

Employment Regulations 1957.

1. Citation

These Regulations may be cited as the Employment Regulations 1957.

2. Interpretation

In these Regulations --

"extra work" includes overtime work, and work on rest days and holidays;

"the Act" means the Employment Act 1955;

"Register" means a book or separate cards kept by every employer containing the information relating to his employees as required under these Regulations and includes a register required to be maintained under the Internal Security (Registration of Labour) Regulations 1960.

3. Exclusion from section 34 of the Act

A female employee employed by or under any City Council, Municipal Council, Town Council, Town Board or Local Council in the collection or disposal of night soil may work in such undertaking between the hours often o'clock in the evening and five o'clock in the morning.

4. Registers to be kept under section 44 of the Act

The Register kept by every employer under section 44 of the Act shall be in the form set out in the First Schedule to these Regulations.

5. Register

The Register kept by every employer under section 61 of the Act shall contain the following groups of particulars regarding each employee --

(a) Personal details;

- (1) Name;
- (2) Sex;
- (3) Age (date of birth);
- (4) National Registration Identification Card No.;
- (5) Employment permit or Immigration Work Pass No. (if applicable) and date of expiry;
- (6) Permanent home address;
- (7) Occupation or appointment;
- (8) Date of commencing employment;
- (9) Date of leaving employment;
- (10) Amount of termination or lay-off benefits paid and the date of such payment;
- (11) The method of computing the termination or lay-off benefits payments;

(b) Details of terms and conditions of employment:

- (1) Name of employee and National Registration Identification Card No.;
- (2) Occupation or appointment;
- (3) Wage rates (excluding other allowances);
- (4) Other allowances payable and rates;
- (5) Rates for overtime work;
- (6) Other benefits (including approved amenity and service);
- (7) Agreed normal hours of work per day;
- (8) Agreed period of notice for termination of employment or wages in lieu;
- (9) No. of days entitlement to holidays and annual leave with pay;
- (10) Duration of wage period;

(c) Details of wages and allowances earned during each wage period:

- (1) Where pay is calculated by reference to time, that is by the hour, day, week or month:
 - (i) Rate of pay;

- (ii) Total No. of days of normal hours of work done during each wage period;
- (iii) Total amount of wages for normal hours of work during each wage period;
- (iv) Rate of pay per hour for overtime work;
- (v) Total No. of hours of overtime work done during each wage period;
- (vi) Total amount of overtime wages during each wage period;
- (2) Where pay is calculated by reference to work done, that is by piece, volume or task of work:
 - (i) Rate of pay per piece, volume or task of work during normal hours of work;
 - (ii) Total number of piece, volume, or task of work done during normal hours of work in each wage period;
 - (iii) Total amount of wages earned during normal hours of work in each wage period;
 - (iv) Rate of pay per piece, volume or task of work done exceeding normal hours of work per day;
 - (v) Total number of piece, volume or task of work done exceeding normal hours of work in each wage period;
 - (vi) Total amount of overtime wages earned exceeding normal hours of work in each wage period;
- (3) Total number of days work or total number of piece, volume or task of work done on rest days and holidays with pay during each wage period;
- (4) Amount of wages paid in lieu of annual leave with pay in each wage period;
- (5) Details of other allowances payable during each wage period;
- (6) Total amount of wages and allowances earned during each wage period under paragraphs (1) to (5);
- (7) Details of advances made during each wage period;
- (8) Details of deductions made during each wage period;
- (9) Balance of wages and allowances payable at end of each wage period;
- (10) Details of holidays, annual and sick leave with pay granted during each wage period;
- (11) Date of payment;
- (12) Signature of employee; and the particulars under paragraph (c) shall be brought up-to-date in the Register not later than the 3rd day after the end of each wage period in respect of which the particulars relate.

6. Keeping of Register

Every employer shall unless otherwise permitted by the Director General keep the Register required to be kept under these Regulations in the office within the place of employment on which employees are employed and shall make such Register available for inspection by the Director General as and when required to do so.

7. Employer to make available register for examination

Every employer shall make available for examination by every employee employed by him the Register containing the particulars specified in regulation 5--

- (a) in a place within the place of employment to which every employee shall have the right of access for a period sufficient to allow examination thereof by every employee for not more than twice in each wage period; or
- (b) in any other manner which the Director General may approve and such particulars shall be in the National Language.

8. Employer to furnish certified copy of particulars under regulation 5 (b)

(1) Every employer shall furnish to every employee employed by him on or before the date of his commencing employment and subsequently on any change in the terms and conditions of

employment resulting in any change in his wages a certified copy of the particulars as specified in paragraph (b) of regulation 5.

(2) When a collective agreement is currently in force and applicable to an employee in the place of employment the employer shall furnish him with a copy of the collective agreement or display permanently, at a conspicuous place accessible to the employee, in the place of employment a copy of the collective agreement.

9. Employer to furnish particulars under regulations 5 (c)

Every employer shall furnish to every employee employed by him in a separate statement or card the particulars relating to details of wages and other allowances earned during each wage period as specified in paragraph (c) of regulation 5 on or before the date of payment of wages.

10. Fees

The fees to be paid for copies of notes of evidence recorded under Part XV of the Act shall be those set out in the Second Schedule to these Regulations.

11. (Omitted -- P.U. (A) 376/76).

12. (Revoked -- P.U. (A) 373/76).

13. (Revoked -- P.U. (A) 375/76).

14. Forms

The forms prescribed in the Fourth Schedule, with such variation as the circumstances of each case require, may be used for the respective purposes therein mentioned.

First Schedule

REGISTER OF MATERNITY, LEAVE AND ALLOWANCES (1C)

Serial Number of Claim.....

(Employment Act 1955)

(Section 44)

Place of employment.....

PART A

(To be completed in respect of a female employee about to leave her employment who reports that she knows or has reason to believe that she will be confined within a period of four months from the date on which she leaves her employment).

1. Name and National Registration Identification Card Number.....

2. Future address.....

3. Date of leaving employment.....

4. Date of notifying pregnancy.....

5. Expected date of confinement.....

6. Name, National Registration Identification Card Number and address of nominee (if any) appointed to receive maternity allowance under the provision of section

41.....

7. Number of days employed during the

1st.....2nd.....3rd.....

4th.....5th.....6th.....

7th.....8th.....9th.....

month preceding her departure.

PART B

(To be completed in respect of maternity leave and allowances under the provisions of section 37).

1. Name and National Registration Identification Card Number.....

2. Name, National Registration Identification Card Number and address of nominee (if any).....

3. Date of notifying commencement of maternity leave.....

4. Date on which employee commenced her maternity leave.....

5. Number of days employed during the

- 1st.....2nd.....3rd.....
 4th.....5th.....6th.....
 7th.....8th.....9th.....
 month preceding confinement.
 6. Date of confinement.....
 7. Date of notifying confinement.....
 8. Date on which work was resumed (or date of leaving the employment or date of death).....
 9. Number of consecutive days employee was on maternity leave:
 (i) Prior to confinement.....
 (ii) After confinement.....
 10. Ordinary rate of pay of employee per day.....
 11. Amount of maternity allowance and date of payment:
 (i) Before confinement RM.....
 (ii) After confinement RM.....
 12. If maternity allowance is not paid or not paid in full, state here the reasons....

I confirm that the above particulars are correct.

Signature of Employer

I confirm that the amounts stated above have been paid to me.

Signature of Employee / Nominee

Second Schedule

Amount	Fee RM C.
Folio comprising hundred words (every figure to count as a word)	1 00
Part folio	50
Extra copies ordered with originals	25

Third Schedule

(Revoked -- P.U. (A) 376/76).

Fourth Schedule

Form A - DEFENDANT SUMMONS

(Under section 70 (c) of the Employment Act 1955)

Director General of Labour Summons Case No.....

Between

AB.....Complainant

and

CD.....Defendant

The above-named defendant.....

residing (or having his place of business or employed) at.....

You are hereby summoned to appear at.....

at..... a.m./ p.m. on the.....day of.....

19.....to answer a complaint made against you by the above-named complainant, that:

(Here set out particulars of complaint).

Take notice that you may bring to the hearing of the above complaint such witnesses as you may wish to call on your behalf and that you may apply to the Director General of Labour for summonses to such persons to appear and give evidence.

And take notice further that in default of your appearance the complaint may be heard and decided in your absence; and that you will be bound by such decision and such decision may be enforced against you pursuant to section 70 (h) and (i) of the Employment Act 1955.

And take notice further that notwithstanding the foregoing, if you fail to comply with the above summons, by virtue of sections 80 and 101 of the Employment Act 1955, you may be prosecuted for an offence under Chapter X of the Penal Code and punishable thereunder.

Dated this.....day of.....19.....

Director General of Labour

Form B - SUMMONS

(Under section 70 (d), (e) or (f) the Employment Act 1955)

Director General of Labour Summons Case No.....

Between

AB.....Complainant

and

CD.....Defendant

To EF.....residing (or having his place of business or employed)
at.....

Whereas, AB has complained against CD, and whereas I have reason to believe--

(1) that you have knowledge of the matters in issue and/or can give evidence relevant thereto;

(2) that your financial interests are likely to be affected in a manner endorsed herein by a decision which I might give.

You are hereby summoned to appear at.....

at.....a.m./ p.m. on the.....day of.....

19.....to give such evidence on behalf of the complainant/defendant and/or as may be required by the Director General.

And take notice further that in default of your appearance the complaint may be heard and decided in your absence notwithstanding that your interest might be prejudicially affected thereby.

And take notice further that notwithstanding the foregoing, if you fail to comply with the above Summons, by virtue of sections 80 and 101 of the Employment Act 1955, you may be prosecuted for an offence under Chapter X of the Penal Code and punishable thereunder.

Dated this.....day of.....19.....

Director General of Labour

Form C

(Order under section 69 of the Employment Act 1955)

Director General of Labour Summons Case No.....

Between

AB.....Complainant

and

CD.....Defendant

Whereas the complaint in the above case No.....

was heard and decided at.....on

the.....day of.....19..... the Director General hereby makes the following order, that --

Dated this.....day of.....19.....

Director General of Labour

It is hereby certified that a sum of RM.....in full/partial settlement of this Order has been paid in this Office.

Form D
IN THE STATE OF.....
SUMMONS

(Under section 73 of the Employment Act 1955)

Director General of Labour Summons Case No.....

Between

AB.....Complainant
and

CD.....Defendant

To EF.....residing (or having his place of business or employed)
at.....

Whereas I have inquired into the above complaint and have made an order dated the.....day
of.....19.....

that.....shall pay to me on behalf
of.....the sum of RM.....; and

Whereas I have reason to believe that there exist between CD and yourself a contract in the
course of the performance of which AB performed the work in respect of which the said order
dated.....day of.....19..... was made; and that money is owed by you to
CD under the said contract --

You are hereby summoned to appear before me at..... at..... a.m. / p.m.
on.....day of.....19..... to answer such questions as I may put to you.

And take notice further that notwithstanding the foregoing, if you fail to comply with the above
summons, by virtue of sections 80 and 101 of the Employment Act 1955, you may be
prosecuted for an offence under Chapter X of the Penal Code and punishable thereunder.

Dated this.....day of.....19.....

Director General of Labour

Form E
IN THE STATE OF.....
PROHIBITORY ORDER

(Under section 73 of the Employment Act 1955)

Director General of Labour Summons Case No.....

Between

AB..... Complainant
and

CD.....Defendant

To EF.....residing (or having his place of business or employed)
at.....

Whereas I have enquired into the above claim and have made an order under the provisions of
section 69 of the Employment Act 1955, that..... shall pay
to.....the sum of RM.....;and

Whereas after enquiry I am satisfied that there exist between CD and yourself a contract in the
course of the performance of which AB performed the work in respect of which the said Order
dated.....day of..... 19.....was made; and

Whereas you.....have admitted to me (in writing)* that the sum of
RM.....is owing by you under such contract to the
said.....;

Now I Do ORDER you to pay the said sum of RM.....to me on behalf of the
said.....

Dated this.....day of.....19.....

Director General of Labour

It is hereby certified that a sum of RM.....in full /partial settlement of this Order has been paid in this Office.

Director General of Labour

Form F
IN THE STATE OF.....
SUMMONS
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