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Senior Staff Dismissed for False Declarations on Gifts

Zakaria Bin Shaffie & Anor v Projek Lebuhraya Usahama Berhad (PLUS)
(Industrial Court Award No 2079 of 2018)

| by Shivani Sothirachagan |

On 3 September 2018, the Industrial Court found that the dismissal of two senior employees had been with just cause and excuse.

The employees had been dismissed on the grounds of misrepresentation and failing to disclose that they had received gifts in the form of i-pads (described as "Chinese made I-Pad") and clay pots from vendors during an unofficial company trip to China, in breach of the company code of conduct and ethics.

The employees had explicitly stated in the statutory declaration that they had neither asked for nor received any gifts from the vendor. The focus of the judge was on the fact that the employees had made a false declaration by way of a statutory declaration that they had, in fact, not received any gifts.

The judge had found that by holding senior positions in the company and making the false declarations, the employees' actions were not only tantamount to serious misconduct, but also amounted to a serious criminal offence punishable under the Penal Code.

In the circumstances and based on the substantial merits of the case, the court held that the employees' dismissals were warranted and justified, and the case against the company was dismissed.

The company was represented by partner Dato' Thavalingam C Thavarajah of [Lee Hishammuddin Allen & Gledhill](#).

The original Industrial Court award may be viewed [here](#).

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