

*“My employer just handed me my termination letter
– is there anything I can do about it?”*

If you are a private sector employee, take heart, all is not lost! You may have recourse through s20 Industrial Relations Act 1967 (“s20 IRA”). The process won’t cost you anything apart from your time, and some effort in researching what needs to be done. This write-up gives you an approximate road map of that.

Essentially, you need to file a written representation under s20 IRA, asking to be reinstated to your former employment. Remember: you must ask for reinstatement – not for compensation or any other monetary remedy; but for reinstatement. The reinstatement request triggers the s20 IRA process.

You start by locating the Industrial Relations office (“*Jabatan Perhubungan Perusahaan*”) nearest to your place of employment. That is where you will need to lodge your written representation. To check locations, look at : jpp.mohr.gov.my.

Once you have located the nearest office (for Kuala Lumpur, it is in Menara PERKESO, Jalan Ampang) go there and fill out Form P1. By completing Form P1, you are asking to be reinstated to your employment. The PDF version of this form entitled “*Borang Representasi Pemulihan Kerja*” is accessible on the Jabatan Perhubungan Perusahaan website (as above).

Within weeks of submitting Form P1, the Industrial Relations office will ask you to attend a reconciliation meeting at their office (“*rundingan damai*”). Your former employer will also be required to attend. At this meeting, the JPP officer will try to get both parties to

strike an agreeable solution pertaining to your request for reinstatement. Sometimes two or three of these meetings may be required, especially if further documents need to be produced, or if the negotiating positions keep changing. Where a solution agreeable to both sides is achieved, then the matter is deemed resolved at the JPP level, and the file is closed. If the matter cannot be settled, then the Ketua Pengarah, JPP will hand your file over to the Minister of Human Resource. The Minister will need to decide whether your representation merits referral to the Industrial Court for adjudication or otherwise.

In the vast majority of cases, the Minister does indeed refer representations to the Industrial Court. If so, you will be notified via letter. This letter signals the start of the Industrial Court process, and you would be wise to then redirect your efforts to appointing competent lawyers and providing your lawyers all the necessary information about your case.

Remember: You have a 60-day time period within which you need to lodge your representation at the Industrial Relations office. After the 60 days expires, you lose all recourse available under s20 IRA.

The contents of this write-up is not meant to be legal advice and should not be relied on as such. To speak to our resident expert, please contact us at 03-62079999 for a free consultation.