

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

By

Abd Shukor b Mohd Yunus (2009984999)

Asmahani bt Amiruddin (2009785799)

Intan Syarafina bt Zainudin (2009733357)

Wan Hajaratul Rafzan bt Che Wan Raksan (2009391169)

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.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
CHAPTER ONE: INTRODUCTION	
1.0 Introduction	1
1.1 Research Title	1
1.2 Background	1
1.3 Research Question	5
1.4 Research Objectives	5
1.5 Scope	5
1.6 Research Methodology	5
1.7 Limitation of the research	6
1.8 Significance of the research	7
1.9 Conclusion	7
CHAPTER TWO: AN OVERVIEW ON DISABILITIES IN EMPLOYMENT SECTOR	
2.0 Introduction : Definition regarding persons with disabilities	8
2.1 History of Employment regarding persons with disabilities	9
2.2 A Preamble on Employment	10
2.3 The Importance of Employment for persons with disabilities	12
2.4 Challenges and Feedback of persons with disabilities in employment	14
2.5 Differences in Employment Opportunities for persons with disabilities in Public and Private Sector	16

2.6 The reflection of the United Nation Convention on the Rights of persons with disabilities in ensuring the implementation of Persons with Disabilities Act 2008	17
2.7 Conclusion	20

CHAPTER THREE:THE LEGAL VIEW ON EMPLOYMENT OF DISABLED

3.0 Introduction	21
3.1 The law in Malaysia	21
3.1.1 Provision of the right of employment of persons with disabilities in Persons with Disabilities Act 2008	22
3.1.2 Effectiveness of Persons with Disabilities Act 2008 in protecting the right of persons with disabilities in employment	22
3.1.3 Article 8 of Federal Constitution	23
3.1.4 Others steps taken by government in protecting the right of persons with disabilities in employment	24
3.2 The law in the United Kingdom	28
3.2.1 Provision of the right of employment of persons with disabilities in Equality Act 2010	28
3.2.2 Effectiveness Equality Act 2010 in protecting the right of persons with disabilities in employment	30
3.2.3 Others steps taken by government in protecting the right of persons with disabilities in employment in the United Kingdom	31
3.3 Differences between Persons with Disabilities Act 2008 and Equality Act 2010	33
3.4 Conclusion	35

