

GUIDELINES
NATIONAL WAGES CONSULTATIVE COUNCIL
METHOD OF IMPLEMENTATION
MINIMUM WAGES ORDER 2012

[This translation is done by Malaysian Employers Federation (MEF)
and NOT an official translation from NWCC]

INTRODUCTION

WHEREAS the National Wages Consultative Council ("Council") established under section 3 of the National Wages Consultative Council 2011 (Act 732) in exercising the powers provided under section 4(2) of Act 732, hereby decided that apart from the matters contained in in the Minimum Wages Order 2012 [P.U. (A) 214] ("Order"), the method of implementing the Order are as follows:

1. DAILY MINIMUM WAGE OF EMPLOYEES

In accordance with the objective of implementing Minimum Wages Order 2012, full- time employees shall obtain the amount of the average salary of not less than RM900 (Peninsular Malaysia) or RM800 (Sabah, Sarawak and the Federal Territory of Labuan) per month. Full-time employee who is paid on a daily basis and has attended work on normal working days as fixed and fulfill the normal working hours as agreed in the contract of service regardless of the number of hours worked per day shall be paid the daily minimum wages based on the calculation formula as follows:

$$\text{Daily Wages Rate} = \frac{\text{Monthly Minimum Wages Rate} \times 12 \text{ months}}{52 \text{ weeks} \times \text{Number of days worked in a week}}$$

(i) For Peninsular Malaysia, the daily minimum wage rates are as follows:

Number of days worked in a week	Daily Wages Rate	Average Monthly Salary
6	RM34.62	RM34.62 x 26 day = RM900.12 ≈ RM900
5	RM41.54	RM41.54 x 21.67 day = RM900.17 ≈ RM900
4	RM51.92	RM51.92 x 17.33 day = RM899.77 ≈ RM900

Note: The above calculations are based on the maximum number of working hours of 48 hours a week.

- (ii) For Sabah, Sarawak and the Federal Territory of Labuan, the daily minimum wages rates are as follows:

Number of days worked in a week	Daily Wages Rate	Average Monthly Salary
6	RM30.77	RM30.77 x 26 day = RM800.02 ≈ RM800
5	RM36.92	RM36.92 x 21.67 day = RM800.06 ≈ RM800
4	RM46.15	RM46.15 x 17.33 day = RM799.78 ≈ RM800

Note: The above calculations are based on the maximum number of working hours of 48 hours a week.

2. MINIMUM WAGES FOR EMPLOYEES WHO ARE PAID BY PIECE-RATED, TONNAGE, TRIP OR COMMISSIONS

For employees who have no basic salary but their wages are paid by piece-rated, tonnage, trip or commission, the method of implementation of the minimum wages are as follows:

- (i) If the wages paid is in excess of the minimum wages, then the basic wages of RM900 in Peninsular Malaysia or RM800 in Sabah, Sarawak and Federal Territory of Labuan is deemed to have been complied with;
- (ii) If the wages paid is RM900 in Peninsular Malaysia or RM800 in Sabah, Sarawak and Federal Territory of Labuan, the basic wages of RM900 or RM800 is deemed to have been complied with; and
- (iii) If the wages paid is less than RM900 in Peninsular Malaysia or RM800 in Sabah, Sarawak and Federal Territory of Labuan, the employer shall add whatever that are less to meet the basic wages of RM900 or RM800.

The above method do not limit the rights of employer/employee from paying/receiving wages which is higher in accordance with the contract of service.

3. METHOD OF RESTRUCTURING OF WAGES

Subject to negotiations between the employer and employee, the method of restructuring of wages is guided on the following bases:

- (i) the restructuring process is done **ONCE ONLY** that is **BEFORE** the commencement date of this Order and **NOT** a process that continues after the effective date of the Order;
- (ii) the restructuring of wages only involve cash payments as in the definition of "wages" under section 2 of the Employment Act 1955, Sabah Labour Ordinance [Chapter 67] or the Sarawak Labour Ordinance [Chapter 76] only;
- (iii) any payments that are excluded from the definition of "wages" under section 2 of Employment Act 1955, Sabah Labour Ordinance [Chapter 67] or the Sarawak Labour Ordinance [Chapter 76] cannot be absorbed as minimum wages in the restructuring of wages. Payments that are not wages are as follows:
 - (a) the value of accommodation or the supply of any food, fuel, light or water or medical attendance, or of any approved amenity or approved service;
 - (b) any contributions paid by employers on his own account to any pension fund, provident fund, superannuation scheme, retrenchment, termination, lay-off or retirement scheme, thrift scheme, or any other fund or scheme established for the benefit or welfare of the employee;
 - (c) any traveling allowance or the value of any travel concession;
 - (d) any sum payable to the employee to defray special expenses entailed on him by the nature of his employment;
 - (e) any gratuity payable on discharge or retirement; or
 - (f) any annual bonus or any part of any annual bonus.

- (iv) Allowances paid specifically based on the nature of work i.e heat allowance, dust allowance, noise allowance, standing allowance and other similar allowances given to the particular employee are not appropriate to be restructured;
- (iv) for the hotel sector in which the collection of service charges is implemented, the employer may convert all or part of the collected service charges as part of minimum wages;
- (v) for the plantation sector in which Special Gratuitous Payment of RM200 is implemented, the employer may convert all or part of the payment as part of the minimum wages. Any terms and conditions relating to entitlement to such payment shall be void. However, if there is a balance of payment, terms and conditions relating to eligibility to receive the remaining payments shall continue to apply;
- (vi) for the security sector where safety incentives paid to employees as provided in Wages Council Order (Wages Regulations Order) (Statutory Minimum Remuneration of Private Security Guards in the Peninsular Malaysia) Order 2011 and Wages Council (Wages Regulations Order) (Statutory minimum remuneration of Private Security Guards in Sabah and Sarawak) in 2011, it may be structured as a minimum wage;
- (vii) housing allowance is allowed to be restructured as the minimum wages, provided that the allowance is not a replacement for the facilities provided by the employer, but a cash payment provided by the employer based the contract of service; and
- (ix) the restructuring process should not reduce the total wages received prior to restructuring.

National Wages Consultative Council in Meeting No. 4/2012 on 28 August 2012 makes the above decisions and confirmed by the Chairman:

(TAN SRI DATUK AMAR STEVE SHIM LIP KIONG)

Chairman

National Wages Consultative Council

CERTIFIED BY:

(DATUK SERI DR. SUBRAMANIAM A/L K.V. SATHASIVAM)

Minister of Human Resources

PENERANGAN

1. TAFSIRAN

Bagi maksud pemakaian Akta 732 dan penguatkuasaan Perintah Gaji Minimum 2012 -

- (i) **Gaji minimum adalah gaji pokok.**
- (ii) **'Pekerja'** bererti pekerja di bawah Akta 732 yang disandarkan kepada definisi 'pekerja' yang diliputi di bawah –
 - (a) Jadual Pertama Akta Kerja 1955 iaitu pekerja yang menerima gaji tidak melebihi RM2,000 sebulan atau pekerja-pekerja manual tanpa had gaji atau pekerja-pekerja lain seperti dalam **Lampiran A**; atau
 - (b) Jadual Ordinan Buruh Sabah [Bab 67] (**Lampiran B**) atau Jadual Ordinan Buruh Sarawak [Bab 76] (**Lampiran C**) iaitu pekerja yang menerima gaji tidak melebihi RM2,500 sebulan atau pekerja-pekerja manual tanpa had gaji atau pekerja-pekerja lain,
kecuali pekhidmat domestik dan seseorang perantis.
- (iii) **'Kontrak perkhidmatan'** –
 - (a) ertinya apa-apa perjanjian, sama ada secara lisan atau bertulis, dan sama ada nyata atau tersirat, yang menurutnya seseorang bersetuju untuk mengambil kerja seorang yang lain sebagai pekerja dan orang yang lain itu bersetuju untuk berkhidmat dengan majikannya sebagai pekerja, tetapi tidak termasuk kontrak perantisan; dan
 - (b) termasuk 'Perjanjian Kolektif' iaitu suatu perjanjian bertulis yang dibuat antara majikan atau kesatuan majikan dengan kesatuan sekerja berhubung terma-terma dan syarat penggajian dan kerja yang berkaitan dengan perhubungan dengan kedua-dua pihak.

- (iv) **'kontrak perantisan'** mempunyai erti yang sama dalam Akta Kerja 1955, Ordinan Buruh Sabah [Bab 67] atau Ordinan Buruh Sarawak [Bab 76], iaitu suatu kontrak bertulis yang dibuat oleh seseorang dengan majikan yang mengaku akan mengambil orang itu bekerja dan melatih atau menjadikan ia terlatih secara sistematik untuk satu tred bagi tempoh tertentu yang tidak kurang dari dua tahun dalam tempoh mana perantis itu terikat untuk bekerja dalam perkhidmatan majikan.

2. **PERMULAAN KUAT KUASA PERINTAH**

Penjelasan Mengenai Subperenggan 2(1)(A) Perintah

- (i) Perintah Gaji Minimum 2012 hendaklah mula berkuat kuasa pada **1 Januari 2013** ke atas majikan yang mempunyai enam orang pekerja atau lebih.
- (ii) Perintah tersebut akan terus terpakai kepada majikan itu walaupun bilangan pekerja telah menjadi kurang daripada enam orang selepas **1 Januari 2013**.
- (iii) Sekiranya pada **1 Januari 2013** majikan mempunyai lima orang pekerja atau kurang, tetapi selepas tarikh tersebut bilangan pekerja bertambah melebihi lima orang maka majikan tersebut hendaklah membayar gaji minimum kepada semua pekerjanya mulai tarikh pekerja tambahan tersebut digajikan.

Ilustrasi 1

Katakan:

Jika pada 1 Januari 2013, syarikat ABC Sdn Bhd mempunyai 6 orang pekerja, maka syarikat tersebut wajib membayar gaji minimum kepada semua pekerjanya.

Sekiranya pada bulan Februari 2013, bilangan pekerja menjadi kurang daripada 6 orang, syarikat tersebut masih berkewajipan mematuhi Perintah untuk baki pekerja yang masih ada.

Dalam contoh ini, majikan yang tertakluk kepada Perintah seperti ilustrasi di atas akan terus tertakluk sepertimana prinsip '*once in, always in*'.

Penjelasan Mengenai Pengkelasan Aktiviti Profesional Di Bawah *Malaysia Standard Classification Of Occupations (MASCO)*

- (iv) Seseorang majikan yang menjalankan aktiviti profesional, contohnya seorang doktor yang menjalankan perniagaan klinik kesihatan, dikategorikan sebagai suatu aktiviti profesional yang dikelaskan di bawah MASCO dikehendaki mematuhi Perintah ini mulai 1 Januari 2013 tanpa mengira bilangan pekerja yang digajikan.
- (v) Dalam pengkelasan MASCO di bawah Kumpulan Utama 2: Profesional, terdapat tujuh kumpulan sub utama iaitu:
 - (a) Profesional Sains dan Kejuruteraan;
 - (b) Profesional Kesihatan;
 - (c) Profesional Perguruan;
 - (d) Profesional Perniagaan dan Pentadbiran;
 - (e) Profesional Teknologi Maklumat dan Komunikasi;
 - (f) Profesional Undang-undang, Sosial dan Kebudayaan; dan
 - (g) Profesional Perkhidmatan Hospitaliti, Runcit dan Perkhidmatan Lain.
- (vi) Maklumat terperinci berhubung kumpulan kecil di bawah kumpulan sub utama di atas boleh dirujuk di **Lampiran D**.

Penjelasan Mengenai Subperenggan 2(2) Perintah Berhubung Permohonan Penundaan

- (vii) Mana-mana orang atau golongan orang boleh memohon penundaan tarikh pelaksanaan Perintah ini. Permohonan yang mengandungi alasan dan justifikasi yang kukuh secara bertulis sama ada melalui surat atau email hendaklah

dialamatkan kepada Urus Setia Majlis Perundingan Gaji Negara (MPGN) seperti berikut:

Setiausaha
Majlis Perundingan Gaji Negara
Kementerian Sumber Manusia
Aras 7, Blok D3, Kompleks D
Pusat Pentadbiran Kerajaan Persekutuan
62530 PUTRAJAYA
No. Tel: 03-8886 5156/ 5162
Faks: 03-8889 2377
Email: mpgn@mohr.gov.my

- (viii) Bagi majikan yang menggaji 6 orang pekerja atau lebih yang tarikh kuat kuasanya bermula pada 1 Januari 2013, permohonan tersebut hendaklah diterima oleh Urus Setia MPGN **selewat-lewatnya pada 2 Oktober 2012.**
- (ix) Bagi majikan yang menggaji 5 orang pekerja atau kurang yang tarikh kuat kuasanya bermula pada 1 Julai 2013, permohonan tersebut hendaklah diterima oleh Urus Setia MPGN **selewat-lewatnya pada 1 April 2013.**
- (x) Dokumen-dokumen yang perlu dikepilkan bagi permohonan penundaan adalah seperti berikut:
- Borang Maklumat Syarikat daripada Suruhanjaya Syarikat Malaysia (SSM);
 - Laporan Kewangan yang telah diaudit bagi 3 tahun terakhir; dan
 - Maklumat bilangan pekerja tempatan dan pekerja asing secara berasingan beserta gaji bagi bulan terakhir.
- (xi) Mana-mana permohonan yang diterima oleh Urus Setia MPGN selepas tarikh-tarikh tersebut **TIDAK** akan dipertimbangkan.

3. KETIDAKPAKAIAN

Perintah ini tidak terpakai kepada pekhidmat domestik dan perantis.

4. PENGURANGAN KADAR GAJI MINIMUM

Pekerja Dalam Tempoh Percubaan

- (i) Pengurangan kadar bayaran gaji minimum tidak melebihi 30% bagi pekerja dalam tempoh percubaan adalah berasaskan kepada kontrak perkhidmatan pekerja tersebut.

Ilustrasi 2

Katakan:

Pekerja A merupakan seorang pekerja di bawah majikan yang menggajikan 7 orang pekerja dan beliau dalam tempoh percubaan selama 12 bulan bermula pada 1 April 2012. Tempoh 6 bulan pertama percubaan akan genap pada 30 September 2012, maka kadar gaji minimum pada 1 Januari 2013 hendaklah terpakai dan tidak boleh dikurangkan.

Ilustrasi 3

Katakan:

Pekerja B dalam tempoh percubaan di Semenanjung Malaysia mula bekerja pada 1 Oktober 2012 bagi tempoh 12 bulan dan dibayar gaji sebanyak RM500 sebulan. Sehingga 31 Disember 2012, beliau telah menjalani tempoh percubaan selama tiga bulan. Ini bermakna baki tempoh percubaan adalah tiga bulan. Oleh itu, beliau hendaklah dibayar sekurang-kurangnya RM630 sebulan bagi tempoh bulan Januari hingga Mac 2013. Seterusnya mulai 1 April 2013, beliau hendaklah dibayar gaji minimum RM900 sebulan.

5. FORMULA PENSTRUKTURAN GAJI DAN ELAUN

$$GM = GP + (GM - GP)$$

$$ESP2 = ESP1 - (GM - GP)$$

GM = Gaji Minimum
 GP = Gaji Pokok
 ESP1 = Elaun Sebelum Perintah
 ESP2 = Elaun Selepas Perintah

Ilustrasi 4

Bagi pekerja di **Semenanjung Malaysia** yang bergaji pokok sebanyak RM625 dan dibayar elaun tunai sebanyak RM275, majikannya boleh mengubah bayaran elaun tunai itu untuk dijadikan sebahagian daripada gaji minimum.

Gaji semasa	Gaji selepas Perintah
RM625 (gaji pokok) RM275 (elaun)	$RM625 + (RM900 - RM625)$ $= RM900$ (gaji minimum); $RM275 - (RM900 - RM625) = RM0$ (elaun)
Jumlah=RM900	Jumlah=RM900

Ilustrasi 5

Bagi pekerja di **Sabah** yang bergaji pokok sebanyak RM457.35 dan dibayar elaun tunai sebanyak RM700, majikannya boleh mengubah sebahagian elaun tunai itu untuk dijadikan sebahagian daripada gaji minimum. Baki sebanyak RM357.35 itu hendaklah dikekalkan sebagai elaun tunai.

Gaji semasa	Gaji selepas Perintah
RM457.35 (gaji pokok) RM700 (elaun)	$RM457.35 + (RM800 - RM457.35)$ $= RM800$ (gaji minimum) $RM700 - (RM800 - RM457.35)$ $= RM357.35$ (elaun)
Jumlah=RM1157.35	Jumlah= RM 1157.35

Ilustrasi 6

Bagi pekerja di **Sarawak** yang bergaji pokok sebanyak RM553 dan diberikan bayaran tunai RM547 berdasarkan kepada kutipan caj perkhidmatan, majikannya boleh mengubah sebahagian daripada bayaran tunai itu sebagai sebahagian daripada gaji minimum. Baki sebanyak RM300 itu hendaklah dikekalkan sebagai caj perkhidmatan.

Gaji semasa	Gaji selepas Perintah
RM553 (gaji pokok) RM547 (bayaran tunai daripada kutipan caj perkhidmatan)	$RM553 + (RM800 - RM553)$ = RM800 (gaji minimum) $RM547 - (RM800 - RM553) =$ RM300 (bayaran tunai daripada kutipan caj perkhidmatan)
Jumlah=RM1100	Jumlah=RM1100

Ilustrasi 7

Bagi pekerja di **Semenanjung Malaysia** yang bergaji pokok sebanyak RM650 dan dibayar elaun tunai A sebanyak RM200 dan juga lain-lain bayaran elaun tunai B sebanyak RM21, C sebanyak RM53 dan D sebanyak RM42 yang berdasarkan kepada produktiviti dan prestasi, majikannya boleh mengubah bayaran elaun tunai tetap A dan sebahagian daripada bayaran elaun tunai B,C atau D sebagai gaji minimum. Sebahagian bayaran elaun tunai B,C atau D yang tidak dijadikan gaji minimum hendaklah dikekalkan sebagai elaun tunai.

Gaji semasa	Gaji selepas Perintah
RM650 (gaji pokok) RM200 (elaun A) RM21 (elaun B) RM53 (elaun C) RM42 (elaun D)	$RM650 + (RM900 - RM650) =$ RM900 (gaji minimum) RM200 (boleh diubah menjadi sebahagian gaji minimum) RM21 (elaun B) RM53 (elaun C) RM42 (elaun D) <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> } <div style="border: 1px solid black; padding: 2px; display: inline-block; text-align: center;"> RM50 menjadi sebahagian dari gaji pokok. </div> </div> $RM66$ (elaun B + C + D) = $(RM200 + RM21 + RM53 + RM42) -$ $(RM900 - RM650) =$ $RM316 - RM250$
Jumlah = RM966	Jumlah = RM966

Ilustrasi 8

Bagi pekerja di **Labuan** yang bergaji pokok sebanyak RM700 tanpa bayaran elaun tunai, majikannya perlu menambah sebanyak RM100 sebagai sebahagian gaji minimum.

Gaji semasa	Gaji selepas Perintah
RM700 (gaji pokok)	$RM700 + (RM800 - RM700) = RM800$ (gaji minimum)
Jumlah=RM700	Jumlah=RM800

6. PEMBATALAN DAN PENGECUALIAN

- (i) Senarai Perintah-perintah di bawah Akta Majlis Penetapan Gaji 1947 (Akta 195) yang masih berkuatkuasa adalah seperti berikut:
 - (a) Perintah Peraturan Gaji (PPG) Pengawal Keselamatan Swasta 2011;
 - (b) Perintah Peraturan Gaji Penghidangan dan Hotel 1982;
 - (c) Perintah Peraturan Gaji Pekerja Wayang Gambar 1981;
 - (d) Perintah Peraturan Gaji Pembantu Kedai 1981;
 - (e) Perintah Peraturan Gaji Pemungkah Kapal & Pengendali Muatan 1977; dan
 - (f) Perintah Peraturan Gaji Pembantu Kedai (Sarawak) 1972
- (ii) Kesemua perintah tersebut akan **TERBATAL** pada 1 Januari 2013 kecuali bagi majikan selain daripada majikan dalam sub perenggan 1(1)(b) Perintah yang menggaji 5 orang pekerja atau kurang.
- (iii) Penjelasan Mengenai PPG Untuk Pengawal Keselamatan Swasta adalah seperti berikut:
 - (a) Jika pada 1 Januari 2013, majikan yang menjalankan perniagaan kawalan keselamatan dan mempunyai 6 orang

pekerja dan ke atas, maka Perintah Majlis Penetapan Gaji Bagi Pengawal Keselamatan Swasta di bawah Akta 195 adalah terbatal dan digantikan dengan Perintah Gaji Minimum 2012.

- (b) Namun begitu, dari 1 Januari 2013 hingga 30 Jun 2013 Perintah Majlis Penetapan Gaji Bagi Pengawal Keselamatan Swasta di bawah Akta 195 masih terpakai kepada syarikat pengawal keselamatan yang mempunyai 5 orang pekerja atau kurang.
- (c) Jika syarikat kawalan keselamatan diberi penundaan tempoh pelaksanaan Perintah Gaji Minimum 2012, Perintah Majlis Penetapan Gaji Bagi Pengawal Keselamatan Swasta di bawah Akta 195 akan terus berkuat kuasa sehingga Perintah Gaji Minimum 2012 mula berkuat kuasa ke atas syarikat kawalan keselamatan tersebut.

RUJUKAN

Undang-undang berkaitan:

1. Akta Majlis Perundingan Gaji Negara 2011 (Akta 732)
2. Akta Kerja 1955 (Akta 265)
3. Ordinan Buruh Sabah (Bab 67)
4. Ordinan Buruh Sarawak (Bab 76)
5. Akta Perhubungan Perusahaan 1967 (Akta 177)
6. Akta Majlis Penetapan Gaji 1947 (Akta 195)

LAMPIRAN

Lampiran A - Jadual Pertama Akta Kerja 1955

Lampiran B - Jadual Kepada Ordinan Buruh Sabah (Bab 67)

Lampiran C - Jadual Kepada Ordinan Buruh Sarawak (Bab 76)

Lampiran D - Pengkelasan MASCO bagi Kumpulan Profesional

Disediakan oleh:

Urus Setia

Majlis Perundingan Gaji Negara

Kementerian Sumber Manusia

Aras 7, Blok D3, Kompleks D

Pusat Pentadbiran Kerajaan Persekutuan

62530 PUTRAJAYA

Telefon: 03-8886 5156/ 5162

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**FIRST SCHEDULE
EMPLOYMENT ACT 1955**

[Subsection 2(1)]

Employee

*Provision of the
Act not applicable*

1. Any person, irrespective of his occupation, who has entered into a contract of service with an employer under which such person's wages do not exceed two thousand ringgit a month.

2. Any person who, irrespective of the amount of wages he earns in a month, has entered into a contract of service with an employer in pursuance of which—

(1) he is engaged in manual labour including such labour as an artisan or apprentice:

Provided that where a person is employed by one employer partly in manual labour and partly in some other capacity such person shall not be deemed to be performing manual labour unless the time during which he is required to perform manual labour in any one wage period exceeds one-half of the total time during which he is required to work in such wage period;

(2) he is engaged in the operation or maintenance of any mechanically propelled vehicle operated for the transport of passengers or goods or for reward or for commercial purposes;

(3) he supervises or oversees other employees engaged in manual labour employed by the same employer in and throughout the performance of their work;

(4) he is engaged in any capacity in any vessel

Part XII

registered in Malaysia and who—

(a) is not an officer certificated under the Merchant Shipping Acts of the United Kingdom as amended from time to time;

(b) is not the holder of a local certificate as defined in Part VII of the Merchant Shipping Ordinance 1952 [*F.M. 70/1952*]; or

(a) has not entered into an agreement under Part III of the Merchant Shipping Ordinance 1952; or

(5) he is engaged as a domestic servant.

Sections 12, 14, 16, 22, 61 and 64, and Parts IX, XII and XIIA

3. For the purpose of this Schedule “wages” means wages as defined in section 2, but shall not include any payment by way of commissions, subsistence allowance and overtime payment.

**SCHEDULE
LABOUR ORDINANCE (SABAH CAP. 67)**

[Subsection (1) of section 2]

Employee

*Provision of the
Ordinance not
applicable*

1. Any person, irrespective of his occupation, who has entered into a contract of service with an employer under which such person's wages do not exceed two thousand five hundred ringgit a month.

2. Any person who, irrespective of the amount of wages he earns in a month, has entered into a contract of service with an employer in pursuance of which –

(a) he is engaged in manual labour including such labour as an artisan or apprentice:

Provided that where a person is employed by one employer partly in manual labour and partly in some other capacity, such person shall not be deemed to be performing manual labour unless the time during which he is required to perform manual labour in any one wage period exceeds one half of the total time during which he is required to work in such wage period;

(b) he is engaged in the operation or maintenance of any mechanically propelled vehicle operated for the transport of passengers or goods or for reward or for commercial purposes;

(c) he supervises or oversees other employees engaged in manual labour employed by the same employer in and throughout the performance of their work;

(d) he is engaged in recruiting employees;

(e) he is engaged in any capacity in any vessel registered in Malaysia and who -

(i) is not an officer certificated under the Merchant Shipping Acts of the United Kingdom as amended from time to time;

(ii) is not a holder of a local certificate as defined in Part VII of the Merchant Shipping Ordinance 1952; or

(iii) has not entered into an agreement under Part III of the Merchant Shipping Ordinance 1952; or

(f) he is engaged as a domestic servant.

Definition of “ordinary rate of pay” in section 2, sections 103, 104, 104A, 104B, 104C, 104D, 104E and subsection (2) of section 105

Definition of “ordinary rate of pay” in section 2, sections 10 and 11, subsections (1) and (2) of section 13, sections 57, 58, Chapter XIB, sections 102, 103, 104, 104A, 104B, 104C, 104D, 104E, 104F, subsection (2) of section 105 and Chapter XIVA except section 118.

3. For the purpose of this Schedule, “wages” means wages as defined in section 2, but shall not include any payment by way of commission, subsistence allowance and overtime payment.

**SCHEDULE
LABOUR ORDINANCE (SARAWAK CAP. 76)**

[Subsection (1) of section 2]

Employee

*Provision of the
Ordinance not
applicable*

1. Any person, irrespective of his occupation, who has entered into a contract of service with an employer under which such person's wages do not exceed two thousand five hundred ringgit a month.

2. Any person who, irrespective of the amount of wages he earns in a month, has entered into a contract of service with an employer in pursuance of which –

- (a) he is engaged in manual labour including such labour as an artisan or apprentice:

Provided that where a person is employed by one employer partly in manual labour and partly in some other capacity, such person shall not be deemed to be performing manual labour unless the time during which he is required to perform manual labour in any one wage period exceeds one half of the total time during which he is required to work in such wage period;

- (b) he is engaged in the operation or maintenance of any mechanically propelled vehicle operated for the transport of passengers or goods or for reward or for commercial purposes;

- (c) he supervises or oversees other employees engaged in manual labour employed by the same employer in and throughout the performance of their work;
 - (d) he is engaged in recruiting employees;
 - (e) he is engaged in any capacity in any vessel registered in Malaysia and who -
 - (i) is not an officer certificated under the Merchant Shipping Acts of the United Kingdom as amended from time to time;
 - (ii) is not a holder of a local certificate as defined in Part VII of the Merchant Shipping Ordinance 1952; or
 - (iii) has not entered into an agreement under Part III of the Merchant Shipping Ordinance 1952; or
 - (f) he is engaged as a domestic servant.
- Definition of “ordinary rate of pay” in section 2, sections 104, 105, 105A, 105B, 105C, 105D, 105E and subsection (2) of section 106
- Definition of “ordinary rate of pay” in section 2, sections 11 and 12, subsections (1) and (2) of section 14, sections 58, 59, Chapter XIB, sections 103, 104, 105, 105A, 105B, 105C, 105D, 105E, 105F, sub section (2) of section 106 and Chapter XIVA.

3. For the purpose of this Schedule, “wages” means wages as defined in section 2, but shall not include any payment by way of commission, subsistence allowance and overtime payment.

**PIAWAIAN PENGELASAN PEKERJAAN MALAYSIA (MASCO) 2008
EDISI KETIGA**

KUMPULAN UTAMA 2 - PROFESIONAL

Profesional meningkatkan ilmu pengetahuan sedia ada, mengaplikasikan konsep dan teori sains atau seni, mengajar tentang apa yang berlaku secara sistematik, atau melibatkan diri dalam mana-mana gabungan daripada ketiga-tiga aktiviti ini. Kebanyakan pekerjaan dalam kumpulan ini memerlukan kemahiran pada tahap yang keempat.

21 PROFESIONAL SAINS DAN KEJURUTERAAN

- 211 Ahli Fizik, Kimia, dan Profesional Berkaitan
- 212 Ahli Matematik, Aktuari, dan Perangkawan
- 213 Profesional Sains Hayat
- 214 Profesional Kejuruteraan (Tidak Termasuk Elektroteknologi)
- 215 Jurutera Elektroteknologi
- 216 Arkitek, Perancang, Juruukur, dan Pereka
- 217 Pengawal Kapal, Pesawat, dan Kereta Api/Lokomotif
- 218 Profesional Perlombongan, Pembuatan, dan Pembinaan

22 PROFESIONAL KESIHATAN

- 221 Doktor Perubatan
- 222 Profesional Kejururawatan dan Perbidanan
- 223 Profesional Perubatan Tradisional dan Komplementari
- 224 Pengamal Paramedikal
- 225 Pakar Veterinar
- 226 Profesional Kesihatan Lain

23 PROFESIONAL PERGURUAN

- 231 Profesional Perguruan Universiti Dan Pendidikan Tinggi
- 232 Guru Pendidikan Vokasional
- 233 Guru Pendidikan Menengah

- 234 Guru Pendidikan Rendah Dan Prapendidikan Rendah
- 235 Guru Muzik, Seni, Dan Seni Persembahan
- 236 Guru Bahasa
- 237 Guru Agama
- 238 Pengajar Kemahiran Teknologi Dan Teknikal
- 239 Profesional Perguruan Lain

24 PROFESIONAL PERNIAGAAN DAN PENTADBIRAN

- 241 Profesional Kewangan
- 242 Profesional Pentadbiran
- 243 Profesional Jualan, Pemasaran, dan Perhubungan Awam
- 244 Profesional Badan Pengawalaturan

25 PROFESIONAL TEKNOLOGI MAKLUMAT DAN KOMUNIKASI

- 251 Pembangun dan Juruanalisis Perisian dan Aplikasi
- 252 Profesional Pangkalan Data dan Pentadbir Sistem

26 PROFESIONAL UNDANG-UNDANG, SOSIAL, DAN KEBUDAYAAN

- 261 Profesional Undang-Undang
- 262 Pustakawan, Juruarkib, dan Kurator
- 263 Profesional Sosial, Keagamaan dan Yang Berkaitan
- 264 Pengarang, Wartawan, dan Ahli Linguistik
- 265 Artis Kreatif dan Persembahan

27 PROFESIONAL PERKHIDMATAN HOSPITALITI, RUNCIT DAN PERKHIDMATAN LAIN

- 271 Profesional Hotel, Restoran, Hospitaliti dan Berkaitan