



Employment Act amendments: Is the MOHR thinking straight, Santiago chides

UPSET with several proposed amendments to the Employment Act, a DAP MP accused the Human Resources Minister (MOHR) of being half-hearted in coming up with protection for workers.

“The Government said it would align the amendments ‘to comply with the international standards and practices as required by the Trans-Pacific Partnership Agreement, the Malaysia-United States Labour Consistency Plan and the International Labour Organization’”.

“But, the Employment Amendment Bill 2021 falls short of its objectives,” Klang MP Charles Santiago said.

Human Resources Minister Datuk Seri M. Saravanan is scheduled to table amendments to the legislation in this Dewan Rakyat sitting.

Several groups have recently lauded several provisions on the amendment, which includes 98 days maternity leave for women and introducing seven-days paternity leave for fathers.

Elaborating on his concerns, Santiago said that the MOHR has no plans to expand the scope of the Employment Act by not removing the RM2,000 pay scale protection threshold.

Essentially, it means those earning beyond the amount would not be covered by the amendments.

“When the draft for the proposed amendments was circulated in 2018, the threshold for wage was to be removed to expand the scope of the Act to cover all workers, regardless of wage level and type of occupation,” he noted.

Based on the statistics published by the **Department of Statistics Malaysia** in the Salaries and Wages Survey Report Malaysia 2020, Santiago said the median income of a wage earner in 2020 was RM2,062.

This effectively implies that in 2020, out of the total 9.4 million wage earners in Malaysia, only roughly half of them (approximately 4.7 million) were protected by the Act.

“What exacerbates the situation is the fact that we are expecting more wage earners to be excluded from the Employment Act protection as their income grows and exceeds the RM2,000 threshold over time,” he noted.

Limiting scope against sexual harassment, maternity protection

Plus, Santiago alleged the proposed amendments seek to remove a number of provisions which stipulate that sexual harassment and maternity protections are applicable to every employee, including female workers regardless of wage level.

“So does this mean that sexual harassment and maternity protection, which are currently applicable to every employee and female employees regardless of wage level, will now be applicable only to those earning RM2,000 and less?” he queried.

On that note, Santiago also raised alarm on a provision that empowers the director-general to investigate and make a decision on wage related disputes for workers earning up to RM 5,000 per month, which is being proposed to be removed from the Bill.

“So, would the right of workers to request for the director-general’s investigation and decision in wage related disputes for workers earning up to RM5,000 per month also be lost?

“Clearly, MOHR hasn’t thought through these issues carefully,” he lamented.

Santiago remarked: “The current amendments have also failed to identify grounds for discrimination unlike the initial proposal, which had included comprehensive language and identified specific grounds such as gender, religion, race, disability, marital status, pregnancy, language and age.

“All these provisions have been removed from the Bill and replaced with a general provision empowering the director-general to inquire into and decide on disputes relating to discrimination, and subsequently make an order.” – March 21, 2022

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