

# Amendment for off day, step in right direction



Labour lawyer Datuk Thavalingam C. Thavarajah says the Employment Act does apply to maids.

**KUALA LUMPUR:** Who says maids are not protected? There are more than 17 sections in the Employment Act 1955 that apply to maids, both foreign and local.

Labour lawyer Datuk Thavalingam C. Thavarajah said the Employment Act as it stands applies to all maids, irrespective of how much they earn as there is no salary cap on this category of workers.

"The act says that maids have to be paid their wages promptly. This is already under the act, so there is no need to further stipulate that a bank account should be opened for maids to ensure prompt payment."

The maid can file a case in the Labour Court if the employer fails to comply with the act, said Thavalingam.

Among the other provisions of the Employment Act, said Malaysian Bar president Ragunath Kesavan, include Section 24, Section 69, Section 65, Section 79 and Part XVII.

Section 24 is for lawful deductions; section 69 provides for the director-general's power to inquire into complaints on disputes relating to wages or any other payment in cash due to the employee; and Section 65 talks about powers of inspection and inquiry.

Part XVII provides the offences and penalties. However, there are certain provisions that are excluded from applying to maids.

These include provisions on rest days, work on rest days, hours of work, annual leave and sick leave.

Thavalingam said the reason these were excluded from applying to maids was because the nature of their jobs involved long hours of inactive duty.

"Maids don't work continuously for long periods, live with the employers and do not need to clock in and clock out."

Amending the law to provide a day off was a step in the right direction, said Thavalingam. However, he cautions that the move should be one that takes into account both the rights and obligations of the worker as well as the employer.

Enforcement, said Thavalingam, would also have to be looked into. In addition to the amendment for a day off, Ragunath wants a standard employment contract to cover all maids irrespective of their country of origin.

"The act should be amended to include as much of this standard contract as possible to ensure uniformity and statutory protection for maids."