

**THE RIGHTS OF EMPLOYEES IN PRIVATE SECTOR TO LEAVE
ENTITLEMENT IN MALAYSIA**

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The 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.

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ABSTRACT

This research was conducted to determine whether the employees are aware of their rights in leave entitlement include public holiday, rest day, annual leave, sick leave, and maternity leave. Besides that, it is to determine whether the employers follow the laws and rules as provided in the statutes.

This topic was chosen because it has never been brought up for discussion despite the fact that this problem is getting serious the reasons why it has never been brought up for discussion was because no complaint have been made by anyone besides there is no responsible bodies to look after this matter. An action can only be taken if there is complaint made.

The matter of leaves entitlement seems not to be so serious on the surface however; impliedly it plays a major role employment field. For example if an employee does not get enough rest due to shortage of workers and he has to work continuously without rest, this might affect his working ability and definitely will affect the company too. Another situation is if an employee's application for leave is rejected and the wages paid to him is an ordinary rate, this can also affect his working ability when he is not enjoying the work given thus can affect the company's reputation.

The aim of this research is to create awareness among the employers and employees as to give a serious view on this matter. Therefore, this issue needs more discussion and explanation for future benefits.

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CHAPTER 1

INTRODUCTION

1.0 INTRODUCTION

Employment sector plays an important role in our country nowadays due to the fact that there is an increase of industrial sector. It is generally agreed that Industrial Relations is one of the many disciplines in the field of the Management Studies. There is, however, no universally accepted definition of it. Industrial relation refers to the relations created by employment between the parties who are involved in employment.

Malaysian industrial relations are governed basically by two laws, which are the Employment Act 1955(EA) and the Industrial Relations Act 1967 (IRA).The EA and IRA apply essentially to the private sector while the Industrial Court effectively services only this sector. Apart from that there are also other law that supported EA and IRA such as the Holidays Act 2003, Weekly Holidays Act 1950 and many more.

1.1 BACKGROUND OF THE RESEARCH

Generally, at present employee's rights were critically deprived by the employer. Some of them are aware of the existing law, but do not dare to take any action as they are worried of their occupation. On the other hand, there are also some of them who are totally unaware of the provided law.¹ This is because almost all of the labours are

¹ "Foreigners Living in KLIA Car Park", *The Star* 15th September 2007 at 24.