

LHAG INSIGHTS EMPLOYMENT & INDUSTRIAL RELATIONS

30 OCTOBER 2026

FROM GATEKEEPER TO RULEBREAKER: HR VP'S NON- CONFIRMATION UPHELD

by Amardeep Singh Toor & Roseveen Kaur Tyndall

*SALINA BINTI KAMARUDIN V
UMPSA HOLDINGS SDN BHD*

This dispute arose from the non-confirmation of the Company's Vice President, Group Human Capital, on grounds of misconduct. At the material time, the Employee was still serving her probationary period and was the most senior personnel within the Human Capital division.

Between September and October 2022, the Company received several whistleblowing complaints against the Employee, prompting an internal investigation. In the course of these investigations, additional instances of misconduct were uncovered.

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The Company subsequently issued a show cause letter setting out four allegations against the Employee, namely: (a) conflict of interest; (b) habitual tardiness; (c) absenteeism; and (d) insubordination. After considering the Employee's response, which was found to be unsatisfactory, the Company issued a letter of non-confirmation.

The Industrial Court upheld the Company's decision, and held, among others, as follows:

- (a) The Company's policy required all conflicts of interest to be formally declared through prescribed forms. The Employee's informal disclosure to her superiors regarding the recruitment of her brother was insufficient. There was no discretion afforded to bypass the formal process, and her failure to comply amounted to a wilful disregard of Company policy.
- (b) As a senior human resources officer, the Employee was under a heightened duty to understand and adhere to governance requirements. Her involvement in her brother's recruitment process constituted a clear breach of policy and demonstrated a conflict between her personal interests and professional obligations.
- (c) The Employee Handbook classified habitual tardiness without reasonable excuse as misconduct. Given her seniority and role overseeing employee welfare and compliance, the Employee was expected to lead by example. Her explanation that work demands required her to work beyond her normal working hours on certain days did not justify repeated lateness, nor did it excuse non-compliance with established policies.
- (d) The Employee Handbook also provided that absence without prior approval constituted misconduct. As Vice President, Group Human Capital, the Employee was expected to model adherence to contractual working hours and internal policies. Her failure to do so undermined the standards she was responsible for enforcing.
- (e) The Employee's use of inappropriate language towards the Group Chief Executive Officer in a work-related WhatsApp group was found to be unacceptable. The Court observed that while intemperate speech may occur in moments of anger, written communications, particularly in a professional setting, suggest a degree of deliberation. Such conduct was incompatible with her senior position and could not be condoned.

This case serves as a reminder that senior employees, particularly those in human resources, are held to the highest standards of conduct and compliance. Probationary status does not insulate an employee from disciplinary action where misconduct is established. Employers are entitled to enforce strict adherence to internal policies, especially where breaches involve conflicts of interest, leadership failures, and conduct undermining organisational discipline and hierarchy.

The Company was represented by Partner, **Amardeep Singh Toor** and Associate, **Roseveen Kaur Tyndall**.

Scan the QR code below to see the Award.



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