Workplace Misconduct & Industrial Relations: Managing Employee Misconduct the Right Way

1.0 Overview

In every workplace, ***misunderstandings, breaches of policy,*** and ***misconduct*** are bound to occur.

Difference between Employment Act and Workplace Misconduct &Industrial Relations

The **Employment Act** clearly outlines the *rights and responsibilities* of employers and employees, while **Industrial Relations (IR)** governs how these rights are enforced, *disputes are resolved,* and **disciplinary actions** are handled fairly.

> The **Employment Act course** provides a foundational understanding of employee rights and employer obligations under Malaysian law. (more theoretical / Legal foundation of employment)

> The **Workplace Misconduct & Industrial Relations course** focuses on the practical steps to handle employee misconduct, conduct domestic inquiries, and manage disputes in compliance with IR best practices. (more operational / execution - Practical application of handling misconduct and IR issues)

How does "Workplace Misconduct" and "Industrial Relations" relate to each other?

Think of **Workplace Misconduct** as "what starts the problem", and **Industrial Relations** is the process we use to handle it properly.

When an employee breaks a rule—like showing poor performance, being rude to a manager, or doing something wrong—it's no longer just a Human Resource issue. It becomes a serious matter that must be handled carefully and fairly. It becomes an **industrial relations matter** that must be handled according to proper procedures or the company could face legal trouble, claims of unfair dismissal, or damage to the company's reputation. Too often, companies face costly consequences because:

- *Misconduct wasn't defined clearly*,
- *Documentation was lacking*,
- *Domestic inquiries were not properly conducted*, or
- *Decisions were seen as biased or unfair*.

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We often hear of **organizations being sued** for *terminating staff without proper inquiry or due process*, or *lacking evidence of intervention* when dealing with **poor performance**. *Errors in handling such misconduct* can lead to **legal disputes** or *loss of employee morale*, affecting the organization both **tangibly and intangibly**.

This program provides a **step-by-step guide** to managing employee misconduct in *compliance with company policy*, the **Malaysian Employment Act**, and **IR best practices**. It emphasizes the importance of **fairness**, **documentation**, and **professionalism** in every action taken—from *initial warning* to **domestic inquiry** and *final decision*.

By equipping **HR professionals, managers, and business owners** with the *right skills*, this course helps **reduce risk**, **foster trust**, and **maintain a respectful and lawful workplace culture**.

2.0 Program Objectives

- *Understand the definitions, types, and categories of misconduct*
- *Distinguish between poor performance and misconduct, and apply the correct management approach*
- *Align HR policies with the Employment Act and Industrial Relations Act*
- *Apply correct procedures in handling misconduct and conducting domestic inquiries*
- *Avoid common errors that lead to legal disputes and employee dissatisfaction*
- *Write professional and compliant inquiry findings and dismissal letters*
- *Document internal IR activities that can be used as evidence in future disputes*
- *Recognize the importance of neutrality and fairness in every stage of the process*
- *Promote a culture of accountability and zero-tolerance towards violations of employment laws*

3.0 Methodology

The program will be delivered using approach that heightens learning through:

- Highly interactive discussions
- Workshops
- Current scenario/ challenges discussion
- Actual court case reviews

4.0 Duration

Two days (9.00 a.m. to 5.00 p.m.)

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5.0 Course Content.

Day 1

Day / Time	Module	Activity/ Tools
9.00 a.m. to 9.30 a.m.	Program Introduction Trainer profile Participant profile Expectation management	
9.30 a.m. to 10.30 a.m.	**Understanding Misconduct.** • What is misconduct • Types of misconduct • Categories of misconduct.	Discussion
10.30 a.m. to 1.00 p.m.	Understanding employment law. HR policies and practices Employee engagement.	Case reviews Discussion
1.00 p.m. to 2.00 p.m.	Lunch Break	
2.00 p.m. to 3.30 p.m.	**Handling misconduct.** Importance and benefits of handling misconduct effectively. Step to handle misconduct Dealing with repeated misconduct Condonation of misconduct.	Workshop
3.30 p.m. to 4.45 p.m.	Managing Domestic Inquiry. Objective of domestic inquiry. Principle of natural justice. Why a domestic inquiry is important. Roles and responsibilities of inquiry panel. • Chairperson • Panel • Prosecuting Officer. • Alleged Employees.	Discussion
4.45 p.m. to 5.00 p.m.	Key Takeaway Day One Closing.	

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Day 2

Day / Time	Module	Activity/ Tools
9.00 a.m. to 1.00 p.m.	Handling the what if situations. Recording of domestic inquiry proceeding. Evaluating evidence preparation of summation/ recommendation. Role of punishing authority. Writing a report of inquiry findings. Writing a dismissal letter/ outcome letter to employee. • Choosing a suitable format • Capture the key elements • Staying balanced and factual in presenting facts/ findings. • Right to appeal.	Workshop Malaysian court cases reviews
1.00 p.m. to 2.00 p.m.	Lunch break	
2.00 p.m. to 3.30 p.m.	What can happen post-dismissal? The right to file for unfair dismissal. Representation for conciliation meeting. Pre and post conciliation meeting.	
3.50 p.m. to 4.45 p.m.	Role of leaders to eliminate/ reduce misconduct at workplace. Creating awareness and culture of zero tolerance for misconduct at workplace. Avoiding bias in investigation and decision making. Challenges and solutions to maintain good conduct at workplace.	
4.45 p.m. to 5.00 p.m.	Key takeaway. Program closing.	

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