Undang-undang Buruh dan Garis Panduan Pengambilan Pekerja

Sebagai majikan, anda perlu peka terhadap undang-undang dan garis panduan pengambilan dan menggaji pekerja untuk syarikat anda.

Untuk maklumat lanjut, klik pada pautan-pautan di bawah:

- Akta Pekerjaan 1955: Panduan kepada Undang-undang Buruh Malaysia
- Pampasan Pekerja (Bahasa Inggeris sahaja)
- Akta Keselamatan dan Kesihatan Pekerja 1994 (Bahasa Inggeris sahaja)
- Akta (Penggajian) Kanak-kanak dan Orang Muda 1966 (Pindaan 1988)

Pengambilan Pekerja

Kementerian Sumber Manusia telah menyediakan kemudahan untuk mempertingkatkan mobilisasi tenaga kerja negara secara elektronik. Sebagai majikan, anda boleh mengiklankan jawatan kosong secara percuma melalui aplikasi Electronic Labour Exchange (ELX).

- Hiring
- Sexual Harassment
- Disputes
- Pensions
- Workmen's Compensation
- Employees Provident Fund (EPF)
- Social Security Organization (SOCSO)
- Occupational Safety & Health Act (OSHA)

UNDER WHAT CIRCUMSTANCES CAN A CONTRACT OF SERVICE BE TERMINATED BY EITHER THE EMPLOYER OR EMPLOYEE?

Where a contract of service is considered broken, an employer can dismiss an employee. A contract of service is considered to have been broken when an employee has been absent from work for more than 2 consecutive working days without prior leave from the employer or without informing or attempting to inform the employer at the earliest opportunity during such absence with reasonable excuse.

An employer may terminate the contract of service where the employee is found guilty of misconduct, misdemeanor or negligence.

An employee has the right to terminate the contract of service, where an employer fails to pay wages within seven days after the wages period.

A contract of service can also be terminated without notice:
- by paying to the other party or indemnity in lieu of notice
- if there is a willful breach by the other party of a term or condition of the contract of service

Where the contract of service has expired or work being completed, the contract may also be terminated. Written notice being given by either party may also terminates a contract of service.

WHAT IS THE NOTICE PERIOD REQUIRED TO TERMINATE A CONTRACT OF SERVICE?

An employee may resign by giving notice of resignation or termination to the employer to terminate the contract of service. An employer may also dismiss an employee by giving notice of termination to such employee. In both situation, the length of notice shall be the same pursuant to the contract of service.

Where the period of notice of termination is not specified in the contract of service, the notice period shall be as follows:

- less than 2 years of service - minimum 4 weeks
- 2 years or more but less than 5 years of service - minimum 6 weeks
- 5 years of service or more - minimum 8 weeks

OTHER THAN TERMINATION, WHAT ACTIONS CAN AN EMPLOYER TAKES AGAINST AN EMPLOYEE ON THE GROUNDS OF MISCONDUCT ON THE PART OF THE EMPLOYEE?

Where an employee is found guilty of misconduct by an employer, the employer may take the following actions:

- downgrade the employee
- impose any other lesser punishment as the employer considers just and fit

WHAT IS OCCUPATIONAL SAFETY AND HEALTH ACT?

The Occupational Safety and Health Act is an Act which provides the legislative framework to secure the safety, health and welfare among all Malaysian workforce and to protect others against risks to safety or health in connection with the activities of persons at work.

This Act was gazetted on 24th February 1994 and may be cited as the Occupational Safety and Health Act 1994. This Act is a practical tool superimposed on existing safety and health legislation.

The aims of this Act are

- to secure the safety, health and welfare of persons at work against risks to safety or health arising out of the activities of persons at work
- to protect persons at a place of work other than persons at work against risks to safety or health arising out of the activities of persons at work
- to promote an occupational environment for persons at work which is adapted to their physiological and psychological needs
- to provide the means whereby the associated occupational safety and health legislation may be progressively replaced by a system of regulations and approved industry codes of practice operating in combination with the provisions of this Act designed to maintain or improve the standards of safety and health.
The provision of the **Occupational Safety and Health Act 1994** are based on the self-regulation scheme. Its primary responsibility is to ensure safety and health of work lies with those who create the risks and those who work with the risks.

Through self-regulating scheme that is designed to suit the particular industry or organization, this Act also aims to establish effective safety and health organization and performance.

The concept of self-regulation encourages cooperation, consultation and participation of employees and management in efforts to upgrade the standards of safety and health at the workplace.

The **Occupational Safety and Health Act 1994** is enforced by the **Department of Occupational Safety and Health (DOSH)**, a government department under the Ministry of Human Resources Malaysia.

**Department of Occupational Safety and Health (DOSH)** will ensure through enforcement and promotional works that employers, self-employed persons, manufacturers, designers, importers, suppliers and employees always practise safe and health work culture, and always comply with existing legislation, guidelines and codes of practice.

**Department of Occupational Safety and Health (DOSH)** will also formulate and review legislation, policies, guidelines and codes of practice pertaining to occupational safety, health and welfare as a basis in ensuring safety and health at work.

**Department of Occupational Safety and Health (DOSH)** is also the secretariat to National Council for Occupational Safety and Health, a council established under **section 8** of the **Occupational Safety and Health Act 1994**.

The National Council for Occupational Safety and Health shall have power to do all things expedient or reasonably necessary for or incidental to the carrying out of the objects of this Act.

Isi kandungan

[1 Malaysia]
  1.1 Sejarah
  1.2 Prinsip

[2 Pautan Luar]

Malaysia

Sejarah


Prinsip
Akta Kesihatan dan Keselamatan Pekerjaan 1994 dirangka berdasarkan enam prinsip iaitu:

- Pemcegahan kemalangan adalah sebahagian daripada aspek penting pengurusan dan kemahiran yang baik
- Pihak pengurusan dan pekerja mestilah bekerjasama dalam memastikan tempat kerja bebas daripada sebarang kemalangan
- Penglibatan pihak atasan adalah diutamakan dalam memimpin perlaksanaan keselamatan di tempat kerja
- Dasar keselamatan dan kesihatan pekerjaan hendaklah dirangka dan dikenal pasti oleh semua pekerja di tempat kerja
- Organisasi dan sumber yang perlu hendaklah dibangun dan disediakan bagi menyokong ke arah kesihatan dan keselamatan pekerjaan
- Pengetahuan dan kaedah tersedia yang terbaik digunakan


Tawaran Kursus, Seminar dan Latihan
Dalam usaha melahirkan pekerja berkemahiran profesional di kalangan pekerja-pekerja tempatan, bebrapa agensi kerajaan telah dipertanggungjawab untuk menyediakan pelbagai program latihan.

Klik pada pautan-pautan di bawah untuk maklumat lanjut:

- Kementerian Pertanian dan Industri Asas Tani
- Kementerian Perdagangan Dalam Negeri dan Hal Ehwal Pengguna
- Kementerian Pembangunan Usahawan dan Koperasi (KPUn)
- Kementerian Sumber Manusia
- Perbadanan Pembangunan Multimedia (MDeC)
- Perbadanan Pembangunan Industri dan Sederhana (SMIDEC)
- Institut Kemahiran MARA
- SIRIM Berhad
- Persatuan Badan Berkanun Malaysia (PBBM)
- Pusat Pembangunan Usahawan Malaysia (MEDEC) (Bahasa Inggeris sahaja)
- Perbadanan Produktiviti Malaysia (MPC)
- Institut Pembangunan Pengurusan Johor
- Persatuan Pedagang dan Pengusaha Melayu Malaysia (PERDASAMA)