

UNIVERSITI TEKNOLOGI MARA

**A LEGAL STUDY OF THE HEALTH
SCREENING (CHEST X-RAY) FOR
MIGRANT WORKERS WITH
REFERENCE TO THE ATOMIC
ENERGY LICENSING ACT 1984**

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requirements for the degree of
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AUTHOR'S DECLARATION

I declare that the work in this dissertation was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This dissertation has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Post Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

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ABSTRACT

Migrant workers are required to undergo pre-employment health screening before their application for working permit or specifically known as the Visit Pass (Temporary Employment) can be approved by the Malaysian Immigration Department. This work permit will only be granted to migrant workers who are certified as 'FIT' by a medical practitioner whereby those who are certified "UNFIT" shall be repatriated. Chest X-Ray examination is a mandatory test in this medical examination. The role of Chest X-Ray examination is as a screening tool in the diagnosis of tuberculosis disease carried by migrant workers. Migrant workers have to undergo a two-stage health screening process which is firstly in their home country before leaving for Malaysia and another one upon arrival. The main issue concern in this study is whether the second Chest X-Ray examination is justified under the Atomic Energy Licensing Act 1984 even though they have successfully had Chest X-Ray examination before in their home country. The methodologies used are doctrinal research and fieldwork studies on respondents who are enforcement officers and medical practitioners. From the study, it was observed that the Chest X-Ray examination is mainly as a public safeguard and not beneficial to the health of the migrant workers. This practice was redundant after the compulsory Biometric system which was established by the Malaysian Immigration Department on 15th June 2016. Our practice still focuses on active tuberculosis compared to the Australian legal framework which totally believes in pre-migration medical examination and focuses on latent tuberculosis. The public safeguard is the main reason to justify the Chest X-Ray examination for migrant workers in pre-employment health screening.

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