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Blue Tick Can Be Proof of Receipt

Megat Adzwan Shah bin Shamsul Anuar v Malaysia Professional Accountancy Centre (Industrial Court Award No 2717 of 2019)

An employee can be presumed to have read messages sent via mobile applications based on read receipts.

The above case involved the non-confirmation of a probationer. Among other things, the Malaysia Professional Accountancy Centre (MyPAC) had been dissatisfied with the employee's tardiness. When he failed to attend work one Friday, his superior sent him a number of messages via *WhatsApp* to ask if he was coming into the office.

When subsequently queried about his non-response and non-attendance, the employee had claimed that he misplaced his mobile phone that day and had been unwell.

Based on the *WhatsApp* read receipt time stamp, it was found that the employee appeared to have seen both his superior's message as well as those of his other colleagues over the following weekend around the time they were sent, while his mobile was purportedly misplaced.

MyPAC had thereafter elected not to confirm the employee the following month, citing, among a number of other shortcomings, concerns about his integrity based on the incongruity of his claim that he had misplaced his mobile phone and the *WhatsApp* read receipt time stamp which indicated otherwise.

The Industrial Court agreed that MyPAC had established the reasons for its dissatisfaction with his performance and had given him ample opportunity to prove himself, thus warranting the decision not to confirm the employee. What is more, the court further observed that based on the read receipt time stamps from *WhatsApp*, it could be inferred that the employee had indeed received the messages on the dates and at the times indicated, which in turn gave rise to concerns about his integrity, which further justified the decision not to confirm him.

The company was represented by senior associate David Tan Seng Keat and associate Aida Yasmin Cheree Mohamad of [Lee Hishammuddin Allen & Gledhill](#).

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

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