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10 OCTOBER 2019

Senior Manager's Dismissal Warranted for Conflict of Interest

Norjamalullail bin Tamri v Malaysia Automotive Institute
(Industrial Court Award No 2657 of 2019)

The Industrial Court dismissed an employee's claim for unfair dismissal and held that the dismissal was done with just cause and excuse as the company had proven the employee's misconduct of placing himself in a position where his private interests were in conflict with his duties to the company.

The claimant held a senior position of trust as Senior Manager — Lean Production System in the company, which is a think-tank agency under the Ministry of International Trade and Industry. The company discovered the claimant's involvement as a facilitator in another company known as Total Oracle Sdn Bhd. The claimant's said involvement was done without obtaining the consent or approval of the company's management.

In his defence, the claimant had argued that the company's Chief Executive Officer (**CEO**) had given his verbal approval for him to act as a facilitator in Total Oracle. However, the Industrial Court, in dismissing the claimant's defence, held that this was a non-starter as the CEO denied giving such consent and the claimant had clearly breached the terms of the company's Code of Ethics on conflict of interest, which specifically requires that any consent obtained is to be in writing.

The Industrial Court further pointed out that:

- (a) The claimant knew what was meant by being in a conflict of interest situation as he too had been conducting training prior to joining the company, but ceased to do so when he joined the company;
- (b) The claimant had acted dishonestly when he proceeded to act as a facilitator for another company against the company's Code of Ethics; and
- (c) As a senior employee, the claimant ought to have known better than to put his job on the line.

The company was represented by partner Shariffullah Majeed of [Lee](#)

[Hishammuddin Allen & Gledhill.](#)

The Industrial Court award may be viewed [here](#).

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Published by the Employment Practice

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