

# UNDERSTANDING LABOUR LAWS - THE EMPLOYMENT ACT 1955

(AMENDMENT 2022)



**14 hours LIVE ONLINE  
Program**



**9am - 5pm**

**12 Dec 2023 (Tue)  
13 Dec 2023 (Wed)**

## OBJECTIVES:

At the end of this program, participants should be able to achieve the following objectives:

- To understand the different section of the Employment Act 1955 including the latest amendment 2022.
- To know how to apply the law in the workplace
- To know better the right of employers and employees
- To understanding the responsibility of employers and employees according to the laws.

## WHO MUST ATTEND:

General Manager, Manager, Head of Department / Division, Human Resources Manager or any personnel who has human resource functional responsibility and Supervisor

## METHODOLOGY:

This program is essentially participative. There will be group interaction and lectures.

## Module 1 - Introduction

1. Objectives of the ACT
2. Scope
3. Definitions of employee, employer, contract of services etc.
4. Contract of Service
  - 4.1. Contracts of service that must be in writing
  - 4.2. Provisions of contracts of service that must be in writing
  - 4.3. Restrictions on contracts of service
  - 4.4. Termination of contract of service
    - 4.4.1. Normal Termination
    - 4.4.2. Termination for Special Reasons
    - 4.4.3. Breach of Contract

## Module 2 – Wages and Deductions

5. Wages
  - 5.1 Payment of wages.
    - a) Wage Period.
    - b) ***Calculation of wages for incomplete month's work (NEW)***
    - c) Time of Payment.
    - d) Payment of Wages on the Day of Termination.
    - e) Payment of Wages before the 3<sup>rd</sup> Day after the Termination.
    - f) When Written Statement of Wages Must Be Given to the Employees.
  - 5.2 Advance (Loan)
    - a) Types of Advances Allowable Under the Law.
    - b) Advances Must Be Approved by DG.
  - 5.3 Deductions from wages
    - a) Deduction without the Request or Consent of the Employee.
    - b) Deduction at the Request of the Employee.
    - c) Deduction at the Request of the Employee and Written Approval from the DG.
    - d) Total Deductions Allowable.
  - 5.4 System of payment of wages
    - a) ***Wages Must Be Paid Through an Account at the Bank and financial institute. (NEW)***
    - b) Employee Can Recover in the Court the Part of the Wages That Have Not Paid Through a Bank Account.
    - c) ***Wages Can Be Paid in Legal Tender or by Cheque with Written Request of Employee. (NEW)***
    - d) ***Employer Has to Obtain Approval from the DG to Pay Wages for employees in Legal Tender or by Cheque. (NEW)***
    - e) Employers Cannot Receive Any Discount or Interest in Respect of Advances that do not exceed a month's Wages.
  - 5.5 Priority of wages
  - 5.6 Liability of Contractors and Principals

### **Module 3 – Pregnancy and Maternity and Domestic Servants**

#### **6. Pregnancy and Maternity**

##### 6.1 Maternity protection

- a) The entitlement of Maternity Leaves and Maternity Allowance
- b) Understanding the words “confinement”, “children”, eligible period”
- c) Start work early during maternity.
- d) Restriction on termination of female employee.
- e) ***Protection from termination for pregnant employee. (NEW)***

#### **7. Domestic Employees**

- a) Termination of contract
- b) Employment of foreign domestic employee
- c) Duty to inform Director General of Labour.

### **Module 4 – Benefits**

#### **8. Benefits Under the Law**

##### 8.1 Rest Days

- a) The interpretation of ‘day’.
- b) How to calculate working on rest day.
- c) Overtime on rest day.

##### 8.2 Hours of Work and ***Working at Night***

- a) The definition of hours and how to define **45** hours a week.
- b) Overtime and its calculation.

##### 8.3 Paid Public Holidays

- a) What are the compulsory public holidays and number of days entitle by the employees?
- b) Can an employee work on public holiday and how to calculate the payment?
- c) How to replace the public holiday with another day?
- d) Overtime on public holidays.

##### 8.4 Paid Annual Leave

- a) What is the entitlement for annual leave and when do they entitle to apply for the leave?
- b) ‘The employer shell grant and the employee shell take...’

##### **8.5 *Paid Sick Leave and Hospitalization Leave***

##### **8.6 *Paid Paternity Leave and its entitlement***

##### 8.6 Ordinary Rate of Pay (ORP)

- a) How to calculate ORP for monthly, weekly, daily or hourly rate.

##### 8.7 Rate of Payments for Working on Rest Day, Public holidays and Overtime

### **Module 5 – Terminations, Foreign Employee and Sexual Harassment**

#### **9. Termination, Lay-off and Retirement Benefits**

- a) Who entitled to the termination benefits?
- b) How to calculate the benefits and when to pay them?

#### **10. Foreign Employees**

- a) ***What are the rules and regulation that an employer has to follow when they employed a foreign worker?***

#### **11. Flexible Working Arrangement. (NEW)**

#### **12. Discrimination in employment and how to handle it.**

#### **13. Sexual Harassment – Part XVA**

- a) What are the responsibilities of an employer to investigate?
- b) What are the responsibilities of The Director General of Labour to investigate a complaint?
- c) ***Notice on Sexual Harassment (NEW)***

#### **14. Court Order for Payments Due to Employee. (NEW)**

#### **15. Force Labour. (NEW)**

#### **16. Presumption as To Who Is an Employee and Employer. (NEW)**