



Employment Information Act, 1953 – Malaysia

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ASIA BRIEFING



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An Act to facilitate the collection of information regarding the terms of service and conditions of work of employed persons.

[Peninsular Malaysia—15 November 1953; L.N. 684/1953;

Sabah and Sarawak—2 March 1967; P.U. 96/1967]

Short title

1. This Act may be cited as the Employment Information Act 1953.

Interpretation

2. In this Act —

“*authorized officer*” means the Secretary General of the Ministry of Human Resources and includes an officer authorized by him for the purposes of this Act; and,

“*employer*” means any person who has entered into a contract of service to employ any other person in any capacity whatsoever and includes the agent, manager or factor of such first mentioned person, and the word “employ” with its grammatical variations and cognate expressions, shall be construed accordingly. Authorized officer may require employers to give certain information

3.

(1) The authorized officer may give notice in writing to any employer requiring him to make a written statement of—

- (a) the number of persons currently employed by him and the age and sex of each such person;
- (b) the terms of the contract between him and each such person;
- (c) the hours required to be worked and actually worked by, and the leave, holidays and rest periods allowed to, each such person;
- (d) the nature of the work performed for him by each such person;
- (e) wage structure, by occupation;
- (f) the qualification and experience required for each occupation;

- (g) the prospects of promotion to a higher grade;
- (h) the job description of each occupation;
- (i) the normal hours of work and actual hours worked, by occupation;
- (j) paid and unpaid leave, holidays and rest periods;
- (k) total earnings including wages, allowances, overtime, bonuses and other monetary benefits; payment in kind for each person employed; and
- (l) any other information as may be required by the Secretary General of the Ministry of Human Resources from time to time for the purposes of this Act.

(2) The written statement required by subsection (1)—

- (a) shall be in such form and, subject to subsection (1), shall contain such particulars as the authorized officer may specify;
- (b) shall be signed by the employer required to make it, who shall certify that the written statement is, to the best of his knowledge, accurate in every particular; and,
- (c) shall be delivered by post or otherwise to the authorized officer within forty-two days of the date of the notice given by the authorized officer under subsection (1):

Provided that, if the employer so requests, the authorized officer may allow him such time in excess of forty-two days for the delivery of the written statement as may seem reasonable to the authorized officer.

Authorized officer may enter premises to make enquiries

4.

- (1) The authorized officer shall have power to enter at any reasonable time any place or premises of employment in which one or more persons work or in which the authorized officer has reason to believe that one or more persons work: Provided that the authorized officer shall, at the time of the entry, notify the employer of such persons, or, if the employer be

absent, any person purporting to represent him, of his entry.

- (2) The authorized officer may put questions concerning—
 - (a) the number of persons currently working in such place or premises and the age and sex of each such person;
 - (b) the terms of the contract between each such person and his employer;
 - (c) the hours required to be worked and actually worked by and the leave, holidays and rest periods allowed to each such person;
 - (d) the nature of the work performed by each such person; and
 - (e) any other matter relating to the terms and conditions of service of such persons, to the employer of such persons, or to any person who may be in charge of such persons or to such persons, or to any other person whom he believes to possess any relevant information; and every person so questioned shall be legally bound to answer such questions truthfully to the best of his ability.
- (3) The authorized officer may require such employer to produce before him at the place of employment all or any of the persons currently working for him together with any written contracts or other documents relating to conditions of service of such persons and to answer such questions relating thereto as he may think proper to ask.

5. (Deleted by Act A211).

Offences

6.

- (1) Any employer who signs a written statement as required by paragraph 3(2)(b) knowing the statement to be false in any particular shall, on conviction, be liable to a fine of two thousand ringgits.
- (2) Any employer who fails to deliver a written statement to the authorized officer in accordance with paragraph 3(2)(c) shall, on conviction, be liable to a fine of two thousand ringgit and in addition to a fine of one hundred ringgits in respect of every day during which such offence shall continue.

Information collected restricted to official use

7.

- (1) Any information collected for the purpose of this Act shall be treated as confidential and shall be restricted to official use only.
- (2) Any person who uses any information collected for the purpose of this Act contrary to subsection (1) shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment not exceeding six months.

List of Amendments

Amending law	Short title	In force from
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
P.U. 96/1967	Modification of Laws (Employment Information) (Extension to Borneo States) Order 1967	02-03-1967
Act A211	Employment Information (Amendment) Act 1973	31-08-1973
Act 160	Malaysia Currency (Ringgit) Act 1975	29-08-1975

List of Sections Amended

Section	Amending Authority	In force from
2	L.N. 332/1958	13-11-1958
	Act A211	31-08-1973
3	Act A211	31-08-1973
4	Act A211	31-08-1973
5	L.N. 332/1958	13-11-1958
	Act A211	31-08-1973
6	Act A211	31-08-1973
7	Act A211	31-08-1973
Schedule	Act A211	31-08-1973