

PERSPECTIVE INSIGHTS

Case Summary

MANAGER ABUSING & THREATENING FOREIGN WORKERS: GROUNDS FOR DISMISSAL?

Posted on February 24, 2026 by Victor Gan

"When misconduct is supported by consistent witness testimony, documentary evidence, and clear handbook provisions, the Industrial Court is unlikely to view dismissal as excessive."

The employee (claimant) was employed as an Area Manager for a supermarket chain. His employment was terminated on grounds of misconduct.

The Company was informed by a Supervisor that a foreign worker absconded from work. As part of normal process, the Company contacted the foreign worker agency to notify them of the abscondment but was informed by the agency that the foreign worker was abused and threatened at work.

Upon further investigation, the Company charged the claimant with the following:

- 3 charges on hitting a foreign staff multiple times at the workplace
- 1 charge on threatening the foreign staff where the claimant allegedly said, *"saya tak mau dengar you punya nama complain. Satu kali saya dengar you punya nama complain, saya terus pergi hotel! OK? Sebelum saya mari, you better packing, you lari. Kalau saya mari, saya lagi teruk. You faham?"*

A domestic inquiry was held and the Claimant was found guilty of the charge of threatening employees. The claimant was terminated from work.

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Decision by the Court:

The Industrial Court examined witnesses from the Company who testified that the Claimant had demonstrated abusive behavior on multiple occasions. The witnesses also testified to a voice note on WhatsApp, confirming threats uttered by the Claimant.

The Industrial Court, in coming to a decision, referred to the case of **Paul Benjimen A/L Silva v PWB (M) Sdn Bhd (Award No. 191 of 2024)** where the Court held:

“[57] ... Physical violence or aggression should never be tolerated at the workplace. Employers must know that all employees, including foreign workers, however humble their status and however meagre their earnings may be, are entitled to be treated as human beings and must be treated with due respect to human dignity.

[58] Likewise, those who have taken on the responsibility and have been entrusted to fulfil their employers’ duty of protection and good treatment must understand that every employee, including

foreign workers, regardless of their low socio-economic status, deserve to be treated as a human being and should be accorded the respect and dignity that are rightfully theirs as human beings.

A similar conclusion was found in the case of **Kian Joo Can Factory Berhad v Ng Kok Hooi [2010] 2 ILR 258** where the Court held:

...An employee particularly a subordinate and also a foreigner could not be expected to work in such an environment shrouded in fear; physical violence should be condemned. The punishment of dismissal in such an instance could not be said to have been excessive.



PERSPECTIVE INSIGHTS

In our view, the Court upheld the dismissal on the following grounds

- That the misconduct was clearly established by the Company
- The witnesses in this case were consistent in establishing key facts leading up to the abusive actions and threats by the Claimant
- The Company's handbook made specific reference to violent behaviors and threatening behaviors as major misconduct, warranting dismissal
- The claimant was a Manager holding a senior position and should have known that the Company will not tolerate any acts of violence against other employees. His failure to discharge his duty as a Manager means the Company can no longer be expected to repose the trust and confidence in him.

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