

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act  
4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4

*Incorporating all amendments up to 7 May 2013*

Date of Royal Assent ... ..	2 April 1969
Date of publication in the <i>Gazette</i> ... ..	10 April 1969
English text to be authoritative ... ..	P.U.(B) 80/1969
Date of coming into operation ... ..	See Appendix

**ACT 4**  
**EMPLOYEES' SOCIAL SECURITY ACT 1969**

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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:

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/1.Short title, extent, commencement and application

## **Part I PRELIMINARY**

### **1. Short title, extent, commencement and application**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/2.Definitions

### **2. Definitions**

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 59 B;

**(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;

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

**(5)** Subject to section 3, "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;



**(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 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/3.Applicability

## **Part II INSURABILITY AND CONTRIBUTIONS**

### **3. Applicability**

**(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.

**(3)** This Act shall not apply to persons described in the First Schedule.

**(4)** The Minister may, by order published in the *Gazette*, amend the First Schedule.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act

4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/4.Registration of industries

#### **4. Registration of industries**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/5.All employees to be insured

#### **5. All employees to be insured**

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

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/6.Contributions

#### **6. Contributions**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/7.Principal employer to pay contributions in the first instance

### **7. Principal employer to pay contributions in the first instance**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/8.Recovery of contribution from immediate employer

### **8. Recovery of contribution from immediate employer**

**(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).

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/9.General provisions as to payment of contributions

### **9. General provisions as to payment of contributions**

**(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).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/9A. Contributions where industry or employee is not insured or registered

#### **9A. Contributions where industry or employee is not insured or registered**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/9B. Validation of contribution collected

#### **9B. Validation of contribution collected**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/10. Method of payment of contribution

#### **10. Method of payment of contribution**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/11. Employers to furnish returns and maintain

registers in certain cases

### **11. Employers to furnish returns and maintain registers in certain cases**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/12.Inspectors, their functions and duties

### **12. Inspectors, their functions and duties**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/12A.Powers of examination and search

### **12A. Powers of examination and search**

Subject to any regulations made under section105, 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/12B.Obstruction to exercise of powers by an Inspector

**12B. Obstruction to exercise of powers by an Inspector**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/12C.Power to examine persons

**12C. Power to examine persons**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/13.Determination of contributions in certain cases

### **13. Determination of contributions in certain cases**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/13A. Power of Director General to ask for information and application for search warrant

### **13A. Power of Director General to ask for information and application for search warrant**

**(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--

- (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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/14. Recovery of contributions



#### 14. Recovery of contributions

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

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/14A. Interest on contribution in arrears

#### 14A. Interest on contribution in arrears

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/15. Benefits

### Part III BENEFITS

#### 15. Benefits

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 sixty 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 sixty 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).

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/16. When person considered as suffering from invalidity

#### **16. When person considered as suffering from invalidity**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/17. When insured person eligible for invalidity pension

#### **17. When insured person eligible for invalidity pension**

**(1)** Subject to this Act, an insured person suffering from invalidity as defined in section 16 shall, unless he has attained <sup>\*</sup>sixty years 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.

**(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).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/17A. Qualifying conditions for survivors' pension

#### **17A. Qualifying conditions for survivors' pension**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/18.Omitted or Deleted Section

### **18. Omitted or Deleted Section**

*(Deleted by Act A814)*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/19.Payment of invalidity pension

### **19. Payment of invalidity pension**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/20.Invalidity pension

### **20. Invalidity pension**

**(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.

**(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).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/20A.Survivors' pension

## 20A. Survivors' pension

**(1)** If an insured person who is in receipt of invalidity pension, or if an insured person who has not attained \*sixty 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 \*sixty 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 \*sixty 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/20B.Omitted or Deleted Section

## 20B. Omitted or Deleted Section

*(Deleted by Act A1232).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/21.Invalidity grant

## 21. Invalidation grant

**(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)** Invalidation grant under this section shall ordinarily be payable only when the person has attained sixty 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/22.Disablement benefit

## 22. Disablement benefit

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act

4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/23.Presumption as to accident arising in the course of employment

### **23. Presumption as to accident arising in the course of employment**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/24.Accidents while travelling

### **24. Accidents while travelling**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/25.Accidents happening while meeting emergency

### **25. Accidents happening while meeting emergency**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/26.Dependants' benefit

### **26. Dependants' benefit**

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

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/27.Omitted or Deleted Section

## **27. Omitted or Deleted Section**

*(Deleted by Act A1232).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/28.Occupational diseases

## **28. Occupational diseases**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/29.Funeral benefit

## **29. Funeral benefit**

**(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 sixty 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 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 sixty 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 sixty 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/30. Constant-attendance allowance

### **30. Constant-attendance allowance**

\*An insured person who is entitled to invalidity pension or permanent total disablement benefit shall also be entitled to constant-attendance allowance at a rate 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/31.Liability of employer and his servant

### **31. Liability of employer and his servant**

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].

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/32.Determination of question of invalidity or disablement

### **32. Determination of question of invalidity or disablement**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/32A.Determination of occupational diseases

### **32A. Determination of occupational diseases**

(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 disable 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/33.References to medical boards and appeals to appellate medical board

### **33. References to medical boards and appeals to appellate medical board**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/33A.Insured person dies before medical board examination

### **33A. Insured person dies before medical board examination**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/34.Review of decisions by medical board or appellate medical board

#### **34. Review of decisions by medical board or appellate medical board**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/35.Review of invalidity pension

#### **35. Review of invalidity pension**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/36.Review of dependants' benefit

### **36. Review of dependants' benefit**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/37.Medical benefit

### **37. Medical benefit**

(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).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/38.Scale of medical benefit

### **38. Scale of medical benefit**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/39.Establishment and maintenance of hospitals, etc.

### **39. Establishment and maintenance of hospitals, etc.**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/40.Organization's power to co-operate with existing institutions or promote measures for health, welfare, etc., of insured persons

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

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/41.Benefit not assignable or attachable

**41. Benefit not assignable or attachable**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/42.Omitted or Deleted Section

**42. Omitted or Deleted Section**

*(Deleted by Act A981).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/43.Persons not to commute cash benefits

**43. Persons not to commute cash benefits**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/44.Persons not entitled to receive benefits in certain cases

**44. Persons not entitled to receive benefits in certain cases**

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

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/45.Claimant of disablement benefit or invalidity pension to observe conditions

#### **45. Claimant of disablement benefit or invalidity pension to observe conditions**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/46.Recipients of disablement benefit to observe conditions

#### **46. Recipients of disablement benefit to observe conditions**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/47.Omitted or Deleted Section

#### **47. Omitted or Deleted Section**

*(Deleted by Act A450).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/48.Organization's right where a principal employer fails or neglects to pay any contribution

#### **48. Organization's right where a principal employer fails or neglects to pay any contribution**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/49.Suspension of invalidity pension

#### **49. Suspension of invalidity pension**

**(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 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/50.Repayment of benefit improperly received

#### **50. Repayment of benefit improperly received**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/51.Payment of amount of benefit outstanding at the time of the death of the insured person

### **51. Payment of amount of benefit outstanding at the time of the death of the insured person**

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).

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/52.Employer not to reduce wages, etc.

### **52. Employer not to reduce wages, etc.**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/53.Employer not to dismiss or punish employee during period of temporary disablement

### **53. Employer not to dismiss or punish employee during period of temporary disablement**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/54.Claim for benefits

### **54. Claim for benefits**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/55.Reporting of change in condition, etc.

#### **55. Reporting of change in condition, etc.**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/56.Discretion to compute the qualifying period and the rate of monthly invalidity pension

#### **56. Discretion to compute the qualifying period and the rate of monthly invalidity pension**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/57.Facilities for physical or vocational rehabilitation

#### **57. Facilities for physical or vocational rehabilitation**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/57A.Education benefit

#### **57A. Education benefit**

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 sixty 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/57B.Organization to be responsible for the recovery and collection of repayments of educational loans

#### **57B. Organization to be responsible for the recovery and collection of repayments of educational loans**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/57C.Appointment of collection agents

#### **57C. Appointment of collection agents**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/58.Administration of the Social Security Scheme

### **Part IV ADMINISTRATION, FINANCE AND AUDIT**

#### **58. Administration of the Social Security Scheme**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59.Chief Executive Officer

### **59. Chief Executive Officer**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59A.The Social Security Organization

### **59A. The Social Security Organization**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59B.Establishment of the Board

### **59B. Establishment of the Board**

**(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 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59C.Minister shall appoint any person to act as Chairman

#### **59C. Minister shall appoint any person to act as Chairman**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59D.Sixth Schedule to apply to Board

#### **59D. Sixth Schedule to apply to Board**

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

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59E.Cessation of membership of Board

**59E. Cessation of membership of Board**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59F.Disqualification

**59F. Disqualification**

(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*.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59G.Application of the Public Authorities Protection Act 1948

**59G. Application of the Public Authorities Protection Act 1948**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59H.Public servants and public officers

**59H. Public servants and public officers**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59I.Board to give effect to Minister's directions

**59I. Board to give effect to Minister's directions**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59J.Delegation of power

**59J. Delegation of power**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59K.Administrative control of officers and servants by Director General

**59K. Administrative control of officers and servants by Director General**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59L.Appointment of officers and servants

**59L. Appointment of officers and servants**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59M.Setting up divisions, regional offices, etc.

**59M. Setting up divisions, regional offices, etc.**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59N.Power to dispose of staff questions

**59N. Power to dispose of staff questions**

**(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:

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59O.Power to make staff rules

**59O. Power to make staff rules**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59P.Committees

**59P. Committees**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59Q.Disciplinary Committee



**59Q. Disciplinary Committee**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59R.Discipline of officers

**59R. Discipline of officers**

- (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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59S.Establishment of Disciplinary Appeal Board

**59S. Establishment of Disciplinary Appeal Board**

- (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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59T.Power to make disciplinary rules

#### **59T. Power to make disciplinary rules**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59U.Imposition of surcharge

#### **59U. Imposition of surcharge**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59V.Establishment of Promotion Board

#### **59V. Establishment of Promotion Board**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/59W.Establishment of Promotion Appeal Board

#### **59W. Establishment of Promotion Appeal Board**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/60-63.Omitted or Deleted Section

#### **60-63. Omitted or Deleted Section**

*(Deleted by Act A675).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/64.Fees and allowances

#### **64. Fees and allowances**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/65-67.Omitted or Deleted Section

#### **65-67. Omitted or Deleted Section**

*(Deleted by Act A675).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/68.Social Security Fund

#### **68. Social Security Fund**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/69.Administration of the Fund

#### **69. Administration of the Fund**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/70.Acceptance of grants, donations, etc.

#### **70. Acceptance of grants, donations, etc.**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/71.Purposes for which the Fund may be expended

#### **71. Purposes for which the Fund may be expended**

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;
- (viii a) 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/72.Expenditure on administration

#### **72. Expenditure on administration**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/72A.Withdrawal from Fund for loans

#### **72A. Withdrawal from Fund for loans**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/73.Administrative expenditure Government's responsibility

#### **73. Administrative expenditure Government's responsibility**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/74.Holding of property, etc.

#### **74. Holding of property, etc.**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/75.Investment of funds

#### **75. Investment of funds**

**(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

- (c) or sought to be quoted on the stock exchange established in Malaysia; and  
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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/75A.Investment Panel

**75A. Investment Panel**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/75B.Omitted or Deleted Section

**75B. Omitted or Deleted Section**

*(Deleted by Act A981).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/76.Raising of loans

## **76. Raising of loans**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/77.Budget estimates

## **77. Budget estimates**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/78.Accounts

## **78. Accounts**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/79.Audit

## **79. Audit**

- (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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/80.Annual Report

## **80. Annual Report**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act



4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/81. Annual report and audited accounts

### **81. Annual report and audited accounts**

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

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/82. Valuation of assets and liabilities

### **82. Valuation of assets and liabilities**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/83. Constitution of Social Security Appellate Board

## **Part V ADJUDICATION OF DISPUTE AND CLAIMS**

### **83. Constitution of Social Security Appellate Board**

(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*).

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act

4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/84.Matters to be decided by the Board

#### **84. Matters to be decided by the Board**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/85.Institution of proceedings, etc.

#### **85. Institution of proceedings, etc.**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/86.Commencement of proceedings

### **86. Commencement of proceedings**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/87.Powers of Social Security Appellate Board

### **87. Powers of Social Security Appellate Board**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/88.Appearance by legal practitioners, etc.

**88. Appearance by legal practitioners, etc.**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/89.Benefit not admissible unless claimed in time

**89. Benefit not admissible unless claimed in time**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/90.Reference to High Court

**90. Reference to High Court**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/91.Appeal

**91. Appeal**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/92.Stay of payment pending appeal

**92. Stay of payment pending appeal**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act

4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/93.Punishment for false information

## **Part VI PENALTIES**

### **93. Punishment for false information**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/94.Punishment for failure to pay contributions, etc.

### **94. Punishment for failure to pay contributions, etc.**

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;
- (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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/94A.Court's order in respect of contributions due and payable to the Organization

### **94A. Court's order in respect of contributions due and payable to the Organization**

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/94B.Trial for more than one offence

#### **94B. Trial for more than one offence**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/94C.Copy of entry to be prima facie evidence

#### **94C. Copy of entry to be prima facie evidence**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/95.Prosecution

#### **95. Prosecution**

(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*).

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/95A.Compounding of offences

#### **95A. Compounding of offences**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/96. Insured person not entitled to more than one benefit

## **Part VII MISCELLANEOUS**

### **96. Insured person not entitled to more than one benefit**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/96A. Dependant not entitled to both survivor's pension and dependants' benefit for the same period

### **96A. Dependant not entitled to both survivor's pension and dependants' benefit for the same period**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/97. Exemption of industry or class of industries

### **97. Exemption of industry or class of industries**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/98. Exemption of persons or class of persons

### **98. Exemption of persons or class of persons**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/99.Organization to make representation

### **99. Organization to make representation**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/100.Exemption of industries belonging to Government or local authority

### **100. Exemption of industries belonging to Government or local authority**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/101.Exemption from one or more provisions of the Act

### **101. Exemption from one or more provisions of the Act**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/102.Contributions, etc., due to Organization to have priority over other debts

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

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/103.Exercise of powers and functions of the Organization

### **103. Exercise of powers and functions of the Organization**



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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/103A.Disposal of documents after more than three years

#### **103A. Disposal of documents after more than three years**

**(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].

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/104.Omitted or Deleted Section

#### **104. Omitted or Deleted Section**

*(Deleted by Act 478).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/105.Power of the Minister to make regulations

#### **105. Power of the Minister to make regulations**

**(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;
- (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.

### **106. Duty of Board to review benefits**

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--

- (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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/106A.Rates of benefit

#### **106A. Rates of benefit**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/107.Addition of benefits

#### **107. Addition of benefits**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/108.Power to remove difficulties

#### **108. Power to remove difficulties**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/108A.Joint and several liability of directors

#### **108A. Joint and several liability of directors**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/109.Recovery of contribution, etc.

#### **109. Recovery of contribution, etc.**

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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/110.Powers of Director General

#### **110. Powers of Director General**

**(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.

**(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/111.Organization to deal with authorized person

#### **111. Organization to deal with authorized person**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/112.Benefit for two or more successive accidents

#### **112. Benefit for two or more successive accidents**

(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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/112A.Electronic submission of documents

#### **112A. Electronic submission of documents**

(1) Subject to subsection (2), the Organization may allow any returns, statements, particulars, records, notice, reports, register or other documents required to be submitted or furnished under this Act or regulations made under this Act by an electronic medium or by way of an electronic transmission.

(2) The conditions and specifications under which the returns, statements, particulars, records, notice, reports, register or other documents referred to in subsection (1) are to be submitted or furnished shall be as determined by the Organization.

(3) The returns, statements, particulars, records, notice, reports, register or other documents referred to in subsection (1) shall be deemed to have been submitted or furnished by a person to the Organization on the date the acknowledgment of receipt of such documents is transmitted electronically by the Organization to the person.

(4) The acknowledgment of receipt by the Organization, returns, statements, particulars, records, notice, reports, register or other documents submitted or furnished pursuant to subsection (3) shall be admissible as evidence in any proceedings.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/First Schedule

#### **First Schedule**

[ Section 3]

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

(13) (*Deleted - Act A1445*).

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/Second Schedule

## Second Schedule

[Section2]

PART I

*List of injuries deemed to result in permanent total disablement*

Serial No.	Description of Injury	Percentage of loss of earning capacity
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*

Serial No.	Description of Injury	Percentage of loss of earning capacity
<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
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 trenchanter	80
18.	Amputation below hip with stump exceeding 5" in length measured from tip of great trenchanter 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
Serial No.	Description of Injury	Percentage of loss of earning capacity
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

*Other injuries*

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
Serial No.	Description of Injury	Percentage of loss of earning capacity
	<i>Ring or little finger</i>	
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	
	<i>Great toe</i>	
40.	Through metatarso-phalangeal joint	14
41.	Part, with some loss of bone	3
	<i>Any other toe</i>	
42.	Through metatarso-phalangeal joint	3
43.	Part, with some loss of bone	1
	<i>Two toes of one foot, excluding great toe</i>	
44.	Through metatarso-phalangeal joint	5
45.	Part, with some loss of bone	2
	<i>Three toes of one foot, excluding great toe</i>	
46.	Through metatarso-phalangeal joint	6
47.	Part, with some loss of bone	3
Serial No.	Description of Injury	Percentage of loss of earning capacity
	<i>Four toes of one foot, excluding great toe</i>	
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.)		

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/Third Schedule

### 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.**

Monthly Wages	Employer's Contribution	Employee's Contribution	Total
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
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).

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

Monthly Wages	Employer's Contribution
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
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

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#### 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.

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.

Actual monthly wage of the month	First Category	Second Category	Corresponding assumed monthly wage for the month
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
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 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

## PART I

AGENT	DISEASE	OCCUPATION/INDUSTRY
<i>Chemicals-Metals and its compounds</i>		<i>Occupations involving the use or handling of (manufacture, transport, storage, disposal) and exposure to the metal and its toxic fumes, dust or vapour or its compound exceeding Permissible Exposure Limits</i>
1. Aluminium	Respiratory irritant, chronic bronchitis, pulmonary fibrosis, dermatitis	Exposure during welding of aluminium metal; use as phosphor binders, manufacture of cans, containers and wrappings, pigments, paints, catalysts, alloys, engine and aircraft components, electric wires and cables, window frames, antiperspirants and in aluminium reduction plants
2. Antimony	Dermatitis pneumoconiosis, haemolysis, anuria, nasal septum perforation, myocardial injury, lung cancer (Antimony trioxide)	Exposure during use as a flame retardant for plastics, paint, textiles, paper, rubber and adhesives, alloys in production of battery grids, type casting, cable sheath and manufacture of semiconductor devices
3. Arsenic	Encephalopathy, peripheral neuritis, polyneuropathy, acquired haemolytic anaemia, glomerular and tubular damage, nasal septum perforation, skin hyperkeratosis, lung fibrosis, dystrophy of corneal surface, hepatic angiosarcoma cancer of skin and lung	Exposure during mining, alloy production, copper smelting, production and use of arsenic pesticide, herbicides, insecticides; use in the microelectronic industry; and used as pigment and refining agents in glass manufacture, preservative in tanning wood and cable sheaths
4. Barium	Benign pneumoconiosis (baritosis), local irritation	Exposure during the manufacture of aluminium alloys, ceramics (as flux), welding rod fluxes, flares and fireworks, lubricating oil detergents, rubber, paint, paper, linoleum and plastics (as filler) hair removers, pesticide; during barite ore refining
5. Beryllium	Chronic beryllium disease, tracheobronchitis, pneumonitis dermatitis (ulceration or granuloma), berylliosis, lung cancer	Exposure during production of hard, corrosion-resistant alloys in aerospace industry, nuclear reactors; ceramic and refractory products, electrical contacts, switches, welding electrodes, cathode ray tubes, metallic alloys and lithography for the electronics industry
6. Boron	Respiratory and skin irritation, Central nervous system depression, mental behavior disorders, renal damage	Exposure during degassing and deoxidising of metals; steel hardening process; metallurgic processes (as fluxes and

		shielding slag); use in atomic reactors as neutron absorber; glass fibers production and in bleaching products
7. Cadmium	Osteomalacia, pneumonitis, emphysema, tubular and glomerular damage with renal failure, anosmia, lung cancer	Exposure during electroplating; manufacture of nickel-cadmium batteries, high speed bearings, soldering, welding and silver brazing (as fillers); use in plastics industry (stabiliser); use as pigments (in rubber, ink, plastics, paint, textiles) and jewellery manufacture
8. Chromium	Nasal and skin ulcer, nasal septum perforation, tubular necrosis, allergic and irritant dermatitis, asthma	Exposure during electroplating, dye or pigment manufacture and welding
9. Cobalt	Allergic contact dermatitis, hard metal lung disease, cardio-myopathy	Exposure during manufacture of high temperature alloys for jet engines
10. Copper	Haemolysis, pulmonary fibrosis, metal fume fever	Exposure during electroplating, manufacture of rayon, pigments and copper based fungicide
11. Lead		
(a) Inorganic	Anaemia, polyneuropathy, toxic encephalopathy, neurobehavioural disturbances, haemolysis and acute renal failure	Exposure during lead and zinc mining or extraction; use in plumbing, ammunition, ceramics, crystal, lead storage batteries manufacture; welding or cutting, spray printing and pottery
(b) Organic Alkyl lead compounds	Hallucinations, agitation, mental confusion, coma	Exposure during fuel production, transportations of antiknock agents, blending antiknock fluid and raw gasoline at refineries of antiknock agents; cleaning of tanks containing leaded gasoline or aviation fuel
12. Manganese	Chemical pneumonitis, secondary parkinsonism, encephalopathy, renal injury, metal fume fever	Exposure during mining and processing, grinding, smelting, metallurgy, welding and pottery glazing; manufacture of dry batteries and fungicides; use as oxidizing agent in the chemical industry and in production of steel and alloys
13. Mercury		
(a) Organic methyl mercury	Central nervous system toxicity characterised by combined cerebellar and cortical degeneration	Exposure during use in the manufacture of antiseptics, germicides, diuretics, contraceptives, pesticides (algicides, fungicides), paints and waxes and in the chemical industry (catalyst and alkylating agents)
(b) Inorganic mercury	Central nervous system toxicity characterised by tremor and neuropsychiatric disease	Exposure during electrolytic production of sodium hydroxide and chlorine, battery production, fungicide manufacture, metallurgy and manufacture of mercury containing equipment
14. Nickel	Allergic contact dermatitis, asthma, interstitial pneumonitis, nasal and lung cancer (Nickel bisulphide)	Exposure during concentrating, smelting or refining in the nickel producing industry, stainless steel production, manufacture of batteries, metallurgy, alloys, electroplat-



		ing; use as catalysts and pigments; sulphide nickel ore miners and high nickel alloy manufacture workers
15. Nickel carbonyl	Interstitial pneumonitis, pulmonary and cerebral oedema, cerebral haemorrhage	Exposure to nickel carbonyl gas during refining of nickel
16. Phosphorus	Necrosis of jaw, dermal burns, respiratory irritation, hepatic and renal toxicity	Exposure during use as fertilizer; use in beverage and dentifrices production (phosphoric acid salts); pesticides/rodenticide, flame retardants, gasoline and lube oils production (inorganic phosphorus compounds); explosives, ammunitions and match production (red phosphorus)
17. Platinum	Asthma, allergic contact dermatitis, allergic rhinitis	Exposure during use in electroplating, platinum refinery operations and manufacture of fluorescent screen
18. Selenium	Pulmonary oedema, skin irritant allergic dermatitis and skin burns	Exposure to elemental selenium in electronics, glass, ceramic, plastic and rubber industries
19. Thallium	Sensori-motor polyneuropathy	Exposure during use as rodenticide, manufacture of electronic components and optical lens
20. Tin		
(a) Inorganic	Respiratory irritation, benign pneumoconiosis (stannosis) seizures, skin irritation and fits	Exposure during use in electroplating, canning, soldering, tin alloy processes
(b) Organic organotin (trimethyl, triethyltin)	Irritation of eyes, mild to severe skin and mucous membrane irritation, cerebral oedema, hepatic necrosis and fits	Exposure during use as stabiliser in plastics and oil, as catalysts in curing rubber; as preservatives in textile and leather and as biocides in marine plants
21. Uranium	Kidney disease, lung cancer, radiation sickness	Exposure during mining and use of uranium
22. Vanadium	Respiratory irritation, asthma, allergic dermatitis	Exposure during use in production of ferrovanadium, vanadium alloys, use as catalyst and coating
23. Zinc	Pulmonary irritation and oedema	Exposure during use in galvanising steel and other metals, die cast for use in automotive parts and electrical equipment

## PART II

<i>AGENT</i>	<i>DISEASES</i>	<i>OCCUPATION/INDUSTRY</i>
<i>Acid and Alkali</i>		<i>Occupations involving the use or handling of (manufacturing, transport, storage, disposal) and exposure to, the acid and alkali and its toxic vapour, or its compound exceeding Permissible Exposure Limits</i>

1. Acetic acid	Respiratory irritation, bronchitis, pharyngitis	Exposure during use in photographic development; manufacture of glycine, drugs, dyes and herbicides
2. Acrylic acid	Irritation of the eyes, skin and respiratory system; eye and skin burns; skin sensitisation	Exposure during use in resin, plasticiser and drug production
3. Chromic acid (chromates or dichromates)	Nasal and skin ulceration, perforation of the nasal septum	Exposure during use in chromium plating, process engraving, cement manufacture, anodizing, metal cleaning, tanning, manufacture of ceramic glazes and paints
4. Formic acid	Irritation of the eyes, skin, throat; skin burns, dermatitis	Exposure during use in textile industry, leather industry, nickel plating and as a coagulant for rubber latex
5 Fumaric acid	Mild skin and mucous membrane irritation	Exposure during use in manufacture of synthetic resins, dyes, surface coatings, inks and plasticisers
6. Glycolic acid	Skin and eye burns	Exposure during use in leather, textile, adhesive and plastic industries
7. Hydrochloric acid	Irritation eyes and skin	Exposure during use in steel pickling, chemical manufacturing and thermal degradation of polyvinyl chloride
8. Hydrofluoric acid	Osteosclerosis, skin burns	Exposure during use as an intermediate in the production of fluorocarbons; use in metal cleaning, glass etching and polishing applications
9. Nitric acid- Nitrous fumes	Bronchiolitis fibrosa obliterans	Exposure during production of ammonium potassium nitrate, explosives, adipic acid, isocyanides and fertilizers
10. Phosphoric acid	Irritant dermatitis, respiratory irritation, pulmonary oedema	Exposure during production of fertilizers, detergents and cleansers
11. Sulphuric acid	Laryngeal and lung cancer	Exposure during manufacture of fertilizers, nitrobenzene; electroplating and petroleum refining

## PART III

<i>AGENT</i>	<i>DISEASE</i>	<i>OCCUPATION/INDUSTRY</i>
<i>Gases</i>		<i>Occupations involving the use or handling of (manufacturing, transport, storage, disposal) and exposure to gases exceeding Permissible Exposure Limits</i>
1. Ammonia	Reactive airway dysfunction syndrome, bronchiolitis obliterans, chronic respiratory insufficiency	Exposure during use in refrigeration work, plastic manufacture, petroleum refining and jewellery electroplating
2. Carbon dioxide	Simple asphyxiant, coma, anoxic brain injury, cardiac arrest	Exposure during blasting, use in manufacture of mineral water, fermentation in breweries and the formation of lime in

3. Carbon monoxide	Asphyxiant, anoxic brain injury, cardiac ischemia	lime kilns Exposure during use of non-electric fork lift used indoors, dynamite, gunpowder for blasting in subterranean galleries; use in illuminating gas, fire fighting, garage works, power of producer gas, blast furnaces, stoves for the burning of charcoal coke and other fuel, gas engines
4. Diethylene dioxide (dioxane)	Acute renal failure, liver necrosis	Exposure during use in paint diluents, cleaning agents and in the semiconductor industry
5. Ethylene oxide	Respiratory tract irritation, cancer, polyneuropathy, cataract	Exposure during use in manufacture of ethylene glycol, glycol ethers and medical products; use as a pesticide fumigant, sterilant in hospitals
6. Formaldehyde	Contact dermatitis, bronchitis, asthma, nasopharynx and lung cancer	Exposure during use in mortuary, tissue preservative, laboratory workers
7. Halogens	Chemical asphyxiants	Exposure during use for water sterilisation
8. Hydrogen cyanide	Anoxic brain injury, skin corrosion, optic atrophy	Exposure during use in fogging, metal plating operations, extraction of silver and gold salts from ores
9. Hydrogen fluoride	Skin burns, fluorosis, reactive airways dysfunction syndrome, bronchiolitis obliterans, chronic respiratory insufficiency	Exposure during use in plastic industry and microelectronics
10. Hydrogen sulphide	Respiratory and mucous membrane irritation, anoxic brain injury	Exposure during use in geothermal and fossil fuel energy extraction; use as agricultural disinfectant by farmers, sewage and manure pit workers
11. Nitric oxides, Nitrogen dioxide	Simple asphyxiant, aggravates asthma	Exposure during welding; used in paper industry
12. Ozone	Aggravates asthma	Exposure during welding and photocopying process
13. Phosgene	Reactive airway dysfunction syndrome, pulmonary oedema, bronchiolitis	Exposure during use in manufacture of isocyanate, pesticide, dyes, and pharmaceuticals; exposure during arc welding

## PART IV

<i>AGENT</i>	<i>DISEASE</i>	<i>OCCUPATION/INDUSTRY</i>
<i>Solvents</i>		<i>Occupations involving the use or handling of (manufacturing, transport, storage, disposal) and exposure to solvents exceeding Permissible Exposure Limits</i>
1. Carbon bisulphide	Encephalopathy, psychosis, central scotoma, neurobehavioral abnormal-	Exposure during manufacture of rayon, insecticides, herbicides, lacquer and var-

	ities, parkinsonism, peripheral neuritis, respiratory irritation and renal disease	nish and in laboratory work
2. n-hexane	Central nervous system, depression, neurobehavioural dysfunction, polyneuropathy, dermatitis	Exposure during use as solvent in glues, rubber cements, varnishes, inks, and extraction process in laboratories
3. Acrylamide monomer	Axonal neuropathy with numbness. Central nervous system effects-ataxia, tremor, dysarthria, blistering of skin	Exposure to acrylamide monomer during its manufacture, in the polymer production, in surface coating industries; use in chemical processing, water treatment and mineral separation
4. Cyclohexane, kerosene	Defatting dermatitis, central nervous system depression) depression, disequilibrium, dermatitis, neurobehavioural dysfunction	Exposure during use as industrial solvent and in the synthesis of nylon
5. Aromatic hydrocarbons		
(a) Benzene and its homologues	Acute non-lymphatic leukaemia, aplastic anaemia, agranulocytosis, methaemoglobinaemia	Exposure during paint removal and degreasing; use as a solvent in petroleum industry; coke ovens; in the production of dry cleaning agents
(b) Its toxic amino-or chloro-or nitro derivatives	Dermatitis, toxic encephalopathy, neurobehavioral dysfunction, peripheral neuropathy	Exposure during use in manufacture of explosives and dye industries
(c) Styrene	Dermatitis, toxic encephalopathy, neurobehavioral dysfunction, peripheral neuropathy	Use in the manufacture of synthetic rubber, as monomer or copolymer for polystyrene acrylonitrile-butadiene-styrene (ABS) resins
(d) Toluene	Dermatitis, toxic encephalopathy, neurobehavioral dysfunction, peripheral neuropathy	Use as solvent in chemical industry and laboratories
(e) Xylene	Dermatitis, toxic encephalopathy, neurobehavioral dysfunction, peripheral neuropathy	Use as substrate for organic synthesis
6. Methyl alcohol	Optic neuropathy (Methyl alcohol) and central nervous system depression	Exposure during use as industrial intermediate, solvent, ingredient of antifreeze and fuel
7. Carbon tetrachloride	Liver and kidney toxic	Exposure during production of chlorofluorocarbon, chlorinated rubber, pharmaceuticals, pesticides and antiknock agents
8. 2 methoxyethanol	Encephalopathy, anaemia, defatting dermatitis	Exposure during use as solvent; manufacture of anti-freezing and polyesters
9. Ketones		
(a) Methyl n-butyl ketone (MnBK)	Encephalopathy, sensori-motor polyneuropathy, mental and behaviour disorders, optic neuropathy	Exposure during use as industrial solvent and varnish remover
(b) Methyl iso-butyl Ketone (MiBK)	Peripheral neuropathy	Exposure during use as a solvent in paint and as extraction solvent in pharmaceutical industry
(c) Methyl ethyl ketone (MEK)	Peripheral neuropathy in conjunction with n-hexane or Methyl n-butyl	Exposure during use as solvent; in vegetable-oil extraction and separation in petro-

	ketone	chemical industry
10. Methylene Chloride	Liver toxin, increases carboxy-haemoglobin	Exposure during use in manufacture of toys and plastic products
11. Methyl chloride (chloro-methane)	Toxic to brain, liver, kidneys and lungs, fits, ataxia and diplopia	Exposure during production of methyl silicon polymers and resins, use as a methylating agent in the productions of butyl rubber
12. Tetrachlore- thane	Powerful narcotic, central nervous system and liver toxicity, skin irritant	Exposure during use in aircraft manufacturing: use as a solvent; preparation of aero plane fabric; manufacture of artificial pearl and leather
13. Trichloro-methane(chloroform)	Liver toxin, anesthetic	Exposure during use in laboratory work and industrial solvent
14. Trichloro-ethylene	Narcotic effect, euphoria, dizziness, confusion, drowsiness, loss of consciousness, chemical pneumonitis, kidney and liver damage, dermatitis	Exposure during use in degreasing, lens cleaning; as solvent for extraction and chemical intermediate
15. 1, 1, 2 Trichloroethane	Depression of central nervous system, toxic encephalopathy	Exposure during use as chemical intermediate and solvent
16. Aldehyde based solvents		
(a) Formaldehyde	Eye irritation, contact dermatitis, bronchitis, asthma, naso-pharyngeal cancer and lung cancer	Exposure during use in production of formaldehyde and its polyacetal and phenolic resin, plastics, plywood glue; manufacture of urea; as intermediate in chemical synthesis, moulding compounds, foundry resins; preservation and disinfection; adhesives for insulation; slow release fertilizers and formaldehyde based textile finishes
(b)Glutaraldehyde	Skin eye and lung irritant, occupational asthma, allergic dermatitis	Exposure during use as biological fixative in laboratories, tanning and chemical synthesis
17. Bis (Chloromethyl) ether (BCME)	Respiratory irritation, lung cancer (mainly oat cell type)	Exposure during use in preparation of ion exchange resins

## PART V

<i>AGENT</i>	<i>DISEASE</i>	<i>OCCUPATION/INDUSTRY</i>
<i>Pesticides</i>		<i>Occupations involving the use or handling of (manufacturing, transport, storage, disposal) and exposure to pesticides, vapour, dust or its compound exceeding the Permissible Exposure Limits</i>
1. Dipyridyls (Diquat, Paraquat)	Acute respiratory distress syndrome, pulmonary fibrosis, corneal injury, central nervous system disturbance, renal and hepatotoxicity	Exposure during use as herbicides by farmers, pesticide manufactures, pesticide sprayers and agricultural researchers

2. Carbamates (dimethyldithio carbamate)	Irritant dermatitis, delayed polyneuropathy bronchospasm, pancreatitis	Exposure during use as insecticides by farmers, pesticide manufactures, pesticide sprayers and agricultural researchers
3. Chlorophenoxy compounds (2-4 Dichloro phenoxy acetic acid)	Hypotension, respiratory failure, muscle weakness and spasm, rhabdomyolysis	Exposure during use as herbicide by farmers, pesticide manufactures, pesticide sprayers and agricultural researchers
4. Fungicides Dithiocarbamates and thiocarbamates (ethylene-bisdithiocarbamate, Dimethyldithio-carbamate)	Irritant and allergic dermatitis, thyroid adenocarcinoma	Exposure during use as fungicide by farmers, pesticide manufactures, pesticide sprayers and agricultural researchers
5. Glyphosate	Hypotension, dysarrhythmia, pulmonary oedema, aspirationpneumonitis, mucous membrane irritation, contact dermatitis, liver toxicity	Exposure during use as herbicide by farmers, pesticide manufactures, pesticide sprayers and agricultural researchers
6. Organochlorine (Aldrin, chlordane, endosulfan, endrin, lindane)	Central nervous system excitation, fits, aplastic anaemia	Exposure during use as insecticide by farmers, pesticide manufactures, pesticide sprayers and agricultural researchers
7. Methyl bromide (Bromome-thane)	Encephalopathy, respiratory distress, fits, peripheral neuropathy, liver toxic	Exposure during use as fumigation agent
9. Nitrophenol	Kidney and liver damage, methemoglobinemia, Central nervous stimulant	Exposure during use as herbicide, insecticide, fungicide by farmers, pesticide manufactures, pesticide sprayers and agricultural researchers
10. Organophosphate phosphorus or it's inorganic compound	Irritant dermatitis, persistent central nervous system toxicity, delayed polyneuropathy, bronchospasm, pancreatitis	Exposure during use as insecticide by farmers, pesticide manufactures, sprayers and agricultural researchers
11. Synthetic pyrethroids (Permethrin, deltamethrin)	Asthma, allergic and irritant contact dermatitis, allergic rhinitis, thrombocytopenia	Exposure during use as insecticide by farmers, pesticide manufactures, sprayers and agricultural researchers
12. Pentachloro-phenol	Skin and respiratory tract irritation, systemic collapse, chloracne, bronchitis, bone marrow aplasia, visual loss	Exposure during use as insecticide and wood preservative
13. Rodenticides		
(a) Warfarin	Bleeding from mucous membrane and gastrointestinal tract	Exposure during use as rodenticides by farmers, manufacturers and agricultural researchers
(b) Zinc phosphide	Severe pulmonary irritation, fits, renal and liver toxicity	Exposure during use as fumigant gas, rodenticide baits

## PART VI

<i>AGENT</i>	<i>DISEASE</i>	<i>OCCUPATION/INDUSTRY</i>
<i>Physical agents</i>		<i>Occupations involving the exposure to</i>

		<i>these physical agents and exceeding Permissible Exposure Limits</i>
1. Noise	Acoustic trauma	Exposure to occupational noise of very high sound 140 dB pressure level for a short time
	Noise Induced hearing loss	Exposure to occupational noise of high sound pressure level in excess of 85 decibels over 8-hour period for many years
2. Vibration	Hand Arm Vibration Syndrome (HAVS)	Exposure to prolonged excessive local vibration to hand of range 125-300 Hz.
	Whole body vibration	Exposure to repeated motions, vibrations from pneumatic tools, power drills, riveting machines or hammers-lumberjacks, chain sawyers, chippers, rock drillers, stone cutters, jackhammer operators and riveters
3. Pressure	Dysbarism, decompression sickness, barotraumas, osteo-necrosis, cerebral arterial gas embolism, bends	Exposure to compressed air, underwater or rarefied air, other respirable gases or gaseous mixtures such as in under water or tunnel workers
4. Radiation		
	(a) Ionising radiation	
	(i) Acute exposure to large doses of X-rays, gamma rays, alpha rays and beta rays	Acute radiation syndrome, transient erythema, desquamation, radionecrotic lesions, Cataract, chronic radiodermatitis, polyneuropathy, cutaneous spinocellular epithelioma, lymphoid myeloid leukaemia, osteosarcoma, aplastic anaemia, cancer of lung, thyroid, testis, female breast and skin
	(ii) Chronic exposure to X-rays, gamma rays, alpha rays and beta rays with a long latent period	Acute exposure to X-rays, nuclear reactors, ionising particle, radium, other radioactive substance or radiant energy Chronic exposure to X-rays, nuclear reactors, ionising particle, radium, other radioactive substance or radiant energy
	(b) Non-ionising radiation	
	(i) Ultraviolet radiation	Acute effect: radiation cataract keratoconjunctivitis, photoretinitis, skin erythema Frequent or prolonged exposure to ultraviolet, the glare or rays from molten glass, molten or red-hot metal, white-hot material during electro-welding or acetylene welding
	(ii) Infrared radiation	Chronic effect: Actinic cataract, skin cancer Acute effect: Blepharitis, keratitis, heat-related retinal disorder-scotoma pigmentary lesions of fundus Chronic effect: Glass Workers' Cataract Acute or prolonged exposure to infra red radiation among blacksmiths, glass blowers, furnace men, baker, foundry workers, industrial lasers
5. Heat	Heat cramps, heat exhaustion, heat	Exposure to extreme heat, strenuous ex-

	syncope, heat stroke and cataract	ercise and impaired heat dissipation, high humidity during outdoor work, high temperature processes, welders, ceramic workers and bakery workers
6. Extreme low temperatures	Chilblain, frostbite, immersion foot, systemic hypothermia	Exposure to extreme cold where the core body temperature falls below 36° Celsius in cold room or frozen food industry
7. Lack of oxygen	Hypoxia, asphyxiation	Exposure to working environment with insufficient oxygen, confined spaces, manholes, maintenance silos and in high altitudes researchers, mountain climbers
8. Poor lighting	Miner's nystagmus and other irregular eye movements	Exposure to poor lighting in mines

## PART VII

<i>AGENT</i>	<i>DISEASE</i>	<i>OCCUPATION/INDUSTRY</i>
<i>Biological agents</i>		<i>Occupations involving exposure to biological agents and where there is an infection</i>
A. Viral		
1. Arbovirus	St. Louis/Equine encephalomyelitis	Exposure among laboratory workers
2. Highly Pathogenic Avian Influenza Virus (HPAI)	Avian Influenza	Exposure to birds infected with HPAI
3. Human Immunodeficiency Virus	Acquired Immunodeficiency Syndrome (AIDS)	Exposure to blood and blood products infected with HIV among health care workers, laboratory disposal and service workers
4. Flavivirus	Japanese Encephalitis	Exposure to animals infected with Flavivirus
5. Hepatitis A virus	Hepatitis A infection	Exposure to Hepatitis A virus among sewage workers
6. Hepatitis B virus	Hepatitis B infection acute liver failure, chronic hepatitis, cirrhosis, hepatoma	Exposure to human blood or human blood products contaminated with Hepatitis B virus or a source of Hepatitis B virus among health care and laboratory workers, hospital waste disposal workers, ambulance personnel, prison and police staff
7. Hepatitis C virus	Hepatitis C infection chronic hepatitis, cirrhosis, hepatoma	Exposure to human blood or human blood products contaminated with Hepatitis C virus, or a source of Hepatitis C virus among health care and laboratory workers, hospital waste disposal workers, ambulance personnel, prison and police staff
8. Hepatitis E virus	Hepatitis E infection	Exposure to human blood or human blood products contaminated with Hepatitis E virus, or a source of Hepatitis E virus



9. Nipah virus (Paramyxo-viridae)	Nipah virus infection	among health care and laboratory workers, hospital waste disposal workers, ambulance personnel, prison and police staff Exposure to animals infected with Nipah virus and its meat among pig farmers and health care workers
10. Severe Acute Respiratory Syndrome (SARS) virus (Corona virus)	SARS virus infection	Exposure to people infected with SARS virus among health care workers
11. Rabies Virus	Rabies, central nervous system manifestations, delirium, fits, respiratory failure	Exposure to Rabies virus through bites of rabid animals or domestic animals infected with rabies virus among farming and animal husbandry work, veterinary, animals laboratory and animal control personnel
12. Rubella virus	Rubella	Exposure to patients with rubella infection among health care staff and kindergarten caretakers
<b>B. Bacteria</b>		
1. <i>Bacillus anthracis</i> from animals products	Anthrax infection cutaneous vesicular lesion, pulmonary-hemorrhage, pneumonia	Exposure to animals infected with <i>Bacillus anthracis</i> and its spores, bristle, hides, hoofs, wool, horn or skins or other animal products or handling of carcasses and residues among farming, animal, abattoir, veterinary, laboratory work, doctors, nurses, ambulance crews and pathology technicians
2. <i>Borrelia burgdorferi</i> from bite of infected tick	Lyme disease	Exposure to bite from a tick infected with <i>Borrelia burgdorferi</i> among work involving out door work involving farming and forestry
3. <i>Brucella abortus</i> , <i>B.suis</i> , <i>B. mellitensis</i> from livestock	Brucellosis	Exposure to animals infected with <i>Brucella</i> or their products among farming, forestry and animal husbandry work, carcasses or parts thereof or their untreated products, abattoir, veterinary, laboratory work; handling laboratory specimens or vaccines containing <i>Brucella</i>
4. <i>Clostridium tetani</i> from soil, sewage or animals through an unclean deep wound	Tetanus Fits	Exposure to contaminated soil during farming, military work and sewage work
5. <i>Erysipelothrix rhusiopathiae</i> from infected animals	Erysipeloid Cutaneous Erysipeloid Sepsis with endocarditis	Exposure to the agent through farming and animal husbandry work, veterinary work, abattoir work, meat processing work other work, involving contact with pig, cattle, poultry or fish including the handling of its carcasses
6. <i>Francisella tularensis</i> from a variety of animals, particularly hares, rabbits, squirrels, rats, mice and	Tularemia	Exposure to <i>Francisella tularensis</i> during farming, animal husbandry work, forestry, laboratory work involving handling of infected rabbits, hares, ground squirrels,

other rodents		mice or other small furry rodents
7. <i>Leptospira icthohaemorrhagica/interrogans</i> from animals (especially rat) animal urine or contaminated soil	Leptospirosis/Weil disease (swamp fever, swine disease) Liver and kidney failure, pneumonia	Exposure to the agent through farming and animal husbandry work, veterinary work, abattoir work, dairy work, meat processing work, work with contact with contaminated soil, fresh water fisherman and fish handler, sewage work and garbage collector involving exposure to infected rats
8. <i>Mycobacterium bovis</i> from infected animals	Bovine tuberculosis	Exposure to <i>Mycobacterium bovis</i> transmitted through contact with infected animals or their products, abattoir work and animal husbandry
9. <i>Mycobacterium tuberculosis, Mycobacterium leprae</i> from infected human	Tuberculosis/Leprosy	Exposure through close contact with a source or sources of the agent by reason of employment:(a) in the medical treatment or nursing of a person or persons suffering from tuberculosis/leprosy or in a service ancillary to such treatment or nursing;  (b) in attendance upon a person or persons 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/leprosy; or  (d) as a laboratory worker, pathologists or post-mortem worker, where occupation involves working with material which is a source of tuberculosis infection or in any occupation ancillary to such employment
10. <i>Mycobacterium marinum</i>	Fish tank granuloma	Exposure to the agent among fish tank cleanser
11. <i>Pseudomonas mallei</i>	Glanders pneumonia, septicaemia, local abscesses	Exposure through contact rabid dogs, or equine animals or carcasses among farm and slaughterhouse workers
12. <i>Pseudomonas pseudomallei</i>	Melioidosis	Exposure to rodents infected with <i>Pseudomonas pseudomallei</i>
C. Rickettsiae and Chlamydiae		
1. <i>Chlamydia psittaci</i> from birds	Avian chlamydiosispsittacosis (ornithosis)encephalitis, myocarditis,thrombophlebitis Ovine chlamydiosis	Exposure to birds, poultry or their excreta infected with <i>Chlamydia psittaci</i> or the remains or untreated products of such birds such as duck farm workers, feather processing workers, abattoir workers, poultry meat inspectors and pet shop workers Exposure through contact with sheep infected with <i>Chlamydia psittaci</i> or the remains or untreated products of such sheep among sheep farm workers, veterinary

2. <i>Chlamydia pneumoniae</i> from humans	Chlamydial pneumonia	surgeons Exposure to humans infected with <i>Chlamydia pneumoniae</i> among health-care workers
3. <i>Coxiella burnetii</i> from domestic animals (cattle, sheep, goats) or more rarely through tick bites	Q fever pneumonitis, myocarditis,	Exposure through contact with infected animals, sheep, their remains or their untreated products among cattle farm workers involved the rearing of sheep, abattoir work, veterinary work, laboratory work
4. <i>Rickettsia rickettsii</i> and other <i>Rickettsia</i> species	Spotted fever (tickborne typhus fever/tickborne rickettsioses)	Exposure to <i>Rickettsia rickettsii</i> and other <i>Rickettsia</i> species among laboratory work and outdoor work
5. <i>Rickettsia prowazekii</i>	Typhus Eschar	Exposure to any <i>Rickettsia prowazekii</i> among army personnel and farmers
6. <i>Yersinia pestis</i>	Plague Septicaemia, endotoxic shock, disseminated intravascular coagulopathy-(DIVC)	Exposure to the agent through infected rats in animal husbandry, farming
D. Protozoa		
1. <i>Toxoplasma gondii</i> from cat (or birds, sheep, goats, swine, cattle, etc)	Toxoplasmosis cerebral abscess, pneumonia, myocarditis	Exposure to agents during agricultural work, veterinary work, abattoir work and pet shop work
2. Hookworm <i>Ancyostoma braziliense</i>	Cutaneous larva migrans mobile, serpiginous plaque especially of feet	Exposure to the agent among workers in tropical beaches
E. Fungi		
1. Sporothricosis nocardia	Deep mycoses skin nodules	Worker involving exposure to the agent

## PART VIII

## DISEASES BY TARGET ORGANS

<i>DISEASE</i>	<i>AGENT</i>	<i>OCCUPATION/INDUSTRY</i> <i>Occupations involving the use or handling of (manufacturing, storage, disposal) and exposure to the agents exceeding Permissible Exposure Limits</i>
A. Lung disease		
1. Asthma	(a) Isocyanates-toluene diisocyanate (b) Platinum salts	Work with exposure to asthmagens in chemical work, spray painting, polyurethane foam manufacture, use of polyurethane based adhesives, baking and farming, laboratory work, farming, woodwork, carpenters, textile dyers, hair dressers, health care work and glove producers
	(c) Fumes or dusts arising from the manufacture, transport or use of hardening agents (epoxy	

		resin curing agent based on phthalic anhydride, tetrachloro-phthalic anhydride, trimellitic anhydride, or triethylenetetramine	
	(d)	Fumes arising from the use of rosin as a soldering flux	
	(e)	Proteolytic enzymes	
	(f)	Mineral dusts such as cement, copper	
	(g)	Flour and grain dusts	
	(h)	Animal including insects and other arthropods epithelia and excretions-animal dusts such as bone or hair	
	(i)	Wood dust	
	(j)	Plant dusts of plant origin such as cotton, wood, flax, jute, padi husks, cork, spices, hemp, sisal, tobacco, tea, barley oats, rye	
	(k)	Reactive dyes	
	(l)	Persulphate salt	
	(m)	Products made with natural latex (natural rubber)	
	(n)	Glutaraldehyde	
2. Allergic rhinitis	(a) (b) (c)	Isocyanates Platinum salts Fumes or dusts arising from the manufacture, transport or use of hardening agents (epoxy resin curing agent based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride, or triethylenetrtramine)	Work with exposure to any of the agents in metal plating industry, food processing, laboratory workers, grain processing, drug manufacture, washing powder manufacture, hair dressing, electronics industry, welders, dye tea and coffee processing
	(d)	Fumes arising from the use of rosin as a soldering flux	
	(e)	Proteolytic enzymes	
	(f)	Mineral dusts such as cement, copper	
	(g)	Flour and grain dusts	
	(h)	Animal including insects and other athropods epithelia and excretions-anim-	

		al dusts such as bone or hair	
	(i)	Reactive dyes Per-sulphates	
	(j)	Products made with natural latex (natural rubber)	
	(k)	Glutaraldehyde	
3. Asbestos related diseases Asbestosis (diffuse interstitial pulmonary fibrosis), benign asbestos pleural disease, malignant asbestos related disease-mesothelioma, Pleural plaques, pleural effusion	Asbestos or any admixture of asbestos		Handling of asbestos or any admixture of asbestos, (asbestos mines and quarries, asbestos products manufacture industry), insulation work, shipyard work, work involving removal of asbestos containing materials or tiles or other or substantial exposure to the dust arising from any of the foregoing operations the manufacturer repair of asbestos textiles or other articles containing or composed of asbestos; mining, processing, manufacturing, or handling, demolition work, transportation, disposal, exposure to materials containing asbestos
4. Acute pulmonary injury (laryngeal oedema, air-flow obstruction), acute respiratory distress syndrome (ARDS)	Chlorine, ammonia, sulphur dioxide, and acid aerosols		Handling and physical exposure to materials which can cause ARDS
5. Chronic bronchitis	Coal, oil mist, synthetic vitreous fibers, Portland cement, welding fumes, cotton, grain, wood, tobacco smoke, fire smoke, engine exhaust		Exposure to the agents causing chronic bronchitis, exposure to coal dust by reason of working underground in a coal mine for a period or periods amounting in the aggregate to at least 20 years and any such period or periods shall include a period or periods of incapacity while engaged in such an occupation
6. Emphysema	<i>B. subtilis proteases</i> , cadmium fumes		Inhalation of cadmium fumes for a period of, or periods which amount in aggregate to 20 years or more among coal miners, textile manufacturing workers
7. Airway disease due to specific organic dust			
(a) Byssinosis (weaver's cough or mill fever)	Cotton dust, hemp, or sisal		Exposure to cotton dust, cotton synthetic dusts or hemp or sisal dust among cotton industry workers
(b) Flax-dressers disease	Flax		Work with exposure to flax dust
8. Pneumoconiosis			Any occupation involving--
(a) Silicosis (i) Acute silicosis	Silica rock and other mineral dusts	(a)	the mining, quarrying or processing of silica rock, the use of dried quartzose sand (quartz, cristobalite, tridimite) or any dry deposit or dry residue of silica (silicon dioxide)

(ii) Accelerated silicosis	Dried quartzose sand (quartz, cristobalite, tridimite) or any dry deposit or dry residue of silica (silicon dioxide SiO <sub>2</sub> ) or any dry admixture containing such materials, including hydrated magnesium silicate	(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, grinding, drilling, braking of silica-containing rocks, ceramics and glass manufacture;
(iii) Chronic silicosis		<p>(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;</p> <p>(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;</p> <p>(e) boiler scaling or substantial exposure to the dust arising there from;</p> <p>(f) occupation in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations;</p> <p>(g) the freeing of steel castings from adherent siliceous substance;</p> <p>(h) the freeing of metal castings from adherent siliceous substance;</p> <p>(i) the manufacture of china or earthenware (including sanitary earthenware, electrical earthenware tiles), and any occupation involving substantial exposure to the dust arising there from;</p> <p>(j) the dressing of granite or any igneous rock by masons or the crushing of such materials or substantial exposure to the</p>

(b) Silicosis associated with tuberculosis	Any of the above agents in concurrent with infection by <i>Mycobacterium tuberculosis</i>	<p>dust arising from such operations; or</p> <p>(k) the use, or preparation for use, of a grind-stone or substantial exposure to the dust arising there from</p> <p>Any occupation involving--</p>
		<p>(a) the mining, quarrying or processing of silica rock, the use of dried quartzose sand (quartz, cristobalite, tridimite) or any dry deposit or dry residue of silica (silicon dioxide SiO<sub>2</sub>) or any dry admixture containing such materials, including hydrated magnesium silicate;</p>
		<p>(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, grinding, drilling, braking of silica-containing rocks, ceramics and glass manufacture;</p>
		<p>(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;</p>
		<p>(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;</p>
		<p>(e) boiler scaling or substantial exposure to the dust arising there from;</p>
		<p>(f) occupation in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations;</p>
		<p>(g) the freeing of steel castings from adherent siliceous substance;</p>

		(h)	the freeing of metal castings from adherent siliceous substance;
		(i)	the manufacture of china or earthenware (including sanitary earthenware, electrical earthenware tiles), and any occupation involving substantial exposure to the dust arising therefrom;
		(j)	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; or
		(k)	the use, or preparation for use, of a grindstone or substantial exposure to the dust arising therefrom.
9. Coal miners' pneumoconiosis and other coal related lung disease	Coal		Coal or any mine (underground or above ground) 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 there from
10. Graphite fibrosis (of lung) (graphite pneumoconiosis)	Graphite (natural and artificial)		Exposure during production of natural or artificial graphite articles and dust arising from grinding
11. Stannosis	Tin		Exposure to tin dust or fumes during tin mining and metallurgy
12. Siderosis	Iron dusts		Exposure to inhalation of dusts containing iron and hematite
13. Baritosis	Barium dust		Exposure during well drilling, alloys with aluminum, and use of barium carbonate in water treatment and as flux in ceramics
14. Talcosis	Talc		Exposure during talc manufacture
15. Pneumoconiosis due to padi husk	Padi husk or dust or a substance containing padi		Exposure to padi husk, dust or a substance containing padi
16. Hypersensitivity pneumonitis (Extrinsic allergic alveolitis) due to organic dusts			Exposure to moulds or fungal spores or heterologous proteins by reason of employment in:
(a) Thermophilic bacteria and bacterial product		(a)	agriculture, horticulture, forestry, cultivation of edible fungi or malt-working; or
		(b)	loading or unloading or handling storage mouldy vegetable matter or edible fungi
(i) Farmers lung	<i>Micropolyspora faeni</i> <i>Faenia rectivirgula</i>		Farmers exposed the agents



(ii) Mushroom worker's lung	<i>Thermoactinomyces vulgaris</i> <i>Microspora faeni</i>	Workers exposed during mushroom production
(iii) Bagassosis	<i>Thermoactinomyces sachari</i> <i>Thermoactinomyces vulgaris</i>	Exposure to the agent in sugarcane plantations
(iv) Sisal worker's disease	Rope dust	Exposure to the agent among bag and rope makers
(v) Coffee worker's lung	Coffee bean dust	Exposure to the agent among coffee workers
(b) Non thermophilic bacteria		
(i) Fertiliser workers lung	<i>Thermoactinomyces vulgaris</i> <i>Thermoactinomyces candidus</i>	Farmers exposed the agents when handling fertiliser
(ii) Millers' lung	<i>Sitophilus granarius</i> (wheat weevil)	Exposure to agent through dust contaminated grain
(iii) Detergent workers lung	<i>Detergent dust</i>	Exposure to the detergent beads and dust
B. Fungi		
1. Wood worker's lung, wood pulp worker's lung	Moldy bark dust	Exposure to the agent among lumber barkers and loggers
2. Wheat weevils disease	Infected wheat flour	Exposure to the agent among flour workers
3. Papermill worker's lung	Moldy wood chips	Exposure to the agent among paper mill workers
C. Animal Proteins		
1. Bird fancier's disease	Parakeets	Exposure to the agent among bird handlers
2. Pigeon breeder's lung	Pigeons	Exposure to the agent among pigeon handlers
3 Poultry handler's lung	Chickens	Exposure to the agent among poultry farmers
4. Furrier's lung	Turkey	Exposure to the agent among furriers
5. Rodent handler' disease	Rats	Exposure to the agent among animal laboratory workers
D. Chemicals		
1. Hypersensitivity pneumonitis	Toluene diisocyanate (TDI), hexamethylene diisocyanate, diphenylmethane diisocyanate (MDI) Trimellitic anhydride	Exposure to agent during use as industrial solvent, among foundry workers and polyurethane foam workers Exposure to the agent among epoxy resins and paint manufacturer
2. Hard metal lung disease	Cobalt in solvents	Tungsten carbide workers with exposure to cobalt
3. Chronic beryllium disease	Beryllium particulate	Exposure to beryllium during extraction; use in metallurgy, aerospace industry and nuclear industry
4. Organic dust toxic syndrome	Moldy hay and grain, compost, Moldy sugar cane, coffee bean dust, moldy bark dust, infected wheat flour, cheese mold, moldy lichen,	Exposure to the agents during agricultural activities

5. Legionellosis	parakeets, pigeons, chicken ducks, fox, rats and other organic dust <i>Legionella pneumophila</i>	Exposure to <i>Legionella pneumophila</i> due to contaminated ventilation system in the working environment
6. Occupationally caused lung cancer	Arsenic, antimony, asbestos, nickel oxides, nickel sub-sulphide, Bis (chloromethyl) ether, chromium compound (hexavalent), calcium chromate, zinc chromate, strontium chromate in their pure forms, mustard gas, mineral oil, polycyclic aromatic hydro-carbon, radon, wood dust	Workers with direct exposure to specific agents

## PART IX

SKIN DISEASE	AGENT	OCCUPATION/INDUSTRY
		<i>Occupations involving the use or handling of (manufacturing, storage, disposal) and exposure to the agents exceeding Permissible Exposure Limits</i>
1. Allergic contact dermatitis	<p>(a) Adhesives, antiseptics, antibiotics - Animal feeds with antibiotics</p> <p>(b) Biocide - (formaldehyde, Thimerosal)</p> <p>(c) Cements (chromate, cobalt)</p> <p>(d) Cosmetics - fragrances</p> <p>(e) Cutting fluids and oils</p> <p>(f) Dyes-hair dyes - (para-phenylene diamine, photo-graphic colour developers, disperse textile dyes), disinfectants</p> <p>(g) Food (vegetables, seafood, salad dressings, meat, fruits, flavouring agent, antioxidants)</p> <p>(h) Glues and bonding agents</p> <p>(i) Metals - nickel (nickel utensils), chromate, cobalt, mercury</p> <p>(j) Plants and tree (preservatives) - wood and its preservatives</p> <p>(k) Urushiol (Toxicodendron), Sesquiterpene lactones (Compositae), Primin (Primula obconica), Tulpalin A (Tulipa, Alstroemeria)</p> <p>(l) Plastic-(epoxy monomer, acrylic</p>	Workers with direct exposure to these agents

		monomer, phenolic resins, amine catalysts)	
	(m)	Resins - (epoxy, acrylates, isocyanates, formaldehyde resins), soldering fluxes (amines and colophony)	
	(n)	Rubber products (additives - mercaptobenzothiazole, thiurams, carbamates, thioureas) - gloves, boots and mask (rubber chemicals)	
2. Irritant contact dermatitis	(a)	Alcohols, glycols, water	Workers with direct exposure to the agents
	(b)	Animals feeds, fertilizers, plants, pesticides	
	(c)	Amine catalyst, styrene, benzoyl peroxide	
	(d)	Aliphatic - petroleum distillates (kerosene, gasoline), naphtha, oils, hand cleaners	
	(e)	Aromatic - benzene, toluene, xylene	
	(f)	Cutting fluids, abrasives, oils, hand cleansers	
	(g)	Chemicals, acids and alkalis (cements)	
	(h)	Eploxy, phenolic, acrylic monomers	
	(i)	Halogenated -tri-chloroethylene, chloroform, and methylene chloride	
	(j)	Metal - arsenic, chrome	
	(k)	Other agents - turpentine, ketones, esters, wood dust, lacquer, polishes	
	(l)	Plastics - soap and detergents, shampoos, permanent wave solutions, resins, disinfectants, antiseptics, medicaments, surfactants	
	(m)	Solvents - photo - toxins: coal tar, furocoumarins, dyes, drugs	
	(n)	Photo - allergens - plants, stillbenes, amminobenzoic acid derivatives and halogenated salicylanilides	
	(o)	Wood preservatives, fiber-glass, solvents, oil, pitch, tar, paints vegetables and fruits juices (enzymes), polishing agents	

3. Acne and chloracne	<p>(a) Oils and grease and hot humid conditions in the workplace</p> <p>(b) Chloracne - polyhalogenated, naphthalenes, biphenols, dibenzofurans and some herbicides contaminants</p>	<p>Workers with direct exposure to oils, grease and hot humid conditions in the workplace</p> <p>Workers with direct exposure to the agents</p>
4. Chrome ulceration, ulceration of the mucous membrane or the epidermis	Chromic acid, chromate or dichromate of ammonium, potassium, zinc or sodium, or any preparation or solution containing any of these substances	Workers with direct exposure to the agents
5. Contact urticaria	<p>(a) Allergens-latex, corn starch, animal fur and dander, antibiotic, acrylates, epoxy resins, formaldehyde, food-stuffs e.g. eggs, carrots, fish, meat and milk</p> <p>(b) Non-immunological agents - ethyl /butyl/isopropyl/acetyl, alcohol, sorbic acid, benzoic acid, sulphur dioxide</p> <p>(c) Ammonia, (may be either allergic or non-allergic cinnamic acid) potato, apple, lettuce, ammonium persulphate, xylene</p>	Workers with direct exposure to the agents
6. Dermatitis	Rengas wood and its sap	Exposure to the agent during manipulation of rengas wood or any process in or incidental to the manufacture of articles therefrom
7. Flash kerato-conjunctivitis or retinitis	Electro-welding or acetylene welding UV light	Exposure during electro-welding or acetylene welding
8. Localised new growth of skin, papilloma, or keratotic lesions	Beryllium, shale oils, tar, pitch, bitumen, mineral oil, and soot	Workers with direct exposure to the agents
9. Mite dermatitis	Owls and pigeons and other birds with mites	Exposure to the agent during handling of owls and pigeons infested with mites
10. Occupational skin ulceration	Corrosives irritant chemicals	Exposure to the agent during handling of corrosives irritant chemicals
11. Occupational/toxic vitiligo (leucoderma)	<p>(a) Phenols - parateritarybu-tylphenol (4 - tertbutyl-phenol), parateritarybu-tylcatechol (4 - tertbutylcatechol), paraamymphe-nol (p - pentyl phenol)</p> <p>(b) Catechols-catechols (pyrocatechol), p-methylcatechol, 4-isopropyl catechol, 4-tert-butyl catechol</p> <p>(c) Hydroquinone, monobenzylether of hydroquinone (4-benzyloxyphenol) or mono-</p>	Workers with direct exposure to the agents

	butyl ether of hydro-quinone (4-butoxyphenol)	
12. Occupational skin cancer	Arsenic or arsenic compounds, tar, pitch, polyaromatic hydro-carbon, bitumen, mineral oil (including paraffin), soot, organic dust ultraviolet radiation	Workers with direct exposure to the agents

## PART X

DISEASE		AGENT/ERGONOMIC RISK FACTOR	OCCUPATION/INDUSTRY
<i>Occupational Musculo-Skeletal Disease</i>			<i>Occupations involving exposure to multiple ergonomic risk factors - forceful, very highly repetitive, non-neutral work, prolonged duration, vibration, heavy load and exceeding Permissible Exposure Limits</i>
1. Upper limb			
(a)	Thoracic Outlet Syndrome	Work involving pulling the shoulders back and down, working overhead with repeated abduction and adduction of the shoulder and arm resulting in compression of the neuro-vascular structures passing out of the chest, neck and beneath the clavicle to the axilla	Workers with activities characterised by multiple ergonomic risk factors
(b)	Rotator Cuff Syndrome	Tasks associated with highly rapid repetitive and vigorous movement, overstraining of the muscle and tendons, with excessive forces around the shoulder	Workers with activities characterised by multiple ergonomic risk factors
(c)	Beat hand	Tasks with rapid, repetitive, excessive manual task causing severe or prolonged external friction or stress/pressure on the bursa of hand causing severe or prolonged friction or pressure on the hand	Workers with activities characterised by multiple ergonomic risk factors
(d)	Beat elbow	Tasks with rapid, repetitive, excessive manual task causing severe or prolonged external friction or stress/pressure at bursa of the elbow	Workers with forceful, highly repetitive wrist/finger flexion and flexed elbow
(e)	Medial epicondylitis (Golfer's elbow)	Highly repetitive forceful movements, involving finger and wrist flexors/pronators	Workers with repeated forceful wrist extension and power grasp
(f)	Lateral epicondylitis (Tennis elbow)	Highly repetitive forceful wrist dorsiflexion	Workers with constant or repetitive forceful pinching with thumb while executing, forceful exertions and ex-

			treme postures of the wrist, especially a combination of these with injury to body limbs and appendages
(g)	Radial styloid tenosynovitis (De Quervains tenosynovitis)	Constant or highly repetitive movements, forceful exertions and extreme postures of the wrist, especially a combination of these with injury to body limbs and appendages	Workers with forceful, frequent, repetitive movement with handheld vibrating tools whose internal parts vibrate so as to transmit that vibration to the hand; work involving extreme postures of the wrist or hand
(h)	Carpal Tunnel Syndrome (Median nerve)	Highly repetitive movements, forceful exertions, extreme postures of the wrist and extreme movements of hyperflexion and hyperextension causing prolonged pressure on the anatomical grooves resulting in nerve injuries. Forceful, frequent repetitive movement, with vibrating tools, work involving extreme pressure and postures of the wrist, especially a combination of these risk factors	
2. Lower limbs			
(a)	Beat knee (Housemaid's knee)	Bursitis or subcutaneous cellulitis arising at or above the knee	Workers with rapid, repetitive, excessive manual task causing severe or prolonged friction or stress on the bursa of at or about the knee. Worker who kneel a lot
(b)	Tarsal Tunnel Syndrome (Posterior tibial nerve)	Forceful, frequent, prolonged and repetitive movement of the foot	Workers with rapid, repetitive, excessive movement of the foot

PART XI

<i>PSYCHOSOCIAL DISEASE</i>	<i>AGENT</i>	<i>OCCUPATION/INDUSTRY</i>
1. Post-traumatic stress disorder	Extreme traumatic stress or intense fear, helplessness or horror	Worker exposed to extreme stress caused by an accident or incident arising out of and in the course of employment

PART XII

OCCUPATIONAL CANCERS

<i>AGENT</i>	<i>OCCUPATIONAL CANCER</i>	<i>OCCUPATION/INDUSTRY</i>
		<i>Occupations involving the use or handling of (manufacture, trans-</i>

		<i>port, storage, disposal) and exposure to the agents exceeding Permissible Exposure Limits</i>
1. 4-Aminobiphenyl (IARC 1)	Cancer of the epithelial lining of the urinary tract and bladder (papilloma), liver neurological disorder	Exposure to agent during the use or handling of or exposure to the fumes, dust or vapour of 4-amino-biphenyl or substances containing 4-aminobiphenyl; use in chemical synthesis industry and rubber manufacturing
2. Acrylonitrile (IARC 2A)	Lung and prostate cancer, lymphoma, ployneuropathy	Exposure to acrylonitrile; use in textile fiber manufacture, acrylonitrile polymerization and rubber, plastics, textile industry
3. Arsenic (IARC 1)	Malignant neoplasm of skin (squamous cell carcinoma), larynx, bronchus and lungs, haemangiosarcoma	Exposure during mining, copper smelting, glass manufacture, production; use of arsenic pesticides, herbicides, insecticides, tanning and glass making
4. Asbestos (IARC 1)	Lung-Diffuse malignant mesothelioma (pleura, pericardium, peritoneum), pleura, gastrointestinal tract cancer-oesophagus, peritoneum, large intestine	Exposure to asbestos, dust or any admixture of asbestos at a level above that commonly found in the environment especially at mines or quarries; during asbestos based product manufacture, demolition or asbestos removal work
5. Benzene or its toxic homologues (nitro-and amino-derivatives) (IARC1)	Leukaemia, hodgkin lymphoma, other blood malignancies	Exposure to benzene or its toxic homologues during work with coke ovens, shoe manufacture using benzene, solvents with benzene, fuel and petroleum industry
6. Benzidine and salts (IARC 1)	Malignancy of the bladder	Exposure to benzidine during dye or pigment manufacture, laboratory agent; use in paper, leather, textile and dye industry
7. Benz-o-pyrene (IARC 2A)	Malignancy of lungs, skin and bladder	Exposure to the benz-o-pyrene when using or handling it; use in research
8. Beryllium (IARC 1)	Malignant neoplasm of bronchus and lungs	Exposure during production of hard, corrosion-resistant alloys in aerospace industry, nuclear reactors; ceramic and refractory products, electrical contacts, switches, welding electrodes, cathode ray tubes, metallic alloys and lithography for the electronics industry
9. -naphthylamine (IARC 1)	Cancer bladder, methaemoglobinemia, ataxia	Exposure during use for dye or pigment manufacture

10. Bis-chloromethyl ether (BCME), Chloromethylmethyl ethers (IARC 1)	Malignancy of the bronchus and lung	Exposures to Bis-chloro-methyl ether produced during the manufacture of chloromethyl methyl ether; use in the chemical industry as chemical intermediate
11. Cadmium and its compounds (IARC 1)	Malignant neoplasm of bronchus and lungs	Exposure during electro-plating; manufacture of nickel-cadmium batteries, high speed bearings, soldering, welding and silver brazing (as fillers); use in plastics industry (stabiliser); use as pigments (in rubber, ink, plastics, paint, textiles) and jewellery manufacture
12. Chromium - its compounds hexavalent (IARC 1)	Malignant neoplasm of bronchus and lungs, nasal cancer	Exposure during electro-plating, dye or pigment manufacture and welding
13. Coal tars and coal tar pitches; soot asphalt, creosote or bitumen, anthracene, mineral oil, volatiles, and residues of these substances. Particulate polycyclic aromatic hydrocarbon (IARC 1)	Cancer of the skin, bronchus and lung, bladder, larynx, mouth cavity	Exposures to the agent during building material use, electrodes, coal gasification and coke production petroleum production, pigment manufacture, road paving and insulation
14. Ethylene oxide (IARC 1)	Leukaemia, cataract	Exposure during use in manufacture of ethylene glycol, glycol ethers and medical products; use as a pesticide fumigant, sterilant in hospitals
15. Ethylene dibromide (1,2-dibromoethane) (IARC 2A)	Cancer of the stomach	Exposure to the agent during the use, handling of, or exposure to the fumes, dust or vapour of ethylene dibromide or a substance containing dibromide
16. Formaldehyde (IARC 2A)	Cancer nasopharyngeal, sino-nasal, brain and leukaemia	Exposure to the agent during use as tissue preservative in mortuary and laboratories
17. Haematite	Lung cancer	Exposure to the agent during the use, handling and exposure to the fumes, dust or vapour of haematite, during mining (with exposure to radon)
18. Ionizing radiations (IARC 1)	Malignant neoplasm - bone and skin, leukaemia	Exposure to X-rays, nuclear reactors, ionising particle, radium, other radio active substance or radiant energy
19. Mineral oil, untreated and mildly treated (IARC 1)	Skin and scrotum cancer	Exposure to the agent during use as lubricants
20. Mustard gas (IARC 1)	Lung, larynx, pharyngeal cancer	Exposure to mustard gas war gas
21. Nickel - its compounds sulphite and carbonyl (IARC 1)	Malignancy of the bronchus and lung, mucous membrane of the nose or associated air sinuses	Exposure during concentrating, smelting or refining in the nickel producing industry, stainless steel production, manufacture of batteries, metallurgy, alloys, electroplat-



22. Radium (IARC 1)	Bone (sarcomas)	ing; use as catalysts and pigments; sulphide nickel ore miners and high nickel alloy manufacture workers The use, handling of, or exposure to the fumes, dust or vapour of radium
23. Radon progeny (IARC 1)	Malignant neoplasm of bronchus and lungs	Exposure to agent in underground mining, processing of ores and radioactive products
24. Shale oils (IARC 1)	Skin and scrotum cancer	The use, handling of, or exposure to shale oils
25. Soot, tars and mineral oils	Skin, lung and bladder cancer, dystrophy of corneal surface	Exposure to the agent during road making
26. Vinyl chloride monomer (IARC 1)	Angiosarcoma of the liver, malignant neoplasm of liver and intra-hepatic bile ducts, brain and lung	Exposure to the agent during manufacturing of vinyl chloride, vinyl chloride polymerization and plastic industry
27. Hardwood dust	Cancer nasopharynx, nose and lung	Exposure to the agent during woodwork, cabinet and furniture makers

## PART XIII

## 1. For the purpose of this Schedule--

- (a) "permissible exposure limits" means a ceiling limit or an eight-hour time-weighted average airborne concentration or the maximum exposure limit as defined under the Occupational Safety and Health (Use And Standard Of Exposure Of Chemicals Hazardous To Health) Regulations 2000 [P.U. (A) 131/2000];
- (b) "IARC" means International Agency for Research on Cancer--
- (c) "Group 1 IARC" means the agent is a definite human carcinogen; and
- (d) "Group 2A IARC" means the agent is probably human carcinogen.

## 2. For the purpose of determining an occupational disease, this Schedule shall be read together with--

- (a) the Factories and Machinery Act 1967, the Occupational Safety and Health Act 1994, Regulations made under these Acts, Regulations, Guidelines, Code of Practice with regards to occupational exposures of the agent;
- (b) the guidelines on the Diagnosis of Occupational Diseases issued by the Organization; and
- (c) the guidelines on the Medical Surveillance made under the Occupational Safety and Health (Use And Standard Of Exposure Of Chemicals Hazardous To Health) Regulations 2000.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/Sixth Schedule

**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.
- (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 thereat 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/Seventh Schedule

## 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, sequestrated, 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 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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/Eighth Schedule

### **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 sixty 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 sixty 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 sixty 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;
- (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).*

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/Ninth Schedule

### **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.

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/Tenth Schedule

### Tenth Schedule

[Sections 59V and 59W]

Membership of the promotion boards and appeal boards

Category of Officers	Promotion Board	Appeal Board
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

Unannotated Statutes of Malaysia - Principal Acts/EMPLOYEES' SOCIAL SECURITY ACT 1969 Act 4/EMPLOYEES' SOCIAL SECURITY ACT 1969 ACT 4,,/Appendix

**Appendix**

*Date of coming into force*

[Subsection 1(3)]

w.e.f.	Area	Provisions in force	Authority
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
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	P.U.(B) 221/1972

01-01-1973	<p>In the areas of land situated in--</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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,</p> <p>in terms of section 410 of the National Land Code 1965.</p>	96(1)(b), 97-102, 106, 107 and 109	P.U.(B) 539/1972
01-09-1973	<p>In the areas of land situated in--</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(iv) the Social Security Area of Kangar and de-</p>	<p>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> <p>Part IV--sections 67-69, 71, 71 and 82; Parts V and VI; Part VII--sections 96(1)(b), 97-102, 106, 107 and 109</p>	P.U.(B) 384/1973



	<p>lined in grey on Plan P.G. 572 as deposited in the office of the Director of Survey, Kedah and Perlis;</p> <p>(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;</p> <p>(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;</p> <p>(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.</p>		
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	<p>In the areas of land situated in--</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(vi) the District of Larut and Matang and delin-</p>	Sections 15(1)(a), 16-21, 35, 49, 57, 96(1)(a) and 96(2)	P.U.(B) 570/1973

eated 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;

(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, P.U.(B) 15-55, 57, 67-69, 71, 72, 576/1974 82; Parts V and VI; sections 96-102, 106, 107 and 109

(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;

(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.		
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);  (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.	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
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;  (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.	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
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
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.  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.	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

**NOTES: Effect of increasing the eligible age limit of insured person from fifty-five years to sixty years - Act A1445 of the year 2012**

12. (1) In this section, "appointed date" means the date appointed by the Minister under subsection 1(2).

(2) Subject to the principal Act, on the appointed date--

(a) an insured person who has attained fifty-five years of age but has not attained sixty years of age may be eligible for invalidity pension except in the circumstances under subsections (3) and (4);

(b) any dependant of an insured person who dies upon attaining any age from fifty-five to sixty years may be eligible for survivors' pension except in the circumstances under subsections (5) and (6);

(c) there shall be made payable in respect of the insured person referred to in paragraph (a) contributions of the second category at the rates specified in the Third Schedule to the principal Act; and

(d) there shall be made payable in respect of an insured person who has not attained fifty-five years of age contributions of the first category at the rates specified in the Third Schedule to the principal Act.

(3) An insured person in respect of whom contributions of the first category were payable shall not be eligible for the invalidity pension if--

(a) he is certified to be invalid upon attaining fifty-five years of age before the appointed date; or

(b) he is certified to be invalid upon attaining sixty years of age either on or after the appointed date.

(4) An insured person shall not be eligible to invalidity pension if he is certified to be invalid upon attaining fifty-five years of age either on or after the appointed date, and he is employed only upon attaining fifty years of age and where no contributions of the first category were payable in his respect.

(5) A dependant of an insured person in respect of whom contributions of the first category were payable shall not be eligible for survivors' pension if--

(a) the insured person dies upon attaining fifty-five years of age before the appointed date; or

(b) the insured person dies upon attaining sixty years of age either on or after the appointed date.

(6) A dependant of an insured person shall not be eligible for survivors' pension if--

(a) the insured person dies upon attaining fifty-five years of age either on or after the appointed date; and

(b) the insured person is employed only upon attaining fifty years of age and where no contributions of the first category were payable in his respect.

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#### 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.

Act A814	Employees' Social Security (Amendment) Act 1992	21: 06-08-1987 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), 19, 21, 47 and 48: 01-01-1992 s. 2, 4, 5, 6, 8-10, 20, 22-26, 27-30(a), 32-1240, 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
P.U.(A) 32/2008	Employees' Social Security (Amendment of Fifth Schedule) Order 2008	04-02-2008
Act A1445	Employees' Social Security (Amendment) Act 2012	01-01-2013

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#### LIST OF BILLS

Legislative Supplement	Citation
USM.BA1445e	EMPLOYEES' SOCIAL SECURITY (AMENDMENT) BILL 2012 (D.R. 36/2012; Act A1445)
B 4	EMPLOYEES' SOCIAL SECURITY ACT, 1969 (Bill for Act 4)
BA 450	EMPLOYEES' SOCIAL SECURITY (AMENDMENT) BILL 1973 (Bill for Act 450)
BA 499	EMPLOYEES' SOCIAL SECURITY (AMENDMENT) BILL 1980 (Bill for Act A499)
BA 590	EMPLOYEES' SOCIAL SECURITY (AMENDMENT) BILL 1984 (Bill for Act 590)
BA 675	EMPLOYEES' SOCIAL SECURITY (AMENDMENT) BILL 1987 D.R/ 1/1987 (D.R. 1/1987)
BA 814	EMPLOYEES' SOCIAL SECURITY (AMENDMENT) BILL 1991 (D.R. 28/1991)
BA 830	EMPLOYEES' SOCIAL SECURITY (AMENDMENT) (No.2) BILL 1992 (D.R. 1/1992)
BA 981	EMPLOYEES' SOCIAL SECURITY (AMENDMENT) BILL 1996 (D.R. 38/1996)

BA 1232	EMPLOYEES' SOCIAL SECURITY (AMENDMENT) BILL 2004 (D.R. 22/2004)
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#### LIST OF SUBSIDIARY LEGISLATION

Legislative Supplement	Citation	In force from
PUA 53/1976	EMPLOYEES' SOCIAL SECURITY (SOCIAL SECURITY APPELLATE BOARD PROCEDURE) REGULATIONS, 1976	27-02-1976
PUA 59/2006	EMPLOYEES' SOCIAL SECURITY (COMPOUNDING OF OFFENCES) REGULATIONS 2006	01-03-2006
PUA 86/1998	EMPLOYEES' SOCIAL SECURITY (AMOUNT OF FUNERAL BENEFIT) REGULATIONS 1998	01-01-1998
PUA 99/1971	EMPLOYEES' SOCIAL SECURITY (GENERAL) REGULATIONS, 1971	19-03-1971
PUA 106/1971	EMPLOYEES' SOCIAL SECURITY RULES, 1971	02-04-1971
PUA 143/1988	SOCIAL SECURITY ORGANISATION (PROMOTION BOARD) RULES 1988	13-05-1988
PUA 150/2001	EMPLOYEES' SOCIAL SECURITY (DISCIPLINARY COMMITTEE AND DISCIPLINARY APPEAL BOARD) RULES 2001	24-05-2001
PUA 285/1992	EMPLOYEES' SOCIAL SECURITY (MAXIMUM MONTHLY AMOUNT OF CONSTANT-ATTENDANCE ALLOWANCE) REGULATIONS 1992	01-08-1992
PUA 352/1999	EMPLOYEES' SOCIAL SECURITY (MINIMUM AVERAGE MONTHLY WAGE) REGULATIONS 1999	01-01-1999
PUA 353/1999	EMPLOYEES' SOCIAL SECURITY (MINIMUM DAILY RATE OF BENEFIT) REGULATIONS 1999	01-01-1999
PUA 429/1984	EMPLOYEES' SOCIAL SECURITY (PERIODICAL PAYMENTS TO DEPENDANTS) REGULATIONS 1984	01-01-1985
PUA 441/1984	EMPLOYEES' SOCIAL SECURITY (MINIMUM DAILY RATE OF BENEFIT) REGULATIONS 1984	01-01-1985
PUA 497/1985	EMPLOYEES' SOCIAL SECURITY	01-07-1985



	(INVESTMENT) REGULATIONS 1985	
PUA 506/1994	EMPLOYEES' SOCIAL SECURITY (CONDUCT AND DISCIPLINE) RULES 1994	09-12-1994
PUA 575/1996	EMPLOYEES' SOCIAL SECURITY (MINIMUM DAILY RATE OF BE- NEFIT) REGULATIONS 1996	01-01-1996
PUA 11/2007	EMPLOYEES' SOCIAL SECURITY (GENERAL) (AMENDMENT) REG- ULATIONS 2007	---
PUA 160/1988	EMPLOYEES' SOCIAL SECURITY (GENERAL) (AMENDMENT) REG- ULATIONS 1988	---
PUA 275/1979	EMPLOYEES' SOCIAL SECURITY (GENERAL) (AMENDMENT) REG- ULATIONS 1979	01-01-1980
PUA 277/1987	EMPLOYEES' SOCIAL SECURITY (GENERAL) (AMENDMENT) REG- ULATIONS 1987	01-07-1987
PUA 339/1980	EMPLOYEES' SOCIAL "SECUR- ITY (GENERAL) (AMENDMENT) REGULATIONS 1980	01-01-1980
PUA 455/1984	EMPLOYEES' SOCIAL SECURITY (GENERAL) (AMENDMENT) REG- ULATIONS 1984	---
PUA 345/1992	EMPLOYEES' SOCIAL SECURITY (GENERAL) (AMENDMENT) REG- ULATIONS 1992	---