

Nurul Aisyah Hassan

Aisyah, a member of the Employment and Industrial Relations Practice Group, holds a law degree from the University of Exeter. She was called to the Bar of England and Wales at the Honourable Society of Lincoln's Inn in 2015 and later admitted as an advocate and solicitor of the High Court of Malaya in 2017. Additionally, apart from earning a Master's in Litigation and Dispute Resolution from University College London (UCL), she is also a member of the Malaysia Lincoln's Inn Alumni Association.

Aisyah regularly represents employers in industrial and civil court disputes, focusing on unfair dismissal claims and breaches of employment contracts. A significant part of Aisyah's practice involves advising employers on the nuanced exercise of managerial prerogatives, effectively managing grievances and constructive dismissal claims, implementing performance management strategies, overseeing employee transfers and migrations following mergers and acquisitions, navigating the intricacies of employee retrenchment, and carefully handling cases of employee misconduct.

As a niche, she often advises and represents financial institutions and statutory bodies on complex cases that interact with other investigations and audits, providing a step-by-step guidance to ensure compliance with their internal procedures.

As one of the Partners heading the firm's ESG Practice Group, Aisyah also provides advice to clients on compliance with ESG considerations, such as discrimination, providing a safe and healthy working environment, guidance on whistleblower protection and managing sexual harassment claims.

Aisyah is one of the contributing editors to the *Annotated Statutes of Malaysia – Industrial Relations Act 1967 [Act 177]* (LexisNexis Issue 189) and the *Annotated Statutes of Malaysia – Trade Unions Act 1959 [Act 262]* (LexisNexis Issue 191). She also co-authors various articles published by the firm.

Aisyah was seen as a recommended lawyer in the **Legal 500 Asia Pacific 2024** rankings and described as "*communicative and efficient*". Additionally, **Benchmark Litigation 2024** describes Aisyah as "*transparent*", "*shares knowledge*" and displays "*professional manners*".



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Qualifications

- LLB Law (Hons), University of Exeter
- Barrister-at-law (Honourable Society of Lincoln's Inn)
- LLM in Litigation & Dispute Resolution, University College London

Practice Areas

- Industrial Relations
- Employment Law
- Administrative Law
- ESG

Publications

- Author – "*Does a Removal from an Acting Position Equate to a Demotion?*"
- Co-author - "*Managing Mental Health Triggers at the Workplace*"
- Co-author - "*Would an Arrest by the MACC Warrant Dismissal?*"
- Co-author - "*Wake Up Call Amidst Claims of Sexual Harassment*"
- Co-author - "*Gig Workers: Where Do They Stand?*"
- Contributing Editor to the *Annotated Statutes of Malaysia – Industrial Relations Act 1967 (2021 update)*

- Contributing Editor to the *Annotated Statutes of Malaysia – Trade Unions Act 1959 (2021 update)*
- Co-author of articles contributed to the LexisAdvance® Practical Guidance Malaysia Employment Module on topics relating to “*Management of Performance*”; and “*Absence & Sickness*”, published on the LexisAdvance® Practical Guidance online platform
- Co-author - “*Adequate Paper Trail Key to Defending Bona Fide Retrenchment Exercise*” which was featured in the Master Builders Journal (Volume 3, 2021, Issue 123)
- Co-author “*Restructuring and Voluntary Separation Scheme in View of MCO*”, published on LexisNexis Covid-19 Resource Hub, 18th September 2020

Notable Experience

- Successfully defended the largest Islamic cooperative bank in Malaysia in a judicial review application filed by their former Head of Auto Finance in challenging the Industrial Court award which ruled that he had acted in breach of the Bank’s vehicle financing policies by instructing his subordinates to fabricate financing documents to conceal the breakdown of additional accessories and costs (which were not allowed to be financed).
- Co-counsel: Successfully represented a car manufacturer in the Court of Appeal in an appeal against the Kuala Lumpur High Court’s dismissal of its judicial review application. The employee was caught red-handed smuggling an industry-grade grinder from the Company’s premises for his own home improvement works and admitted to doing so for at least 20 times. The Industrial Court and High Court held that the employee’s misconduct was merely tantamount to an unauthorised removal of property, and not theft, as he would return the grinder to his workstation the next day. The Court of Appeal subsequently set aside the High Court’s order and quashed the Industrial Court Award.
- Co-counsel: Successfully represented one of the largest car manufacturers in Malaysia in the High Court in three judicial review applications to quash the Industrial Court Awards, which allowed claims of constructive dismissal by three former employees. The Industrial Court chairman ruled that the company had breached the employees’ contracts of employment by unreasonably ordering them to transfer out of their “natural environment” as they had to relocate to a different state. The High Court found merit in the company’s challenge against the Awards of the Industrial Court and allowed the judicial review applications.
- Co-counsel: Successfully defended a subsidiary of a public listed company and one of the largest crude palm oil producers in the world, against six unfair dismissal claims by its former employees. In holding that the company had acted in good faith in discharging the employees, the Industrial Court decided that the divestment by the company of its subsidiary, which was a genuine business decision, had directly impacted the company, and thus rendering its inevitable closure. The Court also held that this is a case where the discharge of the claimants was inevitable as there would no longer be a business with the means or capacity to maintain any employee.
- Co-counsel: Successfully defended a financial institution focused on small-medium enterprises in an unjust dismissal claim brought by the former Director of the Group Human Capital Management Division, whose fixed-term contract of employment was not renewed upon expiry. The High Court subsequently upheld the decision of the Industrial Court.