



LS Human Capital Sdn Bhd
(1171487-T)



IMPORTANT INDUSTRIAL AND HIGHER COURT DECISIONS OF 2025

One Day Session Conducted @ The Ritz-Carlton, KL

**April 28th, 2026 - 9.00am to 5.15pm
(Face-to-Face)**

Course Content

Overview

The year 2025 was a notable year with respect to employment law related court decisions. Our higher courts, notably our High Court and Court of Appeal dealt with an increasing number of appeals from Industrial Court decisions. Given that our higher courts can now evaluate both the substantive and legal merits of a case appeal, these decisions carry extra significance. In addition to these, our Industrial Courts alone also saw some two thousand (2000) decisions.

Over one day, we will share answers to the most important 2025 decisions by our employment courts with the ultimate objective of ensuring you continue to proactively manage your employee issues in line with the latest legal/IR/compliance developments. These court awards have been summarised with key learning points for your quick understanding and application to your organisation's HR/IR processes.

What Answers You Will Gain from Attending This Session

You will find answers to the following questions/issues in our presentation of the latest awards from 2025:

Jurisdiction Issues (Labour Court and Industrial Court)

- 1) Does the fact that a group of companies have similar shareholders/owners provide enough justification to enjoin its subsidiaries to an Industrial Court proceeding/award? (**Landmark Court of Appeal decision**)
- 2) Can an employee pursue a claim a claim for unpaid wages at the Labour Court while continuing to pursue his claim for unfair dismissal at the Industrial Court? (**Landmark Court of Appeal Decision**),
- 3) Is the Director General of Labour required under the law to honour the strict principles under the Evidence Act when evaluating a group of employees claim for unpaid overtime (**Landmark High Court Decision**)

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- 4) Is an injury sustained while playing football representing one's employer fall within the definition of an 'employment injury'? (**High Court decision**)

Defamation

- 5) Can an employee sue both his manager and employer at civil court for *defamation* over their actions of them communicating his removal from the company's system via a WhatsApp

group chat and issuing him a show cause letter without basis? (**Landmark High Court Decision**)

Harassment (including cyberbullying) and Sexual Harassment

- 6) How do the courts evaluate whether an employee voluntarily resigned or was harassed into resigning? (**Landmark High Court decision**),
- 7) Would posting a negative comment about the company's management in a WhatsApp group justify a decision to demote the said staff? (**Landmark High Court decision**),
- 8) Is a company justified in dismissing a staff over his/her rude, intimidating and confrontational manner? (**High Court Decision**),
- 9) Can an employee be dismissed over allegations of sexual harassment that occurred outside of the workplace? (**Landmark High Court Decision**)

Prolonged Illness and Mental Health

- 10) Does a 'light duty' recommendation from a doctor oblige an employer to allow the employee to return to work? (**High Court decision**)
- 11) What is a company required to do when managing an employee with depression before it can safely end the employment relationship?
- 12) Are high blood pressure and hypertension valid grounds for dismissing an employee?

Fixed Term Contracts

- 13) Is an employer entitled to dismiss a staff midway through their fixed term contract due to a redundancy? Here, is the employee entitled to be paid the remaining balance of the fixed term contract? (**Landmark Court of Appeal decision**)
- 14) What is the law's position with respect to the right of a company to terminate a CEO/senior management? Does the requirement for prior warnings extend to those in senior management? (**High Court decision**)
- 15) Can e-mail exchanges from a CEO assuring an employee (under a fixed term contract) that he/she will be considered for promotions in the future mean that the employment relationship is deemed permanent in law?
- 16) Is a one-day break in between fixed-term contracts sufficient?

Performance Issues (probation, confirmed and contract staff)

- 17) Can a poor performing employee be terminated midway through their fixed term contract without compensating him/her for the balance duration of the fixed term contract?

- 18) Do employers have the unfettered right to place long serving employees under a performance improvement plan?
- 19) Must prior warnings be issued prior to placing an employee under a performance improvement plan?
- 20) What is the best way to manage a performing probationer with attendance issues? Is the employer required to extend their probation in such situations?
- 21) Can a manager be terminated midway through the probation period?

Reorganisations and Constructive Dismissal

- 22) Can an employee be prioritised for retrenchment over his/her performance appraisal ratings?
- 23) Can a senior manager be justifiably retrenched on the basis that the job role can be performed by a more junior employee?
- 24) Can AI be used for justification when retrenching an employee?
- 25) Can an employee still claim constructive dismissal three months after accepting a transfer on the basis that the transfer was actuated in bad faith?

Managing Misconducts (Minor and Major)

- 26) Is asking a colleague to clock-in and clock-out once serious enough to justify a dismissal?
- 27) How important is it to demonstrate consistency when managing late-coming where the employee alleges that the company had a flexible attitude toward employee clock-in hours?
- 28) What is the threshold for proving an employee's absence amounted to an abandonment of employment?
- 29) How far up the chain of command can an allegation of negligence be attributed to which resulted in the company sustaining financial losses? (**High Court decision**)
- 30) **Is a company required to wait for the outcome of an MACC investigation before initiating its own disciplinary action? What happens if the employee is subsequently cleared by the MACC?**
- 31) Is dismissal justified where an employee over-stated his employment length (duration) with his/her previous employer?

Trade Disputes and Other Issues

- 32) Can a union successfully challenge an Industrial Court's decision that salary increments should be based on 'merit' or 'performance'? (**High Court decision**)
- 33) Should an application to increase the maximum rates for salaries be based on the 'value add' component of the job or the level of job familiarity?

- 34) Can a non-compete agreement be enforced in civil court if it contains a non-solicitation clause?
- 35) Can a company rely on its articles of association to terminate a managing director who is also a company director?
- 36) Is it permissible for the company to initiate a mutual separation discussion with an employee?

Guest Speakers

1. Y.A. Peter Iruthayaraj D Pappusamy (former Industrial Court Chairman)
2. Y.A. Rajeswari Karupiah (former Industrial Court Chairman and Partner, Employment Law, & IR Practice, Rosli Dahlan Saravana (RDS))

AGENDA

9.00am to 10.30am

Defamation, Harassment and Sexual Harassment

- Can an employee sue both his manager and employer at civil court for *defamation* over their actions of them communicating his removal from the company's system via a WhatsApp group chat and issuing him a show cause letter without basis? (**Landmark High Court Decision**),
- How do the courts evaluate whether an employee voluntarily resigned or was harassed into resigning? (**Landmark High Court decision**),
- Would posting a negative comment about the company's management in a WhatsApp group justify a decision to demote the said staff? (**Landmark High Court decision**),
- Is a company justified in dismissing a staff over his/her rude, intimidating and confrontational manner? (**High Court Decision**),
- Can an employee be dismissed over allegations of sexual harassment that occurred outside of the workplace? (**Landmark High Court Decision**)

10.45am to 12.00pm

Prolonged Illness and Mental Health

- Does a 'light duty' recommendation from a doctor oblige an employer to allow the employee to return to work? (**High Court decision**)
- What is a company required to do when managing an employee with depression before it can safely end the employment relationship?
- Are high blood pressure and hypertension valid grounds for dismissing an employee?

Fixed Term Contracts

- Is an employer entitled to dismiss a staff midway through their fixed term contract due to a

redundancy? Here, is the employee entitled to be paid the remaining balance of the fixed term contract? (**Landmark Court of Appeal decision**)

- What is the law's position with respect to the right of a company to terminate a CEO/senior management? Does the requirement for prior warnings extend to those in senior management? (**High Court decision**)
- Can e-mail exchanges from a CEO assuring an employee (under a fixed term contract) that he/she will be considered for promotions in the future mean that the employment relationship is deemed permanent in law?
- Is a one-day break in between fixed-term contracts sufficient?

12.00pm to 1.00pm

Jurisdictional Issues of Courts

Presentation by Y.A Rajeswari Karupiah (former Industrial Court Chairman and Partner, Employment Law, & IR Practice, Rosli Dahlan Saravana (RDS))

- Does the fact that a group of companies have similar shareholders/owners provide enough justification to enjoin its subsidiaries to an Industrial Court proceeding/award? (**Landmark Court of Appeal Decision**)
- Can an employee pursue a claim a claim for unpaid wages at the Labour Court while continuing to pursue his claim for unfair dismissal at the Industrial Court? (**Landmark Court of Appeal Decision**),
- Is the Director General of Labour required under the law to honour the strict principles under the Evidence Act when evaluating a group of employees claim for unpaid overtime (**Landmark High Court Decision**)
- Is an injury sustained while playing football representing one's employer fall within the definition of an 'employment injury'? (**High Court decision**)

2.00pm to 3.00pm

Managing Misconducts (Minor and Major)

Presentation by Y.A Peter Iruthayaraj D Pappusamy (former Industrial Court Chairman)

- Is asking a colleague to clock-in and clock-out once serious enough to justify a dismissal?
- How important is it to demonstrate consistency when managing late-coming where the employee alleges that the company had a flexible attitude toward employee clock-in hours?
- What is the threshold for proving an employee's absence amounted to an abandonment of employment
- How far up the chain of command can an allegation of negligence be attributed to which resulted in the company sustaining financial losses? (**High Court decision**)
- **Is a company required to wait for the outcome of an MACC investigation before initiating its own disciplinary action? What happens if the employee is subsequently cleared by the MACC?**
- Is dismissal justified where an employee over-stated his employment length (duration) with his/her previous employer?

3.00pm to 3.30pm

Trade Disputes and Other Issues

- Can a union successfully challenge an Industrial Court's decision that salary increments should be based on 'merit' or 'performance'? (**High Court decision**)
- Should an application to increase the maximum rates for salaries be based on the 'value add' component of the job or the level of job familiarity?
- Can a non-compete agreement be enforced in civil court if it contains a non-solicitation clause?
- Can a company rely on its articles of association to terminate a managing director who is also a company director?
- Is it permissible for the company to initiate a mutual separation discussion with an employee?

3.45pm to 5.15pm

Performance Issues (probation, confirmed and contract staff)

- Can a poor performing employee be terminated midway through their fixed term contract without compensating him/her for the balance duration of the fixed term contract?
- Do employers have the unfettered right to place long serving employees under a performance improvement plan?
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- What is the best way to manage a performing probationer with attendance issues? Is the employer required to extend their probation in such situations?
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Reorganisations and Constructive Dismissal

- Can an employee be prioritised for retrenchment over his/her performance appraisal ratings?
- Can a senior manager be justifiably retrenched on the basis that the job role can be performed by a more junior employee?
- Can AI be used for justification when retrenching an employee?
- Can an employee still claim constructive dismissal three months after accepting a transfer on the basis that the transfer was actuated in bad faith?

TRAINER'S PROFILE



Shawn Sher is the founder and chief executive officer of LS Human Capital, an Employee Relations consulting and training firm that operates in the Asia Pacific region. He is the author of several publications such as “Important Industrial Court Decisions for Business Leaders”, “The Complete Employee Handbook”, “HR Concerns When Buying and Selling a Company in Malaysia” and “How to Comply with the Personal Data Protection Act”.

Shawn is a regular sought after speaker and has been invited to train and consult across the United States, United Kingdom, Europe and South Africa on a variety of topics concerning leadership, international industrial relations and HR management. He is also consulted by the Malaysian government where he formed part of the panel involved in changes being contemplated to Malaysia’s labour laws.

In addition, Shawn also serves as advisor to a number of multinationals and GLC’s in Malaysia on their employment law compliance and people development issues. His weekly updates on contemporary IR and leadership is widely followed across Malaysia, where more than 800 companies today subscribe to this service.

Shawn has a Masters in Laws qualification (specialising in Employment Law) from the University of Leicester, United Kingdom. In addition, he also possesses a specialisation certification in ‘Positive Psychology’ from the University of Pennsylvania, United States where he completed his certification in 5 areas of Positive Psychology including:

- 1) Positive Psychology: Martin E.P. Seligman’s Visionary Science with Dr. Martin E.P. Seligman,
- 2) Positive Psychology: Applications and Interventions with Dr. James Pawelski
- 3) Positive Psychology: Character, Grit and Research Methods with Dr. Angela Duckworth & Dr. Claire Robertson-Kraft
- 4) Positive Psychology: Resilience Skills with Dr. Karen Reivich, and
- 5) Positive Psychology Specialization Project with Dr. Martin E.P. Seligman

Shawn believes that ‘managing people the right way’ requires a combination of practical understanding of the law with the effective use of positive psychology in driving a committed and high performing work environment. He has also completed the certifications on the ‘Occupational Mental Health First Aider’ program from the Putnam Institute, UK.

REGISTRATION FORM AND CONFIRMATION

Course Title : “Important Industrial and Higher Court Decisions of 2025”
Date : April 28th, 2026
Venue : The Ritz-Carlton, KL (all safe distancing protocols will be adhered to)
Cost : RM 1,499/= per participant
 RM 1,399/= per participant (for registration before April 6th, 2026)
 RM 1,299/= per participant (for 2 participants)
 RM 1,199/= per participant (for 3 or more participants)

(please note an additional 8% SST shall apply to the rates above & it is 100% HRDC Claimable)

I, hereby confirm sending (.....) participant(s) to the above-mentioned public training programme.

Participant Name :

Position :

Company Name :

Address :

Telephone No :

Fax No :

Contact Person :

Participant's E-mail :

Date :

Signature & Stamp :

(For more than one (1) participant, please provide names on separate registration form(s))

FOR MORE INFORMATION

Call us at 03-4266 9191 for any inquiries you may have during our official business hours from 8.30am to 5.30pm (Mondays to Fridays). Alternatively, you can send us an email to suha@lshumancapital.com / talia@lshumancapital.com / mikail@lshumancapital.com