

INDUSTRIAL COURT

PRACTICE NOTE NO: 2 OF 2014

ELECTRONIC FILING AND SERVICE

The purpose of this Practice Note is to regulate the electronic filing and service of documents at the Industrial Court.

In exercise of the powers granted under section 28 of the Industrial Relations Act 1967, I hereby issue the following directions:

1. Trial Period

The trial period for the electronic filing and service of documents will commence on 1st April 2014 and will end on 30th September 2014. The trial period may be extended.

2. Application for username and password

- (a) Parties, counsel or representatives of parties who have consented to the electronic filing and service of documents shall submit an application for a username through the website of the Industrial Court;
- (b) A sole proprietor/partnership may apply for a username in the name of the sole proprietor/partnership and the applicant who is making the application must be a proprietor/partner of that firm;
- (c) A trade union of employers/workmen may apply for a username in the name of that trade union and the applicant who is making the application must be an office bearer/employee of that trade union;
- (d) A registered society may apply for a username in the name of that society and the applicant who is making

the application must be an office bearer/employee of that society;

- (e) A company may apply for a username in the name of that company and the applicant who is making the application must be a director/employee of that company;
- (f) The applicant who has obtained a username must appear personally before the Assistant Registrar or Interpreter who is in charge of a specific case file where parties have agreed to the electronic filing and service of documents for a password. Verification of the applicant's identity shall be made by the applicant producing his Malaysian Identity Card or in the case of a foreign national, his passport;
- (g) In exceptional circumstances, such as when a legal firm has a place of business in another town in which the Industrial Court Division is located, verification of the identity of the applicant who has been given a username may be done by telephone;
- (h) The applicant shall be responsible for the security and confidentiality of the username and password. The applicant is advised to change his password monthly. In the event the applicant has forgotten his password, he may request for a new password through the website of the Industrial Court;
- (i) Legal firms, trade union of employers, trade union of workmen, the Malaysian Employers Federation and the Malaysian Trade Union Congress may apply for more than one username and password or they may use one (1) username and password for all cases;
- (j) The username and password may be used by multiple users simultaneously; and
- (k) No fee will be imposed for the application.

3. Application for permission to be represented by a legal practitioner and Warrant of Authority

- (a) An application for permission to be represented by a legal practitioner shall be made manually by filing Form A in triplicate;
- (b) Upon approval by a Chairman for a party to be represented by a legal practitioner, the party shall file Form B manually; and
- (c) A representative of a trade union of employers/workmen or an organisation (not being a trade union) of employers or of workmen, as the case may be, registered in Malaysia shall file Form B manually.

4. Access to view, file and receive documents electronically

- (a) A party who has been given a username and password may view, file and receive documents electronically. If he has appointed counsel or a representative, he will only be allowed to view documents;
- (b) Counsel or a representative who has been authorised may view, file and receive documents electronically in a particular case; and
- (c) If counsel or a representative has been discharged, he will no longer be allowed to view, file or receive documents electronically in a particular case. Subsequent documents shall be filed and received by the party electronically.

5. Commencement of Proceedings

- (a) The case codes are stated in Annexure 1;
- (b) For case codes 1, 5, 6 and 7, Forms S, U, M and N respectively may be filed electronically. The Assistant

Registrar will view the documents and accept the documents electronically after the contents have been verified. The President may reject the documents and give directions to the applicant;

- (c) The Industrial Court shall inform the parties of the first mention date in Form F by serving it manually. Form S, U, M and N shall be served on the opposite party by the Industrial Court manually;
- (d) For case codes 2, 3 and 4, upon receipt of an order of reference by the Honourable Minister of Human Resources, the Industrial Court shall inform the parties of the first mention date in Form F by serving it manually;
- (e) For case code 8, the Industrial Court shall issue Form E and serve it on the parties manually;
- (f) The President, Chairman or Assistant Registrar shall give directions on the filing and service of the documents electronically if both parties agree to use the system; and
- (g) The parties may seek advice from their respective counsel or representatives before deciding whether or not to file and receive documents electronically.

6. Documents to be filed and served electronically

- (a) All documents under the Industrial Court Rules 1967 [P.U 406/1967] except Forms O, P, Q and R may be filed and served electronically;
- (b) The contents of a Statement of Case and a Statement in Reply will be viewed by an Assistant Registrar who may accept the document. If the Statement of Case or Statement in Reply is not in accordance with the Industrial Court Rules 1967 [P.U 406/1967], the President may reject the documents. Form I or Form K shall be issued by the Industrial Court as the case may be;

- (c) Written submissions and bundle of authorities may be filed and served electronically;
- (d) Pornographic documents and images shall not be filed electronically; and
- (e) The service of documents will be done electronically by the system. The system will capture a record of the service of documents. The proof of service of each document will be captured in the system. The Interpreter shall print a copy of the record of the proof of service of document to be kept in the case file.

7. Filing of Affidavit

Affidavits shall be prepared manually to be affirmed and signed by the deponent before a Commissioner for Oaths. The affidavits shall be scanned in *pdf* format and filed electronically.

8. Witness Statement

Witness Statements in *pdf* format may be filed and served electronically. In addition, six (6) hard copies of the witness statements shall be tendered before or during a hearing. After a witness has affirmed in open court, the witness shall sign six (6) copies of the witness statements. Two (2) copies of the signed witness statement shall be kept by the Court and four (4) copies shall be given to the parties and panel members. Amendments to witness statements may be allowed by the Court.

9. Application for joinder or substitution of parties

- (a) In a case where parties have agreed to electronic filing and service, an application for joinder or substitution of parties to any proceedings shall be filed electronically. The Industrial Court shall serve the application on the proposed joinee/party to be substituted manually;

- (b) When the proposed joinee or party to be substituted is present on a mention date, they shall be advised on the electronic system for filing and receipt of documents. If the proposed joinee or party to be substituted agrees to file and receive documents electronically, subsequent documents shall be filed and received by them electronically; and
- (c) If the proposed joinee or party to be substituted does not agree to file or receive documents electronically, they may file one set of any affidavit, bundle of documents, etc which shall be scanned in *pdf* format by the Interpreter and uploaded into the system for service on the parties who have agreed to file and receive documents electronically.

10. Laptop, etc.

Parties must be equipped with laptops, *etc*, during mentions and hearings.

Dated : 4 February 2014



**SUSILA SITHAMPARAM
PRESIDENT
INDUSTRIAL COURT OF MALAYSIA**

ANNEXURE 1

CODE	SUBJECT
1	Non-compliance with Award or Collective Agreement
2	Trade dispute pertaining to a Collective Agreement
3	Trade dispute
4	Dismissal
5	Reference on point of law
6	Interpretation of an Award or Collective Agreement
7	Variation of an Award or Collective Agreement
8	Amendment of Collective Agreement