



# LABOUR LAW CONFERENCE 2019

11-12 JUNE 2019  
CONCORDE HOTEL, KUALA LUMPUR

## KEYNOTE ADDRESS

YB Tuan M. Kulasegaran  
Minister of Human Resources, Malaysia



**MINISTRY OF HUMAN RESOURCES REPRESENTATIVES WILL BE PRESENT AT THE 2 DAYS CONFERENCE FOR ONE-STOP INQUIRIES**

### WHO SHOULD ATTEND

Business Owners, CEOs, COOs, Human Resources Directors, Senior Managers, Corporate Managers, Human Resources Manager, Human Resources Practitioner, Industrial Relation Manager, Human Resources Executives, Corporate Officers, Lawyers and those involved in managing employees at the workplace.

The Conference aims to equip participants with the knowledge and solutions to handle current challenges at the workplace. Thus, the Conference will enable participants to keep abreast with current developments in labour and employment law.

The Conference features distinguished speakers comprising the Honourable Minister of Human Resources, officials from the Human Resources Ministry, Industrial Court Chairman, leading lawyers and HR practitioners from the Corporate sector.

We look forward to seeing you at the Labour Law Conference 2019, a conference that provides you a platform to get connected, educated and cultivated with meaningful views and information on labour and employment law.

REGISTRATION BEFORE / ON 31 MAY 2019

**MYR 1,750.00**

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# CONFERENCE PROGRAMME

11-12 JUNE 2019

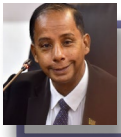
## TUESDAY

- 9.00 am Welcome Address  
Y Bhg Tun Zaki Azmi  
Chief Justice of International Financial Centre Dubai,  
Retired Chief Justice Justice, Malaysia and Chairman of  
Legal Plus Sdn Bhd
- 9.10 am **KEYNOTE AND OFFICIAL OPENING**  
YB Tuan M. Kulasegaran  
Minister of Human Resources, Malaysia
- 10.00 am **INDUSTRIAL COURT ASSISTED MEDIATION**  
YA Tuan Eddie Yeo, President, Industrial Court, Malaysia
- 11.00 am **COFFEE BREAK**
- 11.30 am **RETRENCHMENT – AN EASY PROCESS. MYTH???**  
Mr. Anand Ponnudurai  
Partner, Bodipalar Ponnudurai, De Silva  
Advocates & Solicitors, Malaysia and Chairman of Bar Council Industrial  
Relations Committee, Malaysia
- 12.30 pm **WHEN REGULATORS COME KNOCKING: RESPONDING TO RAIDS,  
INVESTIGATIONS AND HOW TO AVOID RISKS**  
Ms Shanthi Kandiah  
Partner, SK Chambers, Advocates & Solicitors, Malaysia
- 1.30 pm **NETWORKING LUNCH**
- 2.30 pm **MANAGING SEXUAL HARASSMENT AT THE WORK PLACE**  
Y Bhg Dato T. Thavalingam  
Partner, Lee Hishamuddin Allen & Gledhill, Advocates & Solicitors, Malaysia
- 3.30 pm **RECENT DEVELOPMENTS IN INDUSTRIAL JURISPRUDENCE**  
Mr. S. Muhendaran  
Partner, Muhendaran Sri, Advocates & Solicitors, Malaysia
- 4.30 pm **TEA BREAK**



## WEDNESDAY

- 9.00 am **AMENDMENTS TO THE INDUSTRIAL RELATIONS ACT 1967  
PROS & CONS**  
En. Shanmugam a/l Thiagarajan  
Deputy Director General, Industrial Relations Department, Ministry of  
Human Resources, Malaysia
- 10.00 am **THE RIGHTS AND OBLIGATIONS OF EMPLOYERS  
IN THE GIG ECONOMY**  
YA Tuan Dominic Selvam a/l S Gnanapragasam  
Chairman, Industrial Court of Malaysia, Perak Branch
- 11.00 am **COFFEE BREAK**
- 11.30 am **SOCIAL MEDIA MISCONDUCT**  
Ms Wong Keat Ching  
Partner, Zul Rafique & Partners, Advocates & Solicitors, Malaysia
- 12.30 pm **PREPARING FOR TOMORROW'S WORKFORCE TODAY**  
Puan Salika Suksuwan  
Executive Director, Human Capital, Pricewaterhouse Cooper, Malaysia
- 1.30 pm **NETWORKING LUNCH**
- 2.30 pm **WHISTLEBLOWER INVESTIGATIONS**  
Tuan Farizal Muzaffar Hafiz bin Abdul Wahab (TBC)  
Records and Information Technology Division, Malaysia Anti-Corruption  
Commission
- 3.30 pm **WORKPLACE BULLYING & OBLIGATIONS OF THE EMPLOYER**  
Dr. Gurdeep Grewal, Consultant Psychiatrist
- 4.30 pm **CLOSING REMARK**  
YBhg Tan Sri James Foong  
Retired Judge, Federal Court Malaysia and Director of Legal Plus
- 4.40 pm **TEA**
- 5.00 pm **END**


**YB. Tuan M Kulasegaran**

Minister of Human Resources  
Malaysia

**Early Life**

M. Kula, 62, was born to a rubber tapper family in an estate in Sitiawan, Perak. He and his siblings had to herd cows, goats and also clean up the containers used to gather latex after school. His family later managed to raise enough money for him to read Law at the Lincoln's Inn, London. He later became a Barrister at Law.

**Political Timeline**

- Kula is the National Vice-Chairman of the Democratic Action Party (DAP) in Malaysia.
- First elected to the Malaysian Parliament in 1997.
- He won the Teluk Intan parliamentary constituency in the 1997 by-election.
- Member of Parliament for Ipoh Barat, Perak, after retaining the seat for the third straight term in 2018, by a 45,724 (70%) vote majority.
- Executive Board Member of the Parliamentarians for Global Action (PGA).
- Chairman of the PGA Malaysian Chapter.
- Since 2004, he has been advocating for Malaysia to ratify the Rome Statute to the International Criminal Court (ICC).
- Abolishment of the Mandatory Death Penalty and the ratification of The Arms Trade Treaty (ATT).
- First Human Resources Minister to conduct The National Labour Advisory Council (NLAC), a tripartite stakeholders meeting, held monthly since 2019.
- The government, Malaysian Employers Federation (MEF) and Malaysian Trades Union Congress (MTUC) are stakeholders in the NLAC.

**The Mission**

- Taking Human Trafficking seriously in Malaysia after acknowledging that the country has been hurting from it.
- Plans to move Malaysia up from Tier 2 Watchlist of the US State Department's Trafficking in Persons report for 2018.
- Working closely with the United States Embassy to ensure that Malaysia meets international standards when it comes to work ethics, welfare and social security for all workers, local and foreign.
- The Cabinet has decided to place social security protection of foreign workers under Social Security Organisation (Socso) with effect from Jan 1, 2019.

**For the Country**

M. Kula has also ensured that his Ministry and related agencies become more transparent and accountable to taxpayers by having many town hall sessions, independent committees to decide on foreign workers and even formed the Human Resources Development Fund (HRDF) Governance Oversight Committee (GOC) that investigated the previous wrongdoings of the agency and made the entire findings available online for public viewing, which is a first in Malaysian history.


**YA Tuan Eddie Yeo Soon Chye**

President  
Industrial Court Malaysia

YA Tuan Eddie Yeo Soon Chye graduated from University of Malaya with an LLB (Bachelor of Laws) (Honours) in the year 1984. He was admitted as an Advocate & Solicitor of the High Court of Malaya in August 1993. Prior to his appointment as the President of the Industrial Court on 4.9.2017 by the Yang di-Pertuan Agong under s. 21 (1) (a) Industrial Relations Act 1967, he held several esteemed positions for more than 30 years in the Attorney-General's Chambers and the Judiciary.

He commenced appointment in the Judicial and Legal Service on 3 July 1984 as a Federal Counsel with the Civil Division, Attorney-General's Chambers, Kuala Lumpur. Thereafter he held the post of State Deputy Public Prosecutor, Penang, Negeri Sembilan, Melaka and Perlis. In 1991, he was appointed as a Sessions Court Judge in Johar Bahru. Subsequently he was appointed as a Deputy Registrar of the Supreme Court (now Federal Court), Kuala Lumpur and Deputy Registrar (Civil Division), High Court, Kuala Lumpur.

Eddie has served in the Judicial and Legal Training Institute (ILKAP), Prime Minister's Department as a Director (Prosecution Programme). He has served as a Deputy Chairman of the Tribunal for Consumer Claims Malaysia in the Ministry of Domestic Trade and Consumer Affairs. Eddie then assumed the position as Head of Prosecution, Perlis in 2004. Thereafter in February 2007, he served as a Deputy Public Prosecutor in the Appeals Unit, Prosecution Division, Attorney-General Chambers, Putrajaya handling criminal appeals in both the Federal Court and Court of Appeal.

On 1.4.2009, Eddie was appointed as Chairman of the Industrial Court Malaysia Kuala Lumpur. Eddie was subsequently appointed as the Chairman of the Customs Appeal Tribunal Ministry of Finance on 15.10.2015.


**YA Tuan Dominic Selvam**

Chairman  
Industrial Court of Malaysia  
Perak Branch

Mr Dominic Selvam Gnanapragasam was appointed Chairman of the Industrial Court of Malaysia beginning the 1st of March 2017; initially serving at the Penang Branch for 2 years. He is currently the Chairman at the Perak Branch. A graduate from the University of Malaya in Economics and Law Degrees from the University of London, he is also a certified mediator.

His professional careers includes serving as a Senior Police Officer with the Royal Malaysian Police for 17 years and practicing as an advocate and solicitor for 13 years.

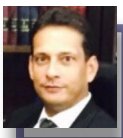





**Y Bhg Dato T. Thavalingam**

Partner  
Lee Hishammuddin Allen & Gledhill  
Kuala Lumpur

Dato Thava handles both advisory and litigation matters in the context of labour and employment law. He has been involved in some of the high-profile employment disputes in recent Malaysian history. He has authored several publications and has been acknowledged by Euromoney as a "leading labour lawyer" in the country. Dato' Thava is also one of two LHAG partners selected by the In-House Community as Commended External Counsel of the Year 2017, in recognition of his "efficiency and significant contribution to Labour Law".


**Mr. Anand Ponnudurai**

Bodipalar Ponnudurai De Silva  
Advocates & Solicitors

Anand was called to the Malaysian Bar in 1991 and embarked on his legal career at Shearn Delamore & Co. and was in their well-established industrial law department.

He then joined Lobo & Associates in 1994 and subsequently Sri Ram & Co. in 1998, and in those years, he continued to practice predominantly himself in the field of Employment Law / Industrial Relations and Administrative Law. In 2001, Anand left to form BPD (formerly known as BPN) together with Fiona Bodipalar. Anand is listed in Chambers Asia as one of Asia's leading lawyers in the Employment and Industrial Relations arena. He was the Co-Chairperson of the Kuala Lumpur Bar from 2009 to 2011 and is currently the Co-Chairperson of the Malaysian Bar Council's Industrial and Employment Law Committee. Anand has also authored the Malaysian Chapter in the Treatise "International Employment Law" published by the Center for Legal Studies Vienna. He is also an empanelled Arbitrator with the Asian International Arbitration Centre and has been appointed as arbitrator to adjudicate labour disputes.

Anand's experience in Employment, Labour Law and Administrative Law is undisputed. His experience includes but is not limited to areas such as dispute resolution whereby he acts for a host of corporate clients and multinationals spanning a variety of industries. He also handles a full range of employment matters on a collective basis and in relation to individual employees; he has experience in handling dismissal cases and negotiating collective agreements.


**Ms Shanthi Kandiah**

Partner  
SK Chambers

Shanthi Kandiah founded SK Chambers with the goal of creating a standalone regulatory firm that services individuals and entities involved at all levels of the regulatory scheme.

She heads up the competition law/antitrust practice which covers a wide range of sectors insurance, FMCG, construction, building materials, pharmaceutical, aviation services and other service industries. She possesses specific sector expertise in the highly-regulated media and telecommunications sector where competition issues are inextricably intertwined with sector regulation designed to promote competition. She has also recently been intimately involved in advising on the insurance sector and the interaction of sector regulation and competition law. She has covered issues ranging from defending client when faced with cartel allegations, merger submissions, dominance determinations, access list regulations, content regulation including censorship rules, pricing and margin squeeze, competitor collaborations, responses to section 18 notices and riskbased compliance advice.

She regularly provides local counsel support to 'Magic circle' firms. Since the inception of data protection laws in Malaysia, Shanthi has focused her practice area on these issues in sectors ranging from multimedia and telecommunications, FMCG, credit rating, credit financing, automotive, real estate/property development, building materials to name a few. Her experience covers the full range of legal services to companies processing data or transferring data into and out of Malaysia ranging from strategies for obtaining consent from data users, managing risks through contracts with customers and suppliers, drafting data transfer agreements, drafting internal policies on use of data and crisis management when a data breach occurs, and supporting companies during investigations for data breaches. Her other practice areas cover media and telecommunications regulations, cyber security, securities regulations, money laundering and bribery and corruption regulations.

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Shanthi has also authored the Malaysia Chapters of the Privacy, Data Protection and Cybersecurity Law Review (3rd, 4th and 5th Editions), Merger Control Law Review (8th and 9th Editions), Merger Control: Getting the Deal Through 2019, GCR Insight: Asia-Pacific Antitrust Review 2019, all of which outlines developments in each field of data protection and cybersecurity, merger control and competition laws. She is featured in Who's Who Legal: Competition 2019, a guide to the world's leading competition lawyers and economists. She is also ranked under Band 2 of Competition/Antitrust lawyers for 2019 at Chambers & Partners, Asia Pacific where they have mentioned that she is lauded by clients as "an outstanding personality" who does "very good work, is always on time and is very client-oriented." Shanthi has a Masters in Law from King's College London. She holds a Postgraduate-Diploma in Competition Economics also from King's College. Given her dual credentials she is able to and has worked closely with leading international economists on complex issues straddling aspects of competition law and economics. Shanthi is currently serving as an Independent and Non-Executive Director of Westports Holdings Berhad. She is also a member of the Board of Dean's Advisors, Harvard Business School.



**Mr S. Muhendaran**

Partner  
Muhendaran Sri

Muhendaran was called to the Malaysian Bar in 1991 and is currently practicing as an advocate and solicitor at Messrs Muhendaran Sri. Muhendaran specialises in the field of employment and industrial relations law. Muhendaran currently serves as the Secretary of the Kuala Lumpur Bar Committee and the Hon. Secretary of the Malaysian Hockey Foundation. He has been a member of the Bar Council's Industrial & Employment Law Committee since the year 2000.



**Mr T. Shanmugam**

Deputy Director General  
Industrial Relations Malaysia

Mr. T. Shanmugam joined the Labour Department in 1992. He has held several positions in the Labour Department for 15 years. Between 2007 to 2010, he served as Malaysia's Labour Attaché in Singapore. In 2011, he was appointed as the Director of Legal Division at the Industrial Relations Department of Malaysia. Here he handled matters pertaining to the amendments of the Industrial Relations Act 1967 and its Regulations. Beginning August 2012, he became the Secretary of the National Wages Consultative Council (NWCC) and was responsible to manage the affairs of NWCC, including implementing the decisions and directives of NWCC in relation to overall policy issues pertaining to minimum wages in Malaysia. He held this post for six years till October 2018. In November 2018, he was appointed as the Deputy Director General, Industrial Relations Department till today. He has a Diploma in Human Resources from University Malaya (UM), a Bachelors' (Hons.) Degree in Political Science from National University Malaysia (UKM), a Bachelors' Degree in Jurisprudence from University Malaya (UM) and a Masters' Degree in Human Resource Management from Northern University of Malaysia (UUM). He conducts in-house trainings to the officers of the Ministry and gives lectures to the public on minimum wages, industrial relations and employment laws. He has also presented numerous papers in international forums/seminars/conferences on subjects relating to minimum wages, industrial relations and employment laws.





**Ms Wong Keat Ching**

Partner  
Zul Rafique & Partners  
Kuala Lumpur

Wong Keat Ching is a Partner of the Industrial Relations & Dispute Resolution Practice Group at Zul Rafique & Partners. She holds a Bachelor of Arts in Law (Hons) from the University of Nottingham and the Certificate in Legal Practice (CLP). She was admitted as Advocate & Solicitor of the High Court of Malaya in 1998. Keat Ching is listed in Chambers Asia Pacific and the Asialaw Profiles under Labour and Employment. Keat Ching is an active litigator in the Malaysian Courts. She has appeared in the Federal Court to argue issues such as the High Court's supervisory powers over Industrial Court decisions, dismissal of trade union officials, proportionality of punishment and gender discrimination in retirement age. She also handles contractual disputes in the civil courts. Apart from cases involving discipline, investigation of misconduct and dismissal, Keat Ching also provides regular advice on corporate restructuring affecting employees, in particular M&A exercises; voluntary separation scheme (VSS); restructuring of senior management positions; establishment and closure of foreign companies in Malaysia as well as labour due diligence.

**Dr Gurdeep S Grewal**

Consultant Psychiatrist

Dr Gurdeep S Grewal, MBBS(Malaya), CMIA, MPM(Malaya), EMDR(Aust) is a practicing medical doctor and Psychiatrist. He has more than 14 of experience working in the area of psychological health and has worked in major mental health facilities around the country as well as being a HRDF Certified Trainer.

He is passionate about the promotion of psychological wellbeing and prevention of mental illnesses and has conducted courses for various organizations, including within the civil service and for NGO's. Working at the individual and organizational level, he focuses on identifying stress and coming up with solutions for preventing, minimizing and coping with stress and other psychological problems. Dr Grewal is also specialized in helping people cope with trauma using specialized techniques such as Eye Movement Desensitization and Reprocessing (EMDR) and other forms of psychotherapy.

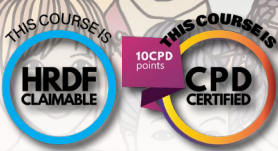
He is currently lecturing at Perdana University Graduate School of Medicine and practices at The Mind Faculty and Thompson Hospital.

**Salika Sukswan**

Executive Director  
Human Capital PwC  
Malaysia

Salika took on the role of Human Capital Leader at PwC Malaysia after spending close to twelve years with the firm. She leads a team of energetic HR Professionals who are working towards making PwC a leading developer of diverse talent. Passionate about talent diversity, employer branding, and developing an agile workforce, Salika enjoys learning to be tech-savvy from her younger colleagues and can be seen voicing her thoughts through social media and opinion articles. As a Diversity Advocate for TalentCorp, Salika collaborates with a network of HR leaders to champion a higher participation rate of women in the Malaysian corporate workforce. When she's not at work, Salika takes the time to go for a good run and is currently learning how to speak Mandarin from her young daughter.





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# LABOUR LAW CONFERENCE 2019

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