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### No 'Backdoor' Claim for Promotion

*All Malayan Estates Staff Union v IOI Research Centre Gemencheh*  
(Industrial Court Award No 2269 of 2019)

Under the prevailing collective agreement, there are two categories of employees, i.e. clerical and non-clerical staff. Supervisors (clerical staff) enjoyed better benefits compared to operators (non-clerical staff).

In this dispute, the workers' union sought for an operator to be "re-designated" or promoted as a supervisor on the basis that he was performing the duties of a supervisor. It was argued by the employer that the operator was not promoted as he did not exercise any independent judgment and did not perform a supervisory role.

Reiterating again that the promotion of employees is a managerial prerogative, the Industrial Court referred to the Industrial Relations Act 1967, which implicitly recognises the employer's right to promote.

While the Industrial Court decided that there was no basis for the union's claim, it was also held that a trade dispute pertaining to the employer's right to promote is a non-justiciable issue and may be dismissed on this ground alone.

The employer was represented by partner Dato' Thavalingam Thavarajah and senior associate Sebastian Tay Hanxin of [Lee Hishammuddin Allen & Gledhill](#).

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

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