

**INDUSTRIAL COURT MALAYSIA**

**CASE NO : 7(24)/4-922/11**

**BETWEEN**

**NORHAYATI BINTI HUSSEIN**

**AND**

**JW MARRIOTT HOTEL KUALA LUMPUR  
(Star Hill Hotel Sdn. Bhd.)**

**AWARD NO: 1116 OF 2017**

**BEFORE** : Y.A. PUAN YAMUNA MENON - CHAIRMAN  
(AWARD HANDED DOWN BY Y.A. PUAN JAMHIRAH ALI)

**VENUE** : Industrial Court Malaysia, Kuala Lumpur.

**DATE OF REFERENCE** : 06.06.2011.

**DATES OF MENTION** : 14.09.2011, 01.11.2011, 22.12.2011, 09.02.2012,  
24.02.2012, 15.03.2012, 06.04.2012, 04.05.2012,  
11.05.2012, 11.07.2012, 14.08.2012, 14.09.2012,  
26.11.2012, 22.02.2013, 11.03.2013, 20.03.2013,  
03.06.2013, 20.06.2013, 19.07.2013, 19.08.2013,  
20.08.2013, 26.09.2013, 24.10.2013, 27.11.2013,  
20.05.2015.

**DATES OF HEARING** : 12.03.2013, 13.03.2013, 05.04.2013.

**DATE OF CLAIMANT'S  
WRITTEN SUBMISSION** : 01.11.2013.

**DATE OF COMPANY'S  
WRITTEN SUBMISSION** : 25.09.2013.

**REPRESENTATION** : *for the Claimant – Dato' Ajit Singh Jessy  
Messrs Jessy & Associates  
Advocates & Solicitors*

*for the Company – Yong Hon Cheong together with  
Cynthia Junavence  
Messrs Zaid Ibrahim & Co  
Advocates & Solicitors*

## **REFERENCE:**

- This case was referred to the Industrial Court on 06.06.2011 by the Honourable
- Minister of Human Resources pursuant to subsection 20(3) of the Industrial Relations Act 1967 [Act 177] (“IRA”) arising from the dismissal of **Norhayati binti Hussein** (“Claimant”) by **JW Marriott Hotel Kuala Lumpur (Star Hill Hotel Sdn. Bhd.)** (“Company”) on 29.06.2010.

## **AWARD**

### **Prologue**

1. This case was heard before a former Chairman Yamuna Menon of another division (Court 24) from 12.03.2013 to 05.04.2013. The former Chairman retired from service on 18.04.2015. When the case was called for mention 20.05.2015 before the Assistant Registrar, both parties consented to the Award being handed down by another Chairman. The Honourable president of the Industrial Court thereafter directed that this case be transferred to this division for the said handing down of the Award. The Company's Written Submission and Bundle of Authorities were filed on 25.09.2013 and the Claimant's Written Submission was filed on 01.11.2013.

### **Facts**

2. The Claimant commenced employment with the Company on 20.03.1999 vide a letter of employment dated 01.03.1999 (CLB pg 1-5) as ‘Accounts Assistant – Receivable’ in the Accounts Department. The Claimant subsequently took on the role of Credit Officer with a salary of RM3,500.00 per month.

