

**THE LEGAL FRAMEWORK FOR PROTECTING THE RIGHTS OF  
EMPLOYMENT OF PERSONS WITH DISABILITIES IN MALAYSIA: A  
COMPARATIVE STUDY BETWEEN MALAYSIA AND THE UNITED  
KINGDOM**

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Submitted in Partial Fulfillment of the Requirements

for the Bachelor in Legal Studies (Hons)

**Universiti Teknologi MARA**

**Faculty of Law**

June 2012

The students/authors confirm that the work submitted is their own and that appropriate.  
Credit has been given where reference has been made to the work of others.

## ABSTRACT

Among the social issues that are being overlooked by the society is regarding the persons with disabilities (PWD) in our community. This group of people are commonly being discriminated either directly or indirectly in every aspects of their life especially in regards of employment. It is a must, to ensure that they are being seen as an equal as other normal citizens, protected by laws and policies. In Malaysia, there are laws which govern matters in protecting the rights of the PWD that are the Persons with Disabilities Act 2008 and Article 8(2) of Federal Constitution 1963. However, these statutes have yet to achieve its objectives in protecting the rights of the disabled. Therefore, the Persons with Disabilities Act 2008 and Article 8(2) of Federal Constitution 1963 are referred to in this study, to find the lacuna as well as opportunities on which part of employment sector does available for the service of the PWD in our country. The purpose which is clear upon us within this study is to reveal the gap in the existing law and knowledge to provide improvement better opportunities as well as to ensure that the rights of employment of the PWD are protected. In addition to that, in order to provide a comparative analysis of the study, the law on rights of employment of the PWD under Equality Act 2010 in the United Kingdom will be critically examined and its application will be reviewed and compared to Malaysian Persons with Disabilities Act 2008. We will look on how the enforcement of this particular law in the United Kingdom could assist us in Malaysia in determining and comparing what is the best treatment should be given to the PWD in our community in regards of employment in both public and private sector. It is our responsibility, the government, as well as the society, to take a good care of these people. This is an obligation if we wish to achieve “developed” status within this few years and to be achieve zero unemployment is a need towards achieving developed nation.

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# CHAPTER 1: INTRODUCTION

## 1.0 Introduction

This chapter concerns about the research title, the background, the research question and objectives. Apart from that, this chapter will also be discussing on the methodology of the research, the scope, the limitations and the significance of the research. The research plan of this research also will be provided in this chapter.

## 1.1 Research Title

The Legal Framework for Protecting the Rights of Employment of Persons with Disabilities in Malaysia: A Comparative Study between Malaysia and the United Kingdom.

## 1.2 Background

The persons with disabilities (PWD) are the most vulnerable and at a disadvantage in society and often they are subjected to discrimination. They usually experienced poor quality of life and more likely to be unemployed due to employment discrimination.<sup>1</sup> The employment of PWD is regarded as a crucial issue of the “equal employment opportunities”. There are two principles which are equality of opportunity and equality of treatment that become the basic for various laws and regulation concerning equal employment opportunities for everyone.<sup>2</sup> According to Chief Director of Department of Social Welfare in Malaysia Datuk Meme Zainal Rashid stated that by referring to the statistic since 1996-2009 only 981 disabled had been employed in public sector contrary

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1 Ledman, R. and Brown, D. “The American with Disabilities Act: The cutting Edge to Managing Disability”, online available at <http://www.questia.com/googleScholar.qst?docId=5000218295>, accessed on 20 October 2011.

2 Betrice Lim et al , “Employment Situation of PWD: Case Study of US, Japan and Malaysia” available at [http://www.researchersworld.com/vol2/issue4/Paper\\_1.pdf](http://www.researchersworld.com/vol2/issue4/Paper_1.pdf), accessed on 20 October 2011.