

# KONGRES KESATUAN SEKERJA MALAYSIA

## Malaysian Trades Union Congress



# MTUC

PEJUANG KAUM PEKERJA  
SEJAK 1949

MTUC/2412/2020

14 April 2020

YB Datuk Seri M. Saravanan  
Menteri Sumber Manusia  
Kementerian Sumber Manusia  
Blok D3 & D4, Komplek D  
62530 Wilayah Persekutuan Putrajaya

Dear YB Datuk Seri Saravanan

### **EMERGENCY EMPLOYMENT (PROHIBITION OF RETRENCHMENT, SALARY REDUCTION AND UNPAID LEAVE DUE TO COVID 19 PANDEMIC) REGULATIONS 2020**

We invite your attention to series of our letters resting with the letter dated 7<sup>th</sup> April, 2020 wherein we have urged the government to make Emergency Employment Regulations under the powers vested to the Minister of Human Resources in the Employment Act of 1955.

Our request for the said regulations is to protect workers from retrenchments, causing wage cuts and forcing to take compulsory leave under the guise of Covid 19.

As YB is aware, some employers have with utter disregard to the Prime Minister's directive to desist from retrenchment or wage cuts despite affording various government aids, have done so thereby leaving the poor workers in destitute and impacting their very livelihood.

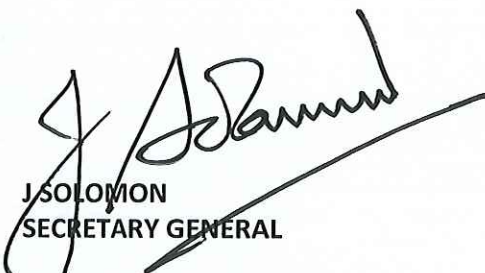
In that context we humbly submit herewith the draft regulations that we have sought for to be implemented with immediate effect.

We are confident Dato Seri's positive response in this regard in the government's obligation towards protecting the workers' and nation's interests during and post MCO.

Please do not hesitate to contact us for any clarification.

Thank you.

Yours sincerely,



J SOLOMON  
SECRETARY GENERAL



DATO' ABDUL HALIM MANSOR  
PRESIDENT

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(Affiliated to the International Trade Union Confederation) All communications should be addressed to the Secretary General



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**1. Citation**

These Regulations may be cited as the Emergency Employment (Prohibition of Retrenchment, Salary Reduction and Unpaid Leave Due to Covid 19 Pandemic) Regulations 2020.

**2. Interpretation**

In these Regulations unless the context otherwise requires –

“employer” has the same definition as defined under Section 2 of the Employment Act 1955;

“employee” means any person employed by the employer under a contract of employment or implied to work for hire or reward irrespective of wage amount and includes domestic servant;

“wages” has the same meaning as defined under Section 2 of the Employment Act 1955;

“Movement Control Order” as determined by Minister of Health pursuant to Prevention and Control of Infectious Disease Act 1988 (Act 342) and Police Act (PA) 1967;

“Covid 19 pandemic” is an infectious disease which was declared by World Health Organisation to be a pandemic.

**3. Retrenchment**

No employer shall retrench any employee for any reasons whatsoever for a period of one (1) year from April 2020 to April 2021.

**4. Salary Reduction**

No employer shall deduct or reduce the employee's wages for a period of one (1) year from April 2020 to April 2021 for the benefit of the employer.



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**5. Unpaid Leave**

No employer shall treat the period of MCO or extension of thereof as unpaid leave.

**6. Offences**

Any employer who contravenes any provision of these Regulations commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding six months or both.