

Contact Persons:

22 FEBRUARY 2018

**Employment**

Lim Heng Seng  
**Partner**  
DID: +603 6208 5861  
Fax: +603 6201 0122  
Email: [lhs@lh-ag.com](mailto:lhs@lh-ag.com)

Dato' Thavalingam C Thavarajah  
**Partner**  
DID: +603 6208 5857  
Fax: +603 6201 0122  
Email: [tt@lh-ag.com](mailto:tt@lh-ag.com)

Shariffullah Abdul Majeed  
**Partner**  
DID: +603 6208 5881  
Fax: +603 6201 0122  
Email: [sha@lh-ag.com](mailto:sha@lh-ag.com)

**Paper Trail in Disciplinary Matters Vital**

*Mohd Hakimi bin Mohd Yusof v Felda Plantations Sdn Bhd* (Award Number 65 of 2018)

The Industrial Court recently held that no employer would tolerate an employee who, throughout his employment, mistook the employer's tolerance of his ways for something he could exploit. The employee, who was a supervisor or *mandor* based at the employer's plantation, was cautioned and reminded of his continuous failure to adhere to the employer's warnings, prior to his dismissal. The employer contended that the last instance of misconduct by the employee was the final straw that justified the employer's decision.

The Industrial Court found that the employee had shown his lackadaisical attitude by reporting late to work throughout his employment since March 2008 until his dismissal in December 2010. This itself was a gross violation of discipline, particularly when the employee, as the supervisor at the plantation, was required to lead by example.

In arriving at its decision, the Industrial Court took into consideration the employee's disciplinary record and found that he had not shown any sense of appreciation for the indulgence of the employer's expectation of him. This case emphasises the crucial need for written records in disciplinary matters. It is vital that employers produce a proper paper trail before the Industrial Court that establishes the validity of disciplinary procedures and to demonstrate that an employee has been treated fairly prior to his dismissal.

The employer was represented by partner [Shariffullah Abdul Majeed](#) of [Lee Hishammuddin Allen & Gledhill](#).

Shariffullah Abdul Majeed ([sha@lh-ag.com](mailto:sha@lh-ag.com))

If you have any queries, please do not hesitate to contact the author.

No. 1, Jalan Dutamas 1  
50480 Kuala Lumpur  
Malaysia

T +603 6208 5888  
F +603 6201 0122/0136  
E [enquiry@lh-ag.com](mailto:enquiry@lh-ag.com)  
W [www.lh-ag.com](http://www.lh-ag.com)

& Gledhill. The contents of this publication are intended for purposes of general information and academic discussion only. It should not be construed as legal advice or legal opinion on any fact or circumstance.

[Feedback](#)

[Unsubscribe](#)