

# PROFILE

**Partner****Employment & Industrial Relations****Shearn Delamore & Co., Kuala Lumpur, Malaysia**

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**Qualifications**

LL.B (Hons), University of Liverpool

Certificate in Legal Practice

Advocate &amp; Solicitor, High Court of Malaya

**Languages**

English, Malay

## JAMIE GOH

### ABOUT JAMIE

Jamie strives to resolve employment-related disputes without resorting to litigation.

Jamie provides legal counsel on employment and workplace issues from pre-employment through to managing exits, including employment litigation, resolving workplace disputes as well as day-to-day employment matters. In particular, her experience includes advising on the drafting of employment agreements, disciplinary action procedures, performance management, negotiated terminations, sexual harassment claims, global policies and procedures, data protection and privacy policies, employees provident fund and social security, minimum wage, employee transfers, strategic issues associated with reorganisations and restructurings, occupational health and safety and union recognition. Jamie is also experienced in labour due diligence.

Jamie advises employers from various sectors, including banking and finance, airlines, hotel, oil and gas, postal services, engineering, broadcasting and television services, telephone services, healthcare, automotive, education, manufacturing, plantation and technology/software.

Jamie appears regularly as co-counsel in all tiers of the Malaysian Courts for the conduct of employment-related trials, hearings, and appeals. She has also given talks and training to employers to manage misconduct issues and poor performance in employees.

## EXPERIENCE

Some of the matters which Jamie has appeared as co-counsel:

- Acted for a national airline in a landmark Federal Court case which developed the test for dismissal for participation in trade union activities.
- Acted for a purpose-built data centre at the Federal Court which considered the issue of whether foreign nationals could be deemed as permanent employees in light of the fact that their continued employment was subject to the issuance of a work permit by the immigration authorities.
- Acted for a bank at the Court of Appeal which re-affirmed the high standard expected of bank employees and the importance of integrity at the workplace.
- Acted for a provider of leisure and hospitality services at the Court of Appeal which decided that the Minister of Human Resources had acted outside his jurisdiction and in breach of section 9 of the Industrial Relations Act 1967 when the Minister referred the matter to the Industrial Court unilaterally in the absence of recognition accorded to the union under the provisions of section 9 of the Industrial Relations Act 1967.
- Acted for a manufacturing company at the Court of Appeal which recognized that in an important consideration to take into account in a termination of employment via mutual separation is whether the recipient of a mutual separation package was in a position to negotiate the terms of the mutual separation.
- Acted for a provider of fully integrated maritime, offshore floating solutions and logistics services at the Court of Appeal which recognized that the tenure of service of an employee in an organization does not shield the employee from having to render satisfactory performance at the level required by the employer.
- Acted for an autologistics company in a Court of Appeal case whereby the court found that the company had accorded the employees due inquiry vide the issuance of show cause letters and discussions the company held with them. The Court of Appeal agreed with the company that the employees' refusal to adhere to the transfer order amounted to a misconduct which warranted the termination of their employment.

## APPOINTMENTS/MEMBERSHIPS

- Member, Malaysian Bar
- Next Gen 3.0 - Malaysia, Employment Law Alliance
- Ombudsperson, for Vossloh

## PUBLICATION

- The Effect of Vague Charges in A Domestic Inquiry [2016] 1 LNS(A) lxxxix, by Current Law Journal
- Law and Practice of Employment Law in Malaysia – Sweet and Maxwell, 2022 [contributor]