

DRAFTING EMPLOYMENT CONTRACT THAT HOLD UP IN COURT: LESSONS FROM MALAYSIAN INDUSTRIAL COURT CASES

Normal Fee RM599 Per pax
499 for group of 3 & above
100% HRDC Claimable

Friday 31 Oct 2026

9 am – 1 pm

Hyatt Regency Kota Kinabalu



Puan Noorul Jannah, an expert in HR / IR & employment law with a LLB (Hons) from MARA University of Technology.

Currently the **Senior Assistant Labour Director at JTK in Negeri Perak Labour Office, (Ministry of Human Resources)**, Noorul brings extensive practical experience in labor law enforcement, mediation, and workplace compliance. **Accredited by HRD Corp**, she has a proven track record of delivering engaging and insightful training on Malaysian employment law.



Employment Contract & Industrial Court Awards

Why Employment Contract Drafting Matters: Lessons from the Industrial Court

Case	Award No.	Outcome
Tengku Mohd Hasmadi bin Tengku Hashim v Konsortium Transnasional Berhad (KTB)	1509/2019	RM 2,455,515.00 awarded to employee
Ahmad Zahri bin Mirza Abdul Hamid v AIMS Cyberjaya Sdn Bhd	382/2016	RM 543,200.00 awarded to employee
J Mathew Miranda v Bahtera Glokal Sdn Bhd	1/2018	Claim dismissed (employer succeeded)
Wong Jun Kiat vs Wong Forklift Hire & Services Sdn Bhd	--	High Court Decision: July 23, 2025 - RM 1,012,000.00

"As these cases show, employment contract issues can lead to multi-million Ringgit liabilities."

- 1. The Cost of Getting it Wrong:** The verified RM 2.45 million award in Award 1509/2019 is a stark reminder that poorly managed contract amendments can cripple a business.
- 2. The Danger of Labels:** The RM 543,200.00 award in the Ahmad Zahri case proves that simply labeling a document "Fixed-Term" will not protect an employer if the reality of the work dictates otherwise.
- 3. The Protection of Proper Drafting:** The J Mathew Miranda case shows the flip side: when an employer correctly structures a relationship as a "Contract for Services", they are shielded from Industrial Court jurisdiction.
- 4. Compliance is Non-Negotiable:** Misclassification leads to breaches of the Employment Act and Stamp Act. The training ensures participants understand these statutory baselines before they even begin drafting.

By attending this training, participants will learn how to avoid the exact drafting pitfalls that led to these costly Industrial Court defeats, and how to draft contracts that genuinely protect the company.

TRAINING OVERVIEW

This training module is designed to equip HR practitioners, and business owners, with the **knowledge and practical skills required to draft, review, and implement employment contracts** in Malaysia that are **legally compliant, enforceable, and aligned with best HR practices**.

TRAINING OBJECTIVES

- Distinguish between **Contract of Service and Contract for Services**
- Identify key statutory requirements under Malaysian Employment Law
- Draft employment contracts compliant with the **Employment Act 1955, Sabah & Sarawak Labour Ordinance** and related legislation
- Understand obligations under the **Stamp Act 1949**
- Recognize common drafting pitfalls that lead to disputes in the Industrial Court
- Apply best HR practices to strengthen enforceability and reduce legal risks
- At the End of training, you will bring your **employment contract that are legally compliant, enforceable, and aligned with best HR practices**

TARGET PARTICIPANTS

- HR Managers & Executives
- Business Owners / SME Employers
- Legal & Compliance Officers
- Payroll & Admin Personnel
- Recruitment Specialists

TRAINING METHODOLOGY

- Interactive lectures
- Case law analysis
- Group discussions
- Practical drafting exercises

TRAINING MATERIALS PROVIDED

- Employment contract templates
- Independent contractor agreement sample
- Compliance checklist
- Case law summaries



Training Modules

8:45am - 9am (Registration)

Module 1: Offer Letter vs Employment Contract

- 1. Offer Letter**
- 2. Employment Contract**
 - Contract of Service vs Contract for Services

Module 2: Employment Contract & Legal Framework in Malaysia

- Employment Act 1955 & Amendment 2022
- Sabah Labour Ordinance (CAP 67) & Amendment 2025
- Sarawak Labour Ordinance (CAP 76) & Amendment 2025
- Industrial Relations Act 1967
- Contracts Act 1950
- Stamp Act 1949
- Minimum Wages Order

10am - 10:15am (Break Time)

Module 3: Essential Clauses in Employment Contracts

1. Job Title & Scope of Work
2. Salary & Benefits
3. Working Hours & Rest Days
4. Leave Entitlements
5. Probation & Confirmation
6. Termination & Notice Period
7. Disciplinary Procedures
8. Confidentiality
9. Non-Compete / Non-Solicitation
10. Data Protection (PDPA compliance)
11. Amendment of Employment Contract

12pm - 12:10pm (Break Time)

Module 4: Practical Workshop

Activities:

- Draft compliant employment contracts
- Review real Industrial Court cases

Hyatt Buffet Lunch

