

THE A-Z OF DOMESTIC INQUIRY

DATE: 15-16 June / 12-13 October 2023
19-20 February 2024
FEE: RM1,100

DURATION: 2 Days
HRD CORP SCHEME:
HRD Corp Claimable Courses

PROGRAM OVERVIEW

The A-Z of Domestic Inquiry focuses on the domestic inquiry process. Participants will be given an in-depth understanding of the legal aspects, the procedural aspects and pitfalls of a domestic inquiry process.

During this training program, a mock domestic inquiry will be conducted to give participants an opportunity to hone their practical skills so that they will have more confidence when conducting domestic inquiries at their workplace.

LEARNING OUTCOMES

Upon completion of this program, participants will be able to:

- Have a better understanding of the legal, theoretical and practical aspects of how to conduct a Domestic Inquiry.
- Learnt about the pitfalls to avoid through case studies.
- Have experienced a mock Domestic Inquiry which will be helpful to them during an actual Domestic Inquiry.

METHODOLOGY

- Interactive trainer led presentation.
- Questions & answers sessions.
- Case studies.
- Role play with personalized mentoring from the trainer.

WHO SHOULD ATTEND

- Owners of SMEs.
- Heads of Department / Line Managers.
- Executives / Supervisors / Team Leaders.
- Human Resource Practitioners.

FACILITATOR

Sajni Dharamdass

She has Master Degree in Human Resource Management and has accumulated vast hands on experience in the field of Human Resource Systems/Performance Management & Industrial Relations over a period of 25 years. She has been actively involved in the planning, designing and implementing of HR policies and procedures as well as Health & Safety activities in various organisations and mainly in unionised European, German, American and Japanese multinational manufacturing industries. Her experience spans in other countries in the Asia Pacific region, Australia, and India. This has contributed greatly in making the training programs very practical and performance-oriented.



PROGRAM CONTENT

Module 1: Introduction

- The Malaysian Court System.
- The Law relating to Domestic Inquiry.
- Purpose and Importance of Domestic Inquiry.
- The Principles of Natural Justice.
- Types of misconducts

Module 2: Preliminary Investigation

Investigating allegations of misconduct.

- Who, when & how to investigate.
- How to record statements.
- Collection & preservation of evidence & exhibits.
- Suspension pending inquiry.

Assessment of misconduct.

- Assessment of the misconduct and how to classify each misconduct.

Management decision.

- In-depth discussion and analysis of the pros and cons of each option available to the management.
- Suspension pending inquiry.
- How to manage the various responses / non-response from the accused employee.

Module 3: Pre-Domestic Inquiry

Drafting of show cause letter/charge sheet.

- Distinguishing between a show cause letter and a charge sheet.
- Evaluating facts & evidence when drafting a show cause letter/ charge sheet.
- What are the key points to take note when drafting a show cause letter/charge sheet in order not to jeopardize the case.

Employee's reply and Employer's response.

Notice of Domestic Inquiry

Domestic Inquiry role players.

- Composition & qualification of panel members.
- Who can be the prosecutor.
- Common challenges in selecting role players.

Witnesses.

- Who can be called as a witness.
- Importance of getting the right witness(es).
- Preparing witnesses for DI.

Evidence.

- Types of evidence.
- Tendering and marking of evidence.

Burden of Proof.

Standard of Proof.

Module 4: Domestic Inquiry

Order of Proceedings.

- Determine who should start the DI proceedings.
- The order of questioning.

Role of Panel Members during the DI. The Do's and Don'ts.

Rights of the accused employee during the DI proceedings.

Notes of Domestic Inquiry.

Module 5: Post Domestic Inquiry

Panel's Report / Findings and/or recommendations.

Punishment.

- What are the options available to the management.
- Factors to take into consideration when meting out punishment.
- Consequences of inappropriate punishment.

Representation to the DG of IR.

- How to handle a representation to the DG of IR.
- What are the options available to the employer.
- Power of the DG of IR under the amendments to the Industrial Relations Act 1967.

Procedure at Industrial Court.

- How to manage a representation which has been referred to the Industrial Court.

Module 6: Mock DI

- Mock domestic inquiry to enable participants to have a practical experience in conducting domestic inquiry with commentaries from the facilitator.

PROGRAM SCHEDULE

Day 1

9:00am - 10:30am	:	Module 1
10:30am - 10:45am	:	Coffee Break
10:45am - 1:00pm	:	Module 2
1:00pm - 2:00pm	:	Lunch
2:00pm - 3:30pm	:	Module 3
3:30pm - 3:45pm	:	Coffee Break
3:45pm - 5:30pm	:	Module 3 (<i>continue</i>)
		End of the day

Day 2

9:00am - 10:30am	:	Module 4
10:30am - 10:45am	:	Coffee Break
10:45am - 1:00pm	:	Module 5
1:00pm - 2:00pm	:	Lunch
2:00pm - 3:30pm	:	Module 5
3:30pm - 3:45pm	:	Coffee Break
3:45pm - 5:30pm	:	Module 6
		End of the day

