

**THE EMPLOYMENT ACT 1955: A COMPARATIVE STUDY ON
NON-STANDARD WORKERS' RIGHTS AND PROTECTIONS**

By

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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 works of others.

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Bismillahirrahmanirahim

“In the name of Allah, the Most Gracious and the Most Merciful”

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This project paper has been carried out by a team consisting of Aimi Khalidah Binti Abdul Ghafar, Nurafifah Safirah Binti Mohd Johari, and Nurul Azira Binti Abdul Aziz.

ABSTRACT

In this project paper, the topic that had been discussed and research is concerning the Employment Act 1955, whether it's protect the non-standard workers' rights and provide protections for them. This research is focused on non-standard workers in Klang Valley area, especially in Shah Alam.

The research conducted by referring the Employment Act 1955 and The Work Regulations (Part-Time Workers) 2010 for the situation in Malaysia. Then, to make it clear that there are lacunae in Malaysia labour system, researcher compared the law with several United Kingdom labour laws. References had also been made with several employees in different types of employment either standard worker or non standard worker in several aspect of field such as wages, leaves and protection that they get as employee.

This project paper will focus on the current problems that faced by Malaysian non-standard workers due to their rights and protections that not governed by any act in Malaysia especially in the term of wages, working hours, leaves, health insurance and dismissal or removal. In order to address these problems, we are proposing a specific provision for the non-standard workers to protect their rights. Discussion also takes place to reform the Employment Act 1955 as to provide protections for the employee.

At the end of this project paper, several suggestion had be discussed that can used to ensure the success of proposal. Finally, it is hoped that this project paper would serve as a stepping stone for the implementation of the new system of labour industry in the Klang Valley as well as Malaysia.

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CHAPTER ONE: INTRODUCTION

‘The key to growth is the introduction of higher dimensions of consciousness into our awareness.’

*Lao Tzu.*¹

1.0 Background of Study

Non-standard employment has increased globally over the past several decades.² According to the International Labour Organization, the number of part-time workers has increased from one-fourth to a half in the past 20 years in most developed countries.³

There are no universally accepted or accurate definitions regarding the meaning or definition of non-standard workers. The definition of non-standard workers is gathered in many sources for example in journals,⁴ books⁵ and dictionary⁶. Non-standard workers are also known as part-time workers.⁷ Generally, a part-time employment is a form of employment that carries fewer hours per week than a full-time job.⁸ Workers are considered to be part-time if they commonly work fewer than 30 or 35 hours per week⁹. Non-standard workers or non-standard employment where these terms refer to forms of employment that lack the job-stability and entitlement to fringe benefits, union membership, and the social security of full-time, stable (‘standard’) employees.¹⁰

¹ Available at <http://www.brainyquote.com> accessed on 15 June 2012.

² Muhamad Khalil Omar, “Work Status Congruence, Work-Related Attitudes, and Satisfaction towards Work-Life Balance”, 6 (1) International Review of Business Research Paper 145-156 (2010).

³ Marshall G., “Non-Standard Worker”, available at <http://www.encyclopedia.com/doc/1O88-nonstandardworker.html> accessed on 16 March 2012.

⁴ Note, 2.

⁵ Wu Min Aun, *The Industrial Relation Law of Malaysia*, (Longman Malaysia Sdn Bhd, 2nd ed, 1988) p. 1-208.

⁶ M. Colin., & T. Joanna, *Oxford Advanced Learner’s Dictionary of Current English* (Oxford University Press, 7th ed, 2010) p. 1105.

⁷ *Ibid.*

⁸ Note 3.

⁹ *Ibid.*

¹⁰ Note 8.