

WORKERS' MINIMUM STANDARDS OF HOUSING AND AMENITIES (AMENDMENT) ACT 2019

ACT A1604

COME TO EFFECT ON 1 SEPTEMBER 2020

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PURPOSE OF THE ACT

- To provide minimum standards of accommodation to employees



INTERPRETATION

- “person in charge of accommodation”: means any person appointed by an employer or centralized accommodation provider to be responsible for the management of the accommodation, and safety and health of the employees and other amenities in the accommodation.
- “accommodation”: means any permanent or temporary building or structure including any house, hut, shed or roofed enclosure used for the purpose of human habitation

INTERPRETATION

- “centralized accommodation”: any building used for the housing of employees employed by one or more employers
- “centralized accommodation provider”: means any person who provides and manages a centralized accommodation and supervises the services provided therein for one or more employers, but does not include an employer who provides accommodation for his own employees.

S.24D: CERTIFICATE FOR ACCOMMODATION

- Employers or centralized accommodation providers shall obtain what is known as a Certificate for Accommodation from the Director General of Labour Department Peninsular Malaysia ("DG") to accommodate the employees in the premises.
- An employer who contravenes this section commits an offence and shall on conviction, be liable to a fine not exceeding RM50,000.
- A centralized accommodation provider who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding RM50,000 or to imprisonment for a term not exceeding 1 year or to both.

TYPES OF BUILDINGS THAT CAN BE USED AS ACCOMMODATION OR CENTRALIZED ACCOMMODATION

- (i) Rumah teres / berkembar / banglo;
- (ii) Pangsapuri / Flat / Kondominium;
- (iii) Townhouse;
- (iv) Rumah kedai;
- (v) Kedai Pejabat;
- (vi) Rumah Kampung;
- (vii) Kabin/Rumah Kongsi;
- (viii) SoHo/SoFo;
- (ix) Lain-lain bangunan bukan kediaman yang diubahsuai bagi kegunaan penginapan dan mendapat kelulusan PBT (Pihak Berkuasa Tempatan) mengikut piawaian yang ditetapkan.

PROCESSING FEE FOR CERTIFICATE OF ACCOMMODATION

Accommodation	Not more than 10 employees	RM100
	More than 10 employees	RM300
Centralized Accommodation	Not more than 500 employees	RM2000
	More than 500 employees	RM5000

S.24E: EMPLOYER TO GIVE NOTICE OF OCCUPATION

- An employer is required to inform the DG of such accommodation occupied by his employee within 30 days from the date an employee occupies the accommodation. Failing to do so is an offence and the employer shall, on conviction, be liable to a fine not exceeding RM10,000.

S.24F:ACCOMMODATION TO COMPLY WITH MINIMUM STANDARDS

- An employer or a centralized accommodation provider has the duty to ensure that every accommodation provided for employees complies with minimum standards and that decent and adequate amenities are provided. The latest requirements provided under the Employees' Minimum Standards of Housing, Accommodations and Amenities (Accommodation and Centralised Accommodation) Regulations 2020 are as follows:

EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND AMENITIES (ACCOMMODATION AND CENTRALISED ACCOMMODATION) REGULATIONS 2020

- Providing non-shareable basic amenities: a single bed with a measurement of not less than 1.7 square metres, and if a double-decker bed is provided, the space between the two beds shall not be less than 0.7 metres; a mattress with a minimum thickness of not less than 4 inches, a pillow and a blanket; and a locked cupboard of not less than 0.35 metres length, 0.35 metres width and 0.9 metres height, for the safe custody of the employees' valuables including his passport which may be accessible by the employees at any time;
- Providing a bedroom with floor area of not less than 3.6 square metres per employee for accommodation or a centralized accommodation not in a form of dormitory;



EMPLOYEES' MINIMUM STANDARDS OF HOUSING, ACCOMMODATIONS AND AMENITIES (ACCOMMODATION AND CENTRALISED ACCOMMODATION) REGULATIONS 2020

- Providing a sleeping area with floor area of not less than 3 square metres per employee for accommodation or a centralized accommodation in a form of dormitory;
- Ensuring there is water supply and electricity supply;
- Providing a rest area; dining area with chairs and table; kitchen area; bathroom and toilet (whether separated or together); a fan for each rest area, dining area and bedroom; a lamp for each rest area, dining area, bedroom/sleeping area, kitchen area, bathroom and toilet; an area to hang out clothes; one first aid kit; and dustbin; and
- Where bathroom and toilet (whether separated or together) are concerned, the ratio is 1 bathroom and toilet for every 6 employees not in a dormitory and 1 bathroom and toilet for every 15 employees in a dormitory;

S.24G: DEDUCTION FOR ACCOMMODATION RENTAL.

- Employers are allowed to collect from an employee rental charges for the accommodation provided by the employer or any centralized accommodation provider.
- The maximum rental that may be collected by an employer from an employee shall be RM100.
- Deductions from wages allowed.

S.24H: ACCOMMODATION TO COMPLY WITH THE LAWS OF LOCAL AUTHORITIES

- An employer or a centralized accommodation provider shall not use any building as accommodation if the building is unfit for human habitation. Contravention of this provision is an offence which carries a fine not exceeding RM50,000.

S.24J: DUTIES AND RESPONSIBILITIES IN RESPECT OF SAFETY AND HEALTH

In respect of safety and health, the employer or a centralized accommodation provider who provides accommodation has the following duties and responsibilities

- a. to provide separate accommodation to employees of the opposite gender;
- b. to take necessary preventive measures to ensure employees' safety and well-being;
- c. to take fire safety measures in accordance with the relevant written laws;
- d. to ensure that the electrical wiring systems comply with safety requirements in accordance with the relevant written laws;
- e. to ensure that the employees receive the necessary medical assistance where necessary; and
- f. to take preventive measures to contain the spread of infectious diseases as ordered by the Medical Officer of Health in accordance with the relevant written laws and the employer shall, at his own expense, make arrangements as ordered by the Medical Officer of Health so that all or any of the employees be given immunization against any infectious disease.

S.24K: MAINTENANCE

- It is also the duty of an employer or a centralized accommodation provider to ensure that every accommodation is maintained properly as directed by the DG

S.24L: PERSON IN CHARGE OF ACCOMMODATION

- An employer or a centralized accommodation provider shall appoint at least one person in charge of accommodation who will be responsible for the safety and well-being of the employees and the management of the accommodation and amenities.
- The duties of the person in charge of accommodation include the following:
 - a. Ensure employees comply with the disciplinary rules;
 - b. Visit and inspect the accommodation at least twice a month and keep a record of inspection;
 - c. Ensure employees are taken to a clinic or hospital if the employee complains of his health, or appears to be unwell or suffering from any disease or medical conditions, and keep a record of complaints.

S.24M: NOTICE TO VACATE ACCOMMODATION

- In the event that an employee resigns, or his employment is terminated by not less than 4 weeks' notice, the employee shall vacate the accommodation upon the effective date of his resignation or the date the contract of service is terminated.
- If an employee is terminated by less than 4 weeks' notice or is terminated with immediate effect, the employee shall vacate the accommodation within 4 weeks from the date of the notice or the date the contract of service is terminated.

S24N: EMPLOYER IS NOT OBLIGATED TO PROVIDE ACCOMMODATION FOR EMPLOYEES' DEPENDANTS

- The employer is not obligated to provide accommodation for the employees' dependants.