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Company Property Cannot Be Taken Casually

Muhammad Afandi bin Hasan Basri v AirAsia X Berhad
(Industrial Court Award No 2263 of 2018)

| by Sebastian Tay Hanxin and Michelle Paulsen |

Following an exhibition, some undistributed merchandise items that belonged to the company were delivered to the wrong warehouse. An employee, who was a warehouse assistant there, took several of the items for his personal use, assuming that they were free for the taking.

On receiving his superior's text message calling for the return of the items, the employee immediately did so.

In the course of the company's investigations, and in his reply to a show cause letter, the employee readily admitted to having taken the merchandise items and apologised for his actions.

The employee said in his defence that he was merely going along with his colleagues, including one who was senior to him, who told him that they could help themselves to the merchandise items.

In considering his dismissal by the company, the Industrial Court held that:

- The employee's assumptions and intentions did not vitiate his misconduct in unlawfully removing property belonging to the company;
- It was inconsequential that the employee had eventually returned what he took;
- As a senior staff, the employee must have known the consequences of taking the merchandise items without authorisation and that it amounted to theft;
- An employee cannot be allowed to fall back on his past clean record to vindicate himself.

Having regarded that honesty and integrity were fundamental characteristics for any employee, the Industrial Court found that the

dismissal of the employee by the company was justified.

The company was represented by associates Sebastian Tay Hanxin and Michelle Paulsen of [Lee Hishammuddin Allen & Gledhill](#).

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

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