

**MALAYSIAN LABOUR LAW: EQUALIZING THE  
DIFFERENCES BETWEEN PART TIME EMPLOYEE AND  
FULL TIME EMPLOYEE STATUS AND RIGHTS**

By

Noor Nadiah Binti Zainol Abidin (2011899794)

Nur Khairunnisa Binti Mohd Rosni (2011267548)

Ras Emil Suraya Binti Razali (2011286336)

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## **ABSTRACT**

The study is carried out to assess the effectiveness of the Employment (Part-Time Employees) Regulations 2010 in protecting the rights of the part-time employees in Malaysia and their status in comparison with the full time employees. This research is a qualitative type of research where the focus is on the data gathered from various written sources and also from the interviews conducted with the legal experts. This research paper will particularly focus on the rate of overtime payment entitled for the part-time employees and their rights over EPF and SOCSO.

The provisions provided under the regulation are very limited and inadequate in protecting the rights of part-time employees. There are rights which the part-time employees are entitled to but are not covered in the regulation such as EPF and SOCSO where the confusion regarding their rights then arises. The research will then focus on the position of the part-time employees in Malaysia in context of overtime payment and rights to EPF and SOCSO and the effect of “part-time” status over their rights.

The research concludes that the regulation did not sufficiently protect the part-time employees. Therefore, some recommendations have been proposed at the end of the research to improve the regulation in order to ensure that the part-time employees in Malaysia are well protected.

## TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Content	iv
List of Cases	vii
List of Statutes	viii

### CHAPTER ONE: INTRODUCTION TO RESEARCH

1.0	Research Background	1
1.1	Research Questions	3
1.2	Research Objectives	3
1.3	Research Methodology	4
1.4	Scope and Limitations	5
1.5	Significance of the Study	6
1.6	Conclusion	8

## CHAPTER TWO: EVALUATION

2.0	Introduction	9
2.1	Employment (Part Time Employees) Regulations 2010	11
2.2	Employees' Social Security Act	12
2.3	Employees Provident Fund Act 1991	12
2.4	Rights Provided for the Part Time Employees in the Regulations	14
2.5	Strength	15
2.6	Weaknesses	16
2.7	Comparison between Part Time Employee and Full Time Employee	19
2.8	Conclusion	21

## CHAPTER THREE: THE RIGHTS OF PART TIME EMPLOYEE TO EQUAL OVERTIME PAYMENT IN MALAYSIA

3.0	Introduction	22
3.1	The Importance of Equal Payment of Overtime	23
3.2	The Effect of the Status of Part Time Employee to Rights of Equal Overtime Payment	25
3.3	Comparing the Rights of Overtime Rates of Payment between Part Time Employee and Full Time Employee	27
3.4	Conclusion	29

## CHAPTER ONE

### INTRODUCTION TO RESEARCH

#### 1.0 Research Background

Previously, we have the master and servant relationship, slavery, waged workers who works for money and goods. However, there had been a new revolution taken place that changed the world of labour which is called as the Industrial Revolution. During this time, they give a new definition on employment relationship which is called as contractual relationship or also known as the Industrial relations.

Industrial relations refer to employee-employer's relationship with one another which refers to the management of employee welfare and internal communications. Workers, employers, and officers in human resource and industrial relation department need to understand the term of industrial relation in order to avoid misuse or violation of rights as well as to make sure that the employees are fully aware of their rights. Thus, if their rights are being violated or cast off they may make a complaint to the authority such as the industrial court (IC).

The International Labour Organisation (ILO) plays a vital role in shaping the Malaysian industrial relations. ILO provides an international forum on matters relating to labour and employment relationship. Besides that the organisation also helps in setting out the international labour standard, however it is very difficult to apply it to all situations.

Employment is a two way relationship where the employees have the duty of fidelity and not to misconduct while the employer has the duty to pay and duty of care towards his employees. Nearly all industrial relations system is tripartite and the parties in an industrial relations system are the employer, the employees and the government.<sup>1</sup> The issue that is going to be discussed in this research project is

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<sup>1</sup> Aminuddin, M. (2013). *Malaysian Industrial Relations & Employment Law* (8<sup>th</sup> ed.). Selangor, Malaysia: McGraw Hill Education.