

PROFILE



Partner
Employment & Administrative Law
Personal Data Protection & Privacy Laws
Shearn Delamore & Co., Kuala Lumpur, Malaysia
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Qualifications
LL.B (Hons), University of Malaya
Advocate & Solicitor, High Court of Malaya

Languages
English, Malay

RAYMOND T.C.
LOW

ABOUT RAYMOND

Raymond believes in two pillars that are the foundation of his legal practice – Integrity and Simplicity.

Raymond advocates and advises in all matters relating to employment and industrial relations law including judicial reviews, trade disputes, trade unions, industrial disputes (strikes and picketing), employment contracts, collective agreements, dismissals of employees, employee misconduct, poor performance and health issues of employees, employees' provident fund, private pension laws and occupational health and safety laws.

Raymond appears regularly at the Court of Appeal, High Court, Industrial Court and Labour Court in Malaysia in relation to these matters.

Raymond has broad experience in data security law, data protection and privacy policies, personal data protection in the banking sector, personal data protection in employment, customer personal data protection in the retail sector, and personal data protection audit services.

EXPERIENCE

Raymond has handled many significant industrial relations and employment disputes for clients from an eclectic range of industries. Here are just some of such matters:

Litigation

- **Right to Counsel in Labour Court hearings** – Successfully represented Britannia Brands Malaysia in a landmark case where the High Court and Court of Appeal ruled that a litigant has a right to counsel in Labour Court proceedings heard under section 69 of the Employment Act 1955 even though the statute is silent on the right to legal representation. The Courts ruled that the Labour Court had failed to act in conformity with the principles of natural justice when it denied the employer's request to be represented by a counsel and proceeded with the hearing. This matter was successfully argued all the way of the Federal Court.
- **Clarification on the powers of the Industrial Court to award compensation and backwages to employees who have reached retirement prior to unfair dismissal** – Represented Swedish Motor Assemblies in an important case where the High Court ruled that where an employee has already passed his retirement age at the time the Industrial Court hands down its decision on an unfair dismissal, the backwages should be limited to the remaining months of his service until retirement. It was further ruled that no compensation in lieu of reinstatement should be payable to the employee since a retired employee is incapable of being reinstated to his former position. This decision was subsequently endorsed by the Federal Court many years later in another case.
- **Aviation - Represented Gulf Air in the dismissals of his Airport Managers who were involved in human trafficking** – Successfully represented Gulf Air in defending unfair dismissal claims filed by its former airport managers who were dismissed due to their involvement and complicity in the illegal trafficking of child passengers. The Industrial Court, High Court and Court of Appeal all ruled that the dismissals of the airport managers were just cause and excuse.
- **Aviation Shift Pattern Revamp of KLIA Airport Employees** – Successfully represented Malaysia Airports in a trade dispute against its in-house union whereby the Industrial Court endorsed the right of the Company to introduce a new shift pattern involving its employees.
- **Assessment of Compensation for Unfair Dismissal** – Acted for Burswood Limited wherein the Court of Appeal endorsed the principle that in assessing compensation for unfair dismissal, the Industrial Court reduced the compensation on the basis that the employee had illegally retained company documents after his cessation of employment.
- **MH370 Advisory involving payouts to deceased employees** – Advised a multinational company in respect of insurance payouts and ex-gratia compensation to the families of the deceased employees affected by the MH370 incident.

ACCOLADES

Chambers Asia-Pacific

Employment & Industrial Relations 2024, 2022, 2014-2019– Band 2 for 8 years; Band 1 for 2 consecutive years (2020 and 2021); Band 3 (2013)

- A client appreciates how he is *“a very reliable partner. He's extremely responsive and offers practical advice.”* - Chambers Asia-Pacific 2024
- Clients note that *“Raymond is a knowledgeable partner and great at problem solving.”* - Chambers Asia-Pacific 2023
- Another client describes him as *“thorough and strategic.”* - Chambers Asia-Pacific 2023
- A client enthuses that *“he has a very sound understanding of employment and industrial relations law in Malaysia. His response times are always immediate and he goes through the facts of the case and the evidence thoroughly.”* - Chambers Asia-Pacific 2020
- Clients laud his capabilities: *“He has always done his homework, is very strategic and always prepared for his cases, even prior to internal discussions.”* - Chambers Asia-Pacific 2019
- Raymond Low is lauded by market sources as *“an absolutely brilliant lawyer”* and a *“genius.”* - Chambers Asia-Pacific 2018
- Clients describe him as *“extremely sharp and practical.”* - Chambers Asia-Pacific 2017
- He is admired by the market for his legal knowledge, and one source described him as *“a very, very bright man.”* - Chambers Asia-Pacific 2016
- Raymond Low continues to impress peers and clients, who say: *“He's very good, very fast and understands the employer's perspective.”* - Chambers Asia-Pacific 2015
- Raymond Low has quickly established an impressive reputation in the market and is praised for his *“meticulous preparation of litigation matters.”* Clients add that he is *“very knowledgeable, practical and helpful.”* - Chambers Asia-Pacific 2014
- He impresses interviewees as a *“sharp, smart and excellent lawyer.”* - Chambers Asia-Pacific 2013

Asialaw Leading Lawyers

Labour and Employment 2023 – Distinguished Practitioner for 4 consecutive years; Leading Lawyer for 3 consecutive years (2017-2019)

- *“Very experienced, very sound legal knowledge, always quick to revert with advice or comments, always available and very approachable. Pleasant and emphatic”.* – Asialaw Profiles 2023
- Another client praises *“very pragmatic and legally sound”* Raymond Low, a leading lawyer, for his *“fast response and a good understanding of operational issues”.* – Asialaw Profiles 2018

Benchmark Litigation Asia-Pacific

Labour and Employment 2023 - Litigation Star for 3 consecutive years (2021 – 2023)

- *“He is an excellent lawyer. He is always courteous and his advice is always well-researched and thought through. He is very thorough and always responds within a short period of time.”* - Benchmark Litigation Asia-Pacific 2021

The Legal 500 Asia-Pacific

Labour and Employment 2023 – Leading Individual for 5 consecutive years (2019–2023); Recommended Lawyer for 2 consecutive years (2017-2018)

- *“Raymond Low, the firm's partner, possesses excellent breadth and depth of labour and employment law knowledge. He provides clear and succinct advice without unnecessary “legal speak”. He has successfully represented my organisation in many litigation cases.”* – The Legal 500 Asia Pacific 2023

- *“Raymond Low is always prepared, is down-to-earth and is strategic in managing cases. He has a willingness to get clients’ inputs and discuss everything with them before proceeding.” – The Legal 500 Asia Pacific 2023*

Who’s Who Legal

Labour & Employment 2023 and 2022 – Thought Leader

Labour & Employment 2023 – Global Leader for 3 consecutive years (2020-2023)

Labour, Employment & Benefits 2023 - National Leader (Southeast Asia) for 2 years (2021 and 2023)

In-House Community

Commended External Counsel of the Year for Malaysia jurisdiction in 2017

Judgments

In a decided case (*Tractors Malaysia Sdn Bhd v Annie Lai* [2012] 2 LNS 34), the Industrial Court commended Raymond in the written judgment *“for putting his heart and soul in fighting the case for his client.”*

APPOINTMENTS/MEMBERSHIPS

- Regional leader, Asia Pacific Member Engagement Committee, Employment Law Alliance (ELA)
- Member, Malaysian Bar
- Member, International Bar Association (IBA)

PUBLICATIONS

Co-authored various publications on employment and industrial relations law that include:

- *Employment and Industrial Relations Law Malaysia* published by Commercial Clearing House (CCH) (2014)
- *Retrenchment Law and Procedure in Malaysia* published by the Commercial Clearing House (CCH) (2009)
- Legal Annotation of the Industrial Relations Act 1967, Trade Union Act 1959 and the Employment Act 1955 published by the Malayan Law Journal (2002)
- The Malaysian section in *Employment Law Asia* published by the Commercial Clearing House (CCH), where he was the contributing editor (2002)
- *Employment Termination – Law & Practice* published by Commercial Clearing House (CCH) (2001)