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Expectation for Managers to Understand Job Requirements

*Hii Hiong Teck v Lee's Frozen Food Sdn Bhd
(Industrial Court Award No. 1384 Of 2023)*

The employee was hired as the Regional Sales Manager. He was tasked with leading a team of sales executives. His initial 6-month probationary period was extended due to performance issues. Throughout his probationary period, he was unable to meet his individual and team sales targets. This consequentially led to his non-confirmation. He then lodged an unjust dismissal claim against the company.

The Industrial Court found in favour of the company. It found that the employee had failed to demonstrate that he possessed the right skill, competence, temperament, aptitude, attitude, and suitability which would entitle him to transcend from being a manager on probation to that of a confirmed employee.

In arriving at its decision, the Industrial Court considered the following:

- a) The employee held a managerial role. He was:
 - (i) placed on probation to demonstrate certain fundamental behaviours and skills required for a managerial position; and
 - (ii) expected to have the necessary expertise to carry out his responsibilities.
- b) The company had genuine dissatisfaction with the employee's performance, as he was unable to achieve his sales targets, while other managers in the company were able to do so.
- c) The employee was subject to a reduced KPI - he was expected to achieve only 90%. This demonstrated the company's leniency, notwithstanding that the employee was holding a managerial position.
- d) The employee failed to achieve his sales targets throughout his probationary period. This set a poor example for his sales executives and reflected poorly on him in his managerial role.

This case reaffirms well-established industrial relations principles, emphasising that managers are held to a higher standard and are expected to execute their duties with minimal guidance. The logical corollary is that when hiring a manager, there is an inherent expectation that they possess the requisite skills to not only perform their role effectively but also to lead their subordinates with competence and confidence.

The company was represented by Partner, Amardeep Singh Toor, and Associate, Wong Lien Taa, of Lee Hishammuddin Allen & Gledhill. The Industrial Court award can be found [here](#).

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