

Dato' Thavalingam C. Thavarajah

Dato' Thavalingam C. Thavarajah was called to the Malaysian Bar in 1990, prior to which, he was admitted as a Barrister-at-law at Gray's Inn. He practiced in three of the largest legal firms in Malaysia, namely Shearn Delamore & Co., Zaid Ibrahim & Co. and Messrs. Lee Hishammuddin Allen & Gledhill.

Dato' Thavalingam has authored, co-authored and contributed to numerous publications, inter alia, 'Employment Termination Law & Practice Malaysia', 'A Practical Guide', 'Employment & Industrial Relations Law Malaysia', 'Retrenchment Law and Procedure in Malaysia', 'Constructive Dismissal – Commentaries and Cases', 'Employment Law Asia (Malaysian Chapter)' as well as the volume on the Employment Act 1955, Industrial Relations Act 1967 and the Trade Unions Act 1959 in the Annotated Statutes of Malaysia series.

He has been consistently recognised and ranked as a leading practitioner by Benchmark Litigation, Euromoney, The Legal 500, Chambers and Asialaw. In 2010 and 2011, Dato' Thavalingam was honoured by ILO through the ILO Client Choice Awards in London, and by the In-House Community in 2017 during its awards ceremony in Hong Kong.

Dato' Thavalingam has also been involved in the restructuring of government-linked companies and acted as senior counsel in a number of high-profile employment disputes which have been reported in the media. He was also appointed by the Malaysian Government as a member of the National Labour Advisory Council (NLAC) during his tenure as MEF Honorary Secretary.



Qualifications

- ❖ LLB (Hons), Liverpool
- ❖ Called to the Bar of England and Wales (Gray's Inn)
- ❖ Advocate & Solicitor of the High Court of Malaya

Notable Transactions

- ❖ Invited by the Attorney General's Chambers to discuss proposed amendments to labour law in Malaysia, in particular, the Industrial Relations Act 1967.
- ❖ Represented CIMB Bank as lead counsel at the Federal Court in respect of unfair dismissal claims brought by former employees who were dismissed for participating in an unlawful picket. (*Hariato Effendy Zakaria & Ors v Mahkamah Perusahaan Malaysia & Anor* [2014] 8 CLJ 821).
- ❖ Acted for the national carrier in a highly-publicised constructive dismissal claim by three long-serving senior pilots which went all the way to the Federal Court (*Samsudin Zainol Abidin & Ors v Malaysian Airline System Berhad* [2010] 4 ILR 118).
- ❖ Successfully argued a novel point of law on compensation in lieu of reinstatement for Unilever at the Federal Court. (*Unilever (M) Holdings Sdn Bhd v So Lai & Anor* [2015] 3 CLJ 900).

Publications

- ❖ *Arbitration in Malaysia – A Practical Guide* (Sweet and Maxwell, 2016) - Expert Contributor (Chapter 22: Arbitration of Employment Disputes)
- ❖ *Employment & Industrial Relations Law Malaysia* (CCH Asia Pte Ltd, 2014) - Co-author
- ❖ *Retrenchment Law and Procedure in Malaysia* (CCH Asia Pte Ltd, 2009) - Co-author
- ❖ *Constructive Dismissal – Commentaries and Cases* (CCH Asia Pte Ltd, 2008) - Co-author
- ❖ *Annotated Statutes of Malaysia* series – Employment Act 1955, Industrial Relations Act 1967 and the Trade Unions Act 1959 in the (Malaysian Law Journal, 2002) - Contributing Editor
- ❖ *Employment Law Asia* (Malaysian Chapter) (CCH Asia Pte Ltd 2002) - Panel Author
- ❖ *Employment Termination Law & Practice Malaysia* (CCH Asia Pte Ltd, 2001) - Principal Author

Awards & Accolades

- ❖ AsiaLaw Profiles: Elite Practitioner - Employment and Industrial Relations
- ❖ Chambers Asia Pacific: Band 1 - Employment and Industrial Relations
- ❖ The Legal 500 (Asia Pacific): Leading Individual - Labour and Employment
- ❖ The In-House Community: Commended External Counsel
- ❖ Client Choice Winner for Employment (International Law Offices)
- ❖ Benchmark Litigation: Litigation Star: Commercial and transactions; Labour and employment