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24 JUNE 2019

Damage to Employer's Image and Reputation

Nasir bin Ismail v Syarikat Bekalan Air Selangor Sdn Bhd
(Industrial Court Award No 1355 of 2019)

The claimant was employed as the Senior General Manager, Contract & Procurement Department. Part of his responsibilities included ensuring that all procurement processes, from the invitation to awarding of a tender to a contractor, were undertaken in compliance with standard procurement procedures.

The claimant was dismissed for his serious acts of misconduct when he:

- (a) unilaterally nominated a contractor for a project notwithstanding the requesting department's express reservations against the said contractor; and
- (b) used the signatures of the requesting department's members which were obtained to nominate the original contractor for the project to unilaterally nominate the other contractor.

The quality of work delivered by the contractor unilaterally nominated by the claimant was very poor. This resulted in poor delivery of water supply to the public and adverse publicity to the company.

The claimant tried to negate the fault by blaming his subordinate.

The Industrial Court dismissed his claim that his dismissal was without just cause or excuse, and held that:

- (a) The claimant's acts of misconduct were inconsistent with the trust and responsibility reposed in him by virtue of the fiduciary relationship of employer-employee;
- (b) As the Senior General Manager, Contract & Procurement Department, his lack of supervision of, and responsibility for, the actions of his subordinate clearly led to the adverse circumstances suffered by the company; and
- (c) His actions led to loss of the company's image, reputation and

credibility.

The company was represented by partner Shariffullah Majeed and associate Amardeep Singh Toor, and supervised by partner Lim Heng Seng, of [Lee Hishammuddin Allen & Gledhill](#).

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

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Published by the Employment Practice Group

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