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Goodwill and Clean Records Do Not Shield Employees from Dismissal

Yum Kan Choong (“employee”) v Resort Villa Golf Course Berhad (“Company”) (Award No.: 768 of 2024)

The employee, who held a managerial position in the Company, had been employed for seven years. During the height of the Covid-19 pandemic, he falsified invoices related to the purchase of thermometers intended for use at the Company’s premises. While the employee admitted to falsifying the invoices, he contended that the Company’s decision to dismiss him was disproportionate. He argued that a less severe disciplinary action would have been more appropriate, citing the following reasons:

- (a) The thermometers were purchased as an act of goodwill and were not within his scope of duties; and
- (b) He had maintained a clean disciplinary record throughout his tenure.

The Industrial Court, finding in favour of the Company, held as follows:

- (a) Fabricating invoices constitutes a clear act of misconduct that irreparably damages the trust and confidence essential to the employer-employee relationship. There is no room for plausible counterargument.

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- (b) No reasonable employer could be expected to trust an employee, particularly one in a managerial position, who compromises integrity and honesty for minimal financial gain. Retaining an employee who consciously resorts to dishonest means to address issues would be both unreasonable and illogical.
- (c) Trust and confidence are critical to the employment relationship. An employee who engages in dishonest conduct, particularly in violation of the employer's code of conduct, undermines these fundamental principles.
- (d) The employee's tenure with the Company demonstrates his familiarity with its policies and the importance of strict compliance. Moreover, his managerial role imposed a heightened obligation to exemplify honesty and integrity, which he failed to uphold.
- (e) While the employee expressed remorse, his lack of genuine contrition was evident in his attempts to excuse his misconduct and his initial dishonesty when confronted. This further undermines the trust required for continued employment.

The decision of the Industrial Court reinforces its strict stance on workplace ethics and integrity. By upholding the dismissal of a long-serving manager for falsifying invoices, the Court underscores that breaches of trust warrant severe consequences. This case serves as a reminder to organisations and employees alike that ethical lapses undermine professional trust and highlights the need for strict adherence to ethical standards and company policies.

The Industrial Court Award can be read [here](#).

The Company was represented by Partner Amardeep Singh Toor and Associate Ashreyna Kaur Bhatia.

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