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## **Does Failure to Maintain Workplace Harmony Warrant Dismissal?**

*Megat Faiz Shah bin Azizan v Iris Agrotech Sdn Bhd*  
(Industrial Court Award No 3108 of 2019)

Last week, the Industrial Court dismissed an employee's claim for unfair dismissal and held that the dismissal was with just cause and excuse as the company had reasonable grounds to believe that the employee had failed to maintain workplace harmony.

The employee was dismissed after he was found to have provoked and initiated a verbal argument with another employee, which led to a commotion in the workplace involving other employees.

In his defence, the employee argued that he had merely "tapped" the shoulder of the other employee to have a private discussion with the latter. However, the discussion turned into an argument, which then led to a riotous scene when other employees interfered. The employee claimed that he did not start the argument or the commotion, nor did he act in retaliation during the uproar. The employee further argued that his dismissal was unwarranted as the matter had in fact been resolved as all employees involved in the commotion had apologised to one another.

The company contended that the employee's argument that he merely intended to have a private discussion was inconsistent with his act of uttering provocative words and inviting the other employee to have the purported "discussion" outside the company. If the employee genuinely intended to have a discussion, he should have done so in his office and not outside the company premises. The company further contended that as an Acting Manager, the employee should have set a good example to his subordinates and maintained the harmony in the workplace. The employee's act of provoking and initiating an argument with other employees was therefore inconsistent with the faithful discharge of his duty as a senior employee holding a managerial position in the company.

The Industrial Court chairman agreed with the company, and held that as an Acting Manager, the employee was responsible for maintaining harmony in the workplace and the discipline of other employees. Although no employees were injured nor was a police report lodged regarding the incident, the court held that the employee's failure to carry out his duties as entrusted upon him had indeed warranted his dismissal as the company could no longer hold the necessary trust

and confidence in him to continue in his position.

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

The company was represented by senior associate David Tan Seng Keat and associate Farah Dini Binti Zaini of [Lee Hishammuddin Allen & Gledhill](#).

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