

INDUSTRIAL COURT
PRACTICE NOTE NO: 3 OF 2010
GUIDELINES ON EARLY EVALUATION OF CASES

The settlement of cases is encouraged pursuant to section 29(g) of the Industrial Relations Act 1967.

1. Purpose of the Early Evaluation of Cases

The purpose of the Early Evaluation of Cases is to expedite the disposal of cases by encouraging parties to settle cases.

2. Type of Cases

The Early Evaluation of Cases will be carried out with respect to matters which are referred to the Industrial Court pursuant to section 20(3) of the Industrial Relations Act 1967.

3. The Process of the Early Evaluation of Case

- a) The Early Evaluation of Case will be conducted if both parties consent;

- b) The parties may select a Settlement Chairman or an Assistant Registrar who has been approved by the President to evaluate the merits of the case based on the pleadings and the documents which have been filed at the Industrial Court;
- c) The Early Evaluation of Case will as far as possible be conducted in the presence of both parties and their counsel or representative;
- d) The Settlement Chairman or an approved Assistant Registrar may with the consent of the other party discuss the merits of the case with one party with his counsel or representative present;
- e) The Early Evaluation of Case will, as far as possible, be conducted within one hour and on a single day;
- f) No minutes of the discussion during the Early Evaluation of Case will be recorded in the court file;
- g) Only the date, the names of the Settlement Chairman or an approved Assistant Registrar, the parties, their counsel or representative and the outcome of the Early Evaluation of Case will be recorded in the court file;

- h) If the parties agree to settle a case, the parties may elect to have the case withdrawn or a consent award handed down by the Settlement Chairman;
- i) If the parties do not arrive at a settlement, the case will be heard by another Chairman; and
- j) If the Early Evaluation of Case has been conducted by an approved Assistant Registrar and if a settlement has been reached, the withdrawal of case or consent award will be handed down by the Chairman who has been allocated the case for hearing.

Dated : 11th October 2010

**SUSILA SITHAMPARAM
PRESIDENT
INDUSTRIAL COURT MALAYSIA**