Managing Employee Termination and Disciplinary Actions Training Course



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Kuala Lumpur

5200 € (Per Person)

Ref: #LAW3680_156505

Course Introduction / Overview:

Navigating the complex landscape of employee discipline and termination is one of the most challenging and high-risk responsibilities for any organization. A single misstep can lead to costly litigation, damage to morale, and significant reputational harm. This comprehensive training course is meticulously designed to equip managers, HR professionals, and business leaders with the essential knowledge and practical skills to handle these sensitive situations with confidence and legal compliance. Drawing on established principles of procedural justice and risk management, the curriculum delves into the entire lifecycle of employee separation, from proactive performance management to the final exit interview. As noted by legal scholar David L. Gregory, the emphasis on fair process is not just a legal shield but a cornerstone of effective employee relations. This program, offered by BIG BEN Training Center, moves beyond theoretical legal doctrines, providing actionable strategies inspired by frameworks discussed in texts like "The Essential Guide to Handling Workplace Investigations". Participants will learn to build robust disciplinary systems, conduct impartial investigations, and execute terminations in a manner that is fair, consistent, and legally defensible, thereby protecting the organization and upholding its ethical standards.

Target Audience / This training course is suitable for:

- Human Resources Managers and Directors.
- Line Managers and Supervisors.
- Employee Relations Specialists.
- In-House Legal Counsel.
- Business Owners and Entrepreneurs.
- Operations Managers.
- Senior Leadership and Executives.
- Compliance Officers.

Target Sectors and Industries:

- Healthcare and Social Assistance.
- Technology and Information Services.
- Manufacturing and Production.
- Retail and Consumer Goods.
- Financial Services and Insurance.
- Hospitality and Food Services.
- Professional and Business Services.
- Government Agencies and Public Sector Organizations.

Target Organizations Departments:

- Human Resources Department.
- Legal and Compliance Department.
- Operations and General Management.
- Departmental and Team Leadership.
- Executive Management.
- Employee and Labor Relations.

Course Offerings:

By the end of this course, the participants will have able to:

- Develop and implement legally sound disciplinary policies and procedures.
- Master the principles of progressive discipline and performance improvement plans.
- Conduct thorough and unbiased workplace investigations into employee misconduct.
- Identify and mitigate the legal risks associated with wrongful termination claims.
- Navigate complex issues such as discrimination, retaliation, and constructive dismissal.
- Effectively document all stages of the disciplinary and termination process.
- Manage termination meetings with professionalism and empathy.
- Understand the legal requirements for final pay, benefits, and severance agreements.
- Proactively manage employee performance to reduce the need for disciplinary action.
- Foster a workplace culture that values fairness, consistency, and respect.

Course Methodology:

The training methodology for this course at BIG BEN Training Center is designed to be highly interactive, practical, and engaging, ensuring that participants not only learn the legal principles but can also apply them effectively in their roles. We believe that adult learning is most effective when it is experiential. Therefore, the program heavily features real-world case studies and analysis of landmark employment law rulings, allowing participants to dissect complex scenarios and understand the practical implications of legal theory. Interactive group discussions and workshops will encourage the sharing of experiences and collaborative problem-solving. A significant portion of the course is dedicated to role-playing exercises, where participants will practice conducting difficult conversations, such as disciplinary meetings and termination interviews, in a safe and controlled environment with constructive feedback from the instructor and peers. Participants will also engage in practical sessions on drafting critical documents, including performance improvement plans, investigation reports, and termination letters. This blended approach of expert instruction, peer-to-peer learning, and hands-on application ensures a deep and lasting understanding of how to manage disciplinary and termination processes legally and effectively.

Course Agenda (Course Units):

Unit One The Legal Framework of Employee Discipline

- The Foundations of At-Will Employment and Its Exceptions.
- Overview of Key Legislation Governing Termination.
- Defining Misconduct and Setting Clear Behavioral Expectations.
- The Critical Role of the Employee Handbook and Policies.
- Understanding Discrimination and Retaliation in Disciplinary Actions.
- Establishing a Fair and Consistent Disciplinary Process.
- The Concept of Procedural Justice in Employee Relations.

Unit Two Proactive Performance Management and Progressive Discipline

- Differentiating Between Performance Issues and Misconduct.
- The Steps of a Progressive Discipline System.
- Crafting Effective Performance Improvement Plans (PIPs).
- Techniques for Conducting Difficult Performance Conversations.
- The Importance of Clear, Objective, and Timely Documentation.
- Coaching and Mentoring as Alternatives to Formal Discipline.
- Legal Pitfalls to Avoid in Performance Reviews.

Unit Three Conducting Effective and Lawful Workplace Investigations

- When to Initiate a Formal Investigation.
- Selecting an Impartial Investigator and Avoiding Conflicts of Interest.
- Planning the Investigation and Defining its Scope.
- Techniques for Interviewing Complainants, Witnesses, and the Accused.
- Gathering and Evaluating Physical and Digital Evidence.
- Maintaining Confidentiality and Preventing Retaliation.
- Writing a Comprehensive and Defensible Investigation Report.

Unit Four The Process of Involuntary Termination

- Types of Termination: For Cause, Without Cause, and Layoffs.
- Conducting a Pre-Termination Risk Assessment.
- The Manager's Checklist for a Lawful Termination.
- Structuring and Conducting the Termination Meeting.
- Handling Emotional Reactions and Difficult Questions.
- Understanding Constructive Dismissal and How to Prevent It.
- Special Considerations for Terminating Protected Class Employees.

Unit Five Post-Termination Procedures and Risk Mitigation

- Final Paycheck Laws and Compliance Requirements.
- Managing COBRA, Benefits, and Unemployment Claims.
- The Strategic Use of Severance Agreements and Releases.
- Conducting Productive and insightful Exit Interviews.
- Managing Internal and External Communications Post-Termination.
- Responding to Legal Claims and Demand Letters.
- Best Practices for Maintaining Employee Records and Files.

FAQ:

Qualifications required for registering to this course?

There are no requirements.

How long is each daily session, and what is the total number of training hours for the course?

This training course spans five days, with daily sessions ranging between 4 to 5 hours, including breaks and interactive activities, bringing the total duration to 20 - 25 training hours.

Something to think about:

How can an organization balance the legal necessity of meticulous documentation in disciplinary actions with the human need to maintain a trust-based and positive workplace culture?

What unique qualities does this course offer compared to other courses?

This course distinguishes itself by moving beyond a purely legalistic and reactive approach to employee termination and discipline. While many programs focus solely on the letter of the law, this training course integrates legal compliance with proactive and strategic human resource management. Its core philosophy is that the best way to win a wrongful termination lawsuit is to prevent it from ever being filed. This is achieved by dedicating significant time to proactive measures such as effective performance management, clear policy communication, and fair investigation techniques. The curriculum is built around a rich collection of contemporary case studies, allowing participants to analyze real-world management decisions and their legal consequences. Rather than simply listing regulations, the course emphasizes the "why" behind the law, focusing on principles of procedural justice and organizational ethics. The highly interactive and simulation-based methodology ensures that participants leave not just with knowledge, but with the practical skills and confidence to handle the most sensitive employee situations with professionalism, fairness, and a keen awareness of organizational risk. It is a masterclass in turning a high-risk HR function into a strategic asset that reinforces a healthy and respectful workplace culture.