the employee to provide a written response
 - A defined suspension period for the employee



Adobe Acrobat
Document

Suspension of the Employee

- May be issued simultaneously with the show cause letter or before the domestic inquiry if deemed necessary for further investigation.
- Under the Employment Act, the maximum suspension period is not more than two weeks, during which the employee receives half their wages.
- If the employee is later found not guilty, the remaining wages must be reimbursed.

Preparation for the Domestic Inquiry Hearing

If the employee's written response to the show cause letter is unsatisfactory, preparation for a domestic inquiry hearing begins.

Issuance of Domestic Inquiry Notice:

- The notice should state the specific charge which states the type of offence, the date, the time and place where the offence took place
- details of the domestic inquiry (ie: date, time and place)
- Inform the employee his/her right to bring along witnesses or any documentary evidence, if any.



Appointment of Panel Members:

- consist of impartial individuals with no direct or indirect connections to the matter.
- Panel members should be senior to the alleged employee and preferably from different departments.
- They should have no prior knowledge of the charges against the employee and should not have been involved in the investigation.

Preparation for the Domestic Inquiry Hearing

Assistance for the Employee:

The accused employee should be provided with information and assistance to understand the inquiry procedures including

- (a) A notice of inquiry specifying charges and hearing details;
- (b) Adequate time to prepare for the hearing;
- (c) Supervised access to documents and witnesses for their defense

Prosecution & Legal Representation

- A prosecutor should speak on behalf of the company in the prosecution of the alleged act of misconduct committed by the employee, while another officer should act on behalf of the employee in his defence.
- It will be the prerogative of the company to decide if external legal representation will be allowed at the domestic inquiry
- The company may be best served by using its own in-house legal advisor, rather than an external lawyer, to represent its interests.

Preparation for the Domestic Inquiry Hearing

Prepare Evidence:

- The employer should prepare any evidence they have related to the alleged misconduct
- May also prepare any witnesses to support their case against the accused employee

Domestic Inquiry Hearing

(The proceeding of a domestic inquiry should follow this pattern, although minor variations are acceptable)

Opening the Inquiry:

- The Chairman of the Inquiry calls the inquiry to order.
- Parties, particularly the accused employee and their representative (if any), are required to identify themselves.
- The Chairman outlines the rules of the proceedings and confirms the language to be used, checking if an interpreter is needed.
- All present are reminded to tell the truth and that testimony should be in the form of questions and answers, without lengthy speeches.
- Witnesses present in the inquiry room should be removed until their testimony is required.

Domestic Inquiry Hearing

(The proceeding of a domestic inquiry should follow this pattern, although minor variations are acceptable)

Reading the Charges:

- The prosecutor reads each charge to the accused employee, one at a time if there are multiple charges.
- The employee is asked how they plead: guilty or not guilty.

Domestic Inquiry Hearing

(The proceeding of a domestic inquiry should follow this pattern, although minor variations are acceptable)

Handling a Guilty Plea:

- The Chairman ensures the employee understands the charges.
- If the employee pleads guilty without qualification, the Chairman asks if they understand that pleading guilty may result in dismissal and checks if the plea is made under duress.
- The main evidence or facts of the case provided by the prosecutor are noted.
- The inquiry can then be adjourned.
- The Chairman verifies that the employee was informed of the charges in advance to prepare their defense.

Domestic Inquiry Hearing

(The proceeding of a domestic inquiry should follow this pattern, although minor variations are acceptable)

Handling a Not Guilty Plea:

- The Chairman calls on the prosecutor to present their first witness, who may be the investigating officer.
- The prosecutor questions the witness, followed by cross-examination by the accused employee.
- If the accused employee has no questions, this is noted in the verbatim record kept by the secretary.
- The witness may be re-examined by the prosecutor.
- This process continues until all witnesses have been presented by the prosecutor.

Domestic Inquiry Hearing

(The proceeding of a domestic inquiry should follow this pattern, although minor variations are acceptable)

Presentation by the Accused:

- The accused employee is allowed to present their witnesses or evidence.
- Witnesses are cross-examined by the prosecutor and may be re-examined by the accused.

Summarizing the Cases:

- Once both parties have no more witnesses or evidence, they summarize their cases.
- The inquiry is adjourned for the decision-making process by the panel of inquiry.

Domestic Inquiry Hearing

(The proceeding of a domestic inquiry should follow this pattern, although minor variations are acceptable)

Post-Inquiry Procedures:

- The secretary prepares the report of the proceedings, which is signed on every page by the Chairman and the accused employee.
- The employee reads the record to affirm its accuracy but is not entitled to a copy of the report.
- The inquiry panel discusses the matter immediately after the inquiry, based on the presented evidence, and makes a decision.
- The panel writes a report justifying their findings of guilt or innocence, outlining the accepted main evidence and rejecting any evidence with reasons.
- The panel does not recommend a penalty; this is the management's prerogative.

Additional Pointers: Domestic Inquiry Hearing

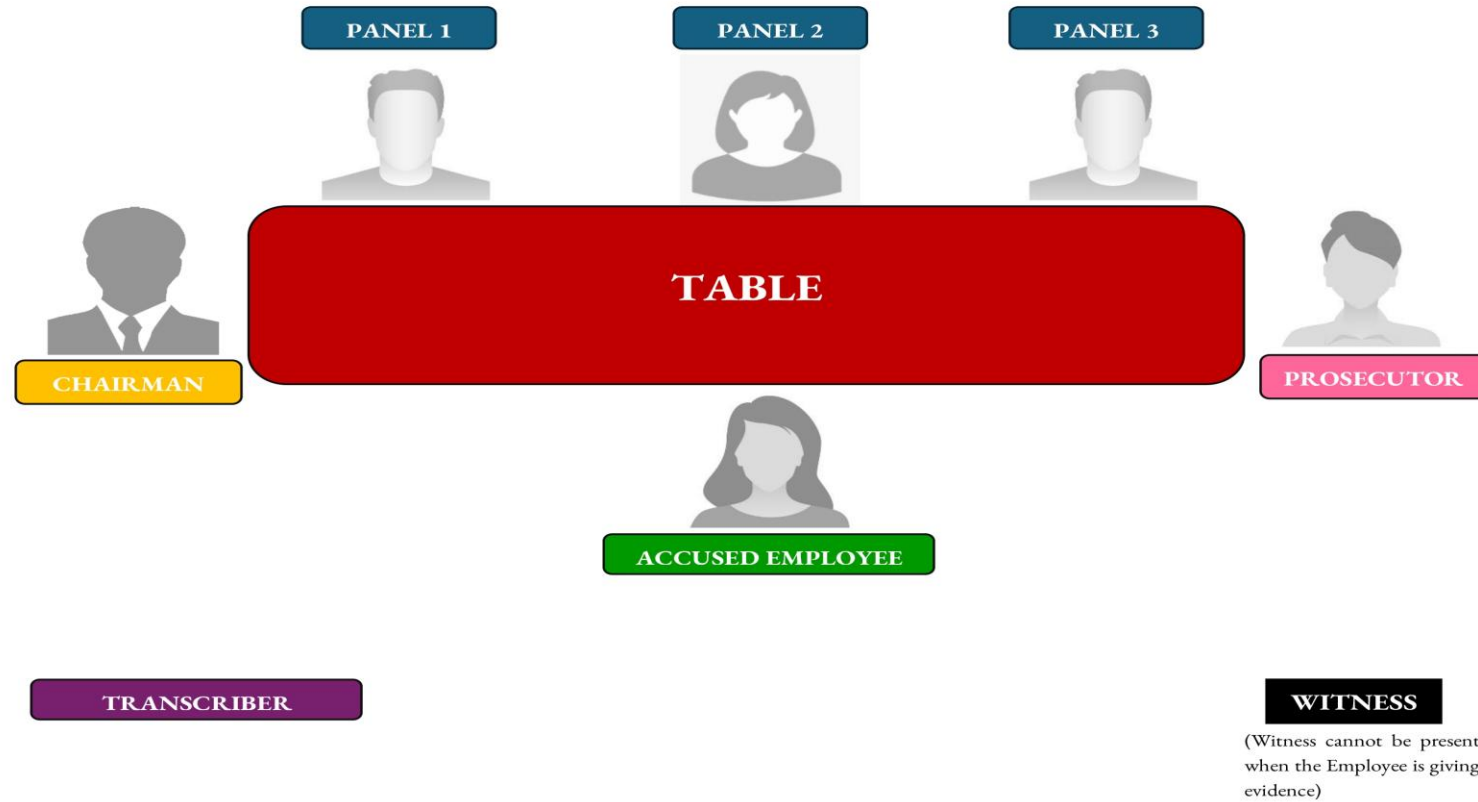
- Domestic inquiries typically follow a court-like procedure with prosecution and defense sides.
- To ensure objectivity, the accused employee should have a fair opportunity to present their case.
- Company may choose to record the entire domestic inquiry to preserve evidence for potential future needs.
- This will have the advantage of capturing what the employee, members of the panel, and prosecuting and defending officers say and do, as well as the physical demeanour, tone, and other information that may not be reflected in the written transcription of the proceedings.

Legally Prescribed Penalties for Misconduct

The EA 1955 provides in section 14 for several consequences to an employee found to have committed misconduct which must follow a due inquiry:

- Dismissal of the employee without notice.
- Downgrading of the employee.
- Imposition of such lesser punishment as the employer may deem fit and just.
- If the employer chooses to impose a suspension of wages, such suspension shall not exceed a period of two weeks.

Floor Plan



MOCK DOMESTIC INQUIRE HEARING:

Charges:

1. On 03.04.2024, 10.04.2024, and 17.04.2024, you arrived at the office more than two hours past your scheduled start time without providing any valid reasons or prior notice. This habitual tardiness violates Section 4.1 of the Employee Handbook, which mandates punctuality and adherence to work schedules. Your repeated late arrivals have disrupted workflow and negatively impacted team productivity.
2. During the month of April 2024, you were found to be engaging in live TikTok sessions during working hours on multiple occasions. Specifically, on 17.04.2024 and 22.04.2024, you were observed broadcasting live TikTok videos from your workstation between 10:00 AM and 12:00 PM. This behaviour contravenes Section 5.3 of the Employee Handbook, which prohibits the use of company time for personal activities. Such actions are unprofessional and violate the company's code of conduct.
3. On 05.04.2024 and 12.04.2024, you were found conducting sales of your homemade cakes to colleagues during office hours, causing significant disruption to the work environment and diverting attention from professional responsibilities. This conduct breaches Section 6.2 of the Employee Handbook, which states that employees must not engage in unauthorized commercial activities on company premises.

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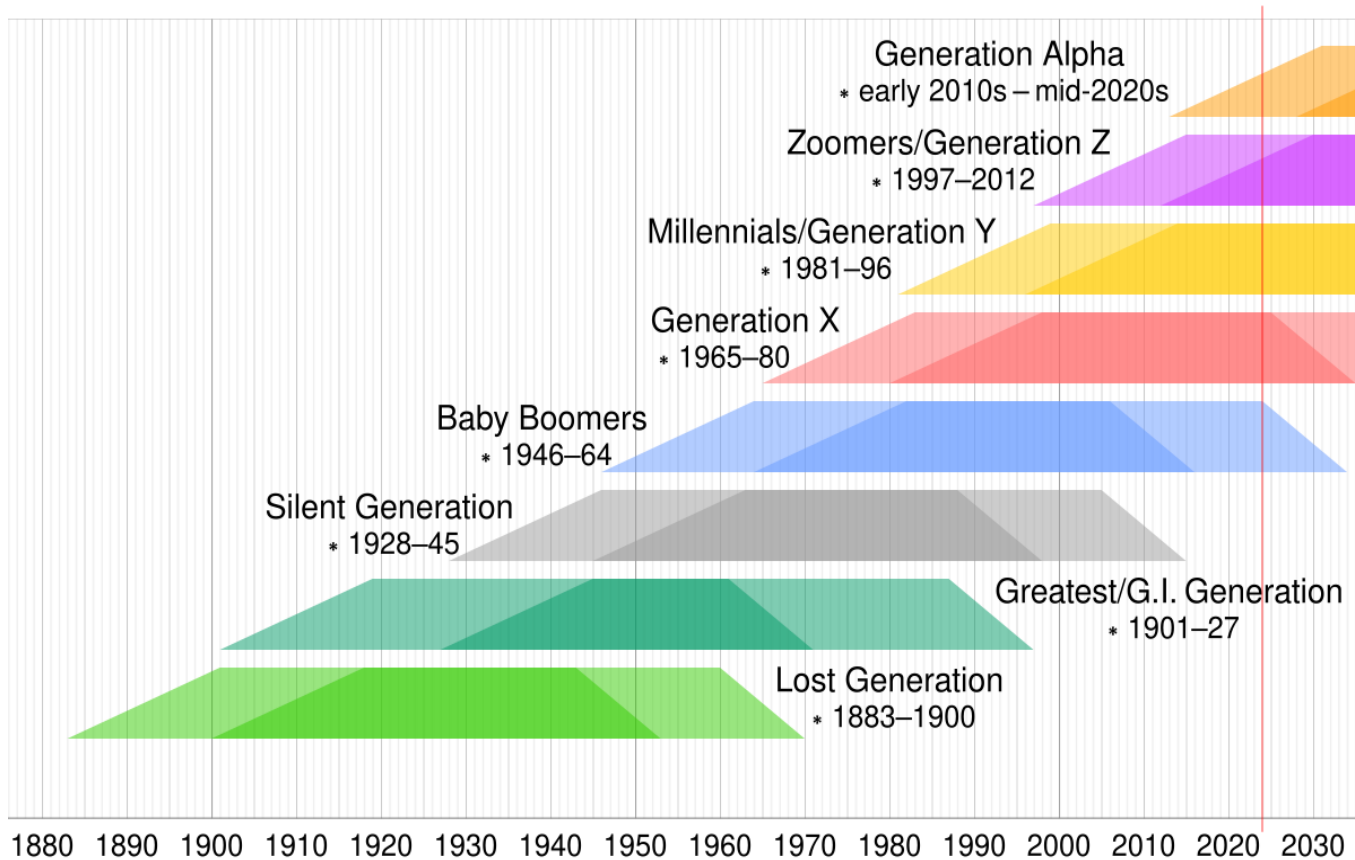
HR Transform –
The Future is Now
Conference



PART FOUR

MAXIMIZING TEAM PERFORMANCE: STRATEGIES FOR EFFECTIVELY MANAGING GEN Z

Who is Gen Z and how are they different from other generations?



- Gen Z, born between 1997 and 2012, currently constitutes 30% of the global population and is projected to make up 27% of the labor force by 2025. Gen Z is characterized by their **tech-savviness, entrepreneurial mindset, and desire for diversity and inclusion.** Understanding these traits is essential for effective leadership.
- What differentiates them from other generations is **their hunger for personal development.**



Common Misconceptions About Gen Z at Work

"The digital acumen they possess results in a lack of focus and attention to detail."

Different generations cannot always expect to use the same management and communication styles that were effective with them and get the same results with younger generations.

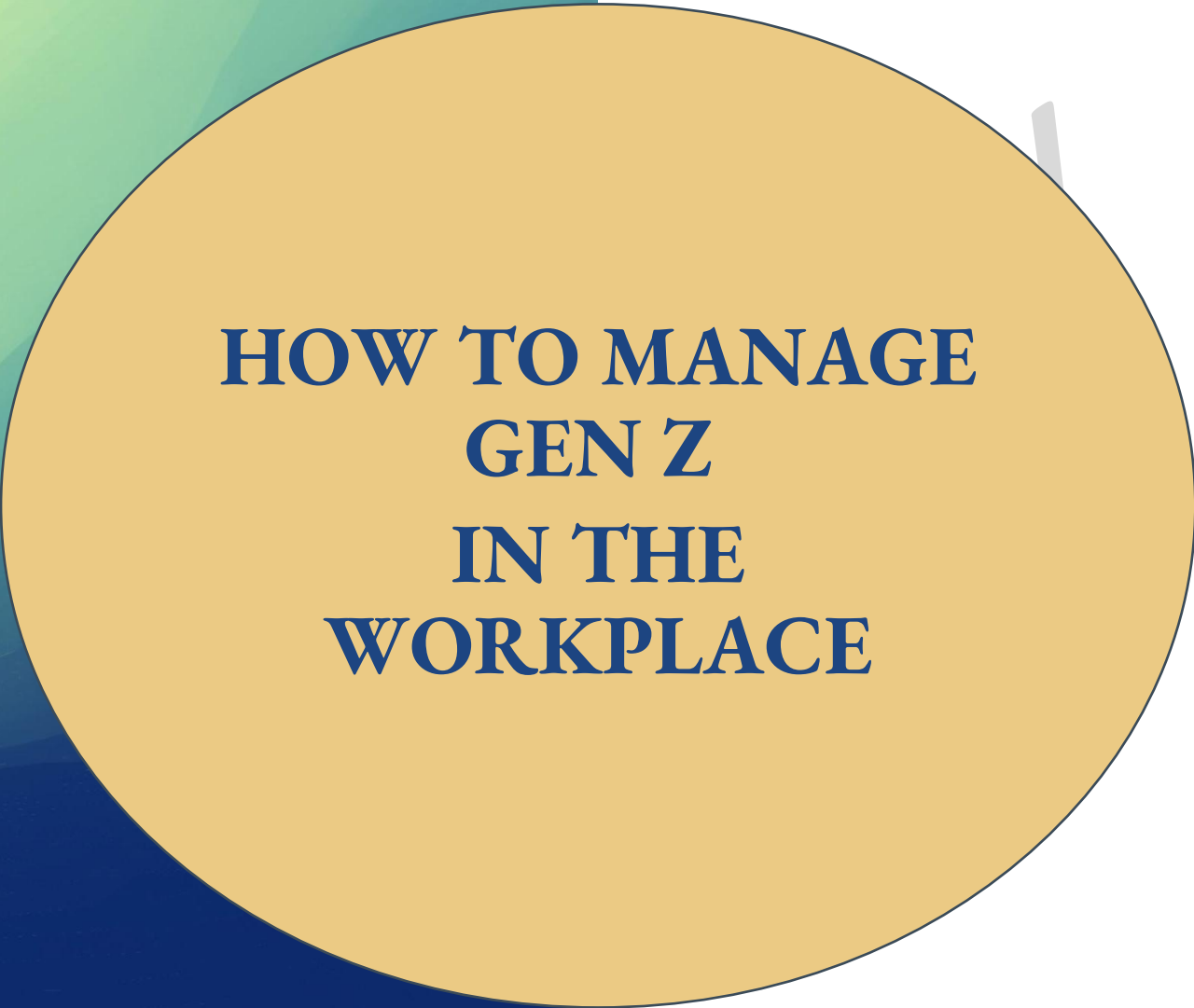
Gen Z Values and Strengths

Like generations before them, they want stable jobs, a clear career path, and a manager that can guide them. If you can offer that to them, they will be more likely to stick with you.

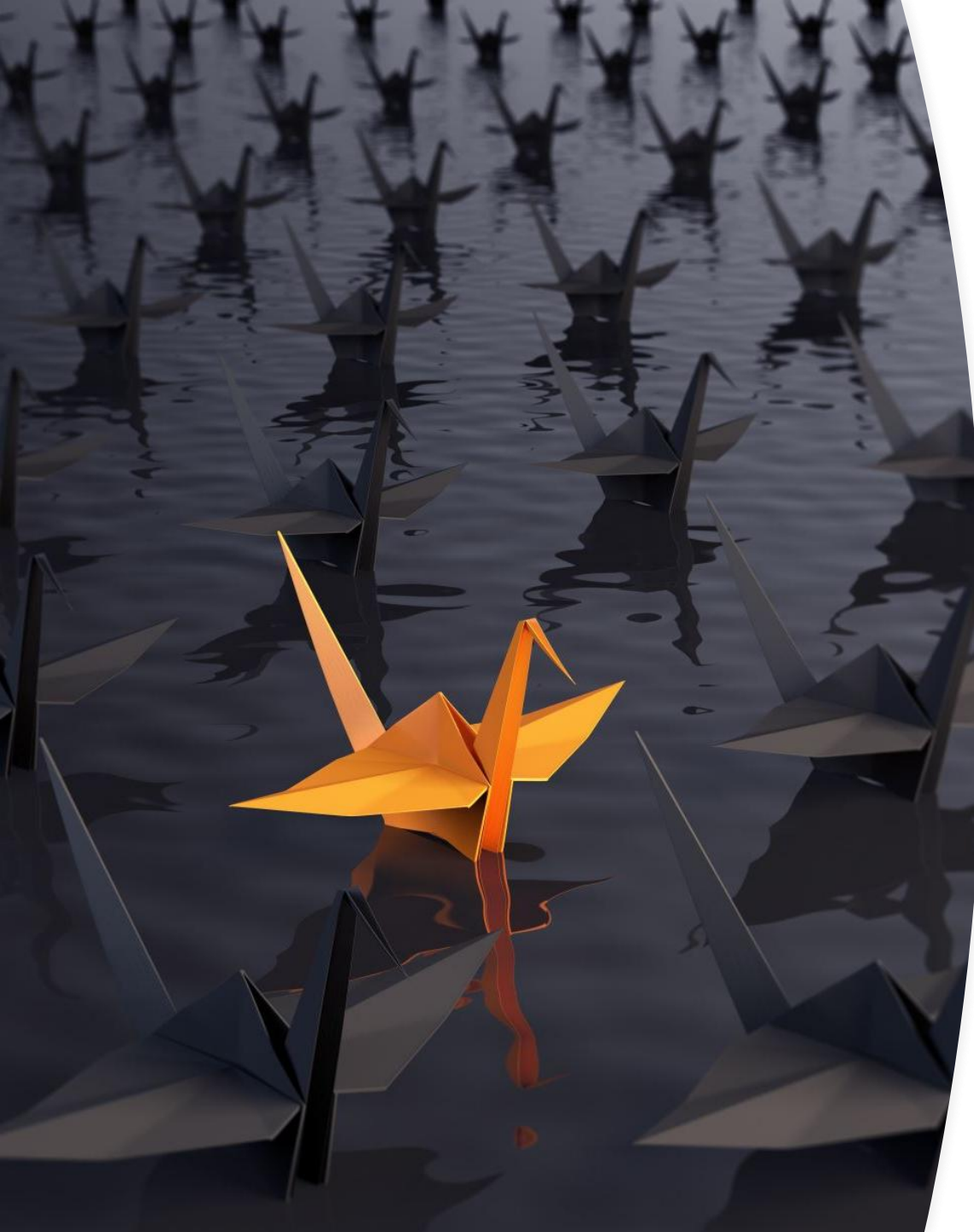
Generation Z employees are innovative thinkers and tend to value work-life balance, engagement, honesty, integrity, and relationships.

Growing up as digital natives and living through the COVID-19 pandemic when they were in high school or college has given them many strengths including but not limited to **being adaptable, resourceful, open-minded, entrepreneurial, resilient, and socially aware.**





HOW TO MANAGE GEN Z IN THE WORKPLACE



Adapting Leadership Styles

Leaders must adopt an adaptive leadership style, providing autonomy and feedback. Emphasizing purpose and impact resonates with Gen Z's values, fostering a motivated team.

- **Offer opportunities for skill development and learning:** Providing Gen Z employees with regular training sessions, workshops, or access to online courses can significantly boost their professional growth.
- **Recognize and celebrate achievements and milestones:** Acknowledging the accomplishments of Gen Z employees, whether through formal awards or informal recognition in team meetings, fosters a sense of achievement and belonging.
- **Embrace technology and encourage creativity:** Gen Z is highly adept with technology, and integrating the latest tech tools into the workplace can increase their engagement and productivity.
- **Show appreciation for their unique perspectives and contributions:** Valuing the diverse viewpoints and ideas that Gen Z brings to the table creates an inclusive and dynamic work environment.

Embracing Transparency

Leveraging digital tools and platforms is essential for engaging Gen Z. Encouraging innovation and experimentation with technology fosters a dynamic and agile team culture.

- **Offer opportunities for skill development and learning.**
- **Recognize and celebrate achievements and milestones.**
- **Embrace technology and encourage creativity.**
- **Show appreciation for their unique perspectives and contributions.**





Work-Life Integration

Encouraging flexible work arrangements and promoting wellness initiatives demonstrates support for Gen Z's desire for work-life balance, leading to increased productivity and engagement.

Help them adjust to the workforce: Gen Z employees, being new to the workforce, might find the transition challenging. Providing mentorship and clear guidelines can help them acclimatize to professional environments.

Encourage a healthy work-life balance: For Gen Z, a healthy work-life balance is often a top priority. Promoting a culture where personal time and mental health are valued can help in reducing burnout and fostering long-term loyalty.

Offer flexibility in work arrangements and schedules: Gen Z values flexibility, often more than previous generations. Offering options like remote work, flexible hours, or compressed work weeks can appeal to their desire for a personalized work experience.

Help them find purpose in what they do: Gen Z workers are often driven by a sense of purpose and seek to make a meaningful impact through their work.

Encourage Growth and Development



Offer opportunities for skill development and learning.



Recognize and celebrate achievements and milestones.



Embrace technology and encourage creativity.



Show appreciation for their unique perspectives and contributions.



Conclusion

Effectively managing Gen Z employees requires a deep understanding of their values and preferences. By adapting leadership styles, embracing technology, and fostering a culture of mentorship and feedback, organizations can maximize team performance and create a thriving workplace for all generations.



QUESTIONS?

THANK YOU

For any queries, please contact:

Email

general@arlegal.my
alwin@arlegal.my

Telephone no.

03-7613 7605