

《1955年雇佣法令》

SUMMARY OF EMPLOYMENT ACT 1955

无论您是老板或员工，您必须知道的 5 大摘要



DIFFERENCE BETWEEN EMPLOYMENT ACT 1955 & INDUSTRIAL RELATIONS ACT 1967

1955年雇佣法令 与 1967劳资关系法令 的分别



Employment Act 1955	Industrial Relations Act 1967
<p>Defines “Employee” based on the amount of wages and on the type of occupation 定义“雇员”基于工资和职业类型</p>	<p>Defines “Workman” – any person employed under a contract of employment without being restricted to the amount of wages or the type of occupation. 工人- 任何人与雇主立定雇佣合同且工资和职业类型不受任何限制</p>
<p>More concern about monetary benefits such as annual leave, sick leave, working hours, maternity benefits, holidays & etc. 主要专注于金钱上的利益，如有薪年假，有薪病假，工作时长，公共假期与生育保障等</p>	<p>More of persuasive nature in that industrial problems through negotiation and conciliation. 多数专注于有说服性地去解决问题，如通过适当的谈判与调解</p>



情景1:

陈先生是一名工匠，他的月薪是RM5,500，那他被1955年雇佣法令所保护与限制吗？

是的，他被1955年雇佣法令所保护与限制。因为他符合劳工附表1里所阐述的雇员类别，月薪多于RM2,000且从事体力劳动。

情景2:

李小姐是一名公司经理，她的月薪是RM5,500，那她被1955年雇佣法令所保护与限制吗？

不，陈小姐不被1955年雇佣法令所保护与限制。因为她不符合劳工附表1里所阐述的雇员类别，月薪多于RM2,000 但并不是从事体力劳动。若陈小姐被不当解雇，她能根据1967年劳资关系法令寻求应有的保障。

什么？

不了解1967年劳资关系法令？

没关系，让我们下回来为您仔细分解。

今天就先与您分享1955年雇佣法令须知的5大摘要。



WHO IS COVERED UNDER THE EMPLOYMENT ACT: FIRST SCHEDULE - SECTION 2(1)?

劳工法令仅适用于劳工法附表1所禅述的雇员类别：

- ✓ Any person, who has entered into a contract of service with an employer under which such person's wages do not exceed RM2,000 a month.

任何人, 跟雇主立定“contract of service”,
且月薪少于RM2,000.

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Note: First Schedule - Section 2(1)



Any person who, amount of wages earns in a month **exceed RM2,000**, has entered into a contract of service with an employer in pursuance of which :-
(任何人, 跟雇主立定“contract of service”, 且月薪**多于RM2,000**, 是从事 :)

- he is engaged in manual labour including such as an artisan or apprentice.
(从事体力劳动, 如工匠和学徒)
- he is engaged in the operation or maintenance of any mechanically propelled vehicle.
(从事任何推进车辆的机械操作与维修)
- he supervises or oversees other employees engaged in manual labour.
(监督从事体力劳动的其他雇员)
- he is engaged in any capacity in any vessel registered in Malaysia.
(在马来西亚注册的任何船只)
- he is engaged as a domestic servant .
(家庭佣人身份)





1. NORMAL HOURS OF WORKING (正常工作时间)

Not more than 8 hours in one day.
(一天工作时长不超过8小时)

Not more than 40 hours in one week.
(一星期工作时长不超过40小时)

Not more than 5 consecutive hours
without a period of leisure of not less than
30 minutes.
(禁止连续不间断工作5小时以上不给予至少30分钟的休息时间)

什么?
一天工作超过8小时???
那你知道公司应个该付
你加班费吗?

2. HOLIDAYS (公共假期)

Every employee shall be entitled to paid holidays at his ordinary rate of pay on the following days:

On eleven of the gazette public holidays, five of which shall be:

The National Day (国庆日)

The birthday of the Yang di-Pertuan Agong (最高元首诞辰日)

The Birthday of the State Ruler, or the Sultan (各州统治者或州元首诞辰)

Labour's Day (劳动节)

Malaysia Day (马来西亚日)

什么?
公定假日还要工作???
那你知道公司应该付你
两倍的薪资吗?





3. ANNUAL LEAVE (有薪年假)



LENGTH OF SERVICE	ANNUAL LEAVE
< 2 YEARS (少过两年)	8 DAYS (8天)
2 YEARS $\leq y$ < 5 YEARS (多于或等于两年, 少过五年)	12 DAYS (12天)
≥ 5 years (五年或以上)	16 DAYS (16天)



4. SICK LEAVE (有薪病假)



LENGTH OF SERVICE	ANNUAL LEAVE
< 2 YEARS (少过两年)	14 DAYS (14天)
2 YEARS ≤ y < 5 YEARS (多于或等于两年, 少过五年)	18 DAYS (18天)
≥ 5 years (五年或以上)	22 DAYS (22天)

- ✓ 60 days if the hospitalization is necessary, as may be certified by such registered medical practitioner or medical officer.
(若必须住院, 最多60天有薪病假)



5. MATERNITY PROTECTION (生育保障)

Every female employee shall be entitled to:
(每一位女员工都有权享有:)



Maternity Leave which not less than 60 consecutive days.
However, from year 2021 onwards, the maternity leave shall increase to 90 days.
(不少于60天的有薪产假.自2021年起, 有薪产假将增加到90天.)

Maternity Allowance (生产津贴)

Where a female employee is entitled to maternity leave but is not entitled to receive maternity allowance, she may commence work at any time during the eligible period if she had been certified fit to resume work by registered medical practitioner.
(凡有资格享有产假但没资格领取生产津贴的女雇员, 只要医生证明她适合恢复工作, 她可在老板的同意下任何时候复工)



5.1 MATERNITY LEAVE (有薪产假)



Maternity Leave shall not commence earlier than 30 days immediate preceding the confinement of female employee or later than the day immediately following her confinement.
(产假不能早于分娩前30天或分娩隔天开始)

If there is medical officer certifies that the female employee as a result of her pregnancy state is unable to perform her duties, the employee may be required to commence her maternity leave at any time during a 14 days preceding the date of her confinement.

(若医生证明该名女雇员已到怀孕后期以致不适合工作，女雇员可在预产期14天内任何一天申请产假)



5.2 MATERNITY ALLOWANCE (生产津贴)



When a female employee commence her maternity leave earlier than 30 days immediately preceding her confinement, this shall not be treated as maternity leave and shall not be entitled to any maternity allowance.

(若女雇员于分娩前30天就已请假，这不算是产假，她也无权享有产妇津贴)

A female employee is not entitled to any maternity allowance if at the time of her confinement she has 5 or more surviving children.

(若女雇员在分娩时已拥有五名或以上还活着的子女，她不再有权享有生产津贴)

REFERENCE:

<http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20265%20-%20Employment%20Act%201955.pdf>

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