



## **People Management & Employment Relations Micro-Credential Programme**

### **Topic 1: MANAGING EMPLOYEE MISCONDUCT & HR DOCUMENTATION**

Topic Code: MEMDMCPMC

Infrastructure University Kuala Lumpur (IUKL) | EDUK8U Grad School Asia

## **Facilitator Details**

### **Online Facilitator/s**

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*Note: Please use your private email or individual WhatsApp to contact your facilitator /coordinator only when you have a question or issue of a personal nature specific to you. All other questions or comments can be posted on the appropriate thread on the LMS (Learning Management System) discussion board and or the "Class" WhatsApp group so that all students may benefit from the dialogue.*

*Where an email is sent on Friday, your facilitator/coordinator would respond to personal emails within 48 hours during the week or by Tuesday of the following week.*

When emailing your instructor, course coordinator, administration or the finance team, please ensure to put your student number at the start of the subject line of e-mails you send.

### **The LMS**

The Learning Management System (LMS) used internally by EDUK8U Grad School Asia is Google Classroom and Moodle. All written assignments must be submitted here with the respective Assignment cover sheet.

Additional reading materials and videos will be available on the LMS along with class notes, Activity Books, Reading articles, Video links and case studies.

## **Student Learning Outcomes**

Learning outcomes for Managing Employee Misconduct and HR Documentation may include:

1. A deep understanding of Malaysian labour laws and regulations pertaining to employee misconduct, including the Employment Act 1955 and the Industrial Relations Act 1967.
2. Proficiency in identifying various forms of employee misconduct, their implications, and legal ramifications in the Malaysian context.
3. Familiarity with the principles of natural justice and procedural fairness in handling employee misconduct cases.
4. Knowledge of best practices for creating and maintaining comprehensive HR documentation related to employee misconduct investigations.
5. The ability to conduct thorough and unbiased investigations into allegations of employee misconduct, adhering to legal requirements and due process.
6. Skill in drafting clear, concise, and legally sound documentation, including warning letters, disciplinary reports, and termination letters.
7. Proficiency in effectively communicating with relevant stakeholders, including employees, unions, and regulatory authorities, in cases of misconduct.
8. Skill in developing and implementing preventive measures and strategies to mitigate employee misconduct in the workplace.

The learning outcomes for Managing Employee Misconduct & HR Documentation focus on developing the knowledge, skills, and competencies needed to effectively manage employee misconduct and HR documentation in compliance with Malaysian labour laws and best practices. Providing candidates with the following application competencies:

1. Competence in assessing the severity of misconduct cases and recommending appropriate disciplinary actions in accordance with Malaysian labor laws.
2. The capability to maintain confidentiality and handle sensitive employee misconduct matters with discretion and professionalism.
3. Competency in advising and guiding HR teams and management on the proper handling of misconduct cases and documentation practices.
4. The ability to contribute to a culture of compliance and ethics within the organisation, fostering a proactive approach to preventing misconduct.

## **Summary of Topic 1 Content**

The topics in this course include but are not limited to the following:

1. Grievance Handling
2. Discipline at Workplace
3. Misconduct at Workplace
4. The Disciplinary Procedure in line with the Law of Natural Justice
5. The Domestic Inquiry
6. Post Domestic Inquiry

Please note the following points carefully:

- This topic is taught in a blended in-class and student-self-time online learning structure. One of the great strengths of this method is the diversity of the classroom. This is a substantial educational advantage because we have various backgrounds, perspectives and experiences to share and consider. In this context, you are encouraged to express your views, challenge each other and be challenged in the online discussion forums. This must happen in *mutual respect*, where differences and similarities are appreciated.
- You are responsible for regularly logging in to the LMS and staying abreast of updates, posts and additional materials. The LMS is a source of essential information. However, it is a critical tool for communication in four ways:
  - The facilitator may provide any extra information via the announcements section in The LMS.
  - Discussion Boards are allocated for questions and answers relating to the assignments. All students are encouraged *to ask and respond* to questions about assignments, but you will not be assessed on these elements of the discussion threads.
  - A Discussion thread may be open for questions relating to the module for each topic. You will be assessed on your contribution to these discussions. See the Details of Assessment Items section of this document. These discussions are the equivalent of tutorials and are compulsory. They are essential because regularly engaging with other students meaningfully will make the course more manageable and exciting.
  - Please focus on Academic integrity and plagiarism and maintain professional etiquette with your cohort.

For each topic, you should study the allocated Module guide. Information about the Module will be available in the class materials section of the LMS. It will include learning overviews, comments, set readings, and self-directed study exercises as seen fit by the facilitator.

You should ensure you are familiar with a Module as you contribute to the discussion. Additionally, *please ensure that you follow any discussion threads* before contributing. The aim is to avoid repetitive and general contributions and to encourage focused discussion. Discussion on each topic will remain open until the completion of the subject course.

You need to keep on track with times and dates. Try to keep up with the class and the course schedule. While online learning is essentially independent, it is helpful to share ideas, and the class will be moving on to the next module each week. The time goes very quickly.

## ASSIGNMENT ASSESSMENT DETAILS AND POLICIES

Assessment	Related Learning Outcomes	Weighting (%)	Due Date	Method of Submission
Individual Assignment 1	1 to 8	90.00%	Week 4 Wednesday after class.	Google Classroom
Class participation & Google Class discussions threads	1 to 8	10.00%	Start of Topic until 4.00 PM following in week 4.	Google Classroom

### Assessment

Assessment criteria are provided in this course outline's Details of Assessment section.

The course facilitator and the university's quality academic member will assess the written work. Marks will be allocated according to overall group outcomes evident from the group presentation, as noted in this course outline's Details of Assessment section.

### Feedback

Summative feedback will be provided to each student through a written evaluation feedback sheet; formative feedback may also be provided during interactions with each discussion group. The formative feedback will help the student align with the subject and overall qualification.

Regarding formatting of the paper: for those of you who are in your first subject, the ***Micro-credential programme expects graduate-level work***. Font size guidelines are a range of 10-12. I expect a professional, graduate-level paper and will grade them as such. You are welcome to use whatever citation method you like; however, you must properly cite your paper. Plagiarism will not be tolerated and is verified using a checking software. Therefore, the formatting decisions are left up to the group as long as they follow an established format (e.g., APA, MLA, etc.)

## **Cover Sheets for Assessment**

The assignment cover sheet is provided and accessible on Google Classroom.

## **Presentation of Written Work:**

All work must be typewritten and double-spaced. It is each student's responsibility to keep a copy of all work submitted. Students may be required to provide written assessment items in electronic form and hard copy. The Faculty specific Assignment Cover Sheet cover page for the assignment must include:

- your name
- your facilitator's name
- the course and
- the topic marked on it, and
- A statement that your work is your own. It is acceptable to type your name or use an electronic signature for electronic submissions.
- All files submitted must include your student ID in the file name – thus, insert the student ID code at the start of the file name.
- Referencing style selection is your choice; however, all references will be verified using our plagiarism platform.

## **Assessment Penalties**

### **Late submission**

Faculty policy is that an assessment item submitted after the due date, without an approved extension, will be penalised at a rate of 20% per day of the possible maximum mark for the assessment item for each day or part-day that the item is late. Weekends count as one day in determining the penalty. Assessment items submitted more than five days after the due date will be awarded zero marks.

### **Exceeding the word limit:**

Lecturers reserve the right to assess assignments within 15% of the word limit.

## **Assessment Grades / Percentages**

All assessment grades and percentages are provided above. Any student who needs clarification on these, please seek reconfirmation from the Facilitator.

### ***Extension of Time for Assessment Items, Deferred Assessment and Application for Adverse Circumstances***

Students are required to submit assessment items by the due date, as advised above unless the Course Coordinator approves an extension of time for submission of the item. University policy is that an assessment item submitted after the due date without an approved extension will be penalised. If you believe adverse circumstances have impacted your performance in an assessment item, then you may be entitled to apply for special consideration directly to your Facilitator.

Any student:

1. Who is applying for an extension of time for submission of an assessment item based on medical, compassionate, hardship/trauma or unavoidable commitment, or
2. Whose attendance at or performance in an assessment item or formal written examination has been or will be affected by medical, compassionate, hardship/trauma or unavoidable commitment;

is required to report the circumstances, with supporting documentation, to the facilitator.

Please be aware of the following important deadlines:

- Students must submit their adverse circumstances application via email by 4:00 pm the day before the due date of the assessment item.
- In all cases, the required evidence must be submitted to the Facilitator within three calendar days after applying for an extension.
- Your application may not be accepted if it is received after the deadline. First, students who cannot meet the above deadlines due to extenuating circumstances should speak to their Facilitator.

### ***Academic Integrity and Plagiarism***

EDUK8U Grad School Asia is committed to ensuring academic integrity amongst its staff and students. Academic integrity is based on values of honesty, respect, fairness, trust and responsibility. These values are fundamental to our teaching and learning in the Faculty. Academic misconduct, including plagiarism, copying another student's work and cheating in exams, is contrary to the values of academic integrity and is not tolerated in the university.

University policy prohibits students from plagiarising any material under any circumstances. A student plagiarises if he or she presents the thoughts or works of another as one's own. Without limiting the generality of this definition, it may include:

- Copying or paraphrasing material from any source without due acknowledgement;
- Using another's ideas without due acknowledgement;

- Working with others without permission and presenting the resulting work as though it was completed independently.

*Plagiarism is related to written works and material such as data, images, music, formulae, websites and computer programs. Aiding another student to plagiarise is also a violation considered Plagiarism and may invoke a penalty.*

For further information on the policy on plagiarism, please seek clarification from your Facilitator.

### **Questions to ask about any site on the WWW:**

- Is the author named?
- Does the site tell you about the author's credentials and experience?
- Can you confirm the information from books, journals or other websites?
- Be aware that the website may be as biased as any source. Who owns/runs the website, and what are they promoting?
- Has the website been updated recently? Is it out of date?

Generally, research at the postgraduate level is NOT purely based on Wikipedia or opinion internet websites. Research essays must be based on data from acknowledged authors' work and on data with verifiable origins. The advantage of academic books and journals is that the material has been reviewed in manuscript form by experts in the field before publication and has been tested by review in academic journals after publication. Sometimes, however, information of high quality is posted on websites before publication or instead of publication through regular channels. If in doubt, consult your facilitator before using a website.

### **Referencing the WWW**

Information from the WWW should be cited just like any other source. Cite the website author, title (if published as well, publication details should be cited), the full URL of the website, and the date you visited the web page.

For example

Landrewy, F. (1996) 'Paralympic Games and Social Integration' in de Moragas, M. and Botella, M., (Eds), The Keys to Success, Barcelona, <http://blues.uab.es/olympic.studies.14/1/97>.



**INDIVIDUAL ASSIGNMENT - total assignment words 3,000 (inclusive of appendix).**

**Assignment Type:** Written Report

**Weighting:** 90%

**Length:** Total 3000 words for both briefs (not including Cover Page, Table of Contents, tables, charts, section titles and appendices)

**Due Date:** 4.00 PM Wednesday 4 Weeks After Class

**Submission Method: Online:** via Google Classroom / Moodle

**Brief 1:**

You have recently been appointed as an HR Manager at Paradigm Sdn Bhd. A company that is developing a revolutionary Augmented Reality Payment System to be based in Malaysia. A technology that not many people believe in or support; however, if the company can attract staff and develop this innovative solution, it has the potential to become the largest technology corporation in the world.

Adam Smith was interviewed for the role of Sales Administration Executive for Paradigm Sdn Bhd on 17 December 2018. He was offered the role verbally (via phone call) on 20 December 2018 to commence work on 7 January 2019. He is reporting to the office on 7 January 2019.

You are requested to review the various types of the contract of employment, whether "for service", "of service", or "fixed-term contracts", and state the strengths and weaknesses of each contract and determine the best option for the different job requirements in the current job market this startup is competing in.

Additionally, your CEO has asked you to suggest a Terms, Benefits, and Conditions schedule that supports a competitive attraction strategy, given the talent availability in the market. Other firms are aggressive with their talent acquisition and benefits offerings, especially with three well-funded start-ups offering WFH autonomy and 4-Day FlexiWeek. Plus, you need to validate and support your recommendations. How will your recommendation impact the management of employee behaviour (code of conduct)?

Support this paper and recommend which other documents you will be required to provide to Adam Smith during his orientation and induction period. How will you deliver this training and acknowledge that the staff have understood and will abide by what is proposed?

**Brief 2:**

Adam Smith has worked at XYZ Sdn Bhd for the last ten years and currently holds the position as of Acting Operations Manager in Department 3, completing his probation in 4 weeks' time then after to be then confirmed into this role. He is a confirmed Assistant Line Manager and has been in that role for over three years. Adam, in his ten years of service, has never had any performance issues and consistently scored above meeting expectations on all reviews. There is no record of any previous misconduct or disciplinary matter that required HR and/or Management action.

Two weeks ago, as an HR manager, you received a "confidential" grievance complaint from Sarah Peters, an Executive in Department 4 who has been with the company for two and a half years. Her grievance was lodged in confidence to the HR Manager, and Sarah verbally detailed that Adam Smith sexually harassed her in the workplace. This happened when Sarah was in the document storage room, a room that requires security access to enter, and she went in to check on some files.

Sarah highlighted the following that took place: "As I was in the document storage room, Adam entered, locked the door behind him and then groped me. He held me tightly and would not let go. He pulled my hair, twisted and held my arm behind my back and wanted to kiss me. I then struggled and pushed him back and ran out of the room".

Sarah detailed this as a traumatic experience and, since that incident, has been a nervous wreck. She highlighted that she is afraid to come to the office daily. Her work has faltered, and her attention to her role and her colleagues.

**Part A:**

You are required to detail out all the processes from the time Sarah Peters leaves your office in detailing her confidential grievance. What are your next steps? What will your investigation of this grievance lodged be, how, when, who, and why? Provide all persons you will interview, what evidence you will need to gain and draft the questions to ask to the persons to interview. Create a flow diagram if necessary.

**Part B:**

Post your investigation what is the determining factor on whether this matter will proceed to necessary allegations of a show cause, and if it is, what are the allegations that will be drafted? Provide validation on why these specific Allegations. Will there be suspension involved, whichever the case does explain why or why not? What is the level of escalation of the harassment; i.e. will this remain an internal company matter only? Explain why or why not.

**Part C:**

During your investigations and following the interviews conducted, you find out that Adam Smith and Sarah Peters were lovers for over 14 months and only stopped their relationship some seven weeks ago. What do you, as an HR Manager, do now? Support your answer with details of actions you will take or not take. How does this impact your answers for Part A and Part B?

Please contact your facilitator for any clarifications relating to this given Assignment.

**\* Where information is missing, you should be creative and suggest assumptions as long as all assumptions are backed up with supportive validations and rationale.**

**Remember – DUE DATE: 4.00 PM Wednesday 4 Weeks After Class**