

LAWS OF MALAYSIA

REPRINT

Act 4

EMPLOYEES' SOCIAL SECURITY ACT 1969

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Act 4

EMPLOYEES' SOCIAL SECURITY ACT 1969

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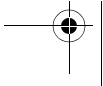
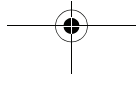
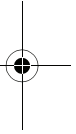
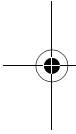
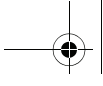
SIXTH SCHEDULE

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EMPLOYEES' SOCIAL SECURITY ACT 1969

An Act to provide social security in certain contingencies and to make provision for certain other matters in relation to it.

[See Appendix]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I PRELIMINARY

Short title, extent, commencement and application

1. (1) This Act may be cited as the Employees' Social Security Act 1969.

(2) This Act shall apply throughout Malaysia.

(3) This Act shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint and different dates may be appointed for different provisions of this Act and for different States or for different parts of it.

Definitions

2. In this Act unless there is anything repugnant in the subject or context—

(1) (*Deleted by Act A675*);

(1A) "Board", except in Part V, means the Social Security Organization Board established under section 59B;

(1B) "child" means a child of the deceased insured person—

- (a) who is a child under twenty-one years of age and includes—
- (i) a posthumous child, a dependent stepchild and an illegitimate child of the insured person; and
 - (ii) a child adopted by the insured person under any written law relating to adoption or under any custom or usage, on satisfactory proof of such adoption; and
- (b) who is a child of any age and is mentally retarded or physically incapacitated and is incapable of supporting himself.

(2) “contribution” means the sum of money payable to the Organization by the principal employer in respect of an insured employee and includes any amount payable by or on behalf of the employee in accordance with this Act;

(3) “dependant” means any of the following relatives of a deceased insured person, namely:

- (a) a widow or widower or a child; and
- (b) if there is no widow or widower or child—
 - (i) a daughter, if married and a minor, or if widowed and a minor;
 - (ii) an unmarried minor brother or sister or a widowed minor sister;
 - (iii) a widowed daughter-in-law;
 - (iv) a minor child of a pre-deceased son;
 - (v) a minor child of a pre-deceased daughter where no father of the child is alive;
 - (vi) a parent; or
 - (vii) a grandparent if no parent of the insured person is alive; and
- (c) (*Deleted by Act A814*),

Provided that the Minister may give such direction as appears to him to be necessary for the removal of hardship to any other relative of a deceased insured person including an invalid widower;

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(4) “duly appointed” means appointed in accordance with this Act or with the rules or regulations made;

(5) “employee” means any person who is employed for wages under a contract of service or apprenticeship with an employer, whether the contract is expressed or implied or is oral or in writing, on or in connection with the work of an industry to which this Act applies and—

- (i) who is directly employed by the principal employer on any work of, or incidental or preliminary to or connected with the work of, the industry, whether such work is done by the employee on the premises of the industry or elsewhere;
- (ii) who is employed by or through an immediate employer on the premises of the industry or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the industry or which is preliminary to the work carried on in or incidental to the purpose of the industry; or
- (iii) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service,

but does not include a person of the descriptions specified in the First Schedule;

(6) “employment injury” means a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment in an industry to which this Act applies;

(6A) “Fund” means the Social Security Fund established under section 68;

(7) *(Deleted by Act A590)*;

(7A) *(Deleted by Act A675)*;

(8) “Government” means the Government of Malaysia;

(9) “immediate employer” in relation to employees employed by or through him, means a person who has undertaken the execution on the premises where the principal employer is carrying on his trade or business, profession, vocation, occupation or calling, or under the supervision of the principal employer or his agent, of the whole or any part of any work which is ordinarily part of the work of the trade or business, profession, vocation, occupation or calling, of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such trade or business, profession, vocation, occupation or calling, and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer;

(10) “industry” means any business, trade, undertaking, manufacture or calling of employers, and includes any calling, service, employment, handicraft or industrial occupation or avocation of employees;

(10A) “Inspector” means an Inspector appointed under section 12 and includes the Director General and every Deputy Director General;

(11) “insured person” means a person who is or was an employee in respect of whom contributions are, were or could be payable under this Act, notwithstanding that such industry or employee was not so registered, so long as the industry was one to which this Act applies;

(12) “Minister” means the Minister charged with responsibility for human resources;

(13) “minor” means a person who has not attained twenty-one years of age;

(14) “month” means a month reckoned according to the Gregorian calendar;

(15) The expressions “occupier” and “factory” shall have respectively the meanings assigned to them in the Factories and Machinery Act 1967 [*Act 139*];

(16) “Organization” means the Social Security Organization;

(17) “permanent partial disablement” means such disablement of a permanent nature, as reduces the earning capacity of an

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employee in every employment which he was able to undertake at the time of the accident resulting in the disablement:

Provided that every injury specified in Part II of the Second Schedule shall be deemed to result in permanent partial disablement;

(18) "permanent total disablement" means such disablement of a permanent nature, as disables an employee for all work which he was capable of performing at the time of the accident resulting in such disablement:

Provided that permanent total disablement shall be deemed to result from every injury specified in Part I of the Second Schedule or from any combination of injuries specified in Part II of it where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries, amounts to one hundred per cent or more;

(19) "principal employer" means the owner of an industry or the person with whom an employee has entered into a contract of service or apprenticeship and includes—

- (a) a manager, agent or person responsible for the payment of salary or wages to an employee;
- (b) the occupier of a factory;
- (c) the legal representative of a deceased owner or occupier;
- (d) any government in Malaysia, department of any such government, local authority or statutory body and, where an employee is employed with any such government, department, authority or body or with any officer on behalf of any such government, department, authority or body, the officer under whom such employee is working:

Provided that no such officer shall be personally liable under this Act for anything in good faith done or omitted to be done by him as an officer of such employer;

(20) "regulation" means a regulation made by the Minister;

(21) (*Deleted by Act A450*);

(22) “Schedule” means a Schedule to this Act;

(23) “temporary disablement” means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury, temporarily incapable of doing the work which he was doing prior to or at the time of the injury;

(24) “wages” means all remuneration payable in money by an employer to an employee including any payment in respect of leave, holidays, overtime, and extra work on holidays but does not include—

- (a) any contribution payable by the principal employer or the immediate employer to any pension fund or provident fund, or under this Act;
- (b) any travelling allowance or the value of any travelling concession;
- (c) any sum paid to an employee to defray special expenses incurred as a result of his employment;
- (d) any gratuity payable on discharge or retirement;
- (e) annual bonus;
- (f) any other remuneration as may be prescribed.

PART II

INSURABILITY AND CONTRIBUTIONS

Applicability

3. (1) This Act shall apply to all industries having one or more employees.

(2) In this section, “employees” include any employee employed by the immediate employer.

Registration of industries

4. Every industry to which this Act applies shall be registered with the Organization within such time and in such manner as may be specified in the regulations.

All employees to be insured

5. Subject to this Act, all employees in industries to which this Act applies shall be insured in the manner provided by this Act.

Contributions

6. (1) The contribution payable under this Act in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Organization.

(2) The contributions shall fall into the following two categories, namely:

- (a) the contributions of the first category, being the contributions payable by or on behalf of the employees insured against the contingencies of invalidity and employment injury; and
- (b) the contributions of the second category, being the contributions payable by or on behalf of employees insured only against the contingency of employment injury.

(3) The contributions of the various categories shall be paid at the rates specified in the Third Schedule.

(4) The contributions of the first category shall be shared by the employer and the employee in the ratio specified in Part I of the Third Schedule.

(5) The contributions of the second category shall be paid wholly by the employer.

(6) The Minister, in consultation with the Minister of Finance may, by notification in the *Gazette*, amend, add to, vary or revise the rates of contributions specified in the Third Schedule.

(7) A month shall be the unit in respect of which all contributions shall be payable under this Act.

(8) The contributions payable in respect of each month shall ordinarily fall due on the last day of the month, and where an

employee is employed by an employer for part of a month the contribution in respect of such month shall fall due on the last day of employment by such employer in that month.

(9) Where two or more contributions are paid in respect of the same insured person for the same month, they shall be counted as a single monthly contribution.

(10) In computing the average of assumed wage for the purpose of calculating the rate of pension or benefit payable under this Act, two or more monthly contributions paid in respect of the same insured person for the same month shall be treated as a single monthly contribution corresponding to the aggregate of the different assumed monthly wages to which the different contributions correspond:

Provided that where the aggregate of the different assumed monthly wages to which the different contributions correspond exceed the maximum assumed monthly wage, the assumed monthly wage shall be such maximum monthly wage.

Principal employer to pay contributions in the first instance

7. (1) The principal employer shall pay in respect of every employee, whether directly employed by him or through an immediate employer, both the employer's contribution and the employee's contribution.

(2) Notwithstanding anything contained in any other written law but subject to this Act and the regulations, if any, the principal employer shall, in the case of an employee directly employed by him, be entitled to recover from the employee the employee's contribution by deduction from his wages and not otherwise:

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the sum representing the employee's contribution for the period.

(3) Notwithstanding any contract to the contrary, neither the principal employer nor the immediate employer shall be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.

(4) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.

Recovery of contribution from immediate employer

8. (1) A principal employer, who has paid contribution in respect of an employee employed by or through an immediate employer, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any) from the immediate employer, either by deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the immediate employer.

(2) In the case referred to in subsection (1), the immediate employer shall be entitled to recover the employee's contribution from the employee employed by or through him by deduction from wages and not otherwise, subject to the conditions specified in the proviso of subsection 7(2).

General provisions as to payment of contributions

9. (1) Contribution (both the employer's contribution and the employee's contribution) shall be payable by the principal employer for each month in respect of the whole or part of which wages are payable to the employee and not otherwise.

(2) *(Deleted by Act A675).*

Contributions where industry or employee is not insured or registered

9A. Contributions shall be payable in respect of employees from the month they enter into employment and such contributions are payable even though the industry to which this Act applies or the employees or both have not been insured or registered with the Organization:

Provided that an employer who has paid arrears of contributions in respect of an employee will only be entitled to recover from the wages payable notwithstanding the proviso to

subsection 7(2) the employee's share of the contributions due within the last preceding six months prior to the date of payment.

Validation of contribution collected

9B. Any contribution collected by the Organization for an employee who was not registered for purposes of insurance under this Act for any period prior to 1 July 1987 is hereby validated and declared to have been lawfully collected.

Method of payment of contribution

10. Subject to this Act, the Minister may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Act and without prejudice to the generality of the foregoing power such regulations may provide for—

- (a) the manner and time of payment of contributions;
- (b) the payment of contributions either in cash or cheque or any other mode of payment;
- (c) the date by which evidence of contributions having been paid is to be received by the Organization;
- (d) the entry in an approved manner in or upon books or forms of particulars of contributions paid and benefits distributed in case of the insured persons to whom such books or forms relate; and
- (e) the issue, sale, custody, production, inspection and delivery of materials, books or forms or the replacement of materials, books or forms which have been lost, destroyed or defaced.

Employers to furnish returns and maintain registers in certain cases

11. (1) Every principal and immediate employer shall submit to the Organization or to such officer of the Organization as it may direct such returns in such form and containing such particulars relating to persons employed by him or to any industry in respect of which he is the principal or immediate employer as may be specified in the regulations made in this behalf.

(2) Where, in respect of any industry, the Organization has reason to believe that a return should have been submitted under subsection (1) but has not been so submitted, the Organization may require any person in charge of the industry to furnish such particulars as it may consider necessary for the purpose of enabling the Organization to decide whether the industry is an industry to which this Act applies.

(3) Every principal and immediate employer shall maintain such registers or records in respect of his industry as may be required by regulations made in this behalf.

Inspectors, their functions and duties

12. (1) The Minister may appoint such persons as Inspectors, as he thinks fit, for the purposes of this Act.

(2) Subject to subsection (3), an Inspector appointed under subsection (1) shall have all the powers, functions and duties conferred under this Act.

(3) An Inspector shall be subject to the direction and control of the Director General or of such other officer or servant of the Organization as may be authorized by the Director General to act on behalf of the Director General, and of any other Inspector superior to the Inspector in rank, and shall exercise his powers, perform his functions and discharge his duties under this Act in compliance with such directions, instructions, conditions, restrictions or limitations as the Director General, or an officer or servant of the Organization authorized to act on behalf of the Director General or any other Inspector superior to the Inspector in rank, may specify orally or in writing, either generally, or in any particular case or circumstances.

(4) The Director General and Deputy Directors General shall have all the powers of an Inspector.

Powers of examination and search

12A. Subject to any regulations made under section 105, an Inspector may at any reasonable time—

(a) make such examination and inquiry as may be necessary for ascertaining whether this Act or the regulations or

rules made thereunder are being or have been complied with;

- (b) at any reasonable time enter any premises or place occupied by any principal employer or immediate employer for the purpose of such examination and inquiry;
- (c) examine the principal employer or immediate employer or his agent or servant or any person found in such premises or place or any person whom the Inspector has reasonable cause to believe to be or have been an employee;
- (d) make copies of or take extracts from any register, books or other documents maintained in such premises or place; and
- (e) exercise such other powers as may be necessary for carrying this Act into effect.

Obstruction to exercise of powers by an Inspector

12B. (1) No person shall—

- (a) refuse any Inspector exercising his power under section 12A access to any premises or place or any part thereof;
- (b) assault, obstruct, hinder or delay such Inspector in effecting any entrance which he is entitled to effect;
- (c) fail to comply with any lawful demands of an Inspector execution of his powers under section 12A;
- (d) refuse to give to an Inspector any information which may reasonably be required of such person;
- (e) fail to produce to, or conceal or attempt to conceal from, an Inspector, any property, book or other document including electronic records in relation to which the Inspector has reasonable grounds for suspecting that an offence has been or is being committed under this Act; or
- (f) furnish as true to an Inspector, information which he knows or has reason to believe to be false.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Power to examine persons

12C. (1) An Inspector making any examination or inquiry under section 12A may examine orally any person whom he believes to be acquainted with the facts and circumstances of the case and for such purpose summon any such person to attend at the time and place specified in such summons.

(2) The person examined under subsection (1) shall be legally bound to answer all questions relating to such case put to him by the examining Inspector, but such person may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to question.

(4) An Inspector examine a person under subsection (1) shall first inform that person of subsections (2) and (3).

(5) A statement made by any person under this section shall, whenever possible, be taken down in writing and signed by the person making it or affixed with his thumb-print, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any corrections he may wish.

Determination of contributions in certain cases

13. (1) An Inspector may assess any contributions which are due from any principal or immediate employer based on any information available, if the employer—

- (a) fails to keep or maintain any statement, particulars, register book or any record pertaining to each employee as required to be kept or maintained by him under this Act; or
- (b) fails or refuses to submit any statement, particulars, register book or record pertaining to each employee as required under this Act.

(2) The assessment made under subsection (1) shall be sufficient proof of the Organization's claim for the recovery of any contributions under section 84 or for the recovery of the amount determined by such assessment as a debt due to the Organization under section 14.

(3) Any assessment made under this section shall be served either personally or by registered post.

Power of Director General to ask for information and application for search warrant

13A. (1) For the purpose of obtaining full information for ascertaining whether any person is liable to pay contributions under this Act, the Director General or any Inspector appointed by the Director General for the purpose may by notice in writing require any person—

- (a) to furnish to the Director General or such Inspector within the time specified in the notice any information or particulars as specified in the notice; or
- (b) to attend personally before the Director General or such Inspector and to produce for examination all books, records and other documents including electronic records which the Director General or such Inspector deems necessary; or
- (c) to furnish the information or particulars in accordance with paragraph (a) and also to attend in accordance with paragraph (b).

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence.

(3) Whenever it appears to any Magistrate, upon written information on oath, and after any enquiry he may think necessary, that there are reasonable grounds for suspecting that there are on any particular premises any book, account, record (including electronic record) or other document, the production of which has been required pursuant to subsection (1) and which has not been produced in compliance with that requirement, such Magistrate may issue a warrant authorizing the Director General or any person named therein with or without assistance—

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- (a) to search the premises and to break open and search any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, in the premises; and
- (b) to take possession of, or secure against interference, any book, account, record (including electronic record) or other document that appears to be a book, account, record or other document the production of which was so required.

Recovery of contributions

14. Any contribution or interest payable under this Act may be recovered as a debt due to the Organization.

Interest on contribution in arrears

14A. Where the amount of the monthly contributions or part of any monthly contributions which are payable by any employer under section 6 is not paid within such period as may be prescribed by the regulations, the employer shall be liable to pay interest to be credited to the Organization on such amount at such rate as may be prescribed by the regulations in respect of any period during which such amount remains unpaid.

PART III

BENEFITS

Benefits

15. Subject to this Act, the insured persons, their dependants or the persons hereinafter mentioned, as the case may be, shall be entitled to the following benefits, namely:

- (a) periodical payments to an insured person in case of invalidity certified by a duly appointed medical board or by an authority specified in this behalf by the regulations (hereinafter referred to as invalidity pension);
- (b) periodical payments to an insured person suffering from disablement as a result of an employment injury

sustained as an employee under this Act and certified to be eligible to such payments by an authority specified in this behalf by the regulations (hereinafter referred to as disablement benefit);

- (c) periodical payments to such dependants of an insured person who dies as a result of an employment injury sustained as an employee under this Act (hereinafter referred to as dependants' benefit);
- (d) payments for funeral benefit or expenses, as the case may be, to the person mentioned in section 29 on the death of an insured person as a result of an employment injury sustained as an employee under this Act or while he was in receipt of disablement benefit under this Act, or of an insured person suffering from invalidity while in receipt of invalidity pension under this Act, or of an insured person who has not attained 55 years of age but has completed a full or reduced qualifying period mentioned in subsections 29(3) and (4) (hereinafter referred to as funeral benefit);
- (e) periodical payments to an insured person who is in receipt of invalidity pension or disablement benefit if and so long as he is so severely incapacitated or disabled as to constantly require the personal attendance of another person (hereinafter referred to as constant-attendance allowance):

Provided that the existence of the degree of incapacity qualifying an invalid or disabled insured person for constant-attendance allowance shall be verified by a duly appointed medical board or the appellate medical board or any other authority specified in this behalf by the regulations, in such manner as is prescribed by the regulations;

- (f) medical treatment for and attendance on insured persons suffering from disablement as a result of an employment injury sustained as an employee under this Act (hereinafter referred to as medical benefit);
- (g) periodical payments to dependants of an insured person who dies while in receipt of invalidity pension, or of an insured person who has not attained 55 years of age but has completed a full or reduced qualifying period

for survivors' pension mentioned in subsections 17A(2) and (3) (hereinafter referred to as survivors' pension).

When person considered as suffering from invalidity

16. (1) An insured person shall be considered as suffering from invalidity, if, by reason of a specific morbid condition of permanent nature, he is incapable of engaging in any substantially gainful activity.

(2) For the purposes of subsection (1)—

(a) a morbid condition shall be deemed to be of permanent nature if it is either incurable or is not likely to be cured;

(b) a person shall be deemed to be incapable of engaging in substantially gainful activity, if in consequence of the specific morbid condition of sickness or infirmity, he is no longer capable of earning, by work corresponding to his strength and physical ability which, in view of his training and former occupation, might reasonably be assigned to him at the place of his employment or at a similar place in the neighbourhood or in the same district, one-third of the customary earnings of a mentally and physically sound person with similar qualifications and training;

(c) in determining whether the claimant is suffering from invalidity, account shall be taken of any permanent improvement in the state of his invalidity which results or is expected to result from such measures of physical or vocational rehabilitation as may be offered to him free of charge by the Organization.

When insured person eligible for invalidity pension

17. (1) Subject to this Act, an insured person suffering from invalidity as defined in section 16 shall, unless he has completed his fifty-fifth year of age, be entitled to receive invalidity pension if he has completed a full or a reduced qualifying period.

(2) A person shall be deemed to have completed full qualifying period under subsection (1) if—

- (i) monthly contributions have been paid in respect of him for not less than twenty-four months during the period of forty consecutive months immediately preceding the month in which he has submitted a notice of invalidity in accordance with the regulations; or
- (ii) monthly contributions have been paid in respect of him for not less than two-thirds of the number of complete months comprised in the period falling between the date when contributions first become payable by him under this Act and the month immediately preceding the month in which he has submitted a notice of invalidity in accordance with the regulations, provided that the total number of monthly contributions paid during the aforesaid period shall be at least twenty-four.

(3) A person shall be deemed to have completed a reduced qualifying period under subsection (1) if monthly contributions have been paid in respect of him for not less than one-third of the number of complete months comprised in the period falling between the date when contributions first become payable by him under this Act and the month immediately preceding the month in which he has submitted a notice of invalidity in accordance with the regulations, provided that the total number of monthly contributions paid during the aforesaid period shall be at least twenty-four.

(3A) If the insured person fails to complete a qualifying period under subsection (2) or (3) and the Organization is satisfied that such failure is not due to any fault of the insured person or is due to the ignorance of the insured person, the Organization may consider the qualifying period to have been completed by an insured person if a medical board, established pursuant to section 32, to which the matter is referred by the Organization determines that the insured person's invalidity has commenced earlier than the date the notice of invalidity is received by the Organization in accordance with the regulations.

(3B) Where the Organization has considered the qualifying period to have been completed by an insured person under subsection (3A), the date on which the insured person submits his notice of invalidity shall be deemed to be the date of commencement of his invalidity.

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(3C) Notwithstanding subsections (2) and (3), the Organization has the discretion to allow periods of credit to be taken into consideration for the purpose of determining the completion of the qualifying period of an insured person, and the months in the period of credit for which contribution is payable shall be included for the purpose of calculating the total number of months for the purpose of those subsections.

(3D) The term "period of credit" in subsection (3C) means the period during which the insured person receives temporary disablement benefit and the employer does not pay any wages to the insured person.

(4) If after an insured person's notice of invalidity has been rejected on account of his failure to have completed one or other of the qualifying periods, a fresh notice of invalidity is received from him, the date of the fresh notice of invalidity shall be treated, for the purposes of subsections (2) and (3) as the date on which he has submitted a notice of invalidity.

(5) *(Deleted by Act A450).*

Qualifying conditions for survivors' pension

17A. (1) Subject to this Act, survivors' pension shall be payable on completion of a full or reduced qualifying period.

(2) The deceased insured person shall be deemed to have completed a full qualifying period under subsection (1) if—

- (a) monthly contributions have been paid in respect of him for not less than twenty-four months during the period of forty consecutive months preceding the month of his death; or
- (b) monthly contributions have been paid in respect of him for not less than two-thirds of the number of complete months comprised in the period falling between the date when contributions first become payable by him under this Act and the date of his death, provided that the total number of monthly contributions paid during the aforesaid period shall be at least twenty-four.

(3) A deceased insured person shall be deemed to have completed a reduced qualifying period under subsection (1) if monthly

contributions have been paid in respect of him for not less than one-third of the number of complete months comprised in the period falling between the date when contributions first become payable by him under this Act and the date of his death, provided that the total number of monthly contributions paid during the aforesaid period shall be at least twenty-four.

18. *(Deleted by Act A814).*

Payment of invalidity pension

19. (1) Invalidity pension shall accrue from the day in which the insured person gives notice of invalidity in accordance with the regulations and shall cease on the day following the day in which invalidity ceases or the day the pensioner dies.

(2) For the purpose of this section, the daily rate of invalidity pension shall be the amount of the monthly rate of invalidity pension paid or payable to the insured person, divided by the number of days in the month in which the pension accrues or the invalidity ceases or the pensioner dies.

Invalidity pension

20. (1) Subject to section 19, the rate of pension shall be as follows:

- (a) for an insured person who has completed the full qualifying period under subsection 17(2), a basic monthly pension equal to fifty per cent of his average monthly wage, increased by 1 per cent of the average monthly wage for every twelve months' contributions paid in excess of the first twenty-four months, in respect of him during the period falling between the date when contributions first become payable by him under this Act and the date on which he submits a notice of invalidity in accordance with the regulations:

Provided that the rate of monthly pension, as so increased, shall not in any case exceed 65 per cent of the average monthly wage;

- (b) for an insured person who has completed the reduced qualifying period under subsection 17(3), a basic monthly pension equal to fifty per cent of his average monthly wage.

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(2) (a) The term “average monthly wage”, wherever it occurs in this section, refers to the average of assumed monthly wage corresponding to the last twenty-four monthly contributions in respect of the insured person which have been paid immediately before the month in which he submits a notice of invalidity in accordance with the regulations:

Provided that a minimum average monthly wage shall be three hundred and forty-two ringgit and eighty-six sen subject to such amount as may be prescribed by the Minister from time to time by regulations.

(b) Assumed monthly wage to which a monthly contribution corresponds shall be deemed to be as indicated in the Fourth Schedule.

(c) (*Deleted by Act A450*).

Survivors' pension

20A.(1) If an insured person who is in receipt of invalidity pension, or if an insured person who has not attained 55 years of age but has completed a full or reduced qualifying period as specified under section 17A, dies, survivors' pension at the rates specified in the Eighth Schedule shall be payable—

(a) to the widow or the widower during life, and if there are two or more widows, the widow's share of survivors' pension specified in the Eighth Schedule shall be divided equally between the widows:

Provided that if a widow or widower is entitled to more than one survivors' pension, she or he shall be paid only one pension, being the pension with the higher rate.

(b) to each child until marriage or until he attains the age of twenty-one years, whichever occurs earlier:

Provided that in the case of a child referred to in paragraph (b) of the definition of “child” in section 2, survivors' pension shall continue to be paid so long as he is incapable of supporting himself:

And provided further that the Organization may continue such pension to a child who is in receipt of education in any institution of higher learning but not beyond the first degree until he completes or ceases to receive such education or until he marries, whichever occurs earlier.

(c) *(Deleted by Act A675).*

(2) If an insured person who is in receipt of invalidity pension, or if an insured person who has not attained 55 years of age but has completed a full or reduced qualifying period as specified under section 17A, dies and does not leave a widow, or a widower who is wholly or mainly dependent on the earnings of the insured person at the time of her death, or a child, survivors' pension shall be payable to the widowed mother and other dependants as specified in paragraph (b) of the definition of "dependant" in section 2, at the rates and for the duration specified in the Eighth Schedule.

(3) The survivors' pension shall accrue from the date of the death of the insured person who is in receipt of invalidity pension or the insured person who has not attained 55 years of age but has completed a full or reduced qualifying period as specified under section 17A:

Provided that where disablement benefit was payable to the deceased insured person on the date of death, the accrual date of survivors' pension shall be the date following the date of death.

20B. *(Deleted by Act A1232).*

Invalidity grant

21. (1) A person who is certified to be invalid shall, if he fails to complete any of the qualifying conditions specified in section 17, be entitled to an invalidity grant equivalent to the contributions paid in respect of him together with interest thereon at the rate specified in the regulations.

(2) The claimant shall not be entitled to an invalidity grant unless he has paid twelve monthly contributions in the aggregate since contributions first become payable by him under this Act.

(3) Invalidity grant under this section shall ordinarily be payable only when the person has completed his fifty-fifth year of age or dies before attaining that age.

(4) Notwithstanding subsection (3), invalidity grant under this Act may, at the option of the person concerned, be made at the time when invalidity is verified to exist:

Provided that the contributions so refunded shall be ignored in determining at any time in future his title to or right to pension.

Disablement benefit

22. Subject to this Act and the regulations, if any—

- (a) a person who sustains temporary disablement shall be entitled to periodical payment for the period of such disablement in accordance with the provisions of the Fourth Schedule:

Provided that no temporary disablement benefit shall be payable unless the temporary disablement lasts for a period of at least four days including the day of the accident:

Provided further that for the purposes of this section and whether or not the person who sustains the employment injury is paid wages on the day of the employment injury, the commencement of the calculation of the period of four days shall begin from the day of sustaining the employment injury;

- (b) a person who sustains permanent disablement, whether total or partial, shall be entitled to periodical payment for such disablement in accordance with the provisions of the Fourth Schedule:

Provided that where permanent disablement, whether total or partial, has been assessed provisionally for a limited period or finally, the benefit provided under this paragraph shall be payable for that limited period or, as the case may be, for life.

Presumption as to accident arising in the course of employment

23. For the purposes of this Act, an accident arising in the course of an insured person's employment shall be presumed, in the absence of evidence to the contrary, also to have arisen out of that employment.

Accidents while travelling

24. (1) An accident happening to an insured person shall be deemed to arise out of and in the course of his employment if the accident happens while the insured person—

- (a) is travelling on a route between his place of residence or stay and his place of work;
- (b) is travelling on a journey made for any reason which is directly connected to his employment; or
- (c) is travelling on a journey between his place of work and the place where he takes his meal during any authorized recess.

(2) If the accident under subsection (1) occurs during any interruption of, or deviation from, the insured person's journey made for any of the purposes stipulated in the same subsection, the accident shall not be deemed to arise out of and in the course of his employment.

Accidents happening while meeting emergency

25. An accident happening to an insured person in or about any premises at which he is for the time being employed for the purpose of his employer's trade or business, profession, vocation, occupation or calling, shall be deemed to arise out of and in the course of his employment, if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimize damage to property.

Dependants' benefit

26. (1) If an insured person dies as a result of an employment injury sustained as an employee under this Act (whether or not he

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was in receipt of any periodical payment for temporary disablement in respect of the injury) dependants' benefit at the rates specified in the Fourth Schedule shall be payable to his dependants as follows:

- (a) to the widow or widower during life, and, if there are two or more widows, the widow's share of dependants' benefit specified in the Fourth Schedule shall be divided equally between the widows:

Provided that if a widow or a widower is entitled to more than one dependants' benefits, she or he shall be paid only one benefit, being the benefit with the higher rate.

- (b) to each child until marriage or until he attains the age of twenty-one years, whichever occurs earlier:

Provided that in the case of a child referred to in paragraph (b) of the definition of "child" in section 2, dependants' benefit shall continue to be paid so long as he is incapable of supporting himself:

And provided further that the Organization may continue such benefit to any child who is in receipt of education in any institution of higher learning but not beyond the first degree until he completes or ceases to receive such education or until he marries, whichever occurs earlier.

- (c) *(Deleted by Act A675).*

(2) If an insured person who dies as a result of an employment injury does not leave a widow or child, dependants' benefit shall be payable to the widowed mother and other dependants as specified in paragraph (b) of the definition of "dependant" in section 2 at the rates and for the duration specified in the Fourth Schedule.

27. *(Deleted by Act A1232).*

Occupational diseases

28. (1) If an employee who is employed in any occupation described in the Fifth Schedule contracts any disease or injury shown in the said Schedule to be related to that occupation, or if

an employee who has been employed in such occupation contracts such a disease or injury within sixty months after ceasing to be so employed, the contracting of the disease or injury shall, unless the contrary is proved, be deemed to be an employment injury arising out of and in the course of employment:

Provided that the period of sixty months may, at the discretion of the Organization, be further extended upon production of medical and other relevant evidence in support of it.

(2) Where an employee enters into a contract of service or apprenticeship with any principal employer or immediate employer to work in any occupation specified in the Fifth Schedule or is, with his consent, transferred by his principal or immediate employer to such an occupation, he shall, if requested to do so by the employer or the Organization, submit himself for examination by a duly appointed medical practitioner; but such an employee shall not be required to submit himself for examination by a duly appointed medical practitioner otherwise than in accordance with regulations made under this Act nor at shorter intervals than may be prescribed in it.

(3) The Minister may, by notification in the *Gazette*, amend, substitute, add or delete any disease specified in the Fifth Schedule and any occupation described of it.

(4) Save as provided by subsections (1) and (3), no benefit shall be payable to an employee in respect of any disease unless the disease is directly attributable to a specific injury arising out of and in the course of his employment.

(5) Section 23 shall not apply to the cases to which this section applies.

Funeral benefit

29. (1) If an insured person dies as a result of an employment injury or while he is in receipt of disablement benefit under this Act, or if an insured person suffering from invalidity dies while in receipt of invalidity pension, or if an insured person who has not attained 55 years of age but has completed a full or reduced qualifying period as specified in subsection (3) or (4), dies, a funeral benefit of an amount as prescribed by the Minister from

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time to time by regulations shall be paid to one or more of the following persons:

- (a) the widow (if there are two or more widows, the widows share equally the funeral benefit);
- (b) the widower;
- (c) the eldest surviving son or adopted son;
- (d) the eldest surviving daughter or adopted daughter;
- (e) the parent (if there are both parents, the parents share equally the funeral benefit).

(2) Where there are no such persons as mentioned in paragraph (1)(a), (b), (c), (d) or (e), any other person who actually incurs the expenditure of the funeral shall be paid the expenses of the funeral of the deceased insured person or the amount as prescribed by the Minister under subsection (1), whichever is the lesser:

Provided that the claim for such benefit shall be made within three months of the death of the insured person or within such extended period as the Organization or any officer or authority authorized by it in this behalf may allow:

Provided further that, notwithstanding the above conditions, any disagreement over the question of to whom the payment of funeral benefit should be made, the decision of the Director General or that of an officer authorized by him shall be final.

(3) An insured person who has not attained 55 years of age shall be deemed to have completed the full qualifying period under subsection (1) if—

- (a) monthly contributions have been paid in respect of him for not less than twenty-four months during the period of forty consecutive months preceding the month in which the insured person dies; or
- (b) monthly contributions have been paid in respect of him for not less than two-thirds of the number of complete months comprised in the period falling between the date when contributions first become

payable by him under this Act and the date of his death, provided that the total number of monthly contributions paid during the said period shall be at least twenty-four.

(4) An insured person who has not attained 55 years of age shall be deemed to have completed a reduced qualifying period under subsection (1) if monthly contributions have been paid in respect of him for not less than one-third of the number of complete months comprised in the period falling between the date when contributions first become payable by him under this Act and the date of his death, provided that the total number of monthly contributions paid during the said period shall be at least twenty-four.

Constant-attendance allowance

30. An insured person who is entitled to invalidity pension or permanent total disablement benefit shall also be entitled to constant-attendance allowance equivalent to forty per cent of the rate of such pension or benefit subject to such maximum as may be prescribed by the Minister from time to time by regulations, if and so long as he is so severely incapacitated as to constantly require the personal attendance of another person:

Provided that the existence of the degree of incapacity qualifying an insured person for constant-attendance allowance shall be verified by a medical board or Special Medical Board or the appellate medical board or any other authority so authorized by the Minister, in such manner as is prescribed by the regulations.

Liability of employer and his servant

31. An insured person or his dependants shall not be entitled to receive or recover from the employer of the insured person, or from any other person who is the servant of the employer, any compensation or damages under any other law for the time being in force in respect of an employment injury sustained as an employee under this Act:

Provided that the prohibition in this section shall not apply to any claim arising from motor vehicle accidents where the

employer or the servant of the employer is required to be insured against Third Party Risks under Part IV of the Road Transport Act 1987 [*Act 333*].

Determination of question of invalidity or disablement

32. Any question—

- (a) whether the relevant accident or disease has resulted in the invalidity;
- (b) whether the relevant employment injury has resulted in permanent disablement;
- (c) whether the extent of loss of earning capacity can be assessed provisionally or finally for the purpose of disablement benefit;
- (d) whether the assessment of the proportion of the loss of earning capacity is provisional or final for the purpose of disablement benefit; or
- (e) in the case of provisional assessment for the purpose of disablement benefit as to the period for which such an assessment shall hold good,

shall be determined by a medical board constituted in accordance with the regulations, if any, and such question shall hereinafter be referred to as the “invalidity question” or “disablement question”, as the case may be.

Determination of occupational diseases

32A. (1) Any question whether an employment injury is caused by an occupational disease as specified in the Fifth Schedule may be determined by a medical board to be known as the Special Medical Board to be constituted in accordance with the regulations.

(2) The Special Medical Board shall examine the disabled person and send a report in such form as may be specified by the Organization stating—

- (a) whether the disabled person is suffering from one or more of the diseases specified in that Schedule;
- (b) whether the relevant disease has resulted in permanent disablement;

- (c) whether the extent of loss of earning capacity can be assessed provisionally or finally;
- (d) the assessment of the proportion of loss of earning capacity, and in the case of provisional assessment, the period for which such assessment shall hold good.

(3) The Organization may refer any assessment which is provisional to the Special Medical Board for review not later than the end of the period taken into account by the provisional assessment.

(4) Any decision of the Special Medical Board may be reviewed by it at any time.

(5) The disable person shall be informed in writing by the Organization of the decision of the Special Medical Board and the benefit, if any, to which the insured person shall be entitled.

References to medical boards and appeals to appellate medical board

33. (1) The case of any insured person for invalidity pension or for permanent disablement benefit shall be referred by the Organization to a medical board for determination of the invalidity question or the disablement question, and if, on that or any subsequent reference, the extent of loss of earning capacity of the insured person is provisionally assessed, it shall again be so referred to the medical board not later than the end of the period taken into account by the provisional assessment.

(2) If the insured person or the Organization is not satisfied with the decision of the medical board, the insured person or the Organization may appeal, in the prescribed manner and within the prescribed time, to the appellate medical board constituted in accordance with the regulations.

(3) Regulations may prescribe that the claimant for invalidity pension or permanent disablement benefit called to appear before a medical board or, in the event of an appeal by the Organization, before the appellate medical board, in connection with the determination of the question of invalidity or the question of disablement, may be paid travelling and other expenses incurred by him in connection with such appearance in such cases and on

such scale and subject to such conditions as may be prescribed by the regulations.

Insured person dies before medical board examination

33A. Where an insured person, having submitted his notice of invalidity or application for reference to the medical board for determination of the disablement question in accordance with the regulations, dies before being examined by a medical board, the Organization may in its discretion, subject to any available medical evidence to its satisfaction, refer such a case to the medical board for determination of the invalidity question or disablement question.

Review of decisions by medical board or appellate medical board

34. (1) Any decision under this Act of a medical board (including the Special Medical Board) or the appellate medical board may be reviewed at any time by the medical board or the appellate medical board, if it is satisfied by fresh evidence that the decision was given in consequence of the non-disclosure or misrepresentation by the employee or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent).

(2) Any assessment of the extent of the disablement resulting from the relevant employment injury may also be reviewed by a medical board, if it is satisfied that since the making of the assessment there has been a substantial and unforeseen aggravation of the results of the relevant injury:

Provided that an assessment shall not be reviewed under this subsection unless the medical board is of the opinion that, having regard to the period taken into account by the assessment, substantial injustice will be done by not reviewing it.

(3) Except with the leave of an appellate medical board, the assessment shall not be reviewed under subsection (2) on any application made less than three years, or in the case of a provisional assessment, six months, from the date thereof and on such a review the period to be taken into account by any revised assessment shall not include any period before the date of the application.

(4) Subject to subsection (3), a medical board may deal with a case of review in any manner in which it could deal with it on an original reference to it, and in particular may make a provisional assessment notwithstanding that the assessment under review was final; and section 33 shall apply to an application for review under this section and to a decision of a medical board in connection with such application as they apply to a case for disablement benefit under that section and to a decision of a medical board in connection with such case.

Review of invalidity pension

35. (1) Subject to this Act and the regulations made in this behalf, the Organization may review the payment of any invalidity pension and as a result of such review may increase, continue, reduce or discontinue such pension.

(2) Where a review is necessary consequent upon improvement in the state of invalidity, invalidity pension shall not be withdrawn unless, from any such suitable occupation as he is still capable of undertaking, the pensioner is able to earn more than half of what can be earned by a physically and mentally sound person of his experience and training:

Provided that the invalidity pension shall be decreased by an amount equal to the amount earned in excess of one-third of his average wage before invalidity.

Review of dependants' benefit

36. (1) Any decision awarding dependants' benefit or survivors' pension under this Act may be reviewed at any time by the Organization if it is satisfied by fresh evidence that the decision was given in consequence of non-disclosure or misrepresentation by the claimant or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent) or that the decision is no longer in accordance with this Act due to any birth or death or due to the marriage, remarriage, cessation of infirmity or the attainment of twenty-one years of age, by a claimant.

(2) Subject to this Act, the Organization may, on such review as mentioned above, direct that the dependants' benefit or

survivors' pension be continued, increased, reduced or discontinued.

Medical benefit

37. (1) An insured person whose condition requires, as a result of employment injury, medical treatment and attendance shall be entitled to receive medical benefit.

(2) Such medical benefit may be given either in the form of outpatient treatment and attendance in a hospital or dispensary, clinic or other institution or by visits to the home of the insured person or treatment as inpatient in hospital or other institution.

(3) *(Deleted by Act A450).*

Scale of medical benefit

38. (1) An insured person shall be entitled to receive medical benefit only of such kind and on such scale as may be provided by the Organization, and the insured person shall not have a right to claim any medical treatment except such as is provided by the dispensary, clinic, hospital or other institution to which he is allotted, or as may be provided by the regulations.

(2) Nothing in this Act shall entitle an insured person to claim reimbursement from the Organization of any expenses incurred in respect of any medical treatment, except as may be provided by the regulations.

Establishment and maintenance of hospitals, etc.

39. (1) The Organization may establish and maintain such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of insured persons.

(2) The Organization may enter into agreement with any Government, local authority, person, private or individual in regard to the provisions of medical treatment and attendance for insured persons, in any area and payment of the cost of it.

Organization's power to co-operate with existing institutions or promote measures for health, welfare, etc., of insured persons

40. (1) The Organization may, in addition to the scheme of benefits specified in this Act, promote measures or co-operate with existing institutions for the improvement of the health, occupational safety and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Organization within such limits as may be prescribed by the Minister.

(2) Measures under subsection (1) may include provision of artificial limbs and appliances, opportunities for gainful employment under suitable conditions and convalescent homes.

Benefit not assignable or attachable

41. (1) The right to receive any payment of any benefit or invalidity grant under this Act, and the amount of contributions payable under this Act, shall not be transferable or assignable.

(2) No cash benefit including invalidity grant or contributions payable under this Act shall be liable to attachment or sale in execution of any decree or order of any court.

42. (*Deleted by Act A981*).

Persons not to commute cash benefits

43. Save as may be provided in the regulations no person shall be entitled to commute for a lump sum any periodical payment admissible under this Act:

Provided that where the loss of earning capacity has been assessed at more than twenty per cent, an insured person may opt for the commutation of one-fifth of the daily benefit payable for a lump sum and to receive the balance as periodical payments.

Persons not entitled to receive benefits in certain cases

44. No person shall be entitled to disablement benefit for temporary disablement in respect of any day on which he works and receives wages.

Claimant of disablement benefit or invalidity pension to observe conditions

45. The claimant of disablement benefit or invalidity pension shall attend and submit himself for such medical or other examination as the Organization or a medical board or the appellate medical board may consider necessary for ratification and certification of his disability or invalidity.

Recipients of disablement benefit to observe conditions

46. (1) A person who is in receipt of disablement benefit (other than benefit granted on permanent disablement)—

- (a) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Act and shall carry out the instructions given by the medical officer or medical attendant in charge of it;
- (b) shall not while under treatment do anything which might prejudice his chances of recovery;
- (c) shall not leave the area in which medical treatment provided by this Act is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by the regulations; and
- (d) shall allow himself to be examined by any duly appointed medical officer or other person authorized by the Organization in this behalf.

(2) Disablement benefit for temporary disablement may be suspended, if a person who is in receipt of such benefit fails to comply with any of the requirements of subsection (1), and such suspension shall be for such number of days as may be decided by the Organization or any other person authorized in this behalf by the Organization.

47. (*Deleted by Act A450*).

Organization's right where a principal employer fails or neglects to pay any contribution

48. (1) If any principal employer fails or neglects to pay any contribution which under this Act he is liable to pay in respect of

any employee and by reason of it such person or his dependants become entitled to benefit on a lower scale, the Organization may, on being satisfied that the contribution should have been paid by the principal employer, pay to the person or their dependants the benefit at the rate to which he or they would have been entitled if the failure or neglect had not occurred and the Organization shall be entitled to recover from the principal employer either—

- (i) the difference between the amount of benefit which has been paid by the Organization to the said person or his dependants and the amount of the benefit which would have been payable on the basis of the contributions which were in fact paid by the employer; or
- (ii) twice the amount of the contribution which the employer failed or neglected to pay,

whichever is greater.

(2) The amount recoverable under this section may be recovered as a debt due to the Organization.

(3) This section shall not apply to invalidity pension.

Suspension of invalidity pension

49. (1) The Organization may suspend invalidity pension for a period not exceeding twelve months if the pensioner has fraudulently acted towards the Organization in connection with any claim which he has made or any payment which he has received.

(2) The Organization may suspend the pension if and so long as the invalid pensioner—

- (a) engages in any employment by virtue of which he is liable to be insured under this Act, if the amount earned from such employment is more than one third of his average wage before invalidity;
- (b) fails without good cause to appear, when directed, before the medical board or any other authority for verification of the existence or the continued existence of his invalidity;
- (c) refuses or neglects without good cause to comply with any directive issued to him by or on behalf of the

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Organization in regard to any process of physical or vocational rehabilitation or vocational training which he is required to undergo free of charge; or

- (d) fails without good cause to submit himself to any free medical treatment including fitting of prosthetic appliances offered by the Organization for his invalidity or fails to carry out any instructions of the medical officer in whose care he is placed:

Provided that he shall not be required to undergo any operation that is capable of endangering his life or health.

Repayment of benefit improperly received

50. (1) Where any person has received any benefit or payment under this Act when he is not lawfully entitled to it, he shall be liable to repay to the Organization the value of the benefit or the amount of such payment, or in the case of his death, his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands.

(1A) Where any person has received any benefit or payment under this Act when he is not lawfully entitled to it, and subsequently becomes entitled to other benefits under this Act, the Organization shall recover the value of the benefit or the amount of such payment from that other benefit that he is entitled to.

(2) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(3) The amount recoverable under this section may be recovered as a debt due to the Organization.

Payment of amount of benefit outstanding at the time of the death of the insured person

51. If a person dies during any period for which he is entitled to any of the cash benefits (or when he is entitled to invalidity grant) provided under this Act, the amount of such benefit (or grant) shall be paid to any person nominated by the deceased person in

writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person:

Provided that the amount of cash benefit shall be payable up to and including the day of his death in case of disablement benefit (and constant-attendance allowance, if any) and dependants' benefit and survivors' pension and up to the last day of the month preceding the month in which the pensioner dies, in case of invalidity pension (and constant-attendance allowance, if any).

Employer not to reduce wages, etc.

52. No employer by reason only of his liability for any contributions payable under this Act shall, directly or indirectly reduce the wages of any employee, or except as provided by the regulations, discontinue or reduce benefits payable to him under the conditions of his service which are similar to the benefits conferred by this Act.

Employer not to dismiss or punish employee during period of temporary disablement

53. (1) No employer shall, except as provided under the regulations, dismiss, discharge, or reduce or otherwise punish an employee during the period he is in receipt of disablement benefit for temporary disablement.

(2) No notice of dismissal or discharge or reduction given to an employee during the period specified in subsection (1) shall be valid or operative.

Claim for benefits

54. Every claim for a benefit or pension or invalidity grant shall be submitted in such form to such authority with such evidence in support of the claim, as may be prescribed by the regulations.

Reporting of change in condition, etc.

55. A person in receipt of any benefit under this Act, shall report to the Organization as soon as possible every event or fact which

affects or is likely to affect his continued right to the benefit or the rate of it.

Discretion to compute the qualifying period and the rate of monthly invalidity pension

56. (1) Notwithstanding the provisions of sections 17, 17A, 20 and 29 and the Eighth Schedule, the Organization may take into account, for the purposes of computing the qualifying period for invalidity pension, survivors' pension, funeral benefit and the rates of monthly invalidity pension and survivors' pension, any contribution in respect of an insured person which, though due under this Act, have not actually been paid.

(2) If, but for taking into account contributions referred to in subsection (1), a person would not complete the qualifying period or would be entitled to the invalidity pension or survivors' pension at a lower rate, the actuarial present value of the pension or such part of the pension as is attributable to the contributions taken into account in subsection (1), may be recovered by the Organization from the employer who has failed to pay the aforesaid contributions, or if there is more than one such employer, from all of them, in proportion to the amount of contributions they failed to pay.

Facilities for physical or vocational rehabilitation

57. (1) An insured person suffering from or claiming to suffer from invalidity or permanent disablement may be provided by the Organization, free of charge facilities for physical or vocational rehabilitation.

(2) Facilities under subsection (1) shall be of such nature and scale and shall be provided to such insured persons and on such conditions as may be specified by the regulations.

(3) An insured person suffering from or claiming to suffer from invalidity or permanent disablement may, if his condition so requires, be provided free of charge with prosthetic, orthotic or other appropriate appliances as may be determined by the Organization and such appliances may be renewed, when necessary, free of charge.

(4) An insured person who has to undergo physical or vocational rehabilitation or who is or is to be fitted with prosthetic, orthotic or other appliances may be paid or reimbursed, as determined by the Organization, expenses reasonably incurred or to be incurred by him on travelling or maintenance in connection with such measures, or the fitting of prosthetic, orthotic or other appliances.

Education benefit

57A. Education benefit in the form of loans or scholarships may be provided to a dependant child of an insured person who—

- (a) dies as a result of an employment injury;
- (b) dies whilst in receipt of invalidity pension;
- (c) dies before attaining the age of fifty-five years but has completed a full or a reduced qualifying period as specified under section 17A;
- (d) is in receipt of invalidity pension; or
- (e) is in receipt of periodical payments of permanent disablement benefit,

on such terms and conditions as the Organization may deem fit to impose.

Organization to be responsible for the recovery and collection of repayments of educational loans

57B. (1) The Organization shall be responsible for the recovery and collection of repayments of educational loans paid out to a dependant child under section 57A.

(2) An educational loan which is not repaid or which is in arrears shall be treated as a civil debt owned by a dependant child to the Organization and the Organization may avail itself of such means as are permitted under the law for the recovery of such debt.

Appointment of collection agents

57C. The Organization, with the approval of the Minister, may appoint such number of agents for the purpose of recovery of educational loans paid out to a dependant child under section 57A.

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PART IV
ADMINISTRATION, FINANCE AND AUDIT

Administration of the Social Security Scheme

58. (1) The Scheme of Social Security embodied under the Act shall be administered by the Social Security Organization in accordance with this Act.

(2) The general direction and superintendence of the Organization shall vest in the Board which shall be established in accordance with this Act.

Chief Executive Officer

59. (1) The Minister shall appoint a Director General who shall be the Chief Executive Officer of the Organization.

(2) The Minister may also appoint one or more Deputy Directors General.

(2A) If for any period the Director General is temporarily absent from Malaysia or temporarily incapacitated through illness, or for any other reason is unable to perform his duties, or where the office of the Director General becomes vacant, the Minister shall appoint one of the Deputy Directors General to perform the duties of the Director General during such period.

(3) The terms and conditions of service of the Director General and of Deputy Directors General shall be determined by the Minister in consultation with the Minister of Finance.

The Social Security Organization

59A. The Organization shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its name and, subject to and for the purposes of this Act, may enter into contracts and may acquire, purchase, take, hold and enjoy movable and immovable property of every description, and may convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest in it vested in the Organization upon such terms as it thinks fit.

Establishment of the Board

59B. (1) There shall be established a board to be known as the Social Security Organization Board.

(2) The Board shall be composed as follows:

- (a) a Chairman to be appointed by the Minister;
- (b) the Director General of the Organization;
- (c) an officer representing the Ministry of Finance;
- (ca) an officer representing the Ministry responsible for human resources;
- (cb) an officer representing the Ministry responsible for health;
- (d) not more than four persons representing employers to be appointed by the Minister in consultation with such Organizations representing employers as the Minister may think fit for that purpose;
- (e) not more than four persons representing insured persons to be appointed by the Minister in consultation with such Organizations representing insured persons as the Minister may think fit for that purpose;
- (f) three persons with experience in social security matters to be appointed by the Minister.

(3) The appointment of members of the Board shall be notified in the *Gazette*.

(4) Members of the Board appointed under paragraphs (2)(a), (d), (e) and (f) shall hold office for such term and be subject to such conditions as the Minister may specify in the instrument appointing them.

(5) The Board shall not be prevented from performing any of its functions, duties and obligations under this Act by any vacancy in its membership:

Provided that the Minister shall take all possible steps to ensure that any vacancy among persons appointed in accordance with

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paragraphs (2)(a), (d), (e) and (f) shall be filled as soon as is reasonably practicable.

(6) *(Deleted by Act A981).*

(7) The Minister may appoint an officer of the Organization to perform the duties of Secretary of the Board and another officer to be his Assistant.

(8) The Minister may for each of the members appointed under paragraphs (2)(d) and (e) appoint a person to be an alternate member to attend meetings of the Board in place of the member when the member is unable to attend due to illness, incapacity or any other reason:

Provided that the appointment of the alternate member shall be in consultation with such Organizations representing employers or insured persons, as the Minister may think fit.

(9) When attending meetings of the Board, an alternate member shall for all purposes be deemed to be a member of the Board.

(10) An alternate member shall, unless he sooner resigns his membership or his appointment is sooner revoked, cease to be an alternate member when the member for whom he is an alternate member ceases to be a member of the Board.

Minister shall appoint any person to act as Chairman

59C. (1) If for any period the Chairman of the Board is temporarily absent from Malaysia or temporarily incapacitated through illness, or for any other reason is unable to perform his duties, the Minister shall appoint any person to perform the duties of Chairman during such period.

(2) Where the office of Chairman becomes vacant the Minister shall appoint any person to perform the duties of the Chairman until such time as the vacancy is filled.

Sixth Schedule to apply to Board

59D. The Sixth Schedule to this Act shall apply to the Board.

Cessation of membership of Board

59E. (1) A member of the Board shall cease to be a member—

- (a) if he fails to attend three consecutive meetings without leave of the Board; or
- (b) if his appointment is revoked by the Minister.

(2) A member of the Board appointed by the Minister under paragraphs 59B(2)(a), (2)(d), (2)(e) and (2)(f) may resign his office by notice in writing to the Minister.

Disqualification

59F. (1) A person shall be disqualified from being a member of the Board—

- (a) if he is declared to be of unsound mind by a competent court; or
- (b) if he is an undischarged bankrupt; or
- (c) if he has directly or indirectly any interest in a subsisting contract with or any work being done for the Organization except as a medical practitioner or as a shareholder (not being a director) of a company; or
- (d) if before or after the commencement of this Act, he has been found guilty by any competent court of an offence involving fraud, dishonesty or moral turpitude; or
- (e) if after demand, a member fails to remit to the Organization previous contributions which have become due; or
- (f) if he subsequently becomes an officer or servant of the Organization other than the Director General and the Deputy Director General; or
- (g) if he has become a member of any legislature.

(2) Any cessation of membership of the Board in accordance with the provisions of this section or of section 59C shall be notified in the *Gazette*.

Application of the Public Authorities Protection Act 1948

59G. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceeding against the Board, or against any of its members, any officer, servant or agent of the Organization in respect of any act, neglect or default done or committed by him in such capacity.

Public servants and public officers

59H. All members of the Board and officers and servants of the Organization while discharging their duties as such members, officers or servants shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*], and public officers for the purposes of any written law for the time being in force.

Board to give effect to Minister's directions

59I. (1) In the exercise of its powers and the performance of its duties and functions under this Act, the Board shall be responsible to the Minister who may, from time to time, give directions not inconsistent with this Act, and the Board shall as soon as possible, give effect to all such directions.

(2) The Minister may at any time require the Board to submit to him proposals for the introduction of new Social Security Schemes or the modification or extension of the existing schemes as may be necessary for the fulfilment of the Government's social policy programmes.

Delegation of power

59J. The Board may, subject to such conditions, limitations or restrictions as it thinks fit, delegate to the Chairman, Director General, any of its members or any person, authority to sanction expenditure from the Social Security Fund or any other monies under the control of the Board, up to such limit as it shall in such case specify.

Administrative control of officers and servants by Director General

59K. (1) Subject to the directions of the Chairman of the Board, the Director General shall have administrative control of the officers and servants of the Organization.

(2) The Director General shall perform such other or further duties as the Minister or the Board may from time to time determine.

Appointment of officers and servants

59L. (1) Subject to section 59, the Board may appoint such other officers and servants of the Organization as may be necessary for the purpose of carrying out this Act.

(2) No person shall be eligible for employment as officer or servant of the Organization if he has, directly or indirectly any share or interest in any contract or proposed contract with, for or on behalf of the Organization.

(3) Any officer or servant of the Organization who has or acquires directly or indirectly any such share or interest shall be liable to dismissal by the Board:

Provided that no such officer or servant shall be dismissed without being given a reasonable opportunity of being heard.

Setting up divisions, regional offices, etc.

59M. The Board may set up within the Organization such divisions and regional and local offices as it may consider necessary for the efficient functioning of the Organization.

Power to dispose of staff questions

59N. (1) Subject to this Act and in the staff rules, the Director General shall dispose of all questions relating to the service (other than questions on appointment, suspension, promotion and dismissal), pay, privileges and allowances of officers and servants of the Organization:

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Provided that in the case of officers and servants who are not in the Group 11 category, such powers, with the exception of granting or suspending leave, shall not be exercised without the previous approval of the Board.

(2) Any officer or servant aggrieved by a decision of the Director General in the exercise of his powers under this section may appeal to the Board within such period as may be determined in staff rules.

Power to make staff rules

59O. (1) With the approval of the Minister, the Board may, from time to time, make staff rules relating to the conditions of service of officers and servants (other than the Director General and Deputy Director General) of the Organization:

Provided that in making such rules, the Board shall have regard to the rates of pay and other conditions of service applicable to officers and servants of statutory bodies.

(2) Without prejudice to the generality of subsection (1) such rules may provide for matters specified in the Seventh Schedule.

Committees

59P. Notwithstanding any other provisions in this Act, the Board may set up committees consisting of members of the Board or persons who are not members of the Board or a combination of both to advise or assist the Board on such matters concerning its functions as it considers fit, and the Board may delegate, subject to such conditions or restrictions as it may impose, such of its functions as it considers fit to any such committees.

Disciplinary Committee

59Q. There shall be a Disciplinary Committee which shall consist of the following three members:

- (a) two members to be elected by and from among the members of the Board (other than the Chairman of the Board), one of whom shall be elected as chairman; and

(b) the Director General:

Provided that the Director General or the Deputy Director General, shall not be a member of the Disciplinary Committee in any proceedings before it in which he is the complainant, in which case his place shall be taken by a member to be appointed by and from the members of the Board.

Discipline of officers

59R. (1) The disciplinary authority in respect of every officer and servant of the Organization, other than the Director General and the Deputy Director General, shall be the Disciplinary Committee established under section 59Q.

(2) In the exercise of its functions, powers or duties the Disciplinary Committee shall have the power to take such disciplinary action and impose such disciplinary punishment as may be provided by any rules that may be made under section 59T.

(3) The Disciplinary Committee may, subject to subsection (4), delegate any of its disciplinary functions, powers or duties to any officer or servant of the Organization, or to any committee of officers or servants of the Organization, in respect of any particular officer or servant of the Organization or in respect of any class or category of officers or servants of the Organization, and the officer or servant or the committee delegated with such functions, powers or duties shall carry out, exercise or discharge them under the direction and control of the Disciplinary Committee which shall have the power to review, rescind or vary any decision or finding of such officer or servant, or committee.

(4) No delegation shall be made under subsection (3) so as to enable an officer or servant of the Organization to exercise any disciplinary authority or to be a member of a committee which may exercise any disciplinary authority over an officer or servant who is superior to him in rank.

(5) Any officer or servant of the Organization who is dissatisfied with the decision of the Disciplinary Committee or of any person or committee delegated with disciplinary functions, powers or duties under subsection (3) may, within fourteen days, appeal in

writing against such decision to the Disciplinary Appeal Board which may give such decision thereon as it deems fit.

Establishment of Disciplinary Appeal Board

59s. (1) There shall be established a Disciplinary Appeal Board composed as follows:

- (a) the Chairman of the Board, as Chairman; and
- (b) members of the Board, excluding the members who sit in the Disciplinary Committee.

(2) The decision of the Disciplinary Appeal Board shall be final.

Power to make disciplinary rules

59t. (1) The Board may, with the approval of the Minister, make such disciplinary rules as it deems necessary or expedient to provide for the discipline of the officers and servants of the Organization.

(2) The disciplinary rules made by the Board under this section may include—

- (a) provisions for the interdiction with reduction in salary or in other remuneration, or provisions for the suspension without salary or other remuneration, of an officer or servant of the Organization during the pendency of disciplinary proceedings;
- (b) provisions for disciplinary offences and punishment as the Board may deem appropriate, and the punishments so provided may extend to dismissal or reduction in rank; and
- (c) the procedure for disciplinary proceedings and provisions for an opportunity for representations to be made by the person against whom disciplinary proceedings are taken.

Imposition of surcharge

59u. (1) If the Board is satisfied that any person who is or was in the employment of the Organization—

- (a) is or was responsible for any improper payment of moneys from the Fund or for any payment of such moneys which is not duly vouched;
- (b) is or was responsible for any deficiency in, or for the destruction of, any moneys, stamps, securities, stores or other property of the Organization;
- (c) being or having been an accounting officer, fails or has failed to keep proper accounts or records; or
- (d) has failed to make any payment, or is or was responsible for any delay in the payment, of moneys from the Fund to any person to whom such payment is due under any contract, agreement or arrangement entered into between that person and the Organization,

and if a satisfactory explanation is not furnished to the Board within a period specified by the Board, with regard to the failure to collect, improper payment, payment not duly vouched, deficiency or destruction, or failure to keep proper accounts or records, or failure to make payment, or delay in making payment, the Board may surcharge against the said person a sum not exceeding the amount of any such amount not collected, such payment, deficiency, or loss or the value of the property destroyed, as the case may be; and with regard to the failure to keep proper accounts or records, or the failure to make payment, or the delay in making payment, the Board may surcharge against the said person such sum as the Board may think fit.

(2) The Board shall cause the Director General to be notified of any surcharge made under subsection (1) and the Director General shall thereupon notify the person surcharged.

(3) The Board may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and the Board shall at once cause the Director General to be notified of such withdrawal.

(4) The amount of any surcharge imposed under subsection (1) and not withdrawn under subsection (3) shall be a debt due to the Organization from the person against whom the surcharge is imposed and may be sued for and recovered in any court at the suit of the Organization and may also be recovered by deduction—

- (a) from the salary of the person surcharged if the Board so directs; or
- (b) from the pension of the person surcharged if the Board so directs,

by equal monthly instalments not exceeding one-fourth of the total monthly salary or pension, of the person.

Establishment of Promotion Board

59v. (1) There shall be established a Promotion Board in respect of each of the categories of officers and servants as set out in the first column of the Tenth Schedule, constituting the members specified in the second column of the same Schedule.

(2) The relevant Promotion Board shall have jurisdiction and shall exercise its functions in all matters relating to promotion in respect of all officers and servants of the Organization in the category specified in the first column of the Tenth Schedule.

Establishment of Promotion Appeal Board

59w. (1) There shall be established a Promotion Appeal Board in respect of each of the categories of officers and servants as set out in the first column of the Tenth Schedule constituting the members specified in the third column of the same Schedule.

(2) The Promotion Appeal Board shall have jurisdiction and shall exercise its functions in respect of any appeal against any decision of a Promotion Board relating to an officer or servant over whom that Promotion Board has jurisdiction.

(3) Any officer or servant, who is eligible for promotion, or for acting in a capacity with a view to promotion, who is aggrieved by the decision of the Promotion Board concerned, may appeal to the relevant Promotion Appeal Board.

(4) A Promotion Appeal Board, after considering the appeal, may confirm or vary the decision of the Promotion Board concerned, the result of which shall be duly conveyed to the Promotion Board to enable it to come to a decision.

(5) The Promotion Appeal Board may alter the effective date of promotion and the order of seniority of the officers or servants concerned but without prejudice to the promotion *per se* of the successful officers or servants.

(6) The decision of the Promotion Appeal Board shall be final.

60–63. (*Deleted by Act A675*).

Fees and allowances

64. Members of the Board and the Investment Panel shall receive such fees, allowances and any other benefits as may from time to time be determined by the Minister.

65–67. (*Deleted by Act A675*).

Social Security Fund

68. There shall be established under this Act the Social Security Fund into which shall be paid—

- (a) contributions payable by or in respect of insured persons;
- (b) rent, interest, dividend or any other income derived from the assets of the Organization;
- (c) sums properly accruing to the Fund under this Act, including the repayment of benefits;
- (d) sums recovered under this Act as fees, costs, charges and any interest on arrears of contributions;
- (e) sums by way of grants, donations and gifts from the Federal Government, State Government, local authority, or any individual or body, whether incorporated or not, for all or any of the purposes of this Act;
- (f) sums transferred from funds that were previously established under this Act; and
- (g) any other moneys payable to the Organization.

Administration of the Fund

69. (1) The Social Security Fund shall be held and administered by the Organization for the purposes of this Act.

(2) All moneys accruing or payable to the said Fund shall be paid into such banks as may be authorized by the Board:

Provided that the Board may authorize post offices also to accept, on behalf of the Organization, all moneys accruing or payable to the Fund referred to in section 68 subject to such terms and conditions as may be prescribed in the regulations.

Acceptance of grants, donations, etc.

70. The Organization may accept grants, donations and gifts from the Federal or any State Government, local authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

Purposes for which the Fund may be expended

71. Subject to this Act and of any regulations made thereunder, the Social Security Fund shall be expended only for the following purposes, namely:

- (i) payment of benefits and invalidity grant and provision of medical treatment and attendance to insured persons or to their dependants;
- (ii) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of insured persons;
- (iii) payment of contributions to the Government, local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons including the cost of any building and equipment, in accordance with any agreement entered into by the Organization;
- (iv) defraying the cost of the appellate boards and medical boards set up under this Act;

- (v) payment of sums under any decree, order or award of any court or tribunal against the Organization or any of its officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Organization;
- (vi) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;
- (vii) defraying expenditure, within the limits prescribed, on measures for the improvement of the health, occupational safety and welfare of insured persons or dependants and for the rehabilitation and re-employment of insured persons who have been disabled or injured;
- (viii) payment of fees, allowances and other remuneration to members of the Board and Investment Panel;
- (viiia) granting of loans or scholarships to a dependant child of an insured person as specified under section 57A; and
- (ix) such other purposes as may be authorized by the Minister in consultation with the Minister of Finance.

Expenditure on administration

72. Notwithstanding section 71, expenditure may be incurred by the Organization out of the Social Security Fund up to such amount as the Minister may authorize by regulation, for any one year, for carrying on the administration of the Scheme of Social Security provided under the Act including—

- (a) the payment of salaries, leave and transfer expenses, travelling and compensatory allowances, gratuities and compassionate allowances, contribution to benefit fund, welfare and recreation of officers and servants of the Organization and meeting expenditure in respect of offices and other services set up for the purpose of giving effect to this Act;
- (b) the payment of fees and other remuneration to auditors, actuaries, agents, technical advisers, bankers,

stockbrokers, surveyors or other persons employed on a temporary or part-time basis to carry into effect the objectives of this Act; and

- (c) the purchase or hire of equipment.

Withdrawal from Fund for loans

72A. Notwithstanding section 71, the Organization may authorize the withdrawal of such amount from the Social Security Fund as may be required for granting loans to officers and servants of the Organization as provided in the staff rules or for purposes similar to those approved by the Government for members of the public services.

Administrative expenditure Government's responsibility

73. Notwithstanding the provisions of the foregoing section, the Government may incur all expenditure for and in connection with the establishment of the Organization up to the date of its establishment and thereafter may bear all or to such extent and for such period as may be prescribed by the Minister of Finance the administrative expenditure in connection with the purposes mentioned in the foregoing section.

Holding of property, etc.

74. The Organization may, subject to such conditions as may be prescribed by the Minister in consultation with the Minister of Finance acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for the purposes for which the Organization is established.

Investment of funds

75. (1) Subject to such conditions as may be prescribed by the Minister in consultation with the Minister of Finance, the funds of the Organization which are not immediately required for meeting expenses under the Act shall be invested—

- (a) in investments or securities authorized for the investment of trust funds by any written law for the time being in force;
- (b) in investment in shares and debentures in any public company the prices of which are quoted or sought to be quoted on the stock exchange established in Malaysia; and
- (c) in such other investments or securities as the Board may decide:

Provided that any investment made under this Act may be varied, transposed or realized from time to time.

(2) The Minister in consultation with the Minister of Finance may, at any time, direct the vacation in part or in whole, or prohibit investment, in any security or class of securities.

(3) For the purposes of this section—

“debentures” includes debenture stock, bond, note or other securities or obligations of a company, whether constituting a charge on the assets of the company or not and also includes the right to subscribe for any debenture;

“shares” means the paid-up shares (whether fully paid or not) in the share capital of a company and includes stocks and rights to subscribe for any stock or shares.

Investment Panel

75A. (1) There shall be established an Investment Panel which shall, subject to such directions as may be issued by the Board, be responsible for matters pertaining to the investments of the Organization.

(2) The Investment Panel shall consist of the following persons:

- (a) the Chairman of the Board as Chairman;
- (b) two members appointed by the Board from amongst the members of the Board, one representing the employers and one representing the insured persons;

- (c) the Director General of the Organization;
- (d) a representative from the Treasury;
- (e) a representative from Bank Negara Malaysia; and
- (f) two other members with business and financial experience appointed by the Minister:

Provided that a person appointed in accordance with this paragraph shall, subject to the Ninth Schedule, serve for a period of two years from the date of his appointment.

(3) The provisions of the Ninth Schedule shall apply to the Investment Panel.

75B. *(Deleted by Act A981).*

Raising of loans

76. The Organization may, with the previous sanction of the Minister of Finance and on such terms as may be prescribed by him, raise loans and take measures for discharging such loans.

Budget estimates

77. The Organization shall in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Minister before such date as may be fixed by him in that behalf and such budget shall contain provisions adequate in the opinion of the Minister for the discharge of the liabilities incurred by the Organization and for the maintenance of a working balance.

Accounts

78. The Organization shall maintain proper accounts and records and shall prepare a statement of accounts in respect of each year or of such other period as the Minister may direct.

Audit

79. (1) The accounts of the Organization shall be audited annually by the Auditor General.

(2) The Auditor General or an officer delegated by him shall at all reasonable times have access to the books, accounts and other documents of the Organization and may, for the purposes of an audit, call for such explanation and information as he may require or examine any principal or other officer of the Organization.

(3) The Board shall forward to the Minister a copy of the auditor's report and any observations together with an audited copy of the accounts of the Organization. The Minister may direct the Board to send a copy of the auditor's report and of any statement of accounts to any Government department and such statement of accounts to the Auditor General as necessary.

Annual Report

80. The Board shall submit to the Minister an annual report of the work and activities of the Organization before 30 June the following year unless otherwise extended by the Minister.

Annual report and audited accounts

81. The annual report and the audited accounts of the Organization shall be laid before each House of Parliament.

Valuation of assets and liabilities

82. The Board shall, at intervals of five years, cause an actuarial review to be carried out on the working of the schemes provided under this Act, involving a valuation of the assets and liabilities of the Organization, and such report shall be submitted to the Minister:

Provided that it shall be open to the Minister to direct that such actuarial review and valuation be made at such other times as he may consider necessary.

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PART V

ADJUDICATION OF DISPUTE AND CLAIMS

Constitution of Social Security Appellate Board

83. (1) The Minister shall, by notification in the *Gazette* constitute a Social Security Appellate Board (referred to as "the Board" in this Part) for such State or area as may be specified in the notification.

(2) The Board shall consist of a Chairman and two assessors.

(3) A person shall be qualified for appointment as Chairman of the Board if—

(a) he is a citizen; and

(b) for ten years preceding his appointment he has been a member of the Judicial and Legal Service of the Federation or an advocate and solicitor of the High Courts in Malaysia.

(4) The Chairman shall be appointed by the Minister on such terms and conditions as may be specified by him.

(5) The two assessors shall represent employers and employees and shall be selected by the Chairman from the panel of persons appointed under subsection (6).

(6) The Minister shall, after consultation with such organizations representing employers and employees respectively as he thinks fit, appoint a panel of such number of persons as he deems appropriate to serve as assessors.

(7) *(Deleted by Act A1232).*

(8) *(Deleted by Act A1232).*

Matters to be decided by the Board

84. (1) If any question or dispute arises as to—

(a) whether any person is an employee within the meaning of this Act or whether he is liable to pay the employee's contribution;

- (b) the rate of wages or average daily wages of an employee for the purposes of this Act;
- (c) the rate of contribution payable by a principal employer in respect of any employee;
- (d) a person who is or was the principal employer in respect of any employee;
- (e) the right of any person to any benefit and as to amount and duration of it;
- (f) any direction issued by the Organization under sections 35 and 36 on a review of any payment of invalidity pension or dependants' benefits or survivors' pension respectively; or
- (g) *(Deleted by Act A590)*;
- (h) any other matter which is in dispute between a principal employer and the Organization, or between a principal employer and an immediate employer, or between a person and the Organization or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable under this Act, or any other matter required to be or which may be decided by the Board under this Act,

such question or dispute subject to subsection (3) shall be decided by the Board in accordance with this Act.

(2) Subject to subsection (3), the following claims shall be decided by the Board, namely:

- (a) claim for the recovery of contributions from the principal employer;
- (b) claim by a principal employer to recover contributions from any immediate employer;
- (c) *(Deleted by Act A590)*;
- (d) claim against a principal employer under section 48;
- (e) claim under section 50 for the recovery of the value of amount or the benefits received by a person when he is not lawfully entitled thereto; and

(f) any claim for the recovery of any benefit admissible under this Act.

(3) If in any proceedings before the Board an invalidity or disablement question arises and the decision of a medical board or appellate medical board has not been obtained on the same and the decision of such question is necessary for the determination of the claim or question before the Board, the Board shall direct the Organization to have the question decided by this Act and shall thereafter proceed with the determination of the claim or question before it in accordance with the decision of the medical board or the appellate medical board.

(4) No Civil Court shall have jurisdiction to decide or deal with any question or dispute mentioned in subsections (1) and (2) or to adjudicate on any liability which, by or under this Act, is to be decided by the Board.

(5) No Civil Court shall have jurisdiction to decide or deal with any question or dispute which, by or under this Act, is to be decided by a medical board or by an appellate medical board.

Institution of proceedings, etc.

85. (1) Subject to this Act and any regulations made thereunder, all proceedings before the Board shall be instituted in the Board appointed for the area in which the insured person was working at the time the question or dispute arose.

(2) The Minister may transfer any matter pending before any Board in a State or area to any such Board in another State or area.

(3) The Board to which any matter is transferred under subsection (2) shall continue the proceedings as if they had been originally instituted in it.

Commencement of proceedings

86. (1) The proceedings before a Board shall be commenced by application.

(2) Every such application shall be made within a period of three years from the date on which the cause of action arose.

(3) For the purpose of subsection (2)—

- (a) the cause of action in respect of a claim for benefit shall not be deemed to arise unless the insured person or in the case of dependants' benefit or survivors' pension, the dependants of the insured person or, in the case of funeral benefit, the claimant, claims or claim that benefit in accordance with the regulations made in that behalf within a period of twelve months after the claim became due or within such further period as the Board may allow on grounds which appear to it to be reasonable;
- (b) the cause of action in respect of a claim by the Organization for recovering contributions from the principal employer or a claim by the principal employer for recovering contributions from an immediate employer shall not be deemed to arise till the date by which the evidence of contributions having been paid is due to be received by the Organization under the regulations;
- (c) every such application shall be in such form and shall contain such particulars and shall be accompanied by such fee, if any, as may be prescribed by the regulations.

Powers of Social Security Appellate Board

87. (1) The Board shall have all the powers of a Sessions Court Judge for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence.

(2) The Board shall follow such procedure as may be prescribed by regulations.

(3) All costs incidental to any proceedings before a Board, shall, subject to such regulations as may be made in this behalf, be in the discretion of the Board.

(4) An order of the Board shall be enforceable as if it were a judgment of a Sessions Court notwithstanding that the same may

be in respect of an amount in excess of the ordinary jurisdiction of the said Court.

Appearance by legal practitioners, etc.

88. Any application, appearance or act required to be made or done by any person to or before a Board (other than appearance of a person required for the purposes of his examination as a witness) may be made or done by a legal practitioner or by an officer of a registered trade union authorized in writing by such person or with the permission of the Board, by any other person so authorized.

Benefit not admissible unless claimed in time

89. A Board shall not direct the payment of any benefit to a person unless he has made a claim for such benefit in accordance with the regulations made in that behalf and section 86:

Provided that if the Board is satisfied that there was reasonable excuse for not making a claim for the benefit within the prescribed period, it may direct the payment of the benefit as if the claim had been made in time.

Reference to High Court

90. A Board may submit any question of law for the decision of the High Court and if it does so shall decide the question pending before it in accordance with such decision.

Appeal

91. (1) Save as expressly provided in this section, no appeal shall lie from an order of the appellate boards set up by or under this Act.

(2) An appeal shall lie to the High Court from an order of an appellate board set up by or under this Act if it involves a substantial question of law.

(3) The period of limitation for an appeal under this section shall be sixty days from the date the order is made.

Stay of payment pending appeal

92. Where the Organization has presented an appeal against an order of the Board, that Board may, and if so directed by the High Court shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.

PART VI
PENALTIES

Punishment for false information

93. Where any person, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorized by or under this Act, or for the purpose of avoiding any payment to be made by himself under this Act, or enabling any other person to avoid any such payment—

- (a) makes or causes to be made any false statement or false representation; or
- (b) makes in writing or signs any declaration, form, report, certificate or other document required by this Act or any regulations made thereunder which is untrue or incorrect in any material particular,

shall be punishable with imprisonment for a term which may extend to two years, or with a fine not exceeding ten thousand ringgit, or with both.

Punishment for failure to pay contributions, etc.

94. If any person—

- (a) fails to pay any contribution or any part thereof which is payable by him under this Act or fails to pay within the time prescribed by regulations any interest payable under section 14A;
- (b) deducts or attempts to deduct from the wages of an employee the whole or any part of the employer's contribution;

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- (c) in contravention of section 52 reduces the wages or any privileges or benefits admissible to an employee;
- (d) in contravention of section 53 or any regulation dismisses, discharges, reduces or otherwise punishes an employee;
- (e) fails or refuses to submit any return or accident report required by the regulations, or makes a false return or report;
- (f) obstructs any Inspector or other official of the Organization in the discharge of his duties; or
- (g) is guilty of any contravention of or non-compliance with any of the requirements of this Act or the rules or the regulations in respect of which no special penalty is provided,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine not exceeding ten thousand ringgit, or with both.

Court's order in respect of contributions due and payable to the Organization

94A. (1) Upon any person being found guilty of any offence under paragraph 94(a), the Court before which the person is found guilty shall order such person to pay to the Organization the amount of any contributions, together with any interest credited on it, due and payable to the Organization and certified by the authorized officer of the Organization to be due from such person prior to the date of such finding of guilt, and the certificate of the authorized officer shall be *prima facie* evidence of the amount due and payable.

(2) Such contributions shall be recoverable in the same manner as, and shall be appealable as if it were, an order for payment of compensation under section 426 of the Criminal Procedure Code [*Act 593*], except that where the Court directs payment of the sum to be made by instalments, the Court shall direct that the sum be paid in not more than six instalments.

(3) Upon any person being found guilty of any offence under paragraph 94(e) pertaining to the submission of an accident report, the Court before which the person is found guilty shall

order such person to submit the required accident report within the time to be determined by the Court.

Trial for more than one offence

94B. Notwithstanding the provisions of any written law to the contrary, any person may be charged with and tried at any one trial for any number of offences under paragraph 94(a) not exceeding thirty-six and such offences shall, for the purposes of the law for the time being in force relating to criminal procedure, be deemed to form part of the same transaction.

Copy of entry to be *prima facie* evidence

94C. In any legal proceeding, a copy of an entry in the accounts of the Organization duly certified under the hand of an authorized officer of the Organization shall be *prima facie* evidence of such entry having been made and of the truth of the contents thereof.

Prosecution

95. (1) No prosecution shall be instituted for an offence under this Act or any regulations made under this Act except by or with the consent in writing of the Public Prosecutor.

(2) (*Deleted by Act A1232*).

(3) (*Deleted by Act A675*).

Compounding of offences

95A. (1) The Director General or any officer authorized in writing by the Director General may compound any offence committed by any person under this Act or the regulations made under this Act and prescribed by the Minister to be a compoundable offence by regulations made under this Act by making a written offer to the person suspected to have committed the offence to compound the offence upon payment to the Director General of an amount of money not exceeding fifty percent of the amount of maximum fine for that offence within the time specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and if the amount specified in the offer is not paid within the time specified in the offer or within such extended period as the Director General may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(3) If an offence has been compounded under subsection (1), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made and any thing seized in connection with the offence may be released or forfeited by the Director General, subject to such terms and conditions as he thinks fit.

PART VII
MISCELLANEOUS

Insured person not entitled to more than one benefit

96. (1) An insured person shall not be allowed to receive, for the same period and in respect of the same disablement, invalidity pension and permanent disablement benefit.

(2) Where a person is entitled to both benefits, he may choose which benefit he shall receive for that period.

Dependant not entitled to both survivor's pension and dependants' benefit for the same period

96A. (1) A dependant shall not be allowed to receive, for the same period in respect of the same insured person, survivors' pension and dependants' benefit.

(2) Where a dependant is entitled to both survivors' pension and dependants' benefit, he may choose to receive the benefit which is payable at the higher rate.

Exemption of industry or class of industries

97. The Minister may, by notification in the *Gazette* and subject to such conditions as may be specified in the notification, exempt any industry or class of industries in any specified area from the

operation of this Act for a period not exceeding one year and may from time to time by like notification renew any such exemption, for periods not exceeding one year at a time.

Exemption of persons or class of persons

98. The Minister may, by notification in the *Gazette* and subject to such conditions as he may deem fit to impose, exempt any person or class of persons employed in any industry or class of industries to which this Act applies from the operation of the Act.

Organization to make representation

99. No exemption shall be granted or renewed under sections 97 and 98, unless a reasonable opportunity has been given to the Organization to make any representation it may wish to make in regard to the proposal and such representation has been considered by the Minister.

Exemption of industries belonging to Government or local authority

100. The Minister may, by notification in the *Gazette* and subject to such conditions as may be specified in the notification, exempt any industry or class of industries belonging to the Federal Government or any State Government or any local authority or statutory authority, from the operation of this Act, if the employees in any such industry or class of industries are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.

Exemption from one or more provisions of the Act

101. The Minister may, by notification in the *Gazette*, exempt any employee or class of employees in any industry or class of industries from one or more of the provisions relating to the benefits provided under this Act.

Contributions, etc., due to Organization to have priority over other debts

102. There shall be deemed to be included among the debts which, under any written law relating to insolvency in force in the

country, are in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the winding up.

Exercise of powers and functions of the Organization

103. All powers and functions which may be exercised by the Organization under this Act shall be exercised by the Director General or by any officer of the Organization authorized by him or by an authority authorized by the Minister.

Disposal of documents after more than three years

103A.(1) The Director General may authorize any paper-based document belonging to the Organization to be copied onto an electronic medium by such means as to ensure that the exact image of that document is capable of being viewed, reproduced and copied.

(2) Where a paper-based document has been copied in accordance with subsection (1), the Director General may authorize the disposal of the paper-based document after the expiry of a period of three years from the making of such electronic copy.

(3) A copy of the document kept on an electronic medium in accordance with subsection (1) shall be admissible as evidence of any fact stated in it in accordance with section 90A of the Evidence Act 1950 [*Act 56*].

104. (*Deleted by Act 478*).

Power of the Minister to make regulations

105.(1) The Minister may make regulations, not inconsistent with this Act, for the administration of the affairs of the Organization and for carrying into effect this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely—

- (i) *(Deleted by Act A675);*
- (ii) *(Deleted by Act A675);*
- (iii) the manner in which any contribution payable under this Act shall be assessed and collected;
- (iv) the levy of interest at a rate not less than six per cent per annum on contributions due but not paid subject to the minimum of five ringgit in respect of each month or part of a month in default beyond the due date and the conditions under which such levy may be waived;
- (v) the interest payable in respect of the amount payable towards invalidity grants;
- (vi) reckoning of wages for the purpose of fixing the contribution payable under this Act;
- (vii) the certification of disability and eligibility for any cash benefit;
- (viii) the method of determining the actuarial present value of periodical payments;
- (ix) the assessing of the money value of any benefit which is not a cash benefit;
- (x) the time within which and the form in which any claim for a benefit may be made and the particulars to be specified in such claims;
- (xi) the circumstances in which an employee in receipt of disablement benefit may be dismissed, discharged, reduced or otherwise punished;
- (xii) the manner in which and the place and time at which any benefit shall be paid;
- (xiii) the method of calculating the amount of cash benefit payable and the circumstances in which and the extent to which commutation of disablement and dependants' benefits, may be allowed and the method of calculating the commutation value;
- (xiv) the conditions under which any benefit may be suspended;
- (xv) the conditions to be observed by a person when in receipt of any benefit and the periodical medical examination of such persons;
- (xvi) the visiting of disabled persons;

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- (xvii) the appointment of medical practitioners for the purpose of this Act, the duties of such practitioners and the form of medical certificates;
- (xviii) the penalties for breach of regulations by fine (not exceeding two days' wages for a first breach and not exceeding three days' wages for any subsequent breach) which may be imposed on employees;
- (xix) the circumstances in which and the conditions subject to which any regulations may be relaxed, the extent of such relaxation and the authority by whom such relaxation may be granted;
- (xx) the returns and reports to be submitted and the registers or records to be maintained by the principal and immediate employers, the forms of such returns, reports, registers or records and the times at which such returns and reports be submitted and the particulars which such returns, registers and records shall contain;
- (xxa) offence which may be compounded and the procedure for compounding offences;
- (xxi) the duties and powers of Inspectors and other officers and servants of the Organization;
- (xxia) the constitution of medical boards, including the Special Medical Board;
- (xxii) the constitution of the Social Security Appellate Boards and Appellate Medical Boards, the qualifications of persons who may be appointed chairman and members thereof, and the conditions of service of such chairman and members;
- (xxiii) the procedure to be followed in proceedings before the Social Security Appellate Boards and Appellate Medical Boards and the execution of decisions by such Appellate Boards;
- (xxiv) the fee payable in respect of applications made to the Social Security Appellate Boards, the cost incidental to the proceedings in such boards, form in which applications should be made to them and the particulars to be specified in such applications;

- (xxv) the establishment of hospitals, dispensaries and other institutions, the allotment of insured persons to any such hospital, dispensary or other institution in consultation with the Ministry of Health;
- (xxvi) the scale of medical benefit which shall be provided at any hospital, clinic, dispensary or institution, the keeping of medical records and the furnishing of statistical returns;
- (xxvii) the nature and extent of the staff, equipment and medicines that shall be provided at such hospitals, dispensaries and institutions;
- (xxviii) the procedure to be followed in remitting contributions to the Organization;
- (xxix) the registration of industries;
- (xxx) matters which must be covered by the periodical valuation of the assets and liabilities of the Organization;
- (xxxi) the investment of the Social Security Fund and its transfer or realisation, the bank or banks in which the funds of the Organization may be deposited, the raising and repayment of loans and financial control and procedures in consultation with the Minister of Finance;
- (xxxia) the imposition of a fee or a charge for providing any information or document which is in the custody of the Organization; and
- (xxxii) any matter in respect of which regulations are required or permitted to be made by this Act.

Duty of Board to review benefits

106. Without prejudice to section 59I, when substantial changes in the general level of earnings result from substantial changes in the cost of living, the Board shall examine the situation on the basis of an actuarial valuation made under section 82 and shall make recommendations to the Minister to adjust the Scheme of Social Insurance in order to maintain the real value of certain cash benefits. The recommendations of the Board, which shall be accompanied by the actuarial report and shall take account of Government social policy, may include—

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- (a) proposals for a new scale of wage classes and of contributions;
- (b) proposals for changes in the rates of specified cash benefits including the rates of pensions already in payment; and
- (c) extension of benefits.

Rates of benefit

106A. The rates of benefits as stipulated in sections 20, 20A, 30 and in the Fourth Schedule shall apply to all benefit cases in payment as at the date of coming into force of these rates:

Provided that any benefits and additions to benefits already provided by law shall be deducted from the new recomputed rates as provided by those sections:

And provided further that this section shall not affect any case where the benefit already paid is more than the new recomputed rates:

And provided further that in the case where the insured person who is in receipt of invalidity pension dies before 1 February 1986, the amount of the monthly rate of invalidity pension for the purposes of survivors' pension under section 20A shall be the amount the deceased insured person is entitled to had he been alive in the month of January 1986.

Addition of benefits

107. Any other benefits may be added to the benefits provided by this Act, subject to such scale and terms and conditions as may be provided by law; and such law shall form part of this Act.

Power to remove difficulties

108. (1) If any difficulty arises in giving effect to this Act, the Minister of Human Resources or the Minister of Finance, may, by order published in the *Gazette*, make such provisions or give such directions, not inconsistent with the provisions of this Act, as appear to him to be necessary or expedient for removing the difficulty.

(2) Any order made under this section shall have effect notwithstanding anything inconsistent therewith in any regulations made under this Act.

Joint and several liability of directors

108A. Where any sum of money by way of contributions together with any interest due thereon remain unpaid by a company, a firm or an association of persons, then, notwithstanding anything to the contrary in this Act or any other written law, the directors of such company including any person who was a director of such company during the period in which the contributions were payable, or a member of such firm including any person who was a member of the firm during the period in which the contributions were payable or the office-bearers of such association of persons, including any person who was an office-bearer of such association during the period in which the contributions were payable, shall together with the company, firm or association of persons be jointly and severally liable for the contributions together with interest due and payable thereon to the Organization.

Recovery of contribution, etc.

109. Without prejudice to any other method of recovery of contribution or other sum payable or recoverable under the provisions of this Act, any debt due to the Organization may be recoverable as if it is an arrear of land rent or an arrear of a sum payable to a local authority:

Provided that this section shall not become operative in a State until adopted by the Legislature of that State.

Powers of Director General

110. (1) For the purposes of this Act, the Director General and such other officers of the Organization as may be authorized by him in this behalf shall have all the powers of a Sessions Court Judge for the summoning and examination of employers, insured persons, witnesses and other persons and the administration of oaths or affirmations and for compelling the production of documents and material objects.

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(2) Any person who in any way wilfully obstructs the service of or obedience to any summons and any person summoned who neglects to attend and to produce documents as required in such summons shall be punishable with imprisonment for a term which may extend to two years, or with a fine not exceeding ten thousand ringgit, or to both.

(3) The Director General or such other officer authorized by him shall be deemed to be a public servant within the meaning of the Penal Code.

Organization to deal with authorized person

111. (1) In all matters pertaining to benefits under this Act, the Organization may deal directly with the insured person or his dependants, or an official of a registered trade union authorized in writing by such insured person or his dependants, or a legal practitioner representing such insured person or his dependants.

(2) The Organization may refuse to entertain any representation made by any other person.

Benefit for two or more successive accidents

112. (1) Where a person sustains permanent disablement as a result of two or more successive accidents, he shall not for the same period be entitled to receive disablement benefit for permanent disablement in excess of the daily rate for permanent total disablement.

(2) The Minister may make regulations to provide for adjusting the disablement benefit payable in respect of successive accidents or the conditions for the receipt of such benefit in any case where the disablement benefit has been commuted into a lump sum.

FIRST SCHEDULE

[Section 2]

(1) Any person whose wages exceed three thousand ringgit a month:

Provided that where after an employee has become liable to pay contributions as provided in section 6 of this Act, the wages of such employee at any time exceed three

thousand ringgit a month such employee shall not by reason only of this paragraph be deemed to have become excluded from the provisions of this Act, but his wages shall for all the purposes of this Act be deemed to be three thousand ringgit a month:

And provided further that in any other case where a person, whose wages exceed three thousand ringgit a month, and his employer elect to pay any contribution in accordance with this Act then such person shall be deemed to be an employee under this Act.

(2) Any person whose employment is of casual nature and who is employed otherwise than for the purposes of the employer's industry.

(3) A domestic servant, that is, a person employed exclusively in the work or in connection with work of a private dwelling house and not of any trade, business or profession carried on by the employer in such dwelling house and includes a cook, house servant (including bedroom and kitchen servants), waiter, butler, child's or baby's nurse, valet, footman, gardener, washerman or washerwoman, watchman, groom and driver or cleaner of any vehicle licensed for private use.

(4) A tributer, that is, a person who is permitted to win minerals or produce of any kind from or on the land of another and who, in consideration of such permission, gives a proportion of the minerals or produce so won to that other person or pays to him the value of such proportion.

(5) The spouse of the principal employer or the immediate employer.

(6) Any member of the Malaysian Armed Forces or of any Local Forces established under any written law or of any Visiting Force lawfully present in Malaysia under any written law relating to Visiting Forces.

(7) Any police officer, and any other person engaged to perform police duties in accordance with the provisions of any written law while so performing such duties.

(8) Any person detained in any prison, Henry Gurney School, approved school, detention camp, mental hospital, or leper settlement.

(9)–(11) (*Deleted by Act A814*).

(12) In so far as this Act relating to invalidity pension are concerned—

- (i) an employee who has attained the age of fifty years and in respect of whom no contributions were payable before he attained the age of fifty years; or
- (ii) an employee who has attained the age of fifty-five years; or
- (iii) a certified invalid who is in receipt of invalidity pension.

(13) Any class of persons whom the Minister may declare by notification in the Gazette not to be employees for the purposes of this Act.

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SECOND SCHEDULE

[Section 2]

PART I

List of injuries deemed to result in permanent total disablement

<i>Serial No.</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100
5.	Very severe facial disfigurement	100
6.	Absolute deafness	100

PART II

List of injuries deemed to result in permanent partial disablement

<i>Serial No.</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
<i>Amputation—upper limbs (either arm) cases</i>		
1.	Amputation through shoulder joint	90
2.	Amputation below shoulder with stump less than 8" from tip of acromion	80
3.	Amputation below 8" from tip of acromion to less than 4 ¹ / ₂ " below tip of olecranon	70

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<i>Serial No.</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4 ¹ / ₂ " below tip of olecranon	60
5.	Loss of thumb	30
6.	Loss of thumb and its metacarpal bone	40
7.	Loss of four fingers of one hand	50
8.	Loss of three fingers of one hand	30
9.	Loss of two fingers of one hand	20
10.	Loss of terminal phalanx of thumb	20

Amputation—lower limbs cases

11.	Amputation of both feet resulting in end-bearing stumps	90
12.	Amputation through both feet proximal to the metatarso-phalangeal joint	80
13.	Loss of all toes of both feet through the metatarso-phalangeal joint	40
14.	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30
15.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
16.	Amputation at hip	90
17.	Amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter	80
18.	Amputation below hip with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh	70
19.	Amputation below middle thigh to 3 ¹ / ₂ " below knee	60
20.	Amputation below knee with stump exceeding 3 ¹ / ₂ " but not exceeding 5"	50
21.	Amputation below knee with stump exceeding 5"	40

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<i>Serial No.</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
22.	Amputation of one foot resulting in end-bearing	30
23.	Amputation through one foot proximal to the metatarso-phalangeal joint	30
24.	Loss of all toes of one foot through the metatarso-phalangeal joint	20
<i>Other injuries</i>		
25.	Loss of one eye, without complications, the other being normal	40
26.	Loss of vision of one eye without complications or disfigurement of eye-ball, the other being normal	30
27.	Permanent total loss of hearing in one ear	20
Loss of—		
A—Fingers of right or left hand		
<i>Index finger</i>		
28.	Whole	14
29.	Two phalanges	11
30.	One phalanx	9
31.	Guillotine amputation of tip without loss of bone	5
<i>Middle finger</i>		
32.	Whole	12
33.	Two phalanges	9
34.	One phalanx	7
35.	Guillotine amputation of tip without loss of bone	4

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<i>Serial No.</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
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Ring or little finger

36.	Whole	7
37.	Two phalanges	6
38.	One phalanx	5
39.	Guillotine amputation of tip without loss of bone	2

B—Toes of right or left foot

Great toe

40.	Through metatarso-phalangeal joint	14
41.	Part, with some loss of bone	3

Any other toe

42.	Through metatarso-phalangeal joint	3
43.	Part, with some loss of bone	1

Two toes of one foot, excluding great toe

44.	Through metatarso-phalangeal joint	5
45.	Part, with some loss of bone	2

Three toes of one foot, excluding great toe

46.	Through metatarso-phalangeal joint	6
47.	Part, with some loss of bone	3

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<i>Serial No.</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
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Four toes of one foot, excluding great toe

48.	Through metatarso-phalangeal joint	9
49.	Part, with some loss of bone	3

(NOTE—complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.)

THIRD SCHEDULE

[Section 6]

RATES OF CONTRIBUTION

1. Contributions of the First and Second categories shall be calculated with reference to monthly wages and paid at the rates indicated below.

1A. For the purposes of this Schedule—

- (a) “Monthly wages” means wages payable to an employee in respect of all wage periods ending in the month; and
- (b) “Wage period” means the period in respect of which wages earned by an employee are payable.

2. Part I—Contributions of the First category—for Invalidity and Employment Injury.

<i>Monthly Wages</i>	<i>Employer's Contribution</i>	<i>Employee's Contribution</i>	<i>Total</i>
1. Wages up to RM30	40 sen	10 sen	50 sen
2. When wages exceed RM30 but not RM50...	70 sen	20 sen	90 sen
3. When wages exceed RM50 but not RM70...	RM1.10	30 sen	RM1.40
4. When wages exceed RM70 but not RM100...	RM1.50	40 sen	RM1.90

<i>Monthly Wages</i>	<i>Employer's Contribution</i>	<i>Employee's Contribution</i>	<i>Total</i>
5. When wages exceed RM100 but not RM140 ...	RM2.10	60 sen	RM2.70
6. When wages exceed RM140 but not RM200 ...	RM2.95	85 sen	RM3.80
7. When wages exceed RM200 but not RM300 ...	RM4.35	RM1.25	RM5.60
8. When wages exceed RM300 but not RM400 ...	RM6.15	RM1.75	RM7.90
9. When wages exceed RM400 but not RM500 ...	RM7.85	RM2.25	RM10.10
10. When wages exceed RM500 but not RM600...	RM9.65	RM2.75	RM12.40
11. When wages exceed RM600 but not RM700 ...	RM11.35	RM3.25	RM14.60
12. When wages exceed RM700 but not RM800 ...	RM13.15	RM3.75	RM16.90
13. When wages exceed RM800 but not RM900 ...	RM14.85	RM4.25	RM19.10
14. When wages exceed RM900 but not RM1,000	RM16.65	RM4.75	RM21.40
15. When wages exceed RM1,000 but not RM1,100	RM18.35	RM5.25	RM23.60
16. When wages exceed RM1,100 but not RM1,200	RM20.15	RM5.75	RM25.90
17. When wages exceed RM1,200 but not RM1,300	RM21.85	RM6.25	RM28.10
18. When wages exceed RM1,300 but not RM1,400	RM23.65	RM6.75	RM30.40
19. When wages exceed RM1,400 but not RM1,500	RM25.35	RM7.25	RM32.60
20. When wages exceed RM1,500 but not RM1,600	RM27.15	RM7.75	RM34.90
21. When wages exceed RM1,600 but not RM1,700	RM28.85	RM8.25	RM37.10
22. When wages exceed RM1,700 but not RM1,800	RM30.65	RM8.75	RM39.40
23. When wages exceed RM1,800 but not RM1,900	RM32.35	RM9.25	RM41.60
24. When wages exceed RM1,900 but not RM2,000	RM34.15	RM9.75	RM43.90
25. When wages exceed RM2,000 but not RM2,100	RM35.85	RM10.25	RM46.10
26. When wages exceed RM2,100 but not RM2,200	RM37.65	RM10.75	RM48.40
27. When wages exceed RM2,200 but not RM2,300	RM39.35	RM11.25	RM50.60
28. When wages exceed RM2,300 but not RM2,400	RM41.15	RM11.75	RM52.90
29. When wages exceed RM2,400 but not RM2,500	RM42.85	RM12.25	RM55.10
30. When wages exceed RM2,500 but not RM2,600	RM44.65	RM12.75	RM57.40
31. When wages exceed RM2,600 but not RM2,700	RM46.35	RM13.25	RM59.60
32. When wages exceed RM2,700 but not RM2,800	RM48.15	RM13.75	RM61.90
33. When wages exceed RM2,800 but not RM2,900	RM49.85	RM14.25	RM64.10
34. When wages exceed RM2,900	RM51.65	RM14.75	RM66.40

3. *(Deleted by Act A814).*

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4. Part III—Contributions of the Second category for the contingency of Employment Injury only. (Contributions to be paid entirely by the Employer).

<i>Monthly Wages</i>	<i>Employer's Contribution</i>
1. Wages up to RM30	30 sen
2. When wages exceed RM30 but not RM50...	50 sen
3. When wages exceed RM50 but not RM70...	80 sen
4. When wages exceed RM70 but not RM100	RM1.10
5. When wages exceed RM100 but not RM140	RM1.50
6. When wages exceed RM140 but not RM200	RM2.10
7. When wages exceed RM200 but not RM300	RM3.10
8. When wages exceed RM300 but not RM400	RM4.40
9. When wages exceed RM400 but not RM500	RM5.60
10. When wages exceed RM500 but not RM600	RM6.90
11. When wages exceed RM600 but not RM700	RM8.10
12. When wages exceed RM700 but not RM800	RM9.40
13. When wages exceed RM800 but not RM900	RM10.60
14. When wages exceed RM900 but not RM1,000	RM11.90
15. When wages exceed RM1,000 but not RM1,100	RM13.10
16. When wages exceed RM1,100 but not RM1,200	RM14.40
17. When wages exceed RM1,200 but not RM1,300	RM15.60
18. When wages exceed RM1,300 but not RM1,400	RM16.90
19. When wages exceed RM1,400 but not RM1,500	RM18.10
20. When wages exceed RM1,500 but not RM1,600	RM19.40
21. When wages exceed RM1,600 but not RM1,700	RM20.60
22. When wages exceed RM1,700 but not RM1,800	RM21.90
23. When wages exceed RM1,800 but not RM1,900	RM23.10
24. When wages exceed RM1,900 but not RM2,000	RM24.40
25. When wages exceed RM2,000 but not RM2,100	RM25.60
26. When wages exceed RM2,100 but not RM2,200	RM26.90
27. When wages exceed RM2,200 but not RM2,300	RM28.10
28. When wages exceed RM2,300 but not RM2,400	RM29.40
29. When wages exceed RM2,400 but not RM2,500	RM30.60
30. When wages exceed RM2,500 but not RM2,600	RM31.90

<i>Monthly Wages</i>		<i>Employer's Contribution</i>
31. When wages exceed RM2,600 but not RM2,700	RM33.10
32. When wages exceed RM2,700 but not RM2,800	RM34.40
33. When wages exceed RM2,800 but not RM2,900	RM35.60
34. When wages exceed RM2,900	RM36.90

FOURTH SCHEDULE

[Sections 20, 22, 26]

DISABLEMENT BENEFIT AND DEPENDANTS' BENEFIT

1. (1) Daily rate of benefit shall be as follows:
 - (a) for temporary disablement, an amount equivalent to eighty per cent of the assumed average daily wage;
 - (b) for permanent total disablement, an amount equivalent to ninety per cent of the assumed average daily wage.
- (2) For the purposes of this paragraph, "assumed average daily wage" means the assumed average daily wage of the insured person who sustains the employment injury resulting in such disablement.
2. Assumed average daily wage under the foregoing paragraph shall be equal to one-thirtieth of the assumed average monthly wage of the insured person.
3. Assumed average monthly wage mentioned in paragraph 2 shall be an amount equivalent to the sum of the assumed monthly wages for each of the months for which contributions of the First or Second Category have been paid or were payable during the continuous period of six months immediately preceding the month in which the employment injury occurred, divided by the number of months for which such contributions were so paid or payable:

Provided that in the event the insured person has been in employment for less than 24 days in any month, the contributions paid or payable for that month in respect of him shall not be taken into consideration for the calculation of the assumed average monthly wage.

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4. Assumed monthly wage mentioned in paragraph 3 for every month shall be the amount shown in the following table as corresponding to the rate of contribution of the First or Second category paid or payable for that month.

<i>Actual monthly wage of the month</i>	<i>First Category</i>	<i>Second Category</i>	<i>Corresponding assumed monthly wage for the month</i>
1. Wages up to RM30... ..	50 sen	30 sen	RM20
2. When wages exceed RM30 but not RM50 ...	90 sen	50 sen	RM40
3. When wages exceed RM50 but not RM70 ...	RM1.40	80 sen	RM60
4. When wages exceed RM70 but not RM100 ...	RM1.90	RM1.10	RM85
5. When wages exceed RM100 but not RM140 ...	RM2.70	RM1.50	RM120
6. When wages exceed RM140 but not RM200 ...	RM3.80	RM2.10	RM170
7. When wages exceed RM200 but not RM300 ...	RM5.60	RM3.10	RM250
8. When wages exceed RM300 but not RM400 ...	RM7.90	RM4.40	RM350
9. When wages exceed RM400 but not RM500 ...	RM10.10	RM5.60	RM450
10. When wages exceed RM500 but not RM600 ...	RM12.40	RM6.90	RM550
11. When wages exceed RM600 but not RM700 ...	RM14.60	RM8.10	RM650
12. When wages exceed RM700 but not RM800 ...	RM16.90	RM9.40	RM750
13. When wages exceed RM800 but not RM900 ...	RM19.10	RM10.60	RM850
14. When wages exceed RM900 but not RM1,000	RM21.40	RM11.90	RM950
15. When wages exceed RM1,000 but not RM1,100	RM23.60	RM13.10	RM1,050
16. When wages exceed RM1,100 but not RM1,200	RM25.90	RM14.40	RM1,150
17. When wages exceed RM1,200 but not RM1,300	RM28.10	RM15.60	RM1,250
18. When wages exceed RM1,300 but not RM1,400	RM30.40	RM16.90	RM1,350
19. When wages exceed RM1,400 but not RM1,500	RM32.60	RM18.10	RM1,450
20. When wages exceed RM1,500 but not RM1,600	RM34.90	RM19.40	RM1,550
21. When wages exceed RM1,600 but not RM1,700	RM37.10	RM20.60	RM1,650
22. When wages exceed RM1,700 but not RM1,800	RM39.40	RM21.90	RM1,750
23. When wages exceed RM1,800 but not RM1,900	RM41.60	RM23.10	RM1,850
24. When wages exceed RM1,900 but not RM2,000	RM43.90	RM24.40	RM1,950
25. When wages exceed RM2,000 but not RM2,100	RM46.10	RM25.60	RM2,050
26. When wages exceed RM2,100 but not RM2,200	RM48.40	RM26.90	RM2,150

<i>Actual monthly wage of the month</i>	<i>First Category</i>	<i>Second Category</i>	<i>Corresponding assumed monthly wage for the month</i>
27. When wages exceed RM2,200 but not RM2,300	RM50.60	RM28.10	RM2,250
28. When wages exceed RM2,300 but not RM2,400	RM52.90	RM29.40	RM2,350
29. When wages exceed RM2,400 but not RM2,500	RM55.10	RM30.60	RM2,450
30. When wages exceed RM2,500 but not RM2,600	RM57.40	RM31.90	RM2,550
31. When wages exceed RM2,600 but not RM2,700	RM59.60	RM33.10	RM2,650
32. When wages exceed RM2,700 but not RM2,800	RM61.90	RM34.40	RM2,750
33. When wages exceed RM2,800 but not RM2,900	RM64.10	RM35.60	RM2,850
34. When wages exceed RM2,900 	RM66.40	RM36.90	RM2,950

4A. Where no contribution of the First or Second Category shall be paid or payable in respect of the insured person during the continuous period of six months immediately preceding the month in which the employment injury occurred or where none of the contributions paid or payable during the continuous period of six months immediately preceding the month in which the employment injury occurred can be taken into consideration for the purpose of the calculation of the assumed average monthly wage in accordance with the proviso to paragraph 3, the daily rate of benefit admissible for temporary disablement shall be equal to eighty per cent and permanent total disablement shall be equal to ninety per cent of the average assumed monthly wage of a person employed on similar work by the same employer or any employer in the same locality divided by thirty:

Provided that for the purposes of this paragraph the average assumed monthly wage shall be equal to the sum of the assumed monthly wage of a person employed on similar work by the same employer or, if there is no such person, any other person employed on similar work by another employer in the same locality for which the contributions of the First or Second category have been paid or were payable during the continuous period of six months immediately preceding the month in which the relevant employment injury occurred, divided by the number of months for which such contributions were so paid or payable:

Provided further that in the event such person has been in employment for less than 24 days in any month, the contribution paid or payable for that month in respect of him shall not be taken into consideration for the calculation of the assumed monthly wage.

5. Where no contribution of the First or Second category shall be paid or payable during the continuous period of six months immediately preceding the month in which the employment injury occurred or where none of the contributions paid or payable during the continuous period of six months immediately preceding the month

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in which the employment injury occurred can be taken into consideration for the purpose of the calculation of the assumed monthly wage in accordance with the proviso to paragraph 3, or where the daily rate of benefit calculated under paragraph 1 or paragraph 4A is less than the minimum rate prescribed by the Minister from time to time by regulations, then in any such case the daily rate of benefit admissible for temporary disablement or permanent total disablement shall be deemed to be the minimum rate prescribed by the Minister from time to time by regulations.

6. *(Deleted by Act A1232).*

7. Daily rate of permanent partial disablement benefit shall be such percentage of the daily rate of permanent total disablement as is specified in the Second Schedule as being the percentage of the loss of earning capacity caused by such permanent partial disablement:

Provided that for permanent partial disablement not specified in the Second Schedule, the daily rate of benefit shall be such percentage of the rate of permanent total disablement benefit as is proportionate to the loss of earning capacity permanently caused by such permanent partial disablement:

Provided further that where more injuries than one are caused by the same accident, the daily rate of benefit for those injuries shall be aggregated but not so in any case as to exceed the permanent total disablement benefit.

8. Daily rate of dependants' benefit shall be as follows:

- (i) for the widow or widower, an amount equivalent to three-fifths of the daily rate of permanent total disablement benefit of the deceased insured person if he had sustained such disablement from the employment injury which resulted in his death;
- (ii) for each child, two-fifths of the daily rate of permanent total disablement benefit mentioned in (i):

Provided that if the total of the dependants' benefit distributed among the widow or widower and child or children exceeds at any time the daily rate of permanent total disablement benefit, the share of each dependant shall be proportionately reduced so that the total amount payable does not exceed the daily rate of permanent total disablement benefit:

Provided further that if there is no widow or widower or if the widow or widower dies, the daily rate of benefit for each child shall be three-fifths of the daily rate of permanent total disablement benefit mentioned in (i), and if there be more than one child, the amount payable shall be equally divided between them.

9. In case the deceased insured person does not leave a widow or widower or child, dependants' benefit shall be payable to the other dependants' as follows:

- (a) to a parent or grandparent, for life, at an amount equal to four tenths of the daily rate of permanent total disablement benefit which would have been admissible to the deceased insured person if he had sustained permanent total disablement from the employment injury, and if there are two or more

parents or grandparents, the amount payable to the parents or grandparents as aforesaid shall be equally divided between them;

- (b) to any other dependant until marriage or until he attains twenty-one years of age, whichever is the earlier, or if widowed until re-marriage or until he attains twenty-one years of age, whichever is the earlier, at an amount equivalent to three-tenths of the full rate, and if there be more than one dependant under this subparagraph, the amount payable shall be equally divided among them.

10. (*Deleted by Act A1232*).

FIFTH SCHEDULE

[Section 28]

OCCUPATIONAL DISEASES

<i>Description of occupational diseases or injury</i>	<i>Nature of occupation</i>
1. Poisoning by:	Any occupation involving—
(a) Lead or compound of lead	the use or handling of, or exposure to, the fumes, dust or vapour of lead or a compound of lead or a substance containing lead
(b) Phosphorus	the use or handling of, or exposure to, the fumes, dust or vapour of phosphorus or a compound of phosphorus or a substance containing phosphorus
(c) Arsenic	the use or handling of, or exposure to, the fumes, dust or vapour of arsenic or a compound of arsenic or a substance containing arsenic or exposure to any solution containing arsenic or a compound of arsenic
(d) Mercury	the use or handling of, or exposure to, the fumes, dust or vapour of mercury or a compound of mercury or a substance containing mercury

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<i>Description of occupational diseases or injury</i>	<i>Nature of occupation</i>
(e) Carbon bisulphide	the use or handling of, or exposure to, the fumes or vapour of carbon bisulphide or a compound of carbon bisulphide or a substance containing carbon bisulphide
(f) Benzene or a homologue	the use or handling of, or exposure to, the fumes of, or vapour containing, benzene or any of its homologues and their amino and nitroderivatives
(g) Manganese	the use or handling of, or exposure to, the fumes, dust or vapour of manganese or a compound of manganese or a substance containing manganese
(h) Beryllium	the use or handling of, or exposure to, the fumes, dust or vapour of beryllium or a compound of beryllium or a substance containing beryllium
(i) Cadmium	the use or handling of, or exposure to, the fumes, dust or vapour of cadmium or a compound of cadmium or a substance containing cadmium
(j) Antimony	the use or handling of, or exposure to, the fumes, dust or vapour of antimony or a compound of antimony or a substance containing antimony
(k) Fluorine	the use or handling of, or exposure to, the fumes, dust or vapour of fluorine or a compound of fluorine or a substance containing fluorine
(l) Nickel	the use or handling of, or exposure to, the fumes, dust or vapour of nickel or a compound of nickel or a substance containing nickel
(m) Chromium	the use or handling of, or exposure to, the fumes, dust or vapour of chromium or a compound of chromium or a substance containing chromium

<i>Description of occupational diseases or injury</i>	<i>Nature of occupation</i>
(n) Organochlorine, organophosphate, carbamate, nitrophenol, pentachlorophenol, dimethyldithiocarbamate or compounds of chlorophenoxy and dipyridyl	the use or handling of organochlorine, organophosphate, carbamate, nitrophenol, pentachlorophenol, dimethyldithiocarbamate or compounds of chlorophenoxy and dipyridyl for the destruction of pests or vermin
(o) Nitrous fumes	the use or handling of nitric acid or exposure to nitrous fumes
(p) Rengas wood	the manipulation of rengas wood or any process in or incidental to the manufacture of articles therefrom
(q) Hydrogen cyanide or hydrogen sulphide gas	the use or handling of, or exposure to, the fumes or vapour of hydrogen cyanide or hydrogen sulphide
(r) The halogen derivatives of aliphatic or aromatic hydrocarbons	the production, liberation or use of hydrocarbons of the aliphatic series or aromatic series and their halogen derivatives
(s) Alcohols, glycols, ketones or aldehydes	the use or handling of, or exposure to, the fumes or vapour of alcohols, glycols, ketones or aldehydes
(t) Carbon monoxide gas	the use or handling of, or exposure to, carbon monoxide gas, and any process involving the use of— <ol style="list-style-type: none"> (a) dynamite and gunpowder for blasting in subterranean galleries; (b) illuminating gas; (c) power or producer gas; (d) blast furnaces, furnaces and stoves for the burning of charcoal coke and other fuel; (e) gas engines
(u) Carbon dioxide gas	blasting, the manufacture of mineral waters, fermentation in breweries and the formation of lime in lime kilns

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<i>Description of occupational diseases or injury</i>	<i>Nature of occupation</i>
(v) Diethylene dioxide (dioxane)	the use or handling of, or exposure to, the fumes of or vapour containing diethylene dioxide
2. Anthrax	Any occupation involving the handling of wool, hair, bristle, hides or skins or other animal products or residues, or contact with animals infected with anthrax
3. Glanders	Any occupation involving contact with equine animals or their carcasses
4. Leptospirosis	Any occupation involving work in rat or other rodent infested places and any occupation involving the care or handling of dogs, cattle, swine and horses or any other infected animals
5. (a) Ulceration of the corneal surface of the eye	Any occupation involving the use or handling of, or exposure to, tar, pitch, padi husk, bitumen, mineral oil (including paraffin), soot, organic dust or any compound, product, or residue of any of these substances
(b) Localised new growth of the skin, papillomatous or keratotic	
(c) Epitheliomatous cancer or ulceration of the skin, due in any case to tar, pitch, padi husk, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue of any of these substances	
6. Chrome ulceration	Any occupation involving the use or handling of chromic acid, chromate or bichromate of ammonium, potassium, zinc or sodium, or any preparation or solution containing any of these substances

<i>Description of occupational diseases or injury</i>	<i>Nature of occupation</i>
7. Inflammation, ulceration or malignant diseases of the skin or subcutaneous tissues or of the bones, or leukaemia, or anaemia of the aplastic type, due to X-ray, ionizing particles, radium or other radio-active substances or other forms of radiant energy	Any occupation involving exposure to X-rays, ionizing particles, radium, or other radio-active substances or other forms of radiant energy
8. Toxic jaundice	Any occupation involving the use or handling of halogenated hydrocarbon or nitric or amidoderivatives of benzene or other poisonous substances
9. Heat radiation cataract	Any occupation involving frequent or prolonged exposure to the glare of, or rays from, molten glass or molten or red-hot metal or frequent or prolonged exposure to radiation
10. Subcutaneous cellulitis or acute bursitis arising at or about the knee (Beat knee)	Any occupation involving manual labour causing severe or prolonged friction or pressure at or about the knee
11. Subcutaneous cellulitis of the hand (Beat hand)	Any occupation involving manual labour causing severe or prolonged friction or pressure on the hand
12. Subcutaneous cellulitis or acute bursitis arising at or about the elbow (Beat elbow)	Any occupation involving manual labour causing severe or prolonged friction or pressure at or about the elbow
13. Inflammation of the synovial lining of the wrist joint and tendon sheaths	Any occupation involving manual labour or frequent or repeated movement of the hand or wrist
14. Heat cramp or heat stroke	Any occupation involving excessive exposure to heat
15. Cramp of the hand or forearm due to repetitive movements	Any occupation involving prolonged periods of hand writing, typing or other repetitive movements of the fingers, hand or arm

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<i>Description of occupational diseases or injury</i>	<i>Nature of occupation</i>
16. Compressed air illness or its sequelae	Any occupation or process carried on in compressed-air or under water
17. (a) Tuberculosis or leprosy	Any occupation involving close or frequent contact with a source or sources of tuberculosis or leprosy infection by reason of employment— <ul style="list-style-type: none"> (a) in the medical treatment or nursing of a person or persons suffering from tuberculosis or leprosy or in a service ancillary to such treatment or nursing; (b) in attendance upon a person suffering from tuberculosis or leprosy where the need for such attendance arises by reason of physical or mental infirmity; (c) as a research worker engaged in research in connection with tuberculosis or leprosy; or (d) as a laboratory worker, pathologist or post-mortem worker, where the occupation involves working with material which is a source of tuberculosis or leprosy infection or in any occupation ancillary to such employment
(b) Viral hepatitis	Any occupation involving— <ul style="list-style-type: none"> (a) close and frequent contact with human blood or human blood products; or (b) close and frequent contact with a source of viral hepatitis infection by reason of employment in the medical treatment or nursing of a person or persons suffering from viral hepatitis, or in a service ancillary to such treatment or nursing
18. Hearing impairment caused by noise	Any occupation involving excessive exposure to industrial noise of high sound pressure level in excess of 85 decibels over 8-hour period

<i>Description of occupational diseases or injury</i>	<i>Nature of occupation</i>
19. Occupational dermatitis	Any occupation involving the handling of mineral oils, acids, alkalis, dusts or any other external agents capable of irritating the skin
20. Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or nerves)	Any occupation involving subjection to vibration
21. Lung cancer or mesothelioma caused by asbestos	Any occupation involving the mining, processing or handling of materials containing asbestos
22. Broncho pulmonary disease	Any occupation involving the substantial exposure to the inhalation of hard-metal dust, cotton dust, flax or hemp or sisal dust
23. Pulmonary irritation	Any occupation involving the inhalation of sulphur oxides, chlorine, phosgene, ammonia, bromine, ozone, or nitrogen dioxide
24. Occupational asthma caused by sensitising agents or irritants	Any occupation involving the exposure to the inhalation of mineral dusts such as cement, copper, zinc, animal dusts, such as bone or hair, or dusts of plant origin such as cotton, wood, flax, jute, padi husks, cork, spices, hemp, sisal, tobacco, tea, flour, or gases or vapours of toluene diisocyanate or formaldehyde
25. Pneumoconiosis (silicosis, asbestosis, anthracosilicosis, stannosis, siderosis or siderosilicosis)	Any occupation involving— <ol style="list-style-type: none"> (a) the mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials; (b) the handling of any of the materials specified in subparagraph (a) in or incidental to any of the operations mentioned therein or substantial exposure to the dust arising from such operations;

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*Description of occupational
diseases or injury**Nature of occupation*

- (c) the breaking, crushing or grinding of flint or the working or handling of broken, crushed or ground flint or materials containing such flint or substantial exposure to the dust arising from such operations;
- (d) sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint or substantial exposure to the dust arising from such sand blasting;
- (e) the grinding of mineral graphite, or substantial exposure to the dust arising from such grinding;
- (f) work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations:
 - (i) the freeing of steel castings from adherent siliceous substance;
 - (ii) the freeing of metal castings from adherent siliceous substance;
- (g) the manufacture of china or earthenware (including sanitary earthenware, electrical earthenware tiles), and any occupation involving substantial exposure to the dust arising therefrom;
- (h) the dressing of granite or any igneous rock by masons or the crushing of such materials or substantial exposure to the dust arising from such operations;
- (i) the use, or preparation for use, of a grindstone or substantial exposure to the dust arising therefrom;
- (j) boiler scaling or substantial exposure to the dust arising therefrom;

*Description of occupational diseases or injury**Nature of occupation*

- | | | |
|-----------------------|-----|--|
| | (k) | the working or handling of asbestos or any admixture of asbestos, or the manufacture or repair of asbestos textiles or other articles containing asbestos, or substantial exposure to the dust arising from any of the foregoing operations; |
| | (l) | work in any mine (underground or aboveground) in which one of the objects of the mining operations is the getting of any mineral, or the working or handling of any minerals extracted therefrom, or any operation incidental thereto; |
| | (m) | the manufacture of carbon electrodes for use in the electrolytic extraction of aluminium oxide, and any occupation involving substantial exposure to the dust arising therefrom; |
| | (n) | exposure to the inhalation of dust containing iron and silica or haematite; |
| | (o) | exposure to the inhalation of tin dust or fumes. |
| 26. Cancer caused by— | | Any occupation involving— |
| (a) 4-aminobiphenyl | | the use or handling of, or exposure to, the fumes, dust or vapour of 4-aminobiphenyl or a substance containing 4-aminobiphenyl |
| (b) Arsenic | | the use or handling of, or exposure to, the fumes, dust or vapour of arsenic or a substance containing arsenic |
| (c) Benzene | | the use or handling of, or exposure to, the fumes, dust or vapour of benzene or a substance containing benzene |
| (d) Benzidine | | the use or handling of, or exposure to, the fumes, dust or vapour of benzidine or a substance containing benzidine |

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<i>Description of occupational diseases or injury</i>	<i>Nature of occupation</i>
(e) Bis-chloro methyl ether	the use or handling of, or exposure to, the fumes, dust or vapour of bis-chloro methyl ether or a substance containing bis-chloro methyl ether
(f) Chromium	the use or handling of, or exposure to, the fumes, dust or vapour of chromium or a substance containing chromium
(g) Haematite	the use or handling of, or exposure to, the fumes, dust or vapour of haematite or a substance containing haematite
(h) Mustard gas	the use or handling of, or exposure to, mustard gas or a substance containing mustard gas
(i) b-naphthylamine	the use or handling of, or exposure to, the fumes, dust or vapour of b-naphthylamine or a substance containing b-naphthylamine
(j) Nickel	the use or handling of, or exposure to, the fumes, dust or vapour of nickel or a substance containing nickel
(k) Soots, tars and oils	the use or handling of, or exposure to, soots, tars and oils
(l) Vinyl chloride	the use or handling of, or exposure to, the fumes, dust or vapour of vinyl chloride or a substance containing vinyl chloride
(m) Particulate polycyclic aromatic hydrocarbon	the use or handling of, or exposure to, the fumes, dust or vapour of polycyclic aromatic hydrocarbon or a substance containing polycyclic aromatic hydrocarbon
(n) Acrylonitrile	the use or handling of, or exposure to, the fumes, dust or vapour of acrylonitrile or a substance containing acrylonitrile
(o) 1,2-dibromoethane (ethylene dibromide)	the use or handling of, or exposure to, the fumes, dust or vapour of ethylene dibromide or a substance containing dibromide
(p) Wood dust	the use or handling of, or exposure to, wood dust arising from the manufacture of wood products

<i>Description of occupational diseases or injury</i>	<i>Nature of occupation</i>
(q) Benz-o-pyrene	the use or handling of, or exposure to, the fumes, dust or vapour of benz-o-pyrene or a substance containing benz-o-pyrene
(r) Formaldehyde	the use or handling of, or exposure to, the gas of formaldehyde
27. Fibrotic diseases of the lung caused by—	Any occupation involving—
(a) talc	the use or handling of, or exposure to, dust of talc or a substance containing talc
(b) aluminium	the use or handling of, or exposure to, the fumes, dust or vapour of aluminium or a substance containing aluminium
(c) coal	the use or handling of, or exposure to, the fumes, dust or vapour of coal or a substance containing coal
(d) padi husk	the use or handling of, or exposure to, padi husk or dust or a substance containing padi husk

 SIXTH SCHEDULE

[Section 59D]

Meetings

1. (1) The Board shall meet at least three times in each year.
- (2) Meetings of the Board shall be convened by the Chairman or, in his absence, by any person appointed by the Minister to act as Chairman, and notification of meetings shall be issued over the signature of the Chairman, any person appointed by the Minister to act as Chairman or the Secretary.
- (3) The quorum of the Board shall be six members including the Chairman or any person appointed by the Minister to act as Chairman presiding.
- (4) Where the Board has to determine any question by a vote, and an equality of votes results, the Chairman shall have a casting vote in addition to his deliberative vote.

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(5) The Board may request any person, not being one of its members, to attend any meeting for the purpose of advising it or furnishing information on any matter under discussion but any person so attending shall have no right to vote.

(6) Subject to the provisions of this Act, the Board shall regulate its own procedure.

Minutes

2. (1) The Board shall cause minutes of all its meetings to be maintained in proper form and include a record of all decisions taken.

(2) Minutes of meetings of the Board shall be duly signed and such minutes be receivable in evidence in all legal proceedings without further proof, and every meeting of the Board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereof to have been duly qualified to act.

Common seal

3. (1) The Organization shall have a common seal which shall bear such device as the Board shall approve, and such seal may from time to time be broken, changed, altered or made anew as the Board may think fit.

(2) Until a seal is provided by the Board a stamp bearing the description "Pertubuhan Keselamatan Sosial" may be used and shall be deemed to be a common seal.

(3) The common seal or the stamp referred to in subparagraph (2) shall be kept in the custody of the Director General or such other person as may be authorized by the Board and shall be authenticated by either the Chairman or such person as may be authorized by the Board in writing; and all deeds, documents and other instruments purporting to be sealed with the said seal authenticated as aforesaid, shall until the contrary is proved be deemed to have been validly executed:

Provided that any document or instrument which if executed by a person not being a body corporate would not be required under seal, may in like manner be executed by the Board and any such document or instrument may be executed on behalf of the Board by an officer or servant of the Organization generally or specially authorized by the Board in that behalf.

(4) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Organization.

Validity of act or proceedings

4. No act or proceedings taken under this Act shall be questioned on the ground—
- (a) of any vacancy in the membership of, or of any defect in the constitution of the Board; or
 - (b) of any omission, defect or irregularity not affecting the merits of the case.

SEVENTH SCHEDULE

[Section 59O(2)]

1. The staff rules made under section 59O may provide for any or all of the following—

- (a) regulating the amount of salaries, fees and allowances payable to officers and servants of the Organization;
- (b) regulating the grant of leave to such officers and servants;
- (c) authorizing the payment of all allowances to such officers and servants while on leave;
- (d) determining the remuneration to be paid to persons appointed to act for any such officers or servants during their absence on leave;
- (e) regulating the period of service of all such officers and servants;
- (f) *(Deleted by Act A814)*;
- (g) determining the conditions under which gratuities or compassionate allowances may be paid to such officers and servants injured or to the surviving relatives of any such officers and servants, killed in the execution of their duty;
- (h) the establishment, maintenance and administration of a pension scheme for the provision of payments of pensions, gratuities or other allowances on superannuation, resignation, retirement or discharge of officers and servants of the Organization and for the establishment and maintenance of a pension fund; and
- (i) the establishment and administration of a superannuation scheme for the granting of such gratuities and allowances on death, superannuation, resignation, retirement or discharge of subordinate officers and servants of the Organization as may be deemed expedient and for the granting of such gratuities and allowances as may be deemed expedient to any one or more of the surviving dependants of any person who having been employed as a subordinate officer or servant of the Organization dies after having been superannuated or discharged or after having resigned or retired.
- (j) *(Deleted by Act A814)*.

2. The following provisions shall apply to any staff rules made by virtue of paragraph 1(g), (h) and (i):

- (a) no gratuity, allowance or other payment payable under any such rule nor any right interest acquired by any person to any gratuity, allowance or other payment thereunder shall be assignable or transferable or liable to be attached, sequestered, levied upon, for or in respect of any debt or claim whatsoever other than a debt due to the Organization;
- (b) any moneys paid under any such rule on the death of any person shall be deemed to be impressed with a trust in favour of the persons entitled

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thereto under the will or intestacy of such deceased person, but shall not be deemed to form part of his estate or be subject to his debts;

- (c) any person may by his will or by a memorandum under his hand appoint a trustee of the moneys payable on his death under any such rule, and may provide for the appointment of a new trustee of such moneys and for the investment thereof;
- (d) if at the time of the death of any person or at any time afterwards there is no trustee of such moneys or it is expedient to appoint a new trustee, such trustee may be appointed by the High Court or a Judge thereof;
- (e) the receipt of a trustee duly appointed, or in default of any such appointment, the receipt of the legal personal representative of a deceased person, shall be a discharge for any moneys payable on his death under any such rule;
- (f) any employee of the Organization who is otherwise entitled to any benefit under any such rule shall, if he is dismissed from the service of the Organization for fraud or dishonesty or misconduct, which involves pecuniary loss to the Organization, or retires from or resigns his office with intent to escape discharge or dismissal in consequence of such fraud, dishonesty or misconduct, forfeit and lose the whole or such part of such benefits as the Board may in its absolute discretion direct; and
- (g) with the approval of the Minister the Board may, in its discretion, in consideration of long or special services of any officer or servant of the Organization whose case does not come within the scope and effect of the Organization's pension scheme or superannuation scheme rules, pay to such officer or servant upon his death, a gratuity or compassionate allowance on such terms and conditions as the Board may determine.

3. Staff Rules which are inconsistent with any terms and conditions of service approved by the Government in relation to officers and servants of statutory bodies shall have no effect.

EIGHTH SCHEDULE

[Section 20A]

SURVIVORS' PENSION

1. Daily rate of survivors' pension shall be the amount of the monthly rate of invalidity pension paid or payable to the deceased insured person for the month immediately preceding the month of death divided by the number of days in the month in which the pension is paid or payable.

2. Where the insured person has not attained fifty-five years of age but has completed the full qualifying period as specified under section 17A, the daily rate of survivors' pension shall be a basic amount equivalent to fifty per cent of his average monthly wage, increased by one per cent of the average monthly wage for every twelve months contributions paid in excess of the first twenty-four months, but subject to the maximum of sixty-five per cent of the average monthly wage in respect of him during the period between the date when contributions first become payable by him and the date of his death, divided by the number of days in the month in which the pension is paid or payable.

3. Where an insured person has not attained fifty-five years of age but has completed the reduced qualifying period as specified under section 17A, the daily rate of survivors' pension shall be an amount equivalent to fifty per cent of his average monthly wage divided by the number of days in the month in which the pension is paid or payable.

4. (1) The term "average monthly wage" as mentioned in paragraphs 2 and 3 refers to the average of assumed monthly wage corresponding to the last twenty-four monthly contributions in respect of the insured person which have been paid immediately before the date of his death:

Provided that a minimum average monthly wage shall be three hundred and forty-two ringgit and eighty-six sen subject to such amount as may be prescribed by the Minister from time to time by regulations.

(2) Assumed monthly wage to which a monthly contribution corresponds shall be deemed to be as indicated in the Fourth Schedule.

5. Daily rate of survivors' pension shall be payable as follows:

(a) for the widow or widower, an amount equivalent to three-fifths of the daily rate of survivors' pension;

(b) for each child, two-fifths of the daily rate of survivors' pension:

Provided that if the total of survivors' pension distributed among the widow or widower and children exceeds at any time the daily rate of survivors' pension, the share of each dependant shall be proportionately reduced so that the total amount payable does not exceed the daily rate of survivors' pension:

Provided further that the daily rate of survivors' pension for each child shall be three-fifths of the daily rate of survivors' pension if there is no widow or widower or if the widow or widower dies, and if there be more than one child, the amount payable shall be equally divided among them.

6. If an insured person who is in receipt of invalidity pension, or if an insured person who has not attained fifty-five years of age but has completed a full or reduced qualifying period as specified under section 17A, dies and does not leave a widow or widower or child, survivors' pension shall be payable to other dependants as follows:

(a) to a parent or grandparent, for life, an amount equivalent to four-tenths of the daily rate of survivors' pension, and if there are two or more parents or grandparents, the amount payable shall be divided equally among them;

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- (b) to any other dependant until marriage or until he attains the age of twenty-one years, whichever is the earlier, or if widowed until re-marriage or until he attains the age of twenty-one years, whichever is the earlier, an amount equivalent to three-tenths of the daily rate of survivors' pension, and if there is more than one dependant under this subparagraph, the amount payable shall be divided equally among them.

7. *(Deleted by Act A1232).*

NINTH SCHEDULE

[Section 75A]

1. The following persons shall be disqualified from being appointed or being a member of the Investment Panel:

- (a) a person who has been convicted of an offence involving fraud, cheating, criminal breach of trust, criminal misappropriation of property or any offence involving dishonesty or moral turpitude and has been sentenced to imprisonment for a term of not less than one year;
- (b) a bankrupt; and
- (c) a person of unsound mind or is otherwise incapable of performing his duties.

2. (1) A member of the Investment Panel shall cease to be a member—

- (a) if he fails to attend three consecutive meetings of the Investment Panel without leave of the Chairman of the Investment Panel; or
- (b) if his appointment is revoked by the Minister, in the case of a person appointed under paragraph 75A(2)(f).

(2) A member appointed by the Minister under paragraph 75A(2)(f) may resign as a member of the Investment Panel by giving notice in writing to the Minister.

(3) If any member of the Investment Panel has any beneficial interest in any matter under consideration by the Investment Panel, he shall forthwith declare to the Chairman the nature and extent of his interest in such matter and the Investment Panel shall decide whether or not he may take part in the meeting of the Investment Panel when such matter is being considered, notwithstanding his interest in such matter.

(4) The Investment Panel shall meet as and when required to do so by the Chairman of the Investment Panel.

(5) The Chairman and three other members of the Investment Panel shall form a quorum at any meeting of the Investment Panel.

TENTH SCHEDULE

[Sections 59v and 59w]

MEMBERSHIP OF THE PROMOTION BOARDS
AND APPEAL BOARDS

<i>Category of Officers</i>	<i>Promotion Board</i>	<i>Appeal Board</i>
1. Services in Grade 21	Three members of the Board including the Director General, and a representative from the Ministry responsible for human resources, one of whom is to be appointed by the Board as Chairman	Chairman of the Board Chairman Members of the Board Members
2. Services in Grade 12 to 20	Director General or his representative Chairman Head of Division or Branch of the Organization appointed by the Director General Member Principal Assistant Secretary, Ministry responsible for human resources and appointed by the Secretary General of the same Ministry Member	Chairman of the Establishment Committee Chairman Members of the Establishment Committee Members
3. Services in Grade 11 and below	Director General or his representative Chairman Two officers in Grade 21 appointed by the Director General Members	Chairman of the Establishment Committee Chairman Members of the Establishment Committee Members

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APPENDIX

Date of coming into force

[Subsection 1(3)]

<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
01-01-1971	Throughout Malaysia	Part I; Part II—sections 3, 4 and 5; Part IV—sections 58, 59, 70 and 73-81; Part VII—sections 103-105 and 108	P.U.(B) 322/1970
15-04-1971	Throughout Malaysia	Sections 12 and 60-66	P.U.(B) 125/1971
01-10-1971	That area of land situated in the District of Johore Bahru and delineated in grey on Plan P.G. 659 as deposited in the office of the Director of Survey, Johore in terms of section 410 of the National Land Code 1965	Part II—sections 6-11, 13 and 14; Part III—sections 15 (except subsection (1)(a)), 22-34, 36-48, 50-55 and 57; Part IV—sections 67-69, 71, 72 and 82; Parts V and VI, Part VII—sections 96(1)(b), 97-102, 106, 107 and 109	P.U.(B) 330/1971
01-07-1972	Employees' Social Security Area of Penang and delineated in grey on Plan P.G. 75 and Plan P.G. 76 as deposited in the office of the Director of Survey, Penang in terms of section 410 of the National Land Code 1965	Part II—sections 6-11, 13 and 14; Part III—sections 15 (except subsection (1)(a)), 22-34, 36-48, 50-55 and 57; Part IV—sections 67-69, 71, 72 and 82; Part V; Part VI; Part VII—sections 96(1)(b), 97-102, 106, 107 and 109	P.U.(B) 218/1972

<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
01-07-1972	District of Kinta and delineated in grey on Plan P.G. 247 as deposited in the office of the Director of Survey, Perak in terms of section 410 of the National Land Code 1965	Part II—sections 6-11, 13 and 14; Part III—sections 15 (except subsection (1)(a)), 22-34, 36-48, 50-55 and 57; Part IV—sections 67-69, 71, 72 and 82; Part V; Part VI; Part VII—sections 96(1)(b), 97-102, 106, 107 and 109	P.U.(B) 221/1972
01-01-1973	In the areas of land situated in—		
	(i) the District of Kota Star and delineated in grey on Plan P.G. 551 as deposited in the office of the Director of Survey, Kedah and Perlis;	Sections 6 to 11, 13 and 14 of Part II, section 15 (except subsection (1)(a) thereof); sections 22 to 34, 36 to 48, 50 to 55 and 57 of Part III	P.U.(B) 539/1972
	(ii) the District of Larut and Matang and delineated in grey on Plan P.G. 286 as deposited in the office of the Director of Survey, Perak;	Sections 67 to 69, 71, 72 and 82 of Part IV; Part V and VI, section 96(1)(b), sections 97 to 102, 106, 107 and 109 of Part VII	
	(iii) the District of Klang and delineated in grey on Plan P.G. 377 as deposited in the office of the Director of Survey, Selangor;		
	(iv) the District of Klang and delineated in grey on Plan P.G. 378 as deposited in the office of the Director of Survey, Selangor;		
	(v) the District of Seremban and delineated in grey on Plan P.G. 263 as deposited in the office of the Director of Survey, Negeri Sembilan;		

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<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
	(vi) the Central District of Malacca and delineated in grey on Plan P.G. 97 as deposited in the office of the Director of Survey, Malacca;		
	(vii) the District of Kuantan and delineated in grey on Plan P.G. 1063 as deposited in the office of the Director of Survey, Pahang,		
	in terms of section 410 of the National Land Code 1965.		
01-09-1973	In the areas of land situated in—		
	(i) the Social Security Area of Kota Bharu and delineated in grey on Plan P.G. 160 as deposited in the office of the Director of Survey, Kelantan;	Part II—sections 6-11, 13 and 14; Part III—sections 15 (except subsection (1)(a)), 22-34, 36-48, 50-55 and 57	P.U.(B) 384/1973
	(ii) the Social Security Area of Kuala Trengganu and delineated in grey on Plan P.G. 127 as deposited in the office of the Director of Survey, Terengganu;	Part IV—sections 67-69, 71, 72 and 82; Parts V and VI; Part VII—sections 96(1)(b), 97-102, 106, 107 and 109	
	(iii) the Social Security Area of Province Wellesley and delineated in grey on Plan P.G. 122 as deposited in the office of the Director of Survey, Penang;		
	(iv) the Social Security Area of Kangar and delineated in grey on Plan P.G. 572 as deposited in the office of the Director of Survey, Kedah and Perlis;		
	(v) the Social Security Area of Kluang and delineated in grey on Plan P.G. 802 as deposited in the office of the Director of Survey, Johore;		
	(vi) the Social Security Area of Batu Pahat and delineated in grey on Plan P.G. 803 as deposited in the office of the Director of Survey, Johore;		

<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
	(vii) the Social Security Area of Muar and delineated in grey on Plan P.G. 804 as deposited in the office of the Director of Survey, Johore, in terms of section 410 of the National Land Code 1965.		
01-03-1974	That area of land delineated in red on Miscellaneous Plan No. 1062/13 as deposited in the office of Superintendent of Lands and Surveys, First Division, Kuching, Sarawak	Sections 6-11, 13, 14 and 15 (except subsection (1)(a)), 22-34, 36-48, 50-55, 57, 67-69, 71, 72, 82, 96(1)(b), 97-102, 106, 107 and 109	P.U.(B) 568/1973
01-03-1974	That area of land of approximately 7,890 acres shown as survey Lot No. 01200578, in the Kota Kinabalu District; 10 acres shown as survey Lot No. 21200360; 6 acres shown as survey Lot No. 21200359 and 290 acres shown as survey Lot No. 21200358 in the Penampang District and more particularly shown on plan No. 99197155 as deposited in the office of the Director of Lands and Surveys Department, Kota Kinabalu, Sabah	Sections 6-11, 13, 14 and 15 (except subsection (1)(a)), 22-34, 36-48, 50-55, 57, 67-69, 71, 72, 82, 96(1)(b), 97-102, 106, 107 and 109	P.U.(B) 569/1973
01-01-1974	In the areas of land situated in—		
	(i) the Districts of Kuala Lumpur and Klang and delineated in grey on Plan P.G. 357 as deposited in the office of the Director of Survey, Selangor;	Sections 15(1)(a), 16-21, 35, 49, 57, 96(1)(a) and 96(2)	P.U.(B) 570/1973
	(ii) the Employees' Social Security Area of Penang and delineated in grey on Plan P.G. 75 and Plan P.G. 76 as deposited in the office of the Director of Survey, Penang;		
	(iii) the District of Kinta and delineated in grey on Plan P.G. 247 as deposited in the office of the Director of Survey, Perak;		

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<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
(iv)	the District of Johore Bahru and delineated in grey on Plan P.G. 659 as deposited in the office of the Director of Survey, Johore;		
(v)	the District of Kota Star and delineated in grey on Plan P.G. 551 as deposited in the office of the Director of Survey, Kedah and Perlis;		
(vi)	the District of Larut and Matang and delineated in grey on Plan P.G. 286 as deposited in the office of the Director of Survey, Perak;		
(vii)	the District of Klang and delineated in grey on Plan P.G. 377 as deposited in the office of the Director of Survey, Selangor;		
(viii)	the District of Klang and delineated in grey on Plan P.G. 378 as deposited in the office of the Director of Survey, Selangor;		
(ix)	the District of Seremban and delineated in grey on Plan P.G. 263 as deposited in the office of the Director of Survey, Negeri Sembilan;		
(x)	the Central District of Malacca and delineated in grey on Plan P.G. 97 as deposited in the office of the Director of Survey, Malacca;		
(xi)	the District of Kuantan and delineated in grey on Plan P.G. 1063 as deposited in the office of the Director of Survey, Pahang;		
(xii)	the Social Security Area of Kota Bharu and delineated in grey on Plan P.G. 160 as deposited in the office of the Director of Survey, Kelantan;		

<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
	(xiii) the Social Security Area of Kuala Terengganu and delineated in grey on Plan P.G. 127 as deposited in the office of the Director of Survey, Kuala Terengganu;		
	(xiv) the Social Security Area of Province Wellesley and delineated in grey on Plan P.G. 122 as deposited in the office of the Director of Survey, Penang;		
	(xv) the Social Security Area of Kangar and delineated in grey on Plan P.G. 572 as deposited in the office of the Director of Survey, Kedah and Perlis;		
	(xvi) the Social Security Area of Kluang and delineated in grey on Plan P.G. 802 as deposited in the office of the Director of Survey, Johore;		
	(xvii) the Social Security Area of Batu Pahat and delineated in grey on Plan P.G. 803 as deposited in the office of the Director of Survey, Johore;		
	(xviii) the Social Security Area of Muar and delineated in grey on Plan P.G. 804 as deposited in the office of the Director of Survey, Johore.		

01-10-1974

In—

(i) the Social Security Area of Segamat as delineated in grey on Plan P.G. 877 deposited in the office of the Director of Survey, Johor;	Sections 6-11, 13, 14, 15-55, 57, 67-69, 71, 72, 82; Parts V and VI; sections 96-102, 106, 107 and 109	P.U.(B) 576/1974
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<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
(ii)	the Social Security Area of Kuala Pilah as delineated in grey on Plan P.G. 294 deposited in the office of the Director of Survey, Negeri Sembilan;		
(iii)	the Social Security Area of Tapah as delineated in grey on Plan P.G. 329 deposited in the office of the Director of Survey, Perak;		
(iv)	the Social Security Area of Kuala Kangsar as delineated in grey on Plan P.G. 328 deposited in the office of the Director of Survey, Perak;		
(v)	the Social Security Area of Telok Intan as delineated in grey on Plan P.G. 326 deposited in the office of the Director of Survey, Perak;		
(vi)	the Social Security Area of Kulim as delineated in grey on Plan P.G. 584 deposited in the office of the Director of Survey, Kedah and Perlis;		
(vii)	the Social Security Area of Dungun as delineated in grey on Plan P.G. 131 deposited in the office of the Director of Survey, Terengganu;		
(viii)	the Social Security Area of Kuala Krai as delineated in grey on Plan P.G. 165 deposited in the office of the Director of Survey, Kelantan;		
(ix)	the Social Security Area of Sungai Patani as delineated in grey on Plan P.G. 586 deposited in the office of the Director of Survey, Kedah and Perlis;		

<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
	(x) the Social Security Area of Rawang as delineated in grey on Plan P.G. 401 deposited in the office of the Director of Survey, Selangor;		
	(xi) the Social Security Area of Temerloh as delineated in grey on Plan P.G. 1069 deposited in the office of the Director of Survey, Pahang;		
	(xii) the Social Security Area of Bentong as delineated in grey on Plan P.G. 1068 deposited in the office of the Director of Survey, Pahang.		

01-07-1975

In—

- | | | | |
|------|--|--|---------------------|
| (i) | that area of land delineated in red on Miscellaneous Plan No. 1062/13 as deposited in the office of the Superintendent of Lands and Survey, First Division, Kuching; | Sections 15(1)(a), 16-21, 35, 49, 57, 96(1)(a) and 96(2) | P.U.(B)
239/1975 |
| (ii) | that area of land of approximately— | | |
| | (a) 7,890 acres shown as survey Lot No. 01200578 in the Kota Kinabalu District; | | |
| | (b) 10 acres shown as survey Lot No. 21200360 in the Penampang District; | | |
| | (c) 6 acres shown as survey Lot No. 21200359 in the Penampang District; | | |
| | (d) 510 acres shown as survey Lot No. 21200358 in the Penampang District, | | |

all of which appear more particularly on Plan No. 99197155 as deposited in the office of the Superintendent of Lands and Surveys, Kota Kinabalu.

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<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
01-12-1976 In—	(i) the whole State of Perlis (except the area of land delineated in grey on Plan P.G. 572 deposited in the office of the Director of Survey, Kedah and Perlis);	Sections 6 to 11, 13, 14, 15 to 55, 57, 67 to 69, 71, 72, 82; Part V and VI, sections 96 to 102, 107 and 109	P.U.(B) 27/1977
	(ii) the whole of Penang Island (except the areas of land delineated in grey on Plans P.G. 75 and P.G. 76 deposited in the office of the Director of Survey, Penang);		
	(iii) the whole of Province Wellesley (except the area of land delineated in grey on Plan P.G. 122 deposited in the office of the Director of Survey, Penang);		
	(iv) the whole District of Kinta (except the area of land delineated in grey on Plan P.G. 247 deposited in the office of the Director of Survey, Perak);		
	(v) the whole District of Johore Bahru (except the area of land delineated in grey on Plan P.G. 659 deposited in the office of the Director of Survey, Johore); and		
	(vi) the whole District of Pontian.		
01-01-1979 In—	(i) Wilayah Persekutuan, Mukim Ampang, Mukims Ulu Kelang and Batu as in Plans P.G. 383, P.G. 417 and P.G. 415 (except the area of land delineated in grey on Plan P.G. 357) deposited in the office of the Director General of Survey and Director of National Mapping, Kuala Lumpur;	Sections 6-11, 13, 14, 15-55, 57, 67-69, 71, 72, 82; Parts V and VI; sections 96-102, 106, 107 and 109	P.U.(B) 711/1978

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<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
	(ii) Petaling District as in Plans P.G. 400 (except the areas of land delineated in grey on Plans P.G. 357 and P.G. 377) deposited in the office of the Director of Survey, Selangor.		
01-10-1980	Whole of Peninsular Malaysia other than in the 31 existing Social Security areas where they are already in force	Sections 6-11, 13, 14, 15-55, 57, 67-69, 71, 72, 82; Parts V and VI; sections 96-102, 106, 107 and 109	P.U.(B) 486/1980
01-01-1980	Throughout Malaysia	Sections 2-12, 14, 33-35 and 38-41	P.U.(B) 544/1980
01-07-1985	Throughout Malaysia	Sections 13, 15-32, 36, 37 and 42	P.U.(B) 315/1985
01-12-1985	In the administrative district boundaries of Kuching (except the area of land delineated in red on Miscellaneous Plan No. 1062/13 as deposited in the office of the Superintendent of Lands and Surveys, First Division, Kuching, Sarawak), Bau, Lundu, Hilir Sadong, Hulu Sadong, Samarahan, Sibul, Oya Dalat, Mukah, Kanowit, Bintulu, Miri, Baram, Sri Aman, Lubuk Antu, Saribas and Kalaka as shown on Miscellaneous Plan No. 60280/1	Sections 6-11, 13, 14, 15-55, 57, 67-69, 71, 72, 82; Parts V and VI; sections 96-102, 106, 107 and 109	P.U.(B) 550/1985

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<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
01-12-1985	In the administrative district boundaries of Kota Kinabalu (except the area of land of approximately 7,890 acres shown as Survey Lot No. 01200578 in the Kota Kinabalu District and more particularly shown on Plan No. 99197155 as deposited in the office of the Director of Lands and Surveys, Kota Kinabalu, Sabah), Penampang (except the area of land of approximately 10 acres shown as Survey Lot No. 21200360, 6 acres shown as Survey Lot No. 21200359 and 510 acres shown as Survey Lot No. 21200358 in the Penampang District and all of which are more particularly shown on Plan No. 99197155 as deposited in the office of the Director of Lands and Surveys, Kota Kinabalu, Sabah), Papar, Tuaran, Ranau, Kota Belud, Sandakan, Kinabatangan, Labuk and Sugut, Tawau, Semporna, Kunak, Lahad Datu, Keningau, Tenom, Tambunan and Pensiangan as shown on Plan No. 99197300.	Sections 6 to 11, 13, 14, 15 to 55, 57, 67 to 69, 71, 72, 82; Parts V and VI; sections 96-102, 106, 107 and 109	P.U.(B) 551/1985
01-01-1987	In the areas of— Federal Territory of Labuan. Administrative districts of Kudat, Kota Marudu, Pitas, Beaufort, Sipitang and Kuala Penyu shown on Plan No. 99197300 with the office of the Director of Lands and Surveys, Kota Kinabalu.	Sections 6-11, 13, 14, 15-55, 57, 67-69, 71, 72, 82; Parts V and VI; sections 96-102, 106, 107 and 109	P.U.(B) 626/1986

<i>w.e.f.</i>	<i>Area</i>	<i>Provisions in force</i>	<i>Authority</i>
	Administrative districts of Kapit, Belaga, Song, Sarikei, Maradong, Julau, Matu Daro, Limbang and Lawas shown on Miscellaneous Plan No. 60280/1 with the office of the Superintendent of Lands and Surveys, Kuching.		

LAWS OF MALAYSIA

Act 4

EMPLOYEES' SOCIAL SECURITY ACT 1969

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A450	Employees' Social Security (Amendment) Act 1979	s. 2–12, 14, 33–35, 38–41: 01-08-1980 s. 13, 15–32, 36, 77 and 42: 01-07-1985
Act A499	Employees' Social Security (Amendment) Act 1980	15-08-1980
Act A590	Employees' Social Security (Amendment) Act 1984	01-01-1985
Act A675	Employees' Social Security (Amendment) Act 1987	01-07-1987 s. 2(e): 01-10-1971 s. 11, 12 (except paragraph (a)(iii)), 20 and 44 (except paragraphs (e) and (f)): 01-01-1986 s. 21: 06-08-1987
Act A814	Employees' Social Security (Amendment) Act 1992	s.16(a): 01-01-1985 s. 18(a): 01-10-1971 s. 26, 30(b) and 31: 01-07-1985 s. 41: 01-07-1987 s. 3, 7, 11–15, 16(b), 17, 18(b),

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Amending law	Short title	In force from
		19, 21, 47 and 48: 01-01-1992 s. 2, 4, 5, 6, 8-10, 20, 22-26, 27- 30(a), 32-12 40, 42-46: 01-07-1992
Act 478	Revocation of Exemption From Payment of Stamp Duty 1992	21-02-1992
Act A830	Employees' Social Security (Amendment) (No. 2) Act 1992	17-07-1992
Act A981	Employees' Social Security (Amendment) Act 1997	s. 3-6, 10, 13-16: 01-05-1997 s. 2, 7-9, 11, 12, 17: 01-08-1997
Act A1232	Employees' Social Security (Amendment) Act 2004	01-05-2005

LAWS OF MALAYSIA

Act 4

EMPLOYEES' SOCIAL SECURITY ACT 1969

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long title	Act A814	01-07-1992
2	Act A450	01-07-1985
	Act A590	01-01-1985
	Act A675	01-07-1987 ss.2(11) from 01-10-1971
	Act A814	01-01-1992
	Act A981	01-08-1997
	Act A1232	01-05-2005
3	Act A675	01-07-1988
	Act A814	01-07-1992
6	Act A450	01-07-1985
	Act A675	01-07-1987
	Act A814	01-07-1992
	Act A1232	01-05-2005
9	Act A675	01-07-1987
9A	Act A675	01-07-1987
	Act A814	01-07-1992

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Section	Amending authority	In force from
9B	Act A814	01-01-1992
10	Act A675	01-07-1987
	Act A1232	01-05-2005
12	Act A814	01-07-1992
	Act A1232	01-05-2005
12A	Act A1232	01-05-2005
12B	Act A1232	01-05-2005
12C	Act A1232	01-05-2005
13	Act A814	01-07-1992
	Act A1232	01-05-2005
13A	Act A1232	01-05-2005
14	Act A1232	01-05-2005
14A	Act A1232	01-05-2005
15	Act A590	01-01-1985
	Act A675	01-07-1987
	Act A814	01-07-1992
17	Act A450	01-07-1985
	Act A675	01-07-1987
	Act A814	01-11-1992
	Act A1232	01-05-2005
17A	Act A675	01-07-1987
	Act A814	01-11-1992
	Act A1232	01-05-2005
18	Act A814	01-11-1992

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Section	Amending authority	In force from
19	Act A450	01-07-1985
	Act A814	01-11-1992
20	Act A450	01-01-1985
	Act A590	01-01-1985
	Act A675	01-01-1986
	Act A814	01-11-1992
20A	Act A1232	01-05-2005
	Act A590	01-01-1985
	Act A814	01-01-1985 para.1(b) from 01-01-1992
	Act A675	01-01-1986 except para.20A(1)(b),(c) 01-07-1987
20B	Act A1232	01-05-2005
	Act A590	01-01-1985
	Act A675	01-07-1987
21	Act A1232	01-05-2005
	Act A450	01-07-1985
	Act A675	01-07-1987
22	Act A1232	01-05-2005
	Act A590	01-01-1985
24	Act A675	01-07-1987
	Act A814	01-01-1992
26	Act A450	01-07-1985

Section	Amending authority	In force from
	Act A814	01-10-1971
	Act A675	01-07-1987
	Act A1232	01-05-2005
27	Act A675	01-07-1987
	Act A1232	01-05-2005
28	Act A675	01-07-1987
29	Act A450	01-07-1985
	Act A590	01-01-1985
	Act A675	01-07-1987
	Act A814	01-11-1992
	Act A1232	01-05-2005
30	Act A675	01-01-1986
	Act A1232	01-05-2005
31	Act A814	01-07-1992
	Act A981	01-05-1997
32	Act A450	01-01-1985
32A	Act A1232	01-05-2005
33A	Act A814	01-01-1992
34	Act A1232	01-05-2005
36	Act A590	01-01-1985
	Act A675	06-08-1982
37	Act A450	01-07-1985
42	Act A981	01-05-1997
43	Act A675	01-07-1987

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Section	Amending authority	In force from
47	Act A450	01-07-1985
49	Act A1232	01-05-2005
50	Act A1232	01-05-2005
51	Act A675	01-07-1987
56	Act A675	01-07-1987
57	Act A675	01-07-1987
	Act A814	01-07-1992
57A	Act A981	01-05-1997
57B	Act A1232	01-05-2005
57C	Act A1232	01-05-2005
58	Act A450	01-07-1985
	Act A675	01-07-1987
59	Act A450	01-07-1985
	Act A981	01-05-1997
59A	Act A450	01-07-1985
59B	Act A450	01-07-1985
	Act A675	01-03-1987
	Act A814	01-07-1992
	Act A981	01-08-1997
59C	Act A450	01-07-1985
	Act A675	01-07-1987
	Act A981	01-08-1997
59D	Act A450	01-07-1985
	Act A675	01-07-1987

Section	Amending authority	In force from
59E	Act A450	01-07-1985
	Act A675	01-07-1987
	Act A981	01-08-1997
59F	Act A450	01-07-1985
	Act A675	01-07-1987
59G	Act A450	01-07-1985
	Act A675	01-07-1987
59H	Act A450	01-07-1985
	Act A675	01-07-1987
59I	Act A450	01-07-1985
	Act A675	01-07-1987
59J	Act A450	01-07-1985
	Act A675	01-07-1987
	Act A814	01-07-1992
59K	Act A450	01-07-1985
	Act A675	01-07-1987
59L	Act A450	01-07-1985
	Act A675	01-07-1987
59M	Act A450	01-07-1985
	Act A675	01-07-1987
59N	Act A450	01-07-1985
	Act A675	01-07-1987
	Act A814	01-07-1992
	Act A1232	01-05-2005

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Section	Amending authority	In force from
59O	Act A450	01-01-1985
	Act A675	01-07-1987
59P	Act A675	01-07-1987
59Q	Act A814	01-07-1992
59R	Act A814	01-07-1992
59S	Act A814	01-07-1992
59T	Act A814	01-07-1992
59U	Act A814	01-07-1992
59V	Act A814	01-07-1992
59W	Act A814	01-07-1992
	Act A1232	01-05-2005
60	Act A450	01-07-1985
	Act A675	01-07-1987
61	Act A450	01-07-1985
	Act A675	01-07-1987
62	Act A450	01-07-1985
	Act A675	01-07-1987
63	Act A450	01-07-1985
	Act A675	01-07-1987
64	Act A450	01-01-1985
	Act A675	01-07-1987
	Act A1232	01-05-2005
65	Act A450	01-07-1985
	Act A675	01-07-1987

Section	Amending authority	In force from
66	Act A450	01-07-1985
	Act A675	01-07-1987
67	Act A675	01-07-1987
68	Act A814	01-07-1992
69	Act A450	01-07-1985
	Act A814	01-07-1992
71	Act A450	01-07-1985
	Act A590	01-01-1985
	Act A675	01-07-1987
	Act A814	01-07-1992
	Act A981	01-05-1997
72	Act A1232	01-05-2005
	Act A450	01-07-1985
72A	Act A814	01-07-1992 para.72(a) from 01-07-1985
	Act A814	01-07-1985
75	Act A450	01-07-1985
	Act A675	01-07-1987
75A	Act A675	01-07-1987
	Act A814	01-07-1992
	Act A981	01-08-1997
75B	Act A814	01-07-1992
	Act A981	01-08-1997

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Section	Amending authority	In force from
78	Act A450	01-01-1985
79	Act A450	01-01-1985
	Act A675	01-07-1987
80	Act A450	01-01-1985
	Act A675	01-07-1987
81	Act A450	01-01-1985
82	Act A450	01-01-1985
	Act A675	01-07-1987
83	Act A450	01-01-1985
	Act A814	01-07-1992
	Act A1232	01-05-2005
84	Act A590	01-01-1985
86	Act A590	01-01-1985
	Act A675	01-01-1987
93	Act A814	01-07-1992
	Act A981	01-05-1997
94	Act A981	01-05-1997
	Act A1232	01-05-2005
94A	Act A675	01-01-1987
	Act A1232	01-05-2005
94B	Act A675	01-07-1987
94C	Act A675	01-07-1987
95	Act A675	01-07-1987
	Act A814	01-07-1992

Section	Amending authority	In force from
	Act A1232	01-05-2005
95A	Act A1232	01-05-2005
96	Act A814	01-07-1992
96A	Act A590	01-01-1985
	Act A814	01-07-1992
100	Act A814	01-07-1992
103	Act A450	01-01-1985
103A	Act A1232	01-05-2005
104	Act A450	01-01-1985
	Act 478	01-02-1992
105	Act A450	01-01-1985
	Act A675	01-07-1987
	Act A814	01-07-1992
	Act A981	01-05-1997
	Act A1232	01-05-2005
106	Act A450	01-07-1985
	Act A675	01-07-1987
106A	Act A675	01-07-1987
	Act A814	01-07-1987
108	Act A450	01-07-1985
108A	Act A1232	01-05-2005
110	Act A450	01-07-1985
	Act A981	01-05-1997
111	Act A814	01-07-1992

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Section	Amending authority	In force from
112	Act A814	01-07-1992
First Schedule	Act A450	01-07-1985
	Act A590	01-01-1985
	Act A675	01-01-1986
	Act A814	01-07-1992
	Act A1232	01-05-2005
Third Schedule	Act A590	01-01-1985
	Act A814	01-07-1992
	Act A1232	01-05-2005
Fourth Schedule	Act A450	01-07-1985
	Act A590	01-01-1985
	Act A675	01-01-1986 p 8 and 9 from 01-07-1987
	Act A814	01-07-1992
	Act A1232	01-05-2005
Fifth Schedule	Act A675	01-07-1987
Sixth Schedule	Act A450	01-07-1985
	Act A675	01-07-1987
	Act A981	01-08-1997
Seventh Schedule	Act A450	01-07-1985
	Act A675	01-07-1987
	Act A814	01-07-1992

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Section	Amending authority	In force from
Eighth Schedule	Act A590	01-01-1985
	Act A675	01-01-1987
	Act A814	01-01-1992
	Act A1232	01-05-2005
Ninth Schedule	Act A675	01-07-1987
Tenth Schedule	Act A814	01-01-1992
	Act A1232	01-05-2005
