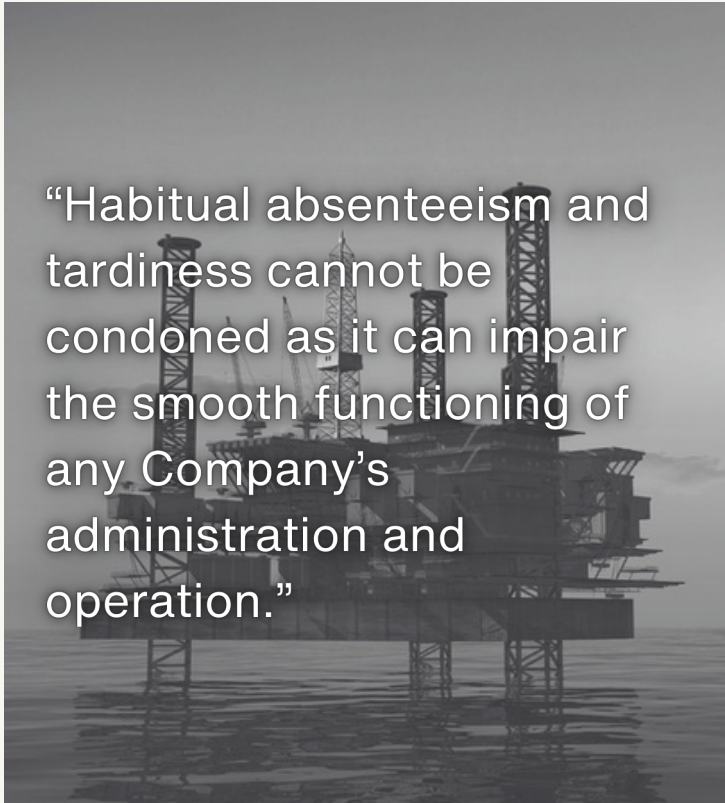


PERSPECTIVES

TERMINATION FOR ATTENDANCE: FAIR OR EXCESSIVE?

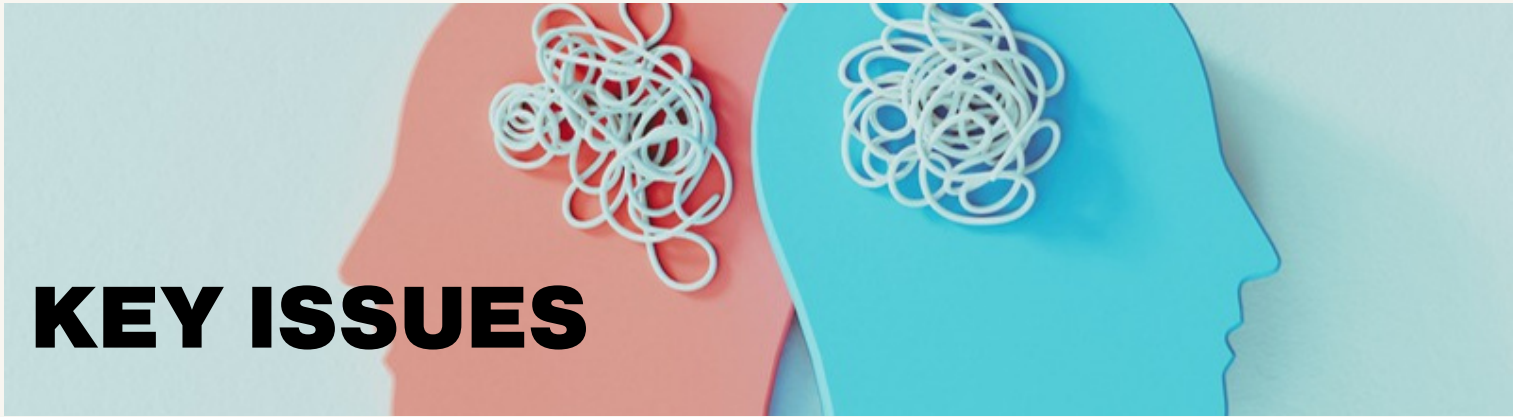
The Industrial Court addressed an important question for all employers in Malaysia - whether repeated absenteeism and tardiness would justify termination of employment. This was recently discussed in the case of Mohd Azridz Bin Mohd Radzuan v Petroliam Nasional Berhad (Petronas), Award No. 1370 of 2025.



“Habitual absenteeism and tardiness cannot be condoned as it can impair the smooth functioning of any Company’s administration and operation.”

BACKGROUND

The claimant joined Petronas on 1 August 2012 as an Executive (Diagnostic & Solution Design). Prior to his dismissal, he occupied the position of Executive (Knowledge Management, Group Technical Data, Project Delivery & Technology). His last drawn salary with the Company was RM10,405.00 per month.



KEY ISSUES

The claimant's dismissal was premised on three (3) charges. They are, in short, as follows:

- Absence for work without reasonable justification for five (5) days in 2018;
- Being late for work without prior approval on sixty-eight (68) occasions between August 2018 to February 2019; and
- Working less than the required hours on ninety-five (95) occasions between August 2018 to February 2019.

The following timelines constitute the company's actions leading up to the claimant's dismissal

No.	Description	Date
1	Show cause letter issued to the Claimant	21 March 2019
2	Reply to show cause letter by Claimant	27 March 2019
3	Notice of inquiry issued to Claimant	19 April 2019
4	Domestic inquiry	26 April 2019
5	Termination of employment	23 May 2019
6	Claimant appealed against Company's decision (for reinstatement and reduced punishment)	12 June 2019
7	Appeal dismissed by Company	28 June 2019

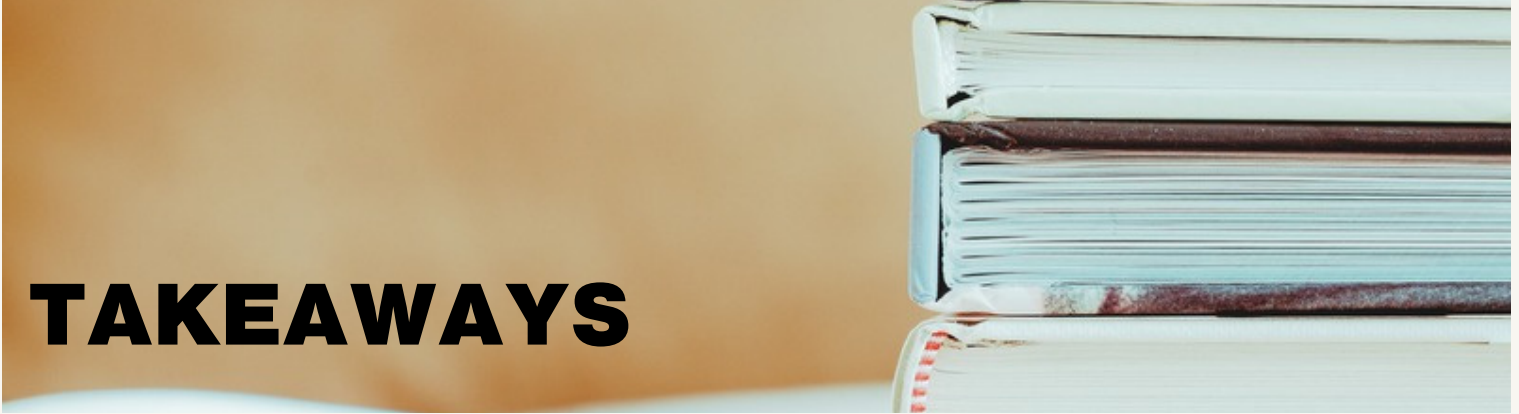
The employee, in his defence, claimed that his high levels of tardiness was due to health problems, particularly insomnia.



The Court relied on the Petronas Code of Conduct and Business Ethics in finding that tardiness and absenteeism are misconducts which can lead to disciplinary actions against an employee.

The Court also found that the charges levelled against the claimant was successfully proven as the claimant did not notify the Company or his immediate superior of any of his illness, nor did he seek approved medical treatment in accordance with standard requirements from medical practitioners as would have been required of the Claimant.

In summary, the Court mentioned that the Claimant's misconduct, "when viewed cumulatively, are very serious misconduct that cannot be treated lightly by the Company."
"Habitual absenteeism and tardiness cannot be condoned as it can impair the smooth functioning of any Company's administration and operation."



TAKEAWAYS

While the decision is clear that misconduct on absenteeism and tardiness can amount to serious acts of misconduct, employers are advised to take note of the following:

- Acts of absenteeism and tardiness should not be condoned. In this case, the Industrial Court mentioned that the Company must take prompt action and failure to do so would bring into question the roles and responsibilities of the particular employee's superior.
- Ensure policies and procedures are clear. In this case, the Company's code of conduct was relied upon and the acts of misconduct were clearly spelled out.
- Comply with due process. While for most employers, cases as such might be frustrating but always remember, compliance with due process is still recommended even in cases that are visibly straightforward.
- Consistency is key. HR must acknowledge that employees holding a supervisory / managerial position would more often than not interpret misconduct differently. It is therefore important to align expectations, define thresholds and ensure actions are consistent company wide.