



People Management & Employment Relations Micro-Credential Programme

Topic 2: UNDERSTANDING THE INDUSTRIAL RELATIONS AND EMPLOYMENT ACT OF MALAYSIA

Topic Code: IREAMCPMC

Infrastructure University Kuala Lumpur (IU KL) | EDUK8U Grad School Asia

Facilitator Details

Online Facilitator/s

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Note: Please use your private email or individual WhatsApp to contact your facilitator /coordinator only when you have a question or issue of a personal nature specific to you. All other questions or comments can be posted on the appropriate thread on the LMS (Learning Management System) discussion board and or the "Class" WhatsApp group so that all students may benefit from the dialogue.

Where an email is sent on Friday, your facilitator/coordinator would respond to personal emails within 48 hours during the week or by Tuesday of the following week.

When emailing your instructor, course coordinator, administration or the finance team, please ensure to put your student number at the start of the subject line of e-mails you send.

The LMS

The Learning Management System (LMS) used internally by EDUK8U Grad School Asia is Google Classroom and Moodle. All written assignments must be submitted here with the respective Assignment cover sheet.

Additional reading materials and videos will be available on the LMS along with class notes, Activity Books, Reading articles, Video links and case studies.

Student Learning Outcomes

Learning outcomes for understanding the Industrial Relations Act and Employment Act of Malaysia can encompass a range of knowledge, skills, and competencies that students or learners should achieve upon completing a course or program focused on these topics. These learning outcomes may include:

- 1. Knowledge of Legal Frameworks:**
 - a. Demonstrate a comprehensive understanding of the key provisions, principles, and objectives of Malaysia's Industrial Relations Act and Employment Act.
 - b. Describe the historical context and evolution of Malaysia's labour laws and industrial relations.
- 2. Application of Legal Concepts:**
 - a. Apply legal concepts and terminology related to employment and industrial relations to real-world scenarios and case studies.
 - b. Analyse and interpret specific sections and clauses of the Acts to assess their implications for employers, employees, and trade unions.
- 3. Compliance and Regulations:**
 - a. Evaluate employers' and employees' legal responsibilities and obligations under the Industrial Relations Act and Employment Act.
 - b. Identify and discuss compliance requirements, including regulations related to employment contracts, wages, and working conditions.
- 4. Dispute Resolution:**
 - a. Analyse the dispute resolution mechanisms and procedures outlined in the Industrial Relations Act, including the roles of the Industrial Court, conciliation, and arbitration.
 - b. Critically assess the effectiveness of these mechanisms in resolving labour disputes.
- 5. Employee Rights and Welfare:**
 - a. Recognise and articulate the rights and protections afforded to employees by the Employment Act, such as minimum wage, working hours, and rest days.
 - b. Discuss the importance of occupational health and safety regulations in safeguarding employee welfare.
- 6. Trade Unionism and Collective Bargaining:**
 - a. Explain the role and functions of trade unions in Malaysia's industrial relations system.
 - b. Evaluate the significance of collective bargaining and the legal framework supporting it, including negotiation and dispute resolution processes.
- 7. Employment Contracts and Termination:**
 - a. Analyse the elements of valid employment contracts, including terms and conditions of employment, termination procedures, and severance pay.
 - b. Assess the legal grounds and procedures for terminating employment relationships under the Employment Act.
- 8. Emerging Issues and Changes:**
 - a. Stay updated on recent amendments, court decisions, and developments related to the Industrial Relations Act and Employment Act.
 - b. Critically analyse the implications of changes in labour laws and regulations on employers and employees.
- 9. Ethical Considerations:**

- a. Reflect on the ethical dimensions of industrial relations and employment practices, considering issues such as fair treatment, discrimination, and social responsibility.

10. Communication and Advocacy:

- a. Communicate effectively about labour law and industrial relations issues in writing and orally.
- b. Advocate for the rights and interests of employees or employers in a professional and informed manner.

Overall, the learning outcomes for Understanding the Industrial Relations Act and Employment Act of Malaysia focus on developing the knowledge, skills, and competencies needed to:

1. Describe and explain the Malaysia Labour Acts and the ramifications of the International Labour Organisation (ILO) treaty.
2. Demonstrate and distinguish between different definitions, employee rights, and conflict resolution.
3. Adopt, apply, and demonstrate good human resource practises while ensuring workplace compliance to reduce employment-related issues and risks.
4. Individuals will be equipped with a thorough understanding of Malaysia's labour laws and industrial relations framework, allowing them to manage the complexity of employment relationships, promote compliance, and contribute to a fair and equitable work environment. They also highlight the development of critical thinking, analytical, and communication skills required for interacting with labour-related issues in an academic and professional setting.

Summary of Topic 2 Content

The topics in this course include but are not limited to the following:

1. The Introduction of the International Labour Organization
2. The Overview of Employment Act 1955
3. The Definition of the Law
4. Employment Regulations and Legislation
5. The Role of the Labour Department and Court
6. The Minimum Wage Ordinance
7. The Overview of the Industrial Relations Act 1967
8. Protection of Rights of Workmen and Employers

9. Dispute Resolution – The Industrial Relations Department
10. The Role of the HR Minister
11. The Industrial Relations Court
12. Post Industrial Relations Court Award

Please note the following points carefully:

- This topic is taught in a blended in-class and student-self-time online learning structure. One of the great strengths of this method is the diversity of the classroom. This is a substantial educational advantage because we have various backgrounds, perspectives and experiences to share and consider. In this context, you are encouraged to express your views, challenge each other and be challenged in the online discussion forums. This must happen in *mutual respect*, where differences and similarities are appreciated.
- You are responsible for regularly logging in to the LMS and staying abreast of updates, posts and additional materials. The LMS is a source of essential information. However, it is a critical tool for communication in four ways:
 - The facilitator may provide any extra information via the announcements section in The LMS.
 - Discussion Boards are allocated for questions and answers relating to the assignments. All students are encouraged *to ask and respond* to questions about assignments, but you will not be assessed on these elements of the discussion threads.
 - A Discussion thread may be open for questions relating to the module for each topic. You will be assessed on your contribution to these discussions. See the Details of Assessment Items section of this document. These discussions are the equivalent of tutorials and are compulsory. They are essential because regularly engaging with other students meaningfully will make the course more manageable and exciting.
 - Please focus on Academic integrity and plagiarism and maintain professional etiquette with your cohort.

For each topic, you should study the allocated Module guide. Information about the Module will be available in the class materials section of the LMS. It will include learning overviews, comments, set readings, and self-directed study exercises as seen fit by the facilitator.

You should ensure you are familiar with a Module as you contribute to the discussion. Additionally, *please ensure that you follow any discussion threads* before contributing. The aim is to avoid repetitive and general contributions and to encourage focused discussion. Discussion on each topic will remain open until the completion of the subject course.

You need to keep on track with times and dates. Try to keep up with the class and the course schedule. While online learning is essentially independent, it is helpful to share ideas, and the class will be moving on to the next module each week. The time goes very quickly.

ASSIGNMENT ASSESSMENT DETAILS AND POLICIES

Assessment	Related Learning Outcomes	Weighting (%)	Due Date	Method of Submission
Individual Assignment 1	1 to 10	90.00%	Week 4 Wednesday after class.	Google Classroom
Class participation & Google Class discussions threads	1 to 10	10.00%	Start of Topic until 4.00 PM following in week 4.	Google Classroom

Assessment

Assessment criteria are provided in this course outline's Details of Assessment section.

The course facilitator and the university's quality academic member will assess the written work. Marks will be allocated according to overall group outcomes evident from the group presentation, as noted in this course outline's Details of Assessment section.

Feedback

Summative feedback will be provided to each student through a written evaluation feedback sheet; formative feedback may also be provided during interactions with each discussion group. The formative feedback will help the student align with the subject and overall qualification.

Regarding formatting of the paper: for those of you who are in your first subject, the ***Micro-credential programme expects graduate-level work***. Font size guidelines are a range of 10-12. I expect a professional, graduate-level paper and will grade them as such. You are welcome to use whatever citation method you like; however, you must properly cite your paper. Plagiarism will not be tolerated and is verified using a checking software. Therefore, the formatting decisions are left up to the group as long as they follow an established format (e.g., APA, MLA, etc.)

Cover Sheets for Assessment

The assignment cover sheet is provided and accessible on Google Classroom.

Presentation of Written Work:

All work must be typewritten and double-spaced. It is each student's responsibility to keep a copy of all work submitted. Students may be required to provide written assessment items in electronic form and hard copy. The Faculty specific Assignment Cover Sheet cover page for the assignment must include:

- your name
- your facilitator's name
- the course and
- the topic marked on it, and
- A statement that your work is your own. It is acceptable to type your name or use an electronic signature for electronic submissions.
- All files submitted must include your student ID in the file name – thus, insert the student ID code at the start of the file name.
- Referencing style selection is your choice; however, all references will be verified using our plagiarism platform.

Assessment Penalties

Late submission

Faculty policy is that an assessment item submitted after the due date, without an approved extension, will be penalised at a rate of 20% per day of the possible maximum mark for the assessment item for each day or part-day that the item is late. Weekends count as one day in determining the penalty. Assessment items submitted more than five days after the due date will be awarded zero marks.

Exceeding the word limit:

Lecturers reserve the right to assess assignments within 15% of the word limit.

Assessment Grades / Percentages

All assessment grades and percentages are provided above. Any student who needs clarification on these, please seek reconfirmation from the Facilitator.

Extension of Time for Assessment Items, Deferred Assessment and Application for Adverse Circumstances

Students are required to submit assessment items by the due date, as advised above unless the Course Coordinator approves an extension of time for submission of the item. University policy is that an assessment item submitted after the due date without an approved extension will be penalised. If you believe adverse circumstances have impacted your performance in an assessment item, then you may be entitled to apply for special consideration directly to your Facilitator.

Any student:

1. Who is applying for an extension of time for submission of an assessment item based on medical, compassionate, hardship/trauma or unavoidable commitment, or
2. Whose attendance at or performance in an assessment item or formal written examination has been or will be affected by medical, compassionate, hardship/trauma or unavoidable commitment;

is required to report the circumstances, with supporting documentation, to the facilitator.

Please be aware of the following important deadlines:

- Students must submit their adverse circumstances application via email by 4:00 pm the day before the due date of the assessment item.
- In all cases, the required evidence must be submitted to the Facilitator within three calendar days after applying for an extension.
- Your application may not be accepted if it is received after the deadline. First, students who cannot meet the above deadlines due to extenuating circumstances should speak to their Facilitator.

Academic Integrity and Plagiarism

EDUK8U Grad School Asia is committed to ensuring academic integrity amongst its staff and students. Academic integrity is based on values of honesty, respect, fairness, trust and responsibility. These values are fundamental to our teaching and learning in the Faculty. Academic misconduct, including plagiarism, copying another student's work and cheating in exams, is contrary to the values of academic integrity and is not tolerated in the university.

University policy prohibits students from plagiarising any material under any circumstances. A student plagiarises if he or she presents the thoughts or works of another as one's own. Without limiting the generality of this definition, it may include:

- Copying or paraphrasing material from any source without due acknowledgement;
- Using another's ideas without due acknowledgement;

- Working with others without permission and presenting the resulting work as though it was completed independently.

Plagiarism is related to written works and material such as data, images, music, formulae, websites and computer programs. Aiding another student to plagiarise is also a violation considered Plagiarism and may invoke a penalty.

For further information on the policy on plagiarism, please seek clarification from your Facilitator.

Questions to ask about any site on the WWW:

- Is the author named?
- Does the site tell you about the author's credentials and experience?
- Can you confirm the information from books, journals or other websites?
- Be aware that the website may be as biased as any source. Who owns/runs the website, and what are they promoting?
- Has the website been updated recently? Is it out of date?

Generally, research at the postgraduate level is NOT purely based on Wikipedia or opinion internet websites. Research essays must be based on data from acknowledged authors' work and on data with verifiable origins. The advantage of academic books and journals is that the material has been reviewed in manuscript form by experts in the field before publication and has been tested by review in academic journals after publication. Sometimes, however, information of high quality is posted on websites before publication or instead of publication through regular channels. If in doubt, consult your facilitator before using a website.

Referencing the WWW

Information from the WWW should be cited just like any other source. Cite the website author, title (if published as well, publication details should be cited), the full URL of the website, and the date you visited the web page.

For example

Landrewy, F. (1996) 'Paralympic Games and Social Integration' in de Moragas, M. and Botella, M., (Eds), The Keys to Success, Barcelona, <http://blues.uab.es/olympic.studies.14/1/97>.

Assessment Assignment

Length Total 3000 words (not including Cover Page, Table of Contents, tables, charts, section titles and appendices)

Due Date Wednesday 4:00 pm Week 4 After Class.

Submission Method Online Google Classroom / Moodle

Scenario:

Employment Relations Scenario Brief (individual Written Report)

Peter works at A Sdn Bhd as an operations manager in a logistics company. His job scope is to ensure the warehouse is in proper working order and the containers are correctly loaded and shipped out as scheduled.

After working for two years, B Sdn Bhd bought over A Sdn Bhd, took over the business, and kept all the workmen, including Peter. B Sdn Bhd prepared new contracts with the same terms and conditions for all workmen to sign, but Peter refused to sign the contract, stating that he was promised more benefits after B Sdn Bhd took over.

Peter made several mistakes, resulting in the company's monetary loss. Errors include sending the wrong shipment, not keeping the warehouse clean, making bad decisions on Company purchases, and late invoicing.

The Company has sent several warning letters for Peter to change his attitude, but after months passed, there has yet to be a change of attitude.

The Company then told Peter to sign the contract to secure his position. Peter signed the contract.

Question 1 (Word Count suggestion - Approx 400 words):

The Company now wishes to terminate Peter and, ideally, does not want a case to be referred to the Industrial court. Advise the Company on the processes so that Peter could be fairly dismissed. Provide a flow process of activity that needs to occur along with the documentation with which timings.

Question 2 (Word Count suggestion - Approx 400 words):

The Company decided to tell Peter that things were not working out and gave him the option of either Peter resigning or the Company will begin dismissing him from the Company. Peter signed a resignation letter prepared by the Company. Advise the Company on the consequences of their action, what may take place with this action, and what total exposure the organisation can expect.

Question 3 (Word Count suggestion - Approx 400 words):

Peter feels that he is being pressured to leave the company and knows that the company has hired another person with a similar position in his Company. Advise Peter on his rights as a workman.

Question 4 (NOT RELATED TO THE SCENARIO - Word Count suggestion - Approx 1,800 words):

The Ministry of Human Resource Malaysia requests that you undertake a study and review the Labour Ordinance, specifically the Industrial Relations and Employment Act of Malaysia and advise whether the various acts are still relevant in today's business context. A post-pandemic context is impacted by digitisation, flexibility in the workforce, automation, and critical developments with workforce diversity, equality and inclusion.

TOPIC 2: UNDERSTANDING THE INDUSTRIAL RELATIONS ACT OF MALAYSIA

What changes would you propose to enhance the Act to help the economy and businesses become globally competitive and be relevant to the current workplace landscape?

You can expressively be as creative as you wish; however, ensure that each suggested change is validated with apt commercial reasoning and a labour legal framework. This is not a creative opportunity to break people's ethical bounds and inhumane treatment.

Remember – DUE DATE: 4.00 PM Wednesday 4 Weeks After Class