



MASTER BUILDERS ASSOCIATION MALAYSIA PERSATUAN KONTRAKTOR BINAAN MALAYSIA

(PPM-002-14-26051954)



*The Prime Mover and The Recognised Voice
of the Malaysian Construction Industry*

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Website

mbam.org.my

TO : MBAM MEMBERS
REF : MBAM/25/01/2019/07/15/242

DATE: 22 JULY 2019

Dear Sir/Madam,

PUBLIC HOLIDAY FOR INSTALLATION OF YDP AGONG ON 30 JULY 2019

The Chief Secretary to the Government announced on 28 June 2019 that the **Installation of the YDP Agong on Tuesday, 30 July 2019 is a national public holiday under Section 8 of the Holidays Act 1951 for Peninsula Malaysia and Federal Territory of Labuan, and Section 9, Sabah Holidays Ordinance for Sabah.** This means all employers are required to grant the said public holiday to employees covered under the scope of the Employment Act 1955.

For Employees Covered under the Employment Act 1955

Section 60D(1)(b) of the Employment Act 1955 provides that any holiday declared under Section 8 of the Holidays Act 1951 **must be observed** as a paid holiday in addition to other public holidays agreed to be granted to employees.

Section 60D(1) states:

"Every employee shall be entitled to a paid holiday at his ordinary rate of pay on the following days in any one calendar year

- on eleven of the gazetted public holidays,
- on any day appointed as a public holiday for that particular year under section 8 of the Holidays Act 1951"

Provided that if any of the public holidays referred to in paragraphs (a) and (b) fall on a rest day or any other public holidays referred to in paragraph (a) and (b), the working day following immediately the rest day or the other public holiday shall be a paid holiday in substitution of the first mentioned public holiday.

Please refer to Employment Act 1955 for more details.

An employer has three alternatives when granting the public holiday:

- Observe the 30 July 2019 public holiday and allow employees day off with pay. If 30 July 2019 is a rest day or falls on another paid public holiday, the following working day shall be a substituted paid holiday.
- The second alternative is to request employees to work on 30 July 2019 and compensate based on public holiday pay i.e. an additional two days' wages at the ordinary rate of pay.
- The third alternative is to request employees to work on 30 July 2019 and inform them the company will substitute the paid public holiday on another day. Employers may substitute 30 July 2019 with another day under the proviso to Section 60D(1A). There is no requirement for the company to obtain consent from their employees to make the substitution.





The proviso under Section 60D(1A) states:

"And provided further that the employer may grant the employee any other day as a paid holiday in substitution for any of the public holidays referred to in subsection (1)(b)."

If the company substitutes the paid public holiday, the company is not required to compensate the employee at public holiday pay for working on 30 July 2019.

However, the company has to fix a day for the replacement as public holiday.

Replacement of the public holiday need not be on the same day for all employees.

For Employees NOT Covered under the Employment Act 1955

If the contract of service states that the company is granting all public holidays, the company has to observe the 30 July 2019 public holiday and allow employees to go off with pay on that day.

If an employee is requested to work, an employer may grant a substituted public holiday or benefits / payments as agreed in the contract of service for working on a public holiday.

If a company only grants some gazetted public holidays, they are not compelled by law to grant 30 July 2019 as a day off.

For enquiries, please contact Mr Mohd Farhan or Mr Mohd Hanif at Tel +603-7984 8636, Fax +603 7982 6811 or email to mbam16@mbam.org.my cc mbam17@mbam.org.my.

Thank you.

Yours faithfully,

MASTER BUILDERS ASSOCIATION MALAYSIA

LOH MEI LING
Executive Director