

SOALAN LAZIM (FAQ'S)
MENGENAI PERINTAH KAWALAN PERGERAKAN
HUMAN RESOURCES MINISTRY

1. If an employer forces me to come to work between March 18 – 31 2020, what should I do?

An employee working in what is deemed as **essential services** (defined in Appendix 1) , must attend work based on Prevention and Control of Infectious Diseases (Measures Within the Infected Local Area) 2020.Regulations under Prevention and Control of Infectious Diseases Act 1988 (Act 342).

Employers must take the following steps:

- i. Employer must reduce number of employees to the minimum number or at the very least, 50% of the current workforce.
- ii. Employers must limit the movement of employees.
- iii. Employers must provide body temperature screening devices, and take employees body temperatures every day.
- iv. Employees must adhere to procedures preventing COVID-19 as determined by the MoH which will be announced from time to time.
- v. Employers must provide hand sanitisers.
- vi. Employers need to conduct sanitation and necessary cleaning processes.
- vii. Companies must ensure best practice guidelines for social distancing is available and enforced.

A report to the nearest police station can be made if the employer is listed in the **non-essential services** (Appendix 2), is operational , and has ordered employees to come to work within the designated period.

2. Under this Movement Control Order, do employers have to pay the wages of employees from March 18-31 2020?

Yes. Employers must pay a full salary. Employees with daily wages must be paid according to the agreed-upon rate between employer and employee in the offer letter/service contract/latest salary increment statement. For employees with unstable rates of payment, his or her rate must not be less than the minimum wage as stated in Minimum Wages Order 2020.

3. If the employer refuses to pay wages during that period, what are actions that I can take?

Employees can submit complaints online via the official email of The Labour Department (JTK). Please provide complete information about the issue to ease complaint management by JTK. Employees can also make a complaint by going to the nearest Labour Office after the MCO is over. However, investigations to the complaint will be done after this order has ended.

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4. As an employer, do I have to pay employees' salaries during this period?

Yes, employers must pay salaries of their employees throughout the duration as service contracts are still in effect.

5. For an employee working outside the scope of Employment Act 1955/Labour Ordinance (Sabah Cap 67)/Labour Ordinance (Sarawak Cap 76), does the employer need to pay the salary during this period?

Yes, the employer must pay the salaries because this matter is under the service contract that has both been agreed on between the employee and employer.

6. Can the employer force the employee to use his or her annual leave without pay during this period?

No, because the order has been made under the Prevention and Control of Infectious Diseases Act 1988 (Act 342).

7. Am I qualified for the RM600 incentive as announced by the Government to reimburse salaries that was supposed to be paid by employers during this period?

The RM600 incentive is not in use during this period as the minimum duration for any qualification is one month.

8. As an employer listed under essential services, do I have to pay an employee's wages should he or she REFUSES to work or discharge his or her duties during the period of the MCO?

The employee need not be paid.

9. Can the employer ask the employee to work from home?

Yes, for tasks that are suitable to be conducted at home.

10. If the employee works from home, do I have to pay his or her wages, along with the allowances?

Yes. Wages and allowances must be paid.

11. If an employer refuses to abide by the MCO, is it an offence?

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Yes, it is an offence under Regulation 7 of Prevention and Control of Infectious Diseases (Measures Within the Infected Local Area) Regulations 2020 and if convicted, carries a fine of not more than RM1,000 or imprisonment not more than six months, or both.

This list will be updated from time to time.

12. For any queries regarding these issues, you may contact:

Bilik Gerakan Pemantauan Pekerjaan Covid-19 KSM Jabatan Tenaga Kerja Semenanjung Malaysia Aras 5
Blok D3 Kompleks D Kementerian Sumber Manusia 62530 Putrajaya Talian: 03-8889 2359 / 8886 2409 /
8890 3404

**KEMENTERIAN SUMBER MANUSIA
19 MAC 2020**

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