

WORKERS' MINIMUM STANDARDS OF HOUSING AND AMENITIES BILL 1990

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A BILL

intituled

An Act to prescribe the minimum standards of housing and nurseries for workers and their dependants, to require employers to allot land for cultivation and grazing in a place of employment, to require employers to provide health, hospital, medical and social amenities and to provide for matters incidental thereto.

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BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

1. (1) This Act may be cited as the Workers' Minimum Standards of Housing and Amenities Act 1990. Short title, application and commencement.

(2) This Act shall apply throughout Malaysia.

(3) This Act shall come into force on such date as the Minister may, by notification in the *Gazette* appoint, and different dates may be appointed for different provisions of this Act and for different States.

2. (1) Nothing in this Act shall apply to any place of employment or part thereof, situated within the area of a City Council, a Municipal Council or a Federal Territory.

2. (1) Nothing in this Act shall apply to any place of employment or part thereof, situated within the area of a City Council, a Municipal Council or a Federal Territory. Extent of application.

(2) Notwithstanding the provision of subsection (1) the Minister may by order declare this Act or any provision thereof, to be applicable to any place of employment or to any specified class of place of employment situated within the area of any Municipal Council.

(3) Upon the commencement of any order made under subsection (2), any written law in force in such area, relating to the control of erection of buildings, shall in respect of the said place of employment, cease to have effect.

Interpretation. 3. In this Act, unless the context otherwise requires—

"building" means any building used for the housing of workers and includes a nursery and a community hall;

"contract of service" means any agreement, whether oral or in writing and whether express or implied, whereby one person agrees to employ another as a worker and that other person agrees to serve his employer as a worker;

"dependant" means the spouse, parent (including step-father, and step-mother), grandparent, child (including step-child), brother and sister (including half-brother and half-sister and step-brother and step-sister) of a worker, who is dependent on such worker, and includes—

- (a) as respects a child, an illegitimate child or a child adopted in accordance with any written law relating to adoption; and
- (b) as respects parents, the parents of an illegitimate child, and any person by whom the worker was adopted in accordance with any written law relating to adoption;

Act 265. "Director General" means the Director General of Labour appointed under section 3 (1) of the Employment Act 1955 and includes any officer who, by virtue of an order made under section 26, is vested with all or any of the powers of the aforesaid Director General;

"District Engineer", in respect of a district, means any engineer in the service of the Federal or State Government who is for the time being carrying out the duties of the Public Works Department for that district and, for the purpose of section 27 (1), includes any officer authorized in writing in that behalf by the District Engineer;

"employer" means—

- (a) any person who has entered into a contract of service to employ any other person as a worker and includes

the agent, manager and factor of such first-mentioned person; or

- (b) where the owner or lessee (including the agent, manager and factor of such owner or lessee) of a place of employment (hereinafter referred to as the first-mentioned person) has entered into an agreement, whether oral or in writing and whether expressed or implied, with another person for the purpose of executing any work for or connected with any business, trade, operation or interest of such first-mentioned person, the term "employer" shall also include such first-mentioned person, and the term "employ" with its grammatical variations and cognate expressions, shall be construed accordingly;

"estate" means any agricultural land exceeding twenty hectares in extent upon which agricultural operations of any kind are carried on or upon which the produce of any plants or trees is collected or treated, or any mine or any other place of employment so declared by order of the Minister;

"Medical Officer" means a registered medical practitioner who is employed in a medical capacity by the Federal or State Government;

"Medical Officer of Health" means any medical practitioner in the service of the Government or any local authority who is for the time being carrying out the duties of a Medical Officer of Health in any area, district, or local authority area, and includes the Director General, the Deputy Director General of Health, the Director of Health Services, any Deputy Director of Health Services, any State Director of Medical and Health Services, any State Deputy Director of Medical and Health Services, the Sabah State Director of Medical Services and his Deputy and the Sarawak State Director of Medical Services and his Deputy, and for the purpose of section 27 (1), includes any officer authorized in writing in that behalf by the Medical Officer of Health;

"Minister" means the Minister for the time being charged with the responsibility for labour;

"place of employment" means a place where work is carried on by or on behalf of or for an employer and shall include any place in which workers are housed by an employer;

Act 50. "registered medical practitioner" means a medical practitioner registered under the Medical Act 1971;

"resident manager", in relation to an estate, means any employer or agent of an employer who resides on, or is in immediate charge of, the estate in which the workers are employed;

"resident registered medical practitioner", in relation to an estate, means any registered medical practitioner employed by the employer and who resides on the estate in which the workers are employed;

Act 265. "worker" means an employee as defined in the First Schedule to the Employment Act 1955 and includes his dependants.

Exemption 4. The Minister may by order exempt from all or any of the provisions of this Act any employer or class of employers or any building or class of buildings specified in the order.

PART II

HOUSING AND OTHER AMENITIES

Building to comply with requirements. 5. (1) Except as provided in subsection (2), no employer shall house or cause or permit to be housed any worker employed by him or by any other person (with whom he has contracted for the purpose of executing any work for or connected with his business, trade, operation or interest) in any building either owned by him or is within his possession or control which does not comply with the provisions of this Act or any regulation made thereunder.

(2) Any building, which immediately before the commencement of this Act was used for the housing of workers or as a nursery or as a community hall by an employer and was erected or converted in accordance with the requirements of any written law in force at the time of its erection or conversion, may continue to be used by such employer:

Provided that such building be converted to comply with the provisions of this Act or any regulation made thereunder.

(3) Notwithstanding the provision in subsection (2) the Director General, upon application by an employer, may permit, subject to any condition as he may impose, such building to continue to be used without conversion for such period as he deems fit.

(4) Pursuant to any investigation carried out on any place of employment, where the Director General is satisfied that any building, which immediately before or after the commencement of this Act, was used for the housing of workers or their dependants or as a nursery or as a community hall does not comply with the provisions of this Act or any regulation made thereunder, the Director General may issue to the employer concerned a notice, of not less than three months, of his intention to order demolition and replacement, alteration, repair or making good any deficiency or defect thereof.

(5) Where, upon the expiry of the aforesaid notice period, the employer fails to take such action as is required to the satisfaction of the Director General, the Director General may issue to the employer concerned an order in writing requiring the aforesaid employer to demolish and replace, alter or repair such building or to make good any deficiency or defect thereof within six months of the order and subject to such conditions as the Director General may specify in the order; and any such order may include a directive that no worker or his dependants shall be permitted to occupy any such building pending such demolition and replacement, alteration or repair, or the making good of any defect or deficiency thereof, or until the requirements of the order have been complied with:

Provided that where an appeal has been made under section 30 in respect of the order issued under this subsection, then such order shall be suspended pending the determination of the appeal.

Supply of
water and
electricity
and
maintenance
of houses.

6. (1) Where workers and their dependants are provided with housing at their place of employment it shall be the duty of the employer of such place of employment—

- (a) to provide-free and adequate piped water drawn from a public main, or where the Director General so permits in writing, to provide free and adequate supply of potable piped water drawn from any other source which shall be filtered and treated in a manner approved by the Director General;
- (b) to provide adequate electricity supply;
- (c) to ensure that the buildings are kept in a good state of repair and painted to present a satisfactory appearance; and
- (d) to ensure that no unauthorized extensions or structural alterations are made to the buildings.

(2) For the purpose of this section the adequacy of water and electricity supply shall be as determined by the Director General:

Provided that the Director General may, if he is satisfied in any case that it is impracticable to provide piped water supply for each house, approve any other means of water supply:

Provided further that the Director General may, in any case where he is satisfied that the provision of electricity supply is not practicable or viable, exempt the employer in writing from the requirement of such provision.

(3) Where water supply is drawn from a source other than a public main the Director General may, for the purpose of ensuring that the water supply is suitable for consumption, cause the Medical Officer of Health to take samples of water supply for analysis and report, the costs of which shall be borne by the employer.

(4) Where water supply is obtained from a public main and is piped to each house, the Director General may, on application made to him, partly or wholly exempt the employer in writing from the requirement to provide free water supply to the workers subject to such conditions as the Director General may impose.

(5) Where any extension or structural alteration has been made to the buildings without the permission of the Director General, the Director General shall, after giving one month's notice, require the employer to have the extension or structural alteration demolished.

7. (1) In relation to a building which is to be erected or converted for the housing of workers or for use as a nursery or as a community hall, there shall be submitted by the employer to the Director General for the approval of the approving authority as hereunder provided in subsection (2), the plans of the building and of its site, and no work relating to the aforesaid building shall be begun unless and until the plans so submitted have been approved.

Erection of building intended to be used for the housing of workers, as a nursery or as a community hall.

(2) The approving authority aforesaid shall—

(a) in the case of a plan of a building, be the Director General; and

(b) in the case of a plan of the site of the building, and of the sanitary arrangements, be the Medical Officer of Health.

(3) For the purpose of securing that the minimum standards required under this Act or any regulation made thereunder are complied with, the approving authority may approve such plans subject to such conditions (including alterations of the plans) as he may deem fit to impose thereon.

8. (1) The Director General shall cause to be inspected—

(a) by a Medical Officer of Health, any building, estate hospital, group estate hospital or clinic on a place of employment which, by reason of its design, site, size, sanitation, the quantity and quality of the water supply provided for the occupants of such buildings or other conditions, appears to the Director General to be likely to endanger health; and

(b) by the District Engineer, any building, estate hospital, group estate hospital or clinic on a place of employment which, by reason of its construction,

Building endangering health or safety.

state of repair or condition, appears to the Director General to be likely to endanger the safety of any person.

(2) The Medical Officer of Health or the District Engineer or both, as the case may be, shall, after inspecting any building, estate hospital, group estate hospital or clinic under this section, submit to the Director General a report of his or their findings, together with any recommendation made thereon relating to the necessary measures required to be taken in respect of such building, estate hospital, group estate hospital or clinic.

(3) Subject to subsection (4), on receipt of such report as is referred to in subsection (2), the Director General may issue to the employer concerned an order in writing requiring the aforesaid employer to demolish and replace, alter or repair the building, estate hospital, group estate hospital or clinic or to make good any deficiency or defect within such time and subject to such conditions as the Director General may specify in the aforesaid order and such order may, if necessary, direct that no worker or his dependants shall be permitted to occupy any of the aforesaid buildings pending such demolition and replacement, alteration or repair or until the aforesaid order has been complied with:

Provided that where an appeal has been made under section 30 in respect of the aforesaid order then such order shall be suspended pending the determination of the appeal.

(4) No order under subsection (3), shall be issued unless a copy of the report received by the Director General from the Medical Officer of Health or the District Engineer or both has been furnished to the employer, and in making such order the Director General shall give due consideration to any representation that may be made by the employer in respect of the report aforesaid.

Building not
originally built
for the
housing of
workers.

9. (1) A building originally built for a purpose other than the housing of workers shall not be used for, or be converted for the purpose of, the housing of workers, unless an application in that behalf has been made to and approved by the Director General.

(2) The application required to be made under subsection (1) shall be accompanied by a plan of the site of the building and a plan setting out the details of the building or of the conversion proposed to be made thereto and the provisions of section 7 (2) and 7 (3) shall apply to such plan as they apply to a plan of a building or of the site of a building mentioned in that section.

10. (1) Where there are workers residing on the place of employment and such workers have together no less than 10 dependants under four years of age living with them, the Director General may, by order, require the employer of such workers to construct at the aforesaid place of employment within such reasonable time as may be specified therein a nursery of a size capable of accommodating such number of workers' dependants as may be specified therein, and on being so required, the employer shall construct such nursery accordingly: ^{Nursery.}

Provided that any subsequent reduction in the number of dependants after the order has been issued shall not invalidate such order.

(2) The employer shall maintain the nursery and shall accommodate therein the dependants of the workers during the period in which such workers are away working for the employer:

Provided that he shall not accommodate therein such dependants in excess of the number specified in the requirement mentioned in subsection (1).

(3) On each day a dependant is accommodated at the nursery, he shall be provided by the employer at his own expense with a supply of milk in sufficient quantity and of good quality, and play equipment.

(4) An employer who fails to comply with the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit and to a further fine of one hundred ringgit for each day during which the offence continues.

Allotment
of land.

11. (1) Where there are workers residing on the place of employment, the employer of such workers shall set aside land which has been cleared, for allotment to such workers for cultivation, grazing or partly cultivation and partly grazing:

Provided that an employer is not required to excise any permanent cultivation which has been planted by him at least 12 months previously.

(2) A worker residing on the place of employment, who has been employed for a period of not less than six months by the employer aforesaid shall be entitled to have allotted to him an area of 250 square metres of the land so set aside.

(3) If an area of land allotted for cultivation (whether wholly or partly) shall remain unplanted for a period of six months from the date of the allotment, or if a worker uses the area of land allotted to him for a purpose different from that for which it was allotted, or if he does not use it at all for the purpose for which it was allotted the employer may terminate such allotment and thereafter may allot such area of land to another worker.

(4) In relation to the setting aside of land under this section—

(a) land allotted to workers shall be situated as near as possible to the houses of the workers; and

(b) land for grazing shall, except with the permission in writing of a Medical Officer of Health, be situated at a distance of not less than 183 meters from the houses of the workers.

(5) The Director General may, for sufficient reason, exempt to such extent, as may be stated in such exemption, any employer from compliance with this section on such terms and conditions and for such period as he may deem fit.

(6) Any employer who contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit and to a further fine of fifty ringgit for every day the offence continues.

(7) In this section "place of employment", in relation to the allotment of land set aside, means an estate or such other place as may be prescribed by the Minister to be a place of employment to which this section applies.

12. (1) The Director General may by order require the employer in any place of employment where there are not less than 100 workers residing at the place of employment:

Community hall, sports and other recreational facilities.

(a) to construct at the aforesaid place of employment, within such reasonable time as may be specified, a community hall capable of accommodating such number of persons as may be specified; and

(b) to provide facilities for sports and other recreational activities as may be specified.

(2) The employer shall maintain the community hall, sports and other recreational facilities aforesaid in a satisfactory condition.

(3) Any employer who fails to comply with the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit and to a further fine of fifty ringgit for each day during which the offence continues.

13. A worker engaged in such place of employment as may be prescribed by the Minister shall not be required to make any payment for rent or charge in respect of any housing, nursery, community hall, sports and other recreational facilities, sanitation, or allotment of land provided for the worker under this Act.

No rent or charge to be levied for benefits under this Act.

PART III

HEALTH, HOSPITAL, MEDICAL TREATMENT AND SANITATION

14. For the purposes of this Part "dependant" means such member of the worker's family, namely, spouse, father, mother, and children under the age of eighteen, including children adopted in accordance with any written law, who are living with and dependent on the worker.

Definition of dependant.

Employer to
construct and
maintain
estate hospital.

15. (1) The Director General may, at any time by order in writing, require any employer to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense, a hospital, hereinafter called "estate hospital", on or in the immediate neighbourhood of any estate upon which workers are employed by him with accommodation for such number of patients as may be stated in such order.

(2) Where there is already a hospital maintained by the employer, the Director General may, by order in writing, require the employer to enlarge or add to such hospital so as to provide accommodation for a further number of patients as may be stated in the order.

(3) For the purposes of subsection (1) or (2) the Director General may further require the employer to employ a registered medical practitioner, registered under the Medical Act 1971, to reside at and have charge of such hospital or any hospital maintained by such employer, and to provide such medical practitioner with fit and proper house accommodation to the satisfaction of the Medical Officer of Health.

(4) If two or more estates are so situated that the required accommodation for patients from such estates can be conveniently provided in one hospital, the Director General may, instead of ordering each employer to construct and maintain a separate hospital, order all the employers concerned to construct within a reasonable time to be stated in such order and thereafter to maintain at their own expense one hospital, hereinafter called a "group estate hospital", for all such estates with accommodation for such number of patients as may be stated in the order, or if there is already a hospital erected and maintained jointly by two or more employers (whether constructed under the provisions of this section or not) may order them to enlarge or add to such hospital so as to provide accommodation for such further number of patients from their estates as may be stated in the order.

(5) For the purposes of subsection (4) the Director General may further require the employers to employ a registered

medical practitioner, registered under the Medical Act 1971, to have charge of such group hospital and to provide such medical practitioner with fit and proper house accommodation to the satisfaction of the Medical Officer of Health.

(6) Where there already exists an estate hospital or group estate hospital the Director General may order the employers concerned to join such estate hospital or group estate hospital, as the case may be, and be jointly responsible for the maintenance of such hospital.

(7) Every employer referred to in this section and the resident manager of every estate concerned shall be responsible for the registration and the due maintenance of the estate hospital or group estate hospital, as the case may be, registered in accordance with the provisions of the Private Hospitals Act 1971 and any regulation made thereunder. *Act 43.*

(8) No employer who has constructed and maintained an estate hospital or a group estate hospital, whether in pursuance of an order of the Director General under this section or otherwise, shall reduce the number of beds or discontinue the maintenance and operation of such estate hospital or group estate hospital without the prior written permission of the Director General.

16. (1) It shall be the duty of every employer to provide for every worker employed on an estate including his dependants who reside on such estate or on any other land owned or leased by or is within the control of the employer, medical attendance, care, and treatment including diet at the estate hospital or group estate hospital established under section 15 or at the estate clinic established under section 19. *Payment and recovery of hospital expenses by employer.*

(2) The employer may recover from such worker the expenses of such care, treatment and maintenance at such rate as the Minister may from time to time prescribe by notification in the *Gazette* in respect of any period in excess of 30 days during which such worker or any of his dependants shall have remained in the hospital.

Sick workers being admitted to a Government hospital.

17. (1) If a worker at the time of his admission to a Government hospital was employed and residing on any estate the employer shall pay the expenses of maintenance and treatment in such hospital of such worker and of any dependant of such worker at such rate as the Minister may, from time to time, prescribe by notification in the *Gazette*.

(2) The expenses incurred under subsection (1) shall, whatever be the amount, be recoverable from the employer in a Civil Court at the suit of the Medical Officer in charge of such hospital, and the certificate of such Medical Officer shall be sufficient *prima facie* evidence that the amount therein specified is due from the employer:

Provided that not more than thirty days' expenses in hospital in respect of any worker or dependant shall be recoverable.

(3) No expenses paid by an employer under subsection (1) shall be recoverable from any worker.

Transportation of sick workers to hospital.

18. (1) It shall be the duty of the employer and of the resident manager at their own expenses—

(a) to have every worker employed on the estate and any dependant of such worker who requires medical treatment to be transported safely without delay to and from the hospital provided for workers employed on the estate or, if there is no such hospital, to and from the nearest Government hospital; and

(b) to make such arrangements and to provide such appliances for the safe transport of a sick worker or any sick dependant of a worker to and from hospital as the Medical Officer of Health or any Medical Officer may, from time to time, require.

(2) The Medical Officer of Health or any Medical Officer may require the employer or resident manager to remove any worker on the estate who requires medical treatment to hospital.

(3) Any employer or resident manager who contravenes the provisions of this section, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit and to a further fine of one hundred

ringgit a day for each day during which the offence continues.

19. (1) On any estate where there is no estate hospital or a group estate hospital available, the Director General may, by order, after consultation with the Medical Officer of Health, require an employer to establish and maintain a clinic or make such other provisions as are necessary for the treatment of sick workers and their dependants.

Medical treatment in estate on which a hospital is not maintained.

(2) The Director General shall specify in such order the services, medicine, equipment and staff to be provided and the hours during which the treatment facilities shall be made available to the workers and their dependants.

(3) Where a clinic exists on any estate or is established pursuant to an order under subsection (1) it shall be the duty of the employer to arrange for a registered medical practitioner to visit the clinic at least once a fortnight to supervise the operations and management of the clinic and to provide medical treatment to workers and their dependants.

(4) No employer who has established and maintained a clinic, whether pursuant to an order of the Director General made under this section or otherwise, shall reduce the services, facilities or staff or discontinue the maintenance and operation of such clinic without the prior written permission of the Director General.

20. (1) It shall be the duty of the resident registered medical practitioner, or, in his absence or if there is no resident registered medical practitioner, the resident manager, to isolate at once any worker or other person on an estate whom he may suspect to be suffering from any infectious disease as defined in the Prevention and Control of Infectious Diseases Act 1988, and to detain under observation any other person whom he may deem likely to have contracted such disease and with the least possible delay to notify the nearest Medical Officer, and pending the arrival on the estate of the Medical Officer of Health, the resident registered medical practitioner or the resident manager shall take appropriate preventive measures and thereafter consult the Medical Officer of Health on any further action to be taken.

Duty to report suspected cases of infectious disease.

Act 342.

(2) Any person who neglects to perform the duty imposed upon him by subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit and to a further fine of one hundred ringgit a day for each day during which the offence continues.

Duty of employer to segregate worker suffering from infectious disease.

21. (1) On the occurrence of any infectious disease on any estate it shall be the duty of the employer forthwith if so directed by the Medical Officer of Health or a Medical Officer, to provide a place where a worker may be segregated in the interest of public health or of any other worker employed on the estate and to make at his own expense such arrangements for the maintenance of such worker while so segregated and for the treatment of any worker suffering from such disease as may seem necessary to the Medical Officer of Health or such Medical Officer.

(2) If at any time it appears to the Medical Officer of Health or a Medical Officer that a worker employed on any estate is suffering from any infectious disease or that it is otherwise necessary in the interest of public health or of the health of any other worker employed on the estate that he be removed and placed under medical supervision, it shall be lawful for the Medical Officer of Health or Medical Officer to cause such worker to be removed to such place as he may direct and there to be detained until discharged by order in writing of the Medical Officer of Health or a Medical Officer.

Power of Medical Officer of Health to order immunisation against infectious disease.

22. The Medical Officer of Health may at any time if it appears to him necessary for the health of the workers employed on any estate, by order in writing to the employer or resident manager, direct that such employer or resident manager at his own expense make arrangements so that all or any of the workers and their dependants be given immunisation against any infectious disease.

Weekly inspection of workers' housing.

23. (1) It shall be the duty of the employer of a place of employment where workers and their dependants are provided with housing accommodation to ensure that —

- (a) the area surrounding the workers' housing is kept clear of undergrowth and maintained in a clean and sanitary condition;

- (b) the perimeter drains around each dwelling or block of dwellings including all outlet drains are kept in a good state of repair and clear of refuse or undergrowth to permit free flow of water;
- (c) all refuse in the housing site is collected daily and disposed of satisfactorily; and
- (d) all communal latrines and bath-rooms are kept in a clean, sanitary and working condition.

(2) It shall be the duty of the employer to ensure that all buildings used for the housing of workers, nurseries or community halls are visited and inspected weekly by an estate hospital assistant registered under the Estate Hospital Assistants (Registration) Act 1965 or any other responsible person authorized by the employer who shall report to the resident manager if the buildings are not kept clean or if any refuse is allowed to accumulate in the neighbourhood of the buildings, and who shall also examine and *if necessary* take, or cause to be taken, to hospital any worker found in the buildings who appears to be suffering from any health complaint and report to the resident manager accordingly. *Act 12/1965.*

(3) The findings of the estate hospital assistant or any other authorized person shall be recorded in a book kept at the place of employment and be made available to the Director General or Medical Officer of Health for inspection.

(4) In any case where the Medical Officer of Health shall consider that the visits, inspections or other duties, prescribed by subsection (2) are not satisfactorily carried out he may notify the resident manager accordingly, specifying the matters in respect whereof he is not satisfied, and the resident manager shall thereupon make further or other arrangements as the Medical Officer of Health may require.

24. In all proceedings under this Part the onus of proving that he is not the employer or resident manager or the person whose duty it is under the provisions of this Part to do or to abstain from doing anything shall be on the person who alleges *Onus of proof*

that he is not the employer, resident manager or other person, as the case may be.

PART IV

REGULATIONS

- Regulations. 25. (1) The Minister may, from time to time, make such regulations as may be necessary or expedient for giving full effect to the provisions of this Act, or for the further, better or more convenient implementation of the provisions of this Act.
- (2) Without prejudice to the generality of subsection (1) regulations may be made—
- (a) to prescribe the minimum requirements for various classes of buildings (including temporary buildings) to be used for the housing of workers, or as nurseries or community halls, the minimum sanitary requirements, water and electricity supplies and other matters pertaining to health in respect of such buildings;
 - (b) to prescribe the minimum equipment and staff for nurseries and the type and amount of milk, play equipment and play activity programmes to be provided for the dependants accommodated therein under section 10;
 - (c) to prescribe, in consultation with the Minister of Health—
 - (i) as regards clinics, the minimum equipment, surgical and medical appliances, drugs, staff and the types of services to be provided and the registers and records to be kept; and
 - (ii) as regards water supply, the manner in which water is to be filtered and treated;
 - (d) to prescribe the procedure for the submission and approval of plans of buildings and their sites;
 - (e) to prescribe the form of any register, summons or order required to be kept, issued or made under this Act; and
 - (f) to prescribe anything which may be prescribed under this Act.

PARTY

GENERAL PROVISIONS, APPEALS AND OFFENCES

26. The Minister may by order vest in an officer appointed under section 3 (2) of the Employment Act 1955 and in the Director General of Social Welfare and authorized officers appointed under the Child Care Centre Act 1984 all or any of the powers conferred upon the Director General by this Act and every duty so performed and every power so exercised shall be deemed to have been performed and exercised for the purpose of this Act.

Minister may vest certain officers with power and duties.
Act 265.
Act 308.

27. (1) The Director General, Medical Officer of Health or District Engineer shall have power at all times without the need for previous notice—

Power of Director General, etc. to inspect, investigate and to issue summons.

- (a) to enter and inspect any place of employment or any building which, he believes, is used by an employer for the housing of his workers or as a nursery or as a community hall;
- (b) to enter and inspect any estate hospital, group estate hospital and clinic where workers are provided with medical attendance, care and treatment; and
- (c) to make such inquiry or investigation as he considers necessary in relation to any matter within the provisions of this Act.

(2) In the course of an inspection under this Act the Director General, Medical Officer of Health or District Engineer may —

- (a) put questions relating to matters covered under the provisions of this Act, either in private or in the presence of witnesses, as they may choose, to the owner or occupier of the place of employment, or his representative, to the employer of any worker employed thereat or his representative, to any person in charge of the workers, to the workers themselves and to any other person whose evidence he may consider necessary; and all such persons shall be legally bound to answer such questions truthfully to the best of their ability;

- (b) require the employer to produce before him all or any of the workers employed by him together with any records, registers and documents relating to matters covered under the provisions of this Act including any contract of service, book of account of wages, register and any other document relating to such workers or their employment and to answer such questions in respect thereof as he may think fit to ask;
- (c) copy or make extracts from such record, contract of service, book of account of wages, register and any other document referred to in paragraph (b);
- (d) take possession of such record, contract of service, book of account of wages, register and any other document where, in his opinion—
 - (i) the inspection, copying or the making of extracts from such record, contract of service, book of account of wages, register or any other document cannot reasonably be undertaken without taking possession of them;
 - (ii) they may be interfered with or destroyed unless he takes possession of them; or
 - (iii) they may be needed as evidence in any legal proceedings under this Act; and
- (e) take samples of water supplies for examination and analysis.

(3) As respects the power to inspect, inquire and investigate aforesaid, the Director General may by summons in the prescribed form require any person, whom he has reason to believe to be able to give any information relevant to the matter in question, to give such information, and any person so summoned shall be bound to attend before the Director General and to answer truthfully any question put to him by the Director General relating to the said matter.

(4) The provisions of sections 82 and 83 of the Employment Act 1955 shall apply to the service of a summons issued under this section as they apply to a summons issued under Part XV of the said Act.

28. The Director General may conduct prosecution in respect of an offence under this Act or any regulation made thereunder. Director General may prosecute.
29. The Director General and all officers named in any order made under section 26 shall when exercising functions provided by this Act be deemed to be public servants for the purpose of the Penal Code. Director General and officers deemed to be public servants.
FM.S. Cap. 4
30. (1) Subject to subsection (2) any employer aggrieved by any order or decision made under this Act or any regulation made thereunder may within thirty days of such order or decision in writing being received by him appeal to the Minister. Appeals.
- (2) An appeal against the order or decision of an officer appointed under section 26 shall not be brought to the Minister unless and until such appeal shall have first been brought to the Director General within the time stipulated in subsection (1).
- (3) The decision of the Minister in respect of an appeal under this section shall be final.
31. Any employer who fails to comply with any order made under section 5, 8, 12, 15 or 19 commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit and to a further fine of one hundred ringgit a day for each day during which the offence continues. Failure to comply with order under section 5, 8, 12, 15 or 19.
32. Any resident manager who fails to comply with the provisions of section 20 or with any requirement of the Medical Officer of Health under section 21 commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit and to a further fine of one hundred ringgit a day for each day during which the offence continues. Failure to comply with section 20 or 21.
33. Any employer who contravenes any provision of this Act or any regulation made thereunder or who fails to carry out any order made by the Director General under this Act, shall be guilty of an offence under such provision, and General penalty.

if no penalty is expressly provided for the offence shall, on conviction, be liable to a fine not exceeding two thousand ringgit and to a further fine not exceeding one hundred ringgit a day for each day during which the offence continues.

PART VI

REPEAL AND SAVINGS

Repeal and savings in respect thereof.

34. (1) The written laws specified in the Schedule to this Act are hereby repealed.

(2) Any regulation made under any of the laws repealed in subsection (1) shall continue in force until revoked or replaced by regulations made under this Act.

(3) The Minister may, whenever it appears to him necessary or expedient so to do whether for the purpose of removing difficulties or in consequence of the passing of this Act, by order make such modifications to any provision in any regulation in subsection (2) as he may think fit.

SCHEDULE

[Section 34(1)]

REPEAL

EMS. Cap. 154	The Labour Code
S.S. Cap. 69	The Labour Ordinance
Kedah Enactment No. 2 of 1345	The Labour Code
Perlis Enactment No. 3 of 1345	The Labour Code
Johore Enactment No. 82	The Labour Code
Trengganu Enactment No. 60 of 1356	The Labour Code
Kelantan Enactment No. 2 of 1936	The Labour Code
Act No. 39 of 1966	Workers (Minimum Standards of Housing) Act 1966

EXPLANATORY STATEMENT

This Bill seeks to prescribe the minimum standards of housing and nurseries for workers in a place of employment. It requires the employer to provide also hospital and medical facilities as well as social amenities. At present, the laws governing these matters are contained in the Workers (Minimum Standards of Housing) Act 1966 and its regulations, and the various Labour Codes. Generally, the provisions of the existing laws are retained but some of the provisions have been amended and new ones introduced to update and improve the minimum standard requirements of the existing laws in order to cater for the needs, interests and welfare of the workers,

PART I

2. Part I deals with preliminary matters.
3. *Clause 1* contains the short title and provisions on the commencement of the Bill and its application throughout Malaysia.
4. *Clause 2* limits the extent of the application and excludes any place of employment or part thereof situated within the area of a City Council, a Municipal Council or a Federal Territory from the operation of the Bill,
5. *Clause 3* defines various expressions used in the Bill which, except for some new definitions, are basically derived from the existing laws. The term "building" has been given a specific meaning to refer to any building used for the housing of workers, and includes a nursery and a community hall. The expression "estate" has been redefined so as to widen the scope of coverage of the Bill; it now refers to any agricultural land which exceeds twenty hectares in area and includes a mine and any other place of employment as may be determined by the Minister.
6. *Clause 4* seeks to provide for the Minister by order to exempt any employer or building from the provisions of this Bill.

PART II

7. Part II contains general provisions regarding the requirements and conditions to be observed by an employer in respect of any housing, nursery or community hall built or provided under the provisions of this Bill.
8. *Clause 5* is a general provision that requires a house, nursery or community hall to comply with the requirements of this Bill. It contains a prohibition against the housing of workers in buildings which do not comply with the requirements of the Bill. Existing buildings used for the housing of workers may continue to be used provided they are modified or converted to meet the said requirements. The Director General is

however empowered to exempt any employer from this requirement for a certain period of time or he may order the building to be so altered, modified, replaced or demolished.

9. *Clause 6* requires the employer to provide the workers with sufficient supply of electricity and free and adequate piped water drawn from either a public main or from any other source. Where the supply of electricity is not practicable or viable the Director General is empowered to exempt the employer from complying with this requirement. The Director General may also approve any other means of water supply if the provision to each house of piped water proves impracticable. *Clause 6* also requires the employer to maintain the buildings in good and satisfactory condition and to demolish any unauthorized extension or structural alteration.

10. *Clause 7* seeks to provide for the approval of building plans for any nursery or community hall by the relevant authorities.

11. *Clause 8* seeks to provide for the inspection of any building, estate hospital, clinic or place of employment by the Medical Officer of Health and the District Engineer in order to detect any condition which may endanger the health or safety of any person.

12. *Clause 9* seeks to allow buildings originally built for a purpose other than the housing of workers to be converted for the purpose of housing workers upon approval by the Director General.

13. *Clause 10* empowers the Director General to order the employer to build and maintain a nursery at a place of employment where there are more than ten dependants under four years of age living with the workers. It also requires the employer to supply milk in sufficient quantity and of good quality and play equipment. Under the proviso any subsequent reduction in the number of dependants shall not invalidate the order of the Director General.

14. *Clause 11* seeks to provide for the allotment of land to workers for purposes of cultivation and grazing.

15. *Clause 12* empowers the Director General to order the employer to build and maintain in a satisfactory condition a community hall and to provide sporting facilities and other recreational facilities in a place of employment where one hundred or more workers reside. Failure on the part of the employer to comply with the order constitutes an offence.

16. *Clause 13* provides that no rent or charge should be paid for any housing, nursery, community hall, sports and recreational facilities, sanitation or allotment of land provided for workers under the Bill.

17. Part III contains provisions relating to estate hospitals and matters connected therewith.

18. *Clause 14* gives a new definition to the term "dependant" for the purpose of Part III. Basically it seeks to confine the benefits of free medical treatment to the worker's immediate family members including his parents but it increases the qualifying age limit for dependent children from 14 years to 18 years of age.

19. *Clause 15* empowers the Director General to require the construction in a place of employment an estate hospital or group estate hospital. Such hospital is to be placed under the charge of a registered medical practitioner in accordance with the provisions of the Private Hospitals Act 1971. No hospital earlier constructed or maintained may discontinue its operation and maintenance without the prior written consent of the Director General.

20. Under *clause 16*, all medical attendances and the care and treatment of workers including diet at the estate hospital up to a period of one month shall be borne by the employer. However expenses incurred in excess of 30 days during which such worker or his dependant shall remain in the hospital may be recovered from the worker at a rate to be determined by the Minister.

21. *Clause 17* seeks to provide for the hospitalisation of a worker or any of his dependants at a rate to be prescribed by the Minister. The expenses shall be recoverable from the employer.

22. *Clause 18* contains provisions relating to the responsibility of the employer or resident manager to ensure that a sick worker or his sick dependant gets immediate medical attention. In this respect the employer or resident manager is obliged, at his own expense, to make arrangements and provide safe transportation facilities to and from hospital for the sick worker.

23. *Clause 19* requires the employer to establish and maintain a clinic in a place of employment where no estate or group estate hospital is available. The employer shall ensure that a fortnightly supervision of the operation and management of the clinic is carried out by a registered medical practitioner and may not discontinue the maintenance and operation of such clinic without the prior written consent of the Director General.

24. *Clause 20* makes it a duty for the resident registered medical practitioner or the resident manager to immediately isolate any worker or other person on an estate if such person is suspected of suffering from any infectious disease. He shall then report accordingly to the nearest Medical Officer.

25. *Clause 21* deals with a situation where an infectious disease has occurred on any estate. In such a case it shall be the duty of the employer, if so directed by the Medical Officer, to segregate such sick person in the interest of public health.

26. *Clause 22* empowers the Medical Officer of Health to require the employer or the resident manager at his own expense to provide the workers and their dependants with immunisation against any infectious disease.

27. *Clause 23* requires the employer to ensure that the areas surrounding the worker's housing are kept clean, the perimeter drains are not blocked, refuse is collected daily and disposed of satisfactorily, and communal latrines are kept in good sanitary condition. It is the employer's duty to ensure that an estate hospital assistant makes weekly inspections of the buildings and also to maintain records of such inspections.

28. *Clause 24* provides for the onus of proof in all proceedings under Part III to be upon the person who alleges that he is not the employer, resident manager or other person.

PART IV

29. Part IV empowers the Minister to make regulations for carrying into effect the purposes of the Bill. This is reflected in *clause 25*.

PART V

30. Part V deals with miscellaneous matters.

31. *Clause 26* empowers the Minister to vest in certain authorized officers the powers of the Director General under this Bill.

32. *Clause 27* deals with the powers of the Director General, the Medical Officer of Health and District Engineer in carrying out their duties under the Bill.

33. *Clause 28* enables the Director General to conduct prosecutions under the Bill.

34. *Clause 29* deems the Director General and all officers named in section 26 to be public servants for the purpose of the Penal Code.

35. *Clause 30* provides for appeals made by aggrieved employers in respect of any order or decision made under the Bill or its regulations.

36. *Clauses 31, 32 and 33* provide for offences under the Bill or its regulations.

PART VI

37. Part VI specifies the laws to be repealed by this Bill.

38. *Clause 34* seeks to provide for the continuation of the regulations made under the repealed laws until revoked or replaced by new regulations to be made under this Bill.

WORKERS' MINIMUM STANDARDS OF
HOUSING AND AMENITIES

29

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the
amount of which cannot [PN. (U²) 140/3.]

