

**THE 6TH INTERNATIONAL COOPERATIVE SYMPOSIUM ON THE DEVELOPMENT
OF LABOUR LAW IN ASEAN**

ASEAN +3 : Digital Labour Courts & Law

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VENUE : Cape Dara Resort, Pattaya, Thailand

Country Report : Malaysia

Presenters:

- 1. Mr. Augustine Anthony, Chairman Industrial Court, Malaysia**
- 2. Mr. Gulam Muhiaddeen Bin Abdul Aziz, Chairman Industrial Court, Malaysia**

THE INDUSTRIAL COURT OF MALAYSIA: SHORT HISTORY

Industrial Court is a special Court created under the enacted law of Malaysia to deal with employment and labour related matters in Malaysia.

The first legislation - Industrial Courts Enactment 1940 by the Federated Malay States, the Industrial Courts Ordinance 1940 for the Straits Settlement and the Industrial Courts Enactment 1940 of Kedah.

When the Federation of Malaya was formed in 1948, the Industrial Courts Ordinance 1948 was enacted and the earlier legislation were repealed.

The Industrial Courts Ordinance 1948 provided for:

- (i) settlement of disputes by a permanent Industrial Court and ad-hoc Boards of arbitration and inquiry.
- (ii) voluntary system of arbitration of trade disputes.

In 1967, the Industrial Relations Act 1967 was enacted:

- (i) compulsory arbitration was introduced for trade disputes in all industries.
- (ii) any trade dispute which is not resolved through conciliation process may be referred to the Industrial Court by the Honourable Minister of Human Resources.

On Feb 1989, the Industrial Relations Act 1967 was amended to allow an individual workman irrespective of whether he is a member of a trade union of workmen to make representations to the DGIR if he has been dismissed.

Industrial Court of Malaysia has jurisdiction to decide on the dismissal of an individual workmen if the matter is referred by the Honourable Minister of Human Resources.

THE INDUSTRIAL COURT: OBJECTIVE

The Industrial Court main objective is to create a harmonious industrial environment through the process of arbitration pursuant to the IRA 1967.

THE INDUSTRIAL COURT: VISION

The Industrial Court strives to be a leading organization in promoting industrial harmony in the Country.

THE INDUSTRIAL COURT: MISSION

It is the core value and mission of the Industrial Court to uphold social justice and maintain industrial harmony through expeditious court awards and collective agreements.

THE INDUSTRIAL COURT: FUNCTION

1. To hear and hand down decisions or awards in industrial disputes referred to it by the Minister or directly by the parties.
2. To accord cognizance to the collective agreements which have been jointly deposited by the employers/ trade union of employers and trade union of employees.

APPLICATION OF DIGITAL TECHNOLOGIES IN INDUSTRIAL COURT

In order to determine matters in the Industrial Court in an expeditious manner the Court had set a process from the initiation and receipt of complaint to the date of effective conclusion of the matter in the following manner:-

- (i) Registration
- (ii) Mention / Case Management
- (iii) Hearing
- (iv) Submission

REGISTRATION

All cases referred by Minister will be registered into information management system (e-Industrial Court (eIC)) by Registry Unit. This e-Filing and e-Services will directly link to e-Industrial Court (eIC).

As soon as the cases are registered in e-Industrial Court (eIC), public can view the status of the case in Industrial Court of Malaysian Website (**ICM Website: <http://www.mp.gov.my/en/>**) by accessing the Online Services and clicking on the Case Management link.

The Case Management search Criteria can be done by including any of the information listed below:

- (i) Particulars of the Case Number
- (ii) Particulars of the Claimant/Complainant/ Union
- (iii) Particulars of the Respondent/Company

The Information in the Case Management process will include details such as the Case details, Party's details, Mention Dates, Hearing Dates, information on the Filing of Documents, Award (if any handed down by the Chairman of the respective Courts).

MENTION (Also referred as case management process)

Once the case had been set for the mention by the registry of the Court, these files will be brought to the attention of the presiding Chairman who will then take conduct of the matter by giving various direction and orders that are deemed fit for the expeditious determination of the case before the Court. These directions may include the filing of pleadings, bundles of documents to be used in Court and witness statements to be used by the witnesses. Suitable dates for the trial/hearing of the case will also be determine during these mentions and case management dates. With the Digital Court in place parties need to file their pleadings and documents through **e-Filing and e-Services** system made available through the ICM website.

BENEFITS OF E-FILING AND E-SERVICES

The introduction of the E- Courts comes with an assortment and indispensable benefits and among others would include:-

- (i) Access and filing of documents anytime and anywhere.
- (ii) Cost & time effective.
- (iii) Notifications by email of documents received online, approved by the Court and service by the system to the parties.
- (iv) Improved efficiency in case management system.
- (v) Secured document filing system.

HEARING/TRIAL

With the introduction of the E- Courts Gone are the days when the presiding chairman / judges meticulously take down copious notes of proceedings. The Industrial Court has now introduced an advance digital recording system that takes away this recording process done manually by the presiding Chairmen.

DIGITAL RECORDING SYSTEM (DRS)

- DRS is a system that combines high quality audio and video recording with a revolutionary automatic transcription generator.

- This system utilizes the latest in hi-fidelity audio recording device and high definition video capturing equipment that is integrated with a state-of-the-art automatic speech recognition engine to generate formatted minute files.
- In August 2013, Industrial Court Malaysia have embarked on an innovative project to upgrade the standard and method for which court trials are recorded and transcribed in this country. This is a first of its kind ever attempted in Malaysia.
- The project which was started in August 2013 involved major renovation and facelift of the courtroom itself, augmenting the walls against audio intrusion to provide a conducive environment for undisturbed trial and maximum recording quality.
- Each of the digital courtroom is also equipped with professional grade specialized closed circuit cameras and enhanced sensitivity microphones that are strategically located to capture every action taking place in the court rooms.
- These audio and video data are later processed by proprietary transcription generator module which will translate the recordings and transform them into any pre-selected text format.

OBJECTIVES OF DIGITAL RECORDING SYSTEM (DRS)

- To expedite the trial process
- To save time and cost
- To increase the disposal of cases

- Ensure no recording of lengthy notes of proceeding by Chairman
- Notes of proceeding generated using speech recognition technology
- To eliminate the need for preparation of typewritten notes of proceedings by the Court staff.

BENEFITS OF DIGITAL RECORDING SYSTEM (DRS)

- DRS creates opportunity for proceedings to be made with full pace concentration without the need for a halting the hearing intermittently for the purposes of writing complete notes concurrently.
- Hours of trial /hearing session will be reduced and likely to result in lesser days needed to attend to the Court.

HOW DOES THE DRS BENEFITS THE PUBLIC?

Since the proceedings are recorded, counsels can request a copy of the session through production by compact disc (CD) and or examine all that had transpired in Court. The recording files are kept intact and “untampered” in a central depository system within the E Court.

Further with the software application that is being used in this system, it provides better ease-of-use in terms of navigating the time of the session.

The E-Court / Digital Court also feature Audio enhancement and noise filtering technology. This aids for better clarity of the audio recordings. Also provided in the DRS, is the speed controller without having to pitch the audio, it stays as per how it should sound and only increasing or decreasing the speed of the audio. A person who speaks fast during the proceedings may cause difficulties for others to hear however by using the speed controller we can slow down the speech and properly listen to what was said. The DRS also ensures better methods of storing of valuable information and thus archiving has now becoming simplified and effective.

SUBMISSIONS BY PARTIES AT THE CONCLUSION OF TRIAL / HEARING

With the trial / hearing concluded, the parties can now take advantage of the Digital Court facilities for the submission of the respective cases at the conclusion of the case through **e-Filing and e-Services**.

AWARD HANDED DOWN BY THE CHAIRMAN

In what is now a departure from the previous practise, Chairmen in ICM will no longer use physical / hardcopy reference books / journals / law reports in preparing their judgements / award.

With the introduction of the Digital Court system, Chairmen in ICM are aided by digital law journal such as Current Law Journal (CLJ) website and other digital law providers to

obtain the necessary and related information where these information can be accessed at any time and from anywhere.

Once the award / judgments are completed by the chairman, these awards are promptly uploaded into the ICM web page and thus become ready for public to view it free of charge. The public can view the latest full award at the ICM Webpage where easy search tools are provided for making the relevant searches.

CONCLUSION

The best of technology in the form of Digital Court can be an invaluable service to the community and that it is hoped that all stakeholders will embrace this Digital Court enthusiastically.

Thank You.

Mr. Augustine Anthony, Chairman Industrial Court, Malaysia

Mr. Gulam Muhiaddeen Bin Abdul Aziz, Chairman Industrial Court, Malaysia.