A CASE STUDY ON THE UNDERSTANDING OF THE WORKMEN COMPENSATION ACT 1952 AMONG LEGAL FOREIGN WORKERS IN SAN MUGIEL YAMAMURA WOVEN MALACCA

MOHD ZULFADLI BIN MOHD HANIB

Dissertation submitted in partial fulfilment of the requirements for the degree of Master of Enforcement Law

Faculty of Law

January 2017
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.

Name of Student : Mohd Zulfadli Mohd Hanib
Student I.D. No. : 2015627202
Programme : Master of Enforcement Law
Faculty : Law
Dissertation Title : “A Case Study On The Understanding Of The Workmen’s Compensation Act 1952 Among Legal Foreign Workers In San Mugiel Yamamura Woven Malacca”

Signature of Student : ......................................................
Date : January 2017
ABSTRACT

This study, “A Case Study on The Understanding of the Workmen’s Compensation Act 1952 in among Legal Foreign Workers in San Mugiel Yamahura Woven Malacca”, is completed as a fulfilment of course Master of Enforcement Law (MEL). This study mainly conducted in a company name San Mugiel Yamahura Woven Malacca to look into understanding of the understanding of the Workmen’s Compensation Act 1952 in among Legal Foreign Workers in that company. There were several methods used in order to find answers and to collect facts and statistics to answer the research questions and to meet the objectives of the study. Qualitative research which is library-based was conducted to gather information and relevant data in this study. The relevant survey was done with statistics also done to look into understanding of legal foreign workers in that company. The researchers have conducted interviewers with three individuals as representative from the legal foreign workers and representative from Human Resource Department of that company. Namely Tamang and Ram Bahadur who is representative from legal foreign workers and Cik Ina Jab inti Abd Jalil representative from Human Resource Department from the San Mugiel Yamahura Woven Malacca in obtaining a clearer understanding regarding of the Workmen’s Compensation Act 1952 in among Legal Foreign Workers in that company. Apart from that, the researcher also has to studied the Workmen’s Compensation Act 1952 in Malaysia with application of this Act. Overall, it is found understanding of the understanding of the Workmen’s Compensation Act 1952 in among Legal Foreign Workers in Malaysia still not sufficient. In view of that, understanding of legal workers regarding this Act will prevent from being exploitation or discrimination.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONFIRMATION BY PANEL OF EXAMINERS</td>
<td>ii</td>
</tr>
<tr>
<td>AUTHOR’S DECLARATION</td>
<td>iii</td>
</tr>
<tr>
<td>ABSTRACT</td>
<td>iv</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENT</td>
<td>v</td>
</tr>
<tr>
<td>TABLE OF CONTENTS</td>
<td>vi</td>
</tr>
<tr>
<td>LIST OF TABLES</td>
<td>ix</td>
</tr>
<tr>
<td>LIST OF STATUTES</td>
<td>x</td>
</tr>
</tbody>
</table>

## CHAPTER ONE: INTRODUCTION

1.1 Introduction .......................... 1
1.2 Background of Study ................. 1
1.3 Statement Problems .................. 5
1.4 Research Questions .................. 6
1.5 Research Objectives ................. 7
1.6 Research Methodology ............... 7
   1.6.1 The Doctrinal Research ....... 7
   1.6.2 The Field Work Study ........ 8
1.7 Scope and Limitations ............... 8
   1.7.1 Scope ...................... 8
   1.7.2 Limitations ............... 8
1.8 Significance of Contribution ....... 9

## CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction ........................ 10
2.2 Literature Review .................. 10
2.3 Exploitation of legal Foreign workers 14
2.4 Incompetent Migrant Worker Management 15
2.5 Laws Governing the Laws .......... 16
2.6 Conclusion

CHAPTER THREE: THE Workmen’s Compensation Act 1952
3.1 Introduction 19
3.2 Definition 19
3.3 The Laws governing Workmen’s Compensation Act 1952 20
3.4 Who will be covered under Workmen’s Compensation Act 1952 23
3.5 How does the employers insured their legal foreign workers 24
3.6 What should be done if a legal foreign worker involved in accident 27
3.3 Conclusion 28

CHAPTER FOUR: RESEARCH FINDING
4.1 Introduction 29
4.2 Research Finding (Survey) 29
   4.2.1 First Question: Nationality 29
   4.2.2 Second Question: Are you aware about Workmen’s Compensation Act 1952? 30
   4.2.3 Third Question: Have you been explained regarding Medical Benefit and Hospitalization (SPIKPHA)? 30
   4.2.4 Fourth Question: Is it important to understand Workmen Compensation Act 1952 to prevent exploitation and discrimination? 31
4.3 Report of Interviews 31
   4.3.1 First Interviewer 33
   4.3.2 Second Interviewer 34
4.4 Conclusion 36

CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS
5.1 Introduction 37
5.2 Conclusions 37
5.3 Recommendation
   5.3.1 Legal Foreign Worker to Join Trade Union 39
   5.3.2 Establishment of an Independent Watchdog