

AMENDMENT TO SABAH LABOUR ORDINANCE

for HR Executives, HR Managers and Managers

Date : 20 & 21 January 2025
Time : 9.00 am - 5.00 pm
Mode : Face-to-Face
Venue : Mashawi 2, Kota Kinabalu Sabah
Price (RM) : RM 1,920.00 (Member) | RM 2,160.00 (Non-Member)
**Prices exclusive of 8% SST*

INTRODUCTION

BE PREPARED FOR THE COMING AMENDMENTS. The Sabah Labour Ordinance affects all Sabah employers. HR persons are required to be conversant at it, as well as with the application of the laws in the workplace. The recent amendments which will closely follow the Employment Act 1955 amendments in 2022 of West Malaysia will have knee jerk effect to the existing work arrangements and terms of employment. Employers must be prepared for the surprises when the amendments become fully effective in 2024.

COURSE HIGHLIGHTS

- Highlighting new amendment to the SLO, their effects and pre-emptive actions you need to take to avoid serious issues that may arise in the contract of service
- The new benefits and calculation formulas for entitlements and payroll.
- New working hours and restrictions, problems affecting work scheduling and rights of employees
- Effects of new legislations on sexual harassment, forced labour and sexual harassment

COURSE OUTCOME

Upon successfully completing this course, participants will acquire valuable insights into implementing SLO provisions within their workplace. Additionally, they will become cognizant of potential challenges stemming from recent amendments.

Participant will benefit in these areas:

- Understanding the HR Ministry, its various departments, compositions, and their respective functions in dealing with interactions with officials.
- Developing the ability to navigate Labor Office inspections and manage proceedings during labor court hearings.
- Gaining a comprehensive grasp of employment contracts, terms and conditions, breaches of contract, related issues, and contract terminations.
- Acquiring a deep understanding of the definition of an employee and distinguishing between the treatment of various types of employees, including local, non-resident, foreign, domestic, and irregular workers.
- Becoming well-versed in matters concerning wage payments and deductions under new amendments
- Mastering the administration and control of all statutory benefits under the SLO, including recent amendments.
- Understanding the implications of these amendments and implementing corrective actions to ensure compliance and preempt potential issues.

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COURSE CONTENT

DAY 1

9.00AM – 5.00PM

1) SLO & The Employee Under SLO

- Scope of SLO and the types of persons fully and not fully protected under the new definition of employee.
- The unspoken problems that may arise by including executives, professionals, and managerial employees under the SLO.

2) The different Protection under the SLO for Domestic Servants, Foreign Workers, and Illegal Immigrant Workers

- An expanded definition of employees, encompassing lower working hours, improved maternity and pregnancy protections, paternity leave, anti-discrimination legislation, and more.

3) Understanding the Distinction Between the Contract of Service and Contract for Services

- Implicit obligations of both the Master and Servant.
- Minimum terms and protections under SLO.
- Employees rights.
- notice periods for termination, breaches of contract, and indemnity in lieu of notice.
- Dismissal after due inquiry under SLO's Sect. 13 vs. Sect. 20 of the Industrial Relations Act 1967, DI for misconduct, performance or probationary failure.
- Addressing sexual harassment and the presence of latent issues.
- Examining anti-discrimination provisions and potential concealed problems.

4) Work Hours and break, Shift, and non-shift

- Rest day and the latent problem with executives & professionals
- Hours of work vs normal hours of work and the paid and unpaid break hours
- The hidden problem with management and work hour limits
- Shift work vs non shift and the potential problems with managerial staff

5) Leave and holiday benefits, Overtime Practical: Handwash Technique

- Holidays, ad hoc holidays
- Annual leave
- Sick leave
- Enhanced payments for OT and work on special days

DAY 2

9.00AM – 5.00PM

6) Statutory Administrative Obligations

- Registers, returns and notice board.
- Inspections
- Inquiry by JTK – handling a labour court case.

7) Payment of wages

- The various definitions of wages and problems
- Ordinary Rate of Pay (ORP), 26-day formula issue
- Controls over wage payment
- Salary advance
- Lawful deductions and common unlawful deductions

8) Foreign Workers, Domestic Servants, Non-resident employees

- Permit application
- Restrictions, wages and payment

9) Liability of Principals, Contractors, Subcontractors, and Irregular employees

- Irregular employees – Freelance & Part-Time & casual workers
- Understanding full timer, part timer, casual worker, home worker and fixed term employees
- Part time employees' benefits under the Part-time employee Labour Rules.

10) Employment of Young Persons and Children

- Difference between child and young person
- Controls, limitations, and restrictions set for employment of children and young persons.
- Question of competency to enter a contract by child and young person with the employer.