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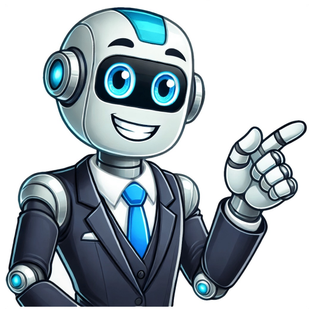

A Malaysian-compliant Employee Performance Appraisal Form for structured evaluation of employee performance and goal-setting.find out moreA Malaysian regulatory document that certifies employment relationships and compliance with local labor laws, used for both local and foreign worker employment verification.find out moreA Malaysian-compliant job application form for collecting candidate information in accordance with local employment laws.find out moreA Malaysian legal document where a guarantor assumes responsibility for a new employee's obligations and potential liabilities to their employer.find out moreA formal Malaysian employment termination document that outlines the terms, conditions, and obligations of employment separation in accordance with Malaysian law.find out moreA Malaysian law-compliant self-evaluation form for employee performance assessment and professional development planning.find out moreA Malaysian employment document that establishes the terms and conditions of an employee's probationary period, in compliance with local labor laws.find out moreA Malaysian-compliant Employee Contact Form for maintaining essential employee information and contact details in accordance with local employment laws.find out moreA Malaysian-compliant employee information collection form capturing essential personal and professional details required for employment administration and statutory compliance.find out moreA Malaysian-compliant Job Vacancy Form template for documenting and advertising employment opportunities, aligned with local employment laws and regulations.find out moreA Malaysian-compliant internal document used to formally request and approve new hiring requirements within an organization.find out moreA formal Malaysian business letter expressing gratitude for employment offer and confirming job acceptance, following Malaysian professional communication standards.find out moreA formal Malaysian employment verification document confirming an individual's employment status and details, compliant with local employment laws.find out moreA Malaysian legal document confirming complete clearance and settlement of all employment-related obligations between an employee and employer upon termination of employment.find out moreA Malaysian legal document for employees to designate beneficiaries for their employment-related benefits and entitlements.find out moreA Malaysian-compliant employee leave request and approval form that manages various types of time off requests in accordance with local employment laws.find out moreA Malaysian-compliant electronic employment offer letter that outlines employment terms and conditions while adhering to local digital commerce and labor laws.find out moreA Malaysian law-compliant feedback form for evaluating new employee onboarding experiences and process effectiveness.find out moreA Malaysian-compliant form documenting employee work availability preferences and scheduling constraints, aligned with local employment laws.find out moreA Malaysian-compliant form for employees to submit workplace improvement suggestions, protecting both employer and employee interests.find out moreA Malaysian-compliant form for recording employee emergency contact information and related details for workplace emergency situations.find out moreA Malaysian-compliant form for employees to claim reimbursement of business-related expenses, structured according to local employment and tax regulations.find out moreA Malaysian-compliant application form for seasonal workers, incorporating essential personal, professional, and legal requirements under Malaysian employment law.find out moreA Malaysian law-compliant employment letter documenting essential terms and conditions of employment between employer and employee.find out moreA formal Malaysian employment document confirming the continuation of an employee's employment terms and conditions beyond an initial period.find out moreA formal employment recommendation letter compliant with Malaysian law, providing professional assessment of an employee's performance and capabilities.find out moreA Malaysian law-compliant employee evaluation form for systematic assessment of employee performance and professional development planning.find out moreA formal Malaysian employment document certifying an employee's salary and employment status, used for official purposes such as loan applications and visa processing.find out moreA Malaysian-compliant job application form for collecting candidate information in accordance with local employment and data protection laws.find out moreA Malaysian legal document that systematically tracks and records an employee's exit process, ensuring compliance with local employment laws and protecting both parties' interests.find out moreA Malaysian employment document that establishes the terms and conditions of an employee's probationary period, in compliance with local employment laws.find out moreA formal Malaysian employment document confirming an employee's promotion, including new role details, responsibilities, and terms under Malaysian law.find out moreA standardized Employee Request Form for Malaysian organizations, facilitating various employee requests while ensuring compliance with local employment laws.find out moreA Malaysian legal document where a party waives their right to place a lien on property or make claims against payment in construction projects.find out moreA Malaysian-compliant form for nominating exceptional employees for monthly recognition, including evaluation criteria and performance documentation.find out moreA Malaysian law-compliant employment agreement establishing terms and conditions between employer and employee.find out moreA Malaysian-compliant employee record form capturing essential employee information and employment details as required by local employment laws.find out moreA Malaysian-compliant Employee Complaint Form for formally documenting and processing workplace grievances and concerns under Malaysian employment law.find out moreA formal document under Malaysian law used to officially terminate a contractual relationship, specifying termination details and remaining obligations.find out moreA formal letter under Malaysian law where a prospective employee declines a job offer, including necessary professional courtesies and legal considerations.find out moreA formal letter for immediate employment termination in Malaysia, citing grounds for dismissal and final arrangements in compliance with Malaysian employment law.find out moreA formal Malaysian employment document that verifies an individual's employment status, position, and tenure with an organization, compliant with local employment laws.find out moreA Malaysian legal document certifying an employee's complete settlement of obligations and proper separation from their employer.find out moreA formal request letter used in Malaysia by employers to initiate bank account opening for their employees, complying with Malaysian banking regulations.find out moreA Malaysian-compliant formal document confirming an employee's current salary and related compensation details for official purposes.find out moreA Malaysian-compliant internal approval document for initiating new hiring requests, capturing position details and required authorizations.find out moreA formal request letter under Malaysian employment law for internal employee transfer within an organization, detailing current and proposed positions and transfer rationale.find out moreA Malaysian legal document for conducting police background checks on employees, ensuring workplace security and regulatory compliance.find out moreA formal Malaysian workplace document for requesting and recording extended leave of absence, ensuring compliance with local employment laws while maintaining clear communication between employee and employer.find out moreA Malaysian-compliant job application form template for collecting essential candidate information in accordance with local employment laws.find out moreA Malaysian-compliant overtime documentation form for recording, authorizing, and processing overtime work and compensation in accordance with local employment laws.find out moreA legally binding employment agreement that establishes employment terms and conditions under Malaysian law.find out moreA Malaysian-compliant form documenting an employee's formal resignation, including notice period, last working day, and clearance requirements.find out moreA Malaysian law-compliant employee registration form capturing essential employment information and statutory requirements.find out moreA formal warning document issued under Malaysian employment law to address unauthorized employee absence, serving as part of the disciplinary process and official employment record.find out moreA Malaysian-compliant formal document for recording and implementing employee disciplinary actions while ensuring adherence to local employment laws.find out moreA formal appeal document used in Malaysian employment contexts to request reconsideration of an employment-related decision, complying with Malaysian employment laws.find out moreA formal employment application document compliant with Malaysian employment law, used by job seekers to apply for positions within organizations in Malaysia.find out moreA formal document issued under Malaysian employment law that confirms an employee's approved medical leave period and related details.find out moreA Malaysian-compliant form for requesting and providing employment verification, including consent mechanisms and data protection provisions.find out moreA Malaysian-compliant formal document for addressing and documenting employee performance or conduct issues, outlining corrective actions and consequences.find out moreA formal Malaysian employment document that outlines an employee's salary structure, benefits, and compensation terms in compliance with local employment laws.find out moreA formal employment offer document outlining employment terms and conditions in compliance with Malaysian employment law.find out moreA Malaysian-compliant medical examination form for assessing employee health status and fitness for employment, incorporating local regulatory requirements and data protection measures.find out moreA Malaysian-compliant employee performance evaluation document that facilitates structured assessment of work performance and competencies in accordance with local employment laws.find out moreA formal retirement notification letter compliant with Malaysian employment law, confirming an employee's retirement arrangements and related benefits.find out moreA Malaysian-compliant formal letter verifying income for self-employed individuals, used for official income verification purposes.find out moreA Malaysian-compliant document used to collect essential information from prospective employees prior to formal employment, ensuring adherence to local employment laws and regulations.find out moreA Malaysian-compliant internal document used to formally request and authorize new hiring, ensuring alignment with local employment laws and organizational procedures.find out moreA formal Malaysian legal document outlining the final settlement of all dues and obligations between an employer and departing employee under Malaysian employment law.find out moreA Malaysian-compliant employment history documentation form that captures comprehensive professional background information in accordance with local employment laws.find out moreA Malaysian-compliant formal document for recording employee coaching sessions, performance goals, and development plans.find out moreA Malaysian legal document used to officially verify and confirm employee wage information, complying with local employment laws and regulations.find out moreA Malaysian-compliant employment verification document issued by employers to confirm employment status and income details for employee loan applications.find out moreA Malaysian legal document verifying self-employment status for official and business purposes under Malaysian law.find out moreA Malaysian law-compliant formal written warning document for addressing and documenting employee misconduct or performance issues.find out moreOfficial Malaysian work permit application form required for employing foreign workers under Malaysian immigration law.find out moreA Malaysian-compliant formal document used to record and address employee misconduct or performance issues, including incident details and required corrective actions.find out moreMalaysian employment tax form for declaring employment income and calculating tax liability under Malaysian tax legislation.find out moreA Malaysian law-compliant formal employment offer document that outlines key employment terms and conditions for new hires.find out moreA formal letter used in Malaysia by temporary employees requesting conversion to permanent employment status, aligned with Malaysian employment law requirements.find out moreA Malaysian law-compliant document verifying the termination of employment relationship and confirming previous employment details.find out moreA Malaysian employment law-compliant form for requesting and documenting maternity leave arrangements, aligned with the Employment Act 1955's provision of 98 days paid leave.find out moreA Malaysian law-compliant form for capturing new employee information and employment terms during the onboarding process.find out moreA Malaysian-compliant form establishing terms and conditions for work experience arrangements between organizations and participants, aligned with local employment laws.find out moreA Malaysian law-governed formal letter detailing the terms and conditions for an employee's repayment of a company loan, including payment schedule and obligations.find out moreA Malaysian law-compliant document communicating the intent to promote an employee, outlining new role details and terms.find out moreA formal notice letter used in Malaysia to request and document maternity leave arrangements in accordance with Malaysian employment law.find out moreA Malaysian-law governed document that establishes terms and conditions for specific work assignments or services, ensuring compliance with local employment regulations.find out moreA Malaysian law-compliant document releasing employers from liability for specific work activities while preserving workers' statutory rights.find out moreA Malaysian-compliant internal document used to formally request and authorize new hiring, detailing position requirements and obtaining necessary approvals.find out moreA formal Malaysian document verifying an individual's self-employed status and business details for official purposes.find out moreA Malaysian-compliant document that defines job roles, responsibilities, and employment terms in accordance with local employment laws.find out moreMalaysian-law governed agreement establishing an independent contractor relationship between a company and self-employed individual, defining services, terms, and obligations.find out moreA formal Malaysian-compliant document confirming approved expense reimbursements from employer to employee, including payment details and terms.find out moreA Malaysian law-compliant guarantee agreement where a third party guarantees an employee's obligations to their employer.find out moreA formal document under Malaysian law that outlines the terms and conditions of an employee's internal transfer within an organization.find out moreA legally binding employment offer document under Malaysian law that outlines key terms and conditions of employment between an employer and prospective employee.find out moreA preliminary hiring document used in Malaysia that outlines a company's intention to employ an individual, including basic terms and conditions of the proposed employment.find out moreA formal notification letter used in Malaysian workplaces to inform employers about employee absence, complying with local employment laws and workplace policies.find out more It’s exciting to hear about the news of someone’s pregnancy. Expectant mothers go through a huge life transition when welcoming a new member to their family, and maternity leave plays a pivotal role in supporting them as they cope with all the changes. As an employer or HR professional, it’s crucial for you to be across maternity leave policies so you are clear about your legal obligations and can provide expectant mothers with the essential support they need. Here’s everything you need to know. What is maternity leave? Maternity leave is a type of paid or unpaid absence from work that is granted to pregnant employees or those who have recently given birth. It provides them with the necessary time to recover from childbirth, bond with their newborn, and address the various physical and emotional demands of motherhood. It is a crucial workplace benefit that acknowledges the unique needs of expectant and new mothers, enabling them to place their professional lives on hold temporarily, while they deal with a significant life transition. The difference between maternity and paternity leave Maternity leave and paternity leave are both types of leave granted to employees to support them during significant life events related to parenthood. However, they are designed for individuals in different roles and with different responsibilities. Maternity leave is typically granted to biological or adoptive mothers who have given birth or are about to give birth. Paternity leave, on the other hand, is granted to fathers or partners of individuals who have given birth. Its purpose is to provide fathers or partners with the opportunity to actively participate in the care of, and bonding process with, their newborn child. Paternity leave recognises the importance of a father’s involvement in the early stages of parenting, and encourages shared responsibilities in childcare. Maternity leave tends to be longer than paternity leave due to the physical recovery and breastfeeding considerations for mothers. Paternity leave is often shorter but still vital for promoting family bonding, gender equality, and work-life balance. The specific duration and terms of both maternity and paternity leave also varies depending on company policies — some companies might choose to offer a longer period of maternity or paternity leave than legally required. Are Malaysian employers legally obliged to provide maternity leave? Yes, there are provisions for maternity leave for female employees under the Employment Act (EA). With new amendments made to the Employment Act via the Employment (Amendment) Act 2022, there have been a few changes to maternity protections. How many days of paid maternity leave do employees get? The length of paid maternity leave has been increased from 60 consecutive days previously to 98 consecutive days now. However, it shall not commence earlier than 30 days immediately preceding her confinement, or later than the day immediately following her confinement. In the context of maternity leave in Malaysia, the term ‘confinement’ refers to the period of time following childbirth, where a mother takes time off from work to recover and care for herself and her newborn. In Malaysia, the confinement period is culturally significant, and there are various traditional practices and customs associated with it. Nevertheless, a female employee may, with the consent of her employer, commence work at any time during the maternity leave — if she has been certified fit to resume work by a registered medical practitioner. Maternity allowance (regular monthly salary) During the maternity leave period, employees are entitled to receive maternity allowance, which is typically calculated based on their average monthly wage. This maternity allowance is paid by the employer or the Social Security Organization (SOCSO), depending on the circumstances. Employers are required to pay maternity allowance to an employee, if she has been employed for: At least 90 days during the 9 months immediately before her confinement; or She has been employed at any time in the four months immediately before her confinement. However, maternity allowance is only provided for the first five children of eligible employees — if a female employee has more than five children, she shall not be entitled to any maternity allowance at the time of her confinement. Based on the Employment Act, a female employee is required to notify her employer of the expected confinement period and maternity leave start date within 60 days prior. Failure to do so or commencing maternity leave without any notice to the employer will cause her to lose her entitlement to maternity allowance. Termination of a pregnant employee If a female employee is pregnant or is suffering from an illness arising from her pregnancy, the employer may not terminate her employment, or give her a notice of termination of employment, except on the grounds of: A wilful breach of a condition of the contract of service; Misconduct; or Closure of the employer’s business. For cases in which a female employee is terminated under the aforementioned conditions, the employer bears the burden of proving that the female employee’s termination from employment was not on the grounds of her pregnancy or an illness arising from her pregnancy. How many days of paid paternity leave do employees get? Although there was no statutory requirement previously for employers in Malaysia to provide paternity leave to new fathers, thanks to the Employment (Amendment) Act 2022, married male employees are now entitled to seven days of paid paternity leave, which must be taken consecutively. To qualify for paid paternity leave, married male employees must be: Employed by the same employer at least twelve months immediately before the commencement of such paternity leave; and Have notified his employer of his spouse’s pregnancy at least thirty days from the expected confinement or as early as possible after the birth. Can an employer refuse maternity or paternity leave? Employers are not allowed to outright refuse maternity or paternity leave to eligible employees. They are protected rights that help support the wellbeing of employees. The EA now covers all employees, regardless of wages — which means that maternity and paternity leave are statutory provisions that employers must provide to employees. Of course, there are certain conditions and requirements that employees need to fulfill to be eligible for maternity or paternity leave. If an employer were to refuse maternity or paternity leave to an eligible employee without proper justification, that would be in gross violation of labour laws, and could potentially lead to legal issues, complaints, or disputes. Manage maternity and paternity leave more effectively with Employment Hero With so many types of employee leave available — maternity leave, paternity leave, shared parental leave, adoption leave, compassionate leave and more, it can get overwhelming to keep track of all your employees’ leave entitlements and dates. But leave management doesn’t have to be complicated or confusing. All you need is a great HR software that does the work for you while you reap the benefits of structure, efficiency and productivity. Employment Hero does all that and more for you and your business! Say goodbye to mindless admin work — you’ll never be short-staffed or lose leave requests again. With our platform, you’ll get notified whenever someone from your team requests leave. You’ll be able to see all your team’s leave requests in a calendar view, see every employee’s leave balance, approve or decline requests with notifications automatically sent to your employee, and have a central digital source of truth for all employee leave documentation. Employees also enjoy self-service functionality by using Employment Hero — they can use their desktop or mobile to submit sick leave requests, upload their medical certificates, view their leave balances, and receive notifications about the status of their leave requests. It’s leave management made easy. For more information on other types of leave, such as annual leave, sick leave and more, visit the Malaysia SME BizHub or refer to our guide to HR compliance. [inline-form form-id=11331 type=’local’] Check out our other resources: Disclaimer: The information in this article is current as at 18th August 2023, and has been prepared by Employment Hero Pty Ltd (ABN 11 160 047 709) and its related bodies corporate (Employment Hero). The views expressed in this article are general information only, are provided in good faith to assist employers and their employees, and should not be relied on as professional employment or legal advice. Any reference to government policies, regulations, or guidance is for informational purposes only and should not be considered official government advice. The information is based on data supplied by third parties. While such data is believed to be accurate, it has not been independently verified and no warranties are given that it is complete, accurate, up to date or fit for the purpose for which it is required. Employment Hero does not accept responsibility for any inaccuracy in such data and is not liable for any loss or damages arising directly or indirectly as a result of reliance on, use of or inability to use any information provided in this article. You should undertake your own research and seek professional advice before making any decisions or relying on the information in this article. Note: The Employment Act is not applicable to Sabah and Sarawak, as they have their own Labour Ordinances respectively: the Sabah Labour Ordinance and Sarawak Labour Ordinance. Understanding and correctly applying parental leave (maternity and paternity leave) policies is vital for HR managers and business owners in Malaysia. Indeed, recent updates, especially through the Employment (Amendment) Act 2022, have significantly changed maternity and paternity leave entitlements. Consequently, staying compliant not only ensures you follow the law but also helps create a supportive work environment. This, in turn, is crucial for employee morale and retention. This guide offers a clear, complete overview of the current Parental Leave Malaysia laws. Therefore, it will help you understand your obligations and support your employees well. Specifically, we will cover eligibility, duration, allowances, and other important points under the latest labour laws in Malaysia. Understanding the Latest Changes to Parental Leave Malaysia: Employment (Amendment) Act 2022 The Employment (Amendment) Act 2022, which started on January 1, 2023, introduced several key changes to Parental Leave Malaysia. These changes aim to give better support to working parents. Furthermore, they help align Malaysia with more progressive international standards. Key updates include a longer paid maternity leave and the official introduction of paid paternity leave for eligible employees. Importantly, these changes apply to employees covered under the Employment Act 1955. For businesses, this means you need to update your internal HR policies. Additionally, ensure your HR systems can manage compliance with these new Parental Leave Malaysia rules. Maternity Leave in Malaysia: A Comprehensive Guide to Your Entitlements What is Maternity Leave in Malaysia? Maternity leave is a legally required period of paid time off for female employees before and after childbirth. Primarily, its purpose is to allow mothers to recover from childbirth and care for their newborn. In Malaysia, the Employment Act 1955 mainly governs maternity leave in Malaysia. Schedule your Worksy HRMS demo today and get a free 30-day subscription!* Request free demo now *Terms and conditions apply. Key Legal Provision for Maternity Leave in Malaysia: Section 37 of the Employment Act 1955 Section 37 of the Employment Act 1955 is the foundation of maternity protection in Malaysia. Specifically, it details the rights to maternity leave, maternity allowance, and protection against job termination due to pregnancy. Therefore, employers must know this section well to ensure they comply with maternity leave in Malaysia regulations. Duration of Maternity Leave in Malaysia: Is 98 Days Compulsory? Yes, under the latest amendments, eligible female employees are entitled to 98 consecutive days of paid maternity leave in Malaysia. Employers must provide this. Commencement: An employee can start her maternity leave anytime from 30 days before her expected due date, or on the day right after her confinement, if she has told her employer. If she starts earlier than 30 days before confinement but still works during this period, her leave has not officially begun. Calculation: Maternity leave includes consecutive calendar days, which means rest days and public holidays count towards the 98 days. Eligibility Criteria for Maternity Leave in Malaysia To qualify for paid maternity leave in Malaysia and allowance, a female employee must meet these conditions: She must have worked for the employer for at least ninety days in total during the nine months right before her confinement. She must have worked for the employer at some point in the four months right before her confinement. She must have no more than five living children at the time of confinement to receive the maternity allowance from her employer. However, she still gets the 98 days of leave, regardless of the number of children. These rules apply to female employees covered by the Employment Act 1955 when considering maternity leave in Malaysia. Maternity Allowance in Malaysia Calculation: Eligible female employees receive a maternity allowance equal to their ordinary daily pay, or a rate set by the Minister (whichever is higher), for each day of the 98-day maternity leave. In essence, this means full pay during maternity leave for those who qualify. Accurate preparation of employee payslips during this time is very important. Payer: The employer pays the maternity allowance. Conditions for Receiving Allowance: Besides meeting eligibility, the employee must inform her employer about her pregnancy and planned leave. Also, she must not work for any other employer during her maternity leave. Notification and Application Process for Maternity Leave in Malaysia Employee’s Responsibility: A female employee must tell her employer about her expected due date and her plan to take maternity leave at least 60 days before her expected delivery. If she fails to do this without a good reason, her maternity allowance payment might be paused until she informs her employer. Required Documentation: Employers can ask for a medical certificate from a registered doctor confirming the pregnancy and expected delivery date. Protection Against Termination for Pregnant Employees in Malaysia The Employment Act 1955 offers significant protection for pregnant employees concerning Parental Leave Malaysia: An employer cannot fire a female employee during her pregnancy or maternity leave if the reason for firing is her pregnancy or confinement. If an employer fires a female employee who is pregnant or on maternity leave for reasons other than her pregnancy (like misconduct or redundancy), the employer must prove the termination was not due to pregnancy or confinement. An employer cannot give a termination notice to a female employee who is pregnant or ill due to her pregnancy if her absence from work is not more than 90 days in total during her pregnancy (not including maternity leave). Can an Employee Resign During Maternity Leave in Malaysia? Yes, an employee can resign while on maternity leave in Malaysia. Standard resignation procedures apply, including giving the contractual notice period. If an employee resigns without giving proper notice, the employer may deduct payment instead of notice from any salary owed. It is important to handle these situations professionally. For instance, you might discuss annual leave encashment if applicable upon resignation. Provisions for Miscarriage or Stillbirth under Maternity Leave in Malaysia If an employee has a miscarriage after at least 22 weeks of pregnancy (stillbirth), she is entitled to the full 98 days of maternity leave in Malaysia and allowance, provided she meets the eligibility criteria. However, if the miscarriage happens before 22 weeks of pregnancy, she is not entitled to maternity leave but can take sick leave if a doctor certifies it. Extending Maternity Leave in Malaysia: Unpaid Options The Employment Act 1955 does not automatically provide for unpaid maternity leave beyond the 98 paid days. Therefore, any extension of leave as unpaid leave depends on an agreement between the employer and employee. Employers might have their own internal policies for extended unpaid parental leave. Paternity Leave in Malaysia: What Employers Need to Know Introduction to Paternity Leave in Malaysia The Employment (Amendment) Act 2022 officially introduced and mandated paid paternity leave in Malaysia for eligible male employees in the private sector. This is a major step towards supporting fathers in their parenting roles and an important part of Parental Leave Malaysia. Duration of Paternity Leave in Malaysia Eligible male employees can take 7 consecutive days of paid paternity leave in Malaysia for each birth. This is available for up to five births, no matter how many spouses the employee has. Eligibility Criteria for Paternity Leave in Malaysia To qualify for paid paternity leave in Malaysia, a male employee must: Be married to the child’s mother. Have worked for the same employer for at least 12 months immediately before starting the leave. Inform his employer about his wife’s pregnancy and his plan to take paternity leave at least 30 days before the expected birth or as soon as possible after the birth. Is Paternity Leave in Malaysia Paid? Yes, the 7 consecutive days of paternity leave in Malaysia are paid at the employee’s ordinary rate of pay. Notification and Application Process for Paternity Leave in Malaysia Employee’s Responsibility: The employee must tell his employer about his wife’s pregnancy and his plan to take paternity leave. Ideally, he should do this 30 days before the expected birth or as soon as he can after the birth. When Leave Can Be Taken: The employee must take the leave as a continuous block of 7 days. Typically, it can start from the child’s birth date or shortly after, as agreed with the employer. Required Documentation: Employers can ask for supporting documents, such as a marriage certificate and the child’s birth certificate. Employer Obligations and Best Practices for Parental Leave Malaysia Calculating Parental Leave Malaysia Days Correctly Maternity Leave: 98 consecutive calendar days. Paternity Leave: 7 consecutive calendar days. Using an eLeave management system can help accurately track and calculate these Parental Leave Malaysia types. Record-Keeping Requirements for Parental Leave Malaysia Employers must keep proper records of all maternity and paternity leave taken by their employees. These records should include dates and any allowance paid. Consequently, these records are essential for compliance and audits related to maternity and paternity leave in Malaysia. Impact of Parental Leave Malaysia on Other Leave Entitlements Generally, parental leave (maternity or paternity) does not break an employee’s continuity of service. Employees usually continue to accrue employee benefits like annual leave during paid parental leave. However, company policies should clearly state this. Sick leave is separate and used for personal illness. Communicating Parental Leave Malaysia Policies You should develop clear, written Parental Leave Malaysia policies that all employees can easily access. These policies should detail: Eligibility criteria. Leave duration and pay. Application procedures. Employee rights and protections. Clearly communicating these policies is a key part of good HR management. Penalties for Non-Compliance with Parental Leave Malaysia Failing to follow the Parental Leave Malaysia provisions under the Employment Act 1955 can lead to penalties, including fines. Thus, ensuring compliance is not just about avoiding penalties; it is also about maintaining ethical employment practices. Frequently Asked Questions (FAQ) about Parental Leave Malaysia What is the new maternity law in Malaysia regarding Parental Leave Malaysia? The new maternity law, effective January 1, 2023, under the Employment (Amendment) Act 2022, extends paid maternity leave to 98 consecutive days for eligible employees. Additionally, it strengthens protections against termination due to pregnancy as part of Parental Leave Malaysia. How much is maternity allowance in Malaysia under Parental Leave Malaysia? Eligible female employees receive a maternity allowance equal to their ordinary rate of pay (full pay) for each day of the 98-day maternity leave period. The employer pays this. However, this allowance is subject to the employee having no more than five surviving children. What’s the longest period one can take for maternity leave (including unpaid) as part of Parental Leave Malaysia? The statutory paid maternity leave is 98 consecutive days. Any extension beyond this as unpaid leave requires agreement between the employer and employee; it is not a statutory right under Parental Leave Malaysia. Can an employer terminate a pregnant employee in Malaysia according to Parental Leave Malaysia laws? No, an employer cannot fire a female employee specifically because she is pregnant or while she is on maternity leave. An exception exists if the termination is for reasons unrelated to pregnancy (e.g., proven misconduct, redundancy), and the employer can prove this. Who is eligible for paternity leave in Malaysia under Parental Leave Malaysia? A male employee qualifies for 7 days of paid paternity leave if he is married to the mother, has worked for the same employer for at least 12 months before the leave, and informs the employer appropriately. This is limited to five confinements. Conclusion: Embracing Enhanced Parental Leave Malaysia The recent changes to Malaysia’s Employment Act have notably improved parental leave benefits. This reflects a growing understanding of how important it is to support working parents. For HR managers and business owners, keeping up with these changes—from the 98-day maternity leave to the 7-day paid paternity leave—is essential for managing Parental Leave Malaysia effectively. By ensuring full compliance, providing clear communication, and creating a supportive environment, businesses can meet their legal duties. Moreover, they can also boost employee loyalty, productivity, and overall workplace well-being. We recommend you review and update your internal HR policies and employee handbooks to include these latest Parental Leave Malaysia provisions. Disclaimer: This article provides general information and should not replace legal advice. Employers should consult with legal professionals or refer to the latest official government gazettes for specific guidance on employment laws in Malaysia. Schedule your Worksy HRMS demo today and get a free 30-day subscription!* Request free demo now *Terms and conditions apply. Maternity leave in Malaysia is a prolonged hiatus women take for childbirth, starting from their pregnancy to childbirth. The standard period of maternity leave is a minimum of 98 consecutive days, and any female employee, regardless of marital status, is entitled to maternity leave. Employees are entitled to receive maternity allowance, which is typically calculated based on their average monthly wage. This allowance is paid by the employer or the Social Security. To be eligible to receive maternity allowance during their maternity leave, a female employee must have fewer than five surviving children at the time of her confinement.The Employment (Amendment) Bill 2021 increases maternity leave to 98 consecutive days, an increase from what was previously 60 days. As of 2024, Malaysian law entitles female employees to 98 days of paid maternity leave, which can commence 30 days before the expected delivery date. This recent amendment, effective in December 2022, requires a female employee to notify her employer of the expected confinement period and maternity leave start date within 60 days.As of 2020, the maternity leave entitlement for new mothers is not less than 60 consecutive days of fully paid leave. Companies can also extend the leave beyond this initial initial period. The duration of maternity leave in Malaysia has been extended to 98 consecutive days, starting no earlier than 30 days before the expected date of confinement and no later than the day immediately following confinement.The minimum time for paid maternity leave in Malaysia is 98 days, with the previous iteration of the Employment Act 1955 only covering 60 days. Eligible mothers are entitled to 98 days post-pregnancy of paid maternity leave. A handy maternity allowance calculator helps plan employees’ maternity leave. Maternity Leave Payroll Calculation Malaysia HR ForumShould maternity leave be calculated based on the employee’s basic salary, or should it be calculated separately by the employer … (Image Source: Pixabay.com) How Do I Allocate 7 Days Maternity Leave?Ang mga babaeng miyembro ay may opsyon na maglaan ng maternity leave credits na umabot sa pitong (7) araw sa ama ng bata (kasal man o hindi) o sa kwalipikadong alternatibong tagapangalaga (kamag-anak sa ikaapat na antas ng pagkakamag-anak o kasalukuyang kasosyo ng miyembro). Ayon sa Republic Act No. 11210 o ang 105-Day Maternity Leave Law, ang mga babaeng manggagawa na may karapatan sa maternity benefits ay puwedeng maglaan ng hanggang pitong (7) araw ng mga benepisyo sa ama ng bata.Upang maglaan ng maternity leave credits sa iyong asawa o alternatibong tagapangalaga, kailangan mong magsumite ng nakasulat na abiso sa pinuno ng ahensya kasama ang iyong aplikasyon para sa maternity leave. Ang inilaang pamamaraan ay maaari ring ilapat sa mga kaso ng live birth, ngunit hindi ito naaangkop sa miscarriages. Sa pamamagitan ng nakasulat na abiso sa employer at napiling tagapangalaga, ang ina ay makakapaglaan ng hanggang pitong (7) araw ng kanyang maternity benefits.Sa ganitong paraan, ang ina ay magkakaroon ng natitirang 98 na araw para sa kanyang maternity leave. Ang mga maternity leave ay isang mahalagang benepisyo sa empleyado na kadalasang kailangan ng mga employer na ibigay sa U. S., kung saan karaniwang umabot sa 12 linggo ang maternity leave, maaaring bayad o hindi. Mahalaga ring suriin ang mga batas sa estado at kumpanya ukol sa ganitong uri ng bakasyon. (Image Source: Pixabay.com) How To Compute Maternity Leave?To compute SSS maternity benefits, the formula is 100% of your average daily salary credit multiplied by 105 days. First, identify the six highest Monthly Salary Credits (MSC) from the past 12 months if you're a voluntary or self-employed member. A maternity leave calculator can assist in determining your leave duration based on your due date, simply by entering your start and due dates. The SSS Maternity Benefit offers daily cash allowances for female members unable to work due to childbirth, miscarriage, or emergency termination of pregnancy.Women can also use a maternity leave calculator to help plan their maternity leave dates effectively. Additionally, it’s crucial to compute full pay by multiplying your monthly salary by the maternity period in months, while assessing premium contributions for SSS and Philippine Health Insurance. The process also involves knowing eligibility criteria for SSS maternity benefits for 105 paid leave days, with seven days transferable to fathers. Utilize tools available to calculate your benefits and plan your maternity leave efficiently.Read also: How Can You Submit A Sanctions Motion To The Family Court? (Image Source: Pixabay.com) What Is The Minimum Maternity Leave?The Employment (Amendment) Act 2021 has increased minimum maternity leave from 60 to 98 days, effective January 1, 2023. Initially proposed as 90 days, the law eventually settled on 98. In contrast, the U. S. lacks a national maternity leave policy, with states setting varied rules. The Family and Medical Leave Act (FMLA) governs U. S. maternity leave, allowing up to 12 weeks of unpaid, job-protected leave for eligible employees and requiring that companies with a minimum of 50 employees offer this leave.While some states provide paid leave—California, Rhode Island, and New Jersey being examples—there is no federal mandate for paid maternity leave. Under FMLA, both parents can take leave for new child care, and certain state laws may offer extended benefits. The U. S. Department of Labor describes parental leave as time taken to care for a child needing parental support. A guide explores state-specific maternity laws, benefits, and best practices.Most employees may receive approximately 12 weeks of maternity leave, with potential extensions under specific local laws regarding pregnancy disability. Although 40% of employers offer paid maternity leave, only about 70% of women utilize some form of it within the framework provided by existing laws. (Image Source: Pixabay.com) Is Paid Maternity Leave A Statutory Entitlement In Malaysia?In Malaysia, female employees are entitled to paid maternity leave under the Employment Act 1955, which ensures a statutory right for eligible employees. The updated legislation specifies that maternity leave lasts for 98 consecutive days and is fully paid. This leave cannot be canceled once it begins. The Act outlines that confinement refers to childbirth, allowing female employees to benefit from this entitlement for each confinement. Effective from January 1, 2023, all female employees, regardless of wages, can access 98 days of maternity leave.Previously, there was no statutory paternity leave, but the 2022 amendments now provide married male employees with seven consecutive days of paid paternity leave for each confinement. It's important to note that paid maternity leave is available only for the first five pregnancies; subsequent leaves are unpaid. Moreover, the leave cannot start earlier than 30 days before confinement. Consequently, maternity and paternity leave have been formally recognized as statutory rights for eligible employees in Malaysia. The Employment Act's revisions emphasize that all employees are covered, ensuring necessary protections for maternity and paternity leave entitlements. (Image Source: Pixabay.com) How Many Days Maternity Leave Does A Female Employee Get?The benefit includes 105 days of maternity leave with full pay, extendable for 30 additional days without pay. Solo parents receive an extra 15 days. Maternity leave typically refers to the time taken off for childbirth or adoption, while paternity leave is for fathers. Employees working over 20 hours per week qualify for leave after 26 weeks; those with fewer than 20 hours require 175 days of employment. The Family and Medical Leave Act (FMLA) allows eligible workers in the U.S. to take up to 12 weeks of unpaid, job-protected leave for newborn care, under specific criteria. Some states like California have additional provisions for paid leave. Although there's no federal mandate for paid maternity leave, certain states have implemented it. Research indicates that the average maternity leave in the U. S. is around 10 weeks. The law states that pregnant employees can take a minimum of 62 days off, and in Europe, maternity leave can extend up to 52 weeks, with specific proportions being mandatory.In the context of Europe, maternity leave generally lasts a minimum of 14 weeks. Overall, societal norms around parental leave are evolving, emphasizing the importance of supporting new parents in their transitions. (Image Source: Pixabay.com) How Do I Calculate My Maternity Due Date?To estimate your due date, you can use a simple calculation method called Naegele's Rule, which is based on a typical 28-day menstrual cycle. Start by identifying the first day of your last menstrual period (LMP). For instance, if your last period began on September 9, 2023, counting back three months brings you to June 9, 2023. Next, add one year and seven days, which results in a likely due date of June 16, 2024. This method is widely utilized in pregnancy calculators.You can enter your LMP, conception date, IVF transfer date, or the date of your first ultrasound into the calculator to receive a comprehensive pregnancy schedule. The calculator not only estimates your due date but also indicates how many weeks pregnant you are and provides relevant pregnancy information. Typically, pregnancy lasts around 40 weeks, and due dates are often calculated by adding 280 days to the LMP. By simply inputting the necessary dates, the pregnancy due date calculator streamlines the process, making it user-friendly for expecting parents to understand their pregnancy timeline efficiently.Read also: How To Organize A Family Reunion That Works? (Image Source: Pixabay.com) How Do I Calculate When To Take Maternity Leave?La fecha prevista para el parto (EWC) es el DD Mes Año. A partir de esta fecha, la licencia por maternidad debe comenzar entre el DD Mes Año y el DD Mes Año. Nuestro calculador de licencia de maternidad ayuda a identificar las fechas clave al planificar la licencia. Las empleadas elegibles tienen derecho a hasta 12 semanas de licencia bajo la FMLA en un periodo de 12 meses, y hasta 26 semanas para licencia de cuidadores militares.La licencia por maternidad se utiliza para recuperarse del parto y adaptarse a la llegada de un nuevo hijo, mientras que las familias pueden tener diferentes necesidades sobre cuándo iniciar la licencia.Varía según la empresa y el estado en EE. UU. y se aconseja investigar opciones de discapacidad a corto plazo y licencia pagada. El calculador también estima el impacto financiero de la licencia, considerando criterios de elegibilidad y duración. Las beneficiarias pueden recibir hasta ocho semanas de beneficios. La Ley de Licencia Familiar y Médica (FMLA) permite a la mayoría de las empresas ofrecer hasta 12 semanas de licencia no remunerada. Ingresar las fechas en el calculador facilita determinar derecho a la compensación durante este periodo. (Image Source: Pixabay.com) How Do You Calculate Maternity Leave?To determine how much paid maternity leave a team member is entitled to, they need to plan around their baby's due date and choose when to start their leave. Maternity leave refers to the time a mother takes off work after childbirth, adoption, or fostering, while paternity leave applies to fathers. Many companies now provide resources such as maternity leave calculators to assist in understanding relevant dates and entitlements. In the U. S., maternity leave laws vary by state, encompassing both paid and unpaid programs.During maternity leave, mothers typically recover from childbirth and care for their new child. The Maternity Leave Calculator considers factors like eligibility, duration, and financial impact, allowing users to estimate their pay and benefits by inputting start and end dates of their leave. Maternity leave differs from standard paid time off, featuring defined lengths and compliance with local and federal regulations.Generally, mothers may be entitled to up to 12 weeks of paid leave, which can vary based on an average wage calculated over several quarters. Employers can easily calculate maternity leave entitlement and statutory maternity pay, making use of calculators designed for this purpose. (Image Source: Pixabay.com) What Is The Maternity Leave Period?The maternity leave period of 98 days established by recent amendments aligns with the International Labour Organization's Maternity Protection Convention, 2000, which mandates a minimum of 14 weeks (98 days) of maternity leave. Maternity leave is the time off work mothers take for childbirth or adoption, while paternity leave is taken by fathers. In the United States, maternity leave is mainly governed by the Family and Medical Leave Act (FMLA), which grants eligible employees up to 12 weeks of unpaid, job-protected leave per year.However, there's no federal mandate on paid maternity leave, leading to varying state regulations. States like California, Rhode Island, and New Jersey have established paid parental leave policies. New mothers typically take around 10 weeks of maternity leave, combining paid sick leave and additional unpaid time. The FMLA allows up to 12 workweeks of unpaid leave, protecting the employee's job. Generally, women are recommended to take about 6 to 8 weeks for recovery post-childbirth.Notably, only certain states provide paid maternity leave, leaving many women without compensation during this critical time. Maternity leave distinguishes itself from standard paid time off, having specific regulations and durations set by both local and federal laws. Overall, while the average maternity leave duration in the U. S. is often viewed as 12 weeks due to FMLA, the actual experience can differ significantly based on state-specific policies and individual company offerings. (Image Source: Pixabay.com) Are Foreign Employees Eligible For Maternity Leave In Malaysia?The Employment Act 1955 in Malaysia applies to both Malaysian and foreign employees, entitling foreign female employees to maternity leave and allowance, regardless of the child’s legitimacy. Under Section 37, every female employee is entitled to 98 consecutive days of maternity leave for each confinement, an increase from the previous 60 days due to the Employment (Amendment) Act 2022. Maternity leave is a statutory entitlement, ensuring time off before and after childbirth for female employees.As of January 1, 2023, new mothers are entitled to 98 days of paid maternity leave and 7 days of paternity leave for new fathers. While previously there was no statutory paternity leave, the recent amendments have established provisions for it. Foreign female employees are also covered under the Employment Act, ensuring they receive maternity leave and allowances. The amendments effective from 2024 further solidify these entitlements, allowing maternity leave to start 30 days before the expected delivery date. In essence, Malaysian labor laws mandate maternity leave for all employees, contributing to better workplace benefits for both local and foreign employees. 40000 INR per week Maternity Allowance in Canada? Calculate yourself #shorts #ytshorts 100%(1)100% found this document useful (1 vote)3K viewsThis document contains forms for registering maternity leave and allowances under the Employment Act 1955 in Malaysia. [PART A] is for a female employee leaving her job who is expected to gi…SaveSave Maternity Register For Later100%100% found this document useful, undefined In the tapestry of life’s most exceptional moments, the arrival of a new family member stands unparalleled—a period filled with anticipation, joy, and a fair share of challenges. Within the framework of maternity leave in Malaysia, ‘confinement’ denotes the post-childbirth phase during which a mother is allowed time away from work to recuperate and attend to her and her newborn’s needs. This confinement period holds cultural importance in Malaysia, accompanied by numerous traditional rituals and customs. Maternity leave is the period during which a female employee is allowed to be away from work in connection with childbirth. Maternity leave is a protected right under the Employment Act 1955 in Malaysia. According to the Act: Maternity leave cannot start more than 30 days before the expected date of childbirth unless a medical officer or a registered medical practitioner certifies that the employee is unable to perform her duties due to the pregnancy. If certified as such, the employee can be required to start maternity leave at any time within 14 days before the expected delivery date. Maternity leave must begin no later than the day after childbirth. The standard period of maternity leave is a minimum of 98 consecutive days. Eligibility for Maternity Leave: Any female employee regardless of her marital status is entitled to maternity leave for each confinement. Maternity allowance is a financial benefit paid to an employee during her maternity leave. The key points regarding maternity allowance from the Act are: An employee is entitled to a maternity allowance if she has worked for the employer for a period of, or periods totaling, not less than 90 days in the nine months immediately before her confinement. She must also have been employed by the employer at any time during the four months immediately before her confinement. The allowance is payable for the eligible period of maternity leave (not less than 98 consecutive days). A female employee is not entitled to any maternity allowance if, at the time of her confinement, she has five or more surviving children. Eligibility for Maternity Allowance: To be eligible for the maternity allowance, the employee must meet the employment duration requirement and not have five or more surviving children. Maternity Leave refers to the actual time off granted to a female employee to recover from childbirth and care for her newborn. Maternity Allowance refers to the financial compensation paid during this leave period. It is meant to support the employee financially when she is not earning her regular wage due to being on leave. The eligibility for maternity leave itself does not seem to be directly contingent on the length of service. A female employee is entitled to maternity leave for each confinement. However, the eligibility for maternity allowance, which is the payment received during maternity leave, does have specific service length requirements. To be eligible for the maternity allowance, the female employee must have been employed for a period of, or periods amounting in aggregate to, not less than ninety days during the nine months immediately before her confinement. Additionally, she must have been employed by the employer at any time in the four months immediately before her confinement. Both the leave and allowance are tied to each other but have separate conditions for eligibility. An employee may qualify for leave but not the allowance (for example, if she has five or more surviving children), or she might qualify for both, depending on her specific circumstances and the fulfillment of the conditions outlined by the Act. Maria has been working with XYZ Corporation for the past two years without interruption. She recently found out she’s pregnant and is expecting to give birth in six months. Over the last nine months, Maria has worked consistently, far exceeding the minimum requirement of having been employed for at least 90 days in the nine months immediately before her expected date of confinement. Given her employment history and current status with XYZ Corporation, Maria is eligible to receive Maternity Allowance during her maternity leave, as she meets the criteria set forth for entitlement, including being employed for a sufficient amount of time before her confinement. Scenario Demonstrating Ineligibility for Maternity Allowance Sophie started working at ABC Enterprises just two months ago. Shortly after joining the company, she discovers she’s pregnant and will likely give birth in four months. While Sophie is entitled to take maternity leave, she does not meet the eligibility criteria for Maternity Allowance, which requires her to have been employed for at least 90 days during the nine months immediately before her confinement. Given that Sophie’s employment duration falls short of this requirement, she is not eligible for Maternity Allowance from ABC Enterprises during her maternity leave. Scenario Demonstrating Eligibility for Maternity Allowance Siti was employed at Tech Innovations for 89 days during the first three months of the year before she resigned. She took some time off and then was rehired by Tech Innovations, working for an additional day within the four months immediately preceding her expected date of confinement. In total, Siti has worked for 90 days in the nine months before her expected delivery, meeting the critical condition of having been employed for not less than 90 days during the nine months immediately before her confinement. Additionally, her reemployment and work for one day in the last four months prior to her maternity ensure she fulfills the criteria of being employed by the employer at any time in the four months immediately before her confinement. Given these circumstances, Siti qualifies for Maternity Allowance. Despite her resignation and period of unemployment, her cumulative employment at Tech Innovations reaches the required 90 days within the nine-month timeframe and includes employment during the crucial four-month period before her delivery. Therefore, Siti is eligible to receive Maternity Allowance during her maternity leave, illustrating the provision’s flexibility in accommodating varying employment patterns among female employees. The maternity allowance for each day of the eligible period is at the employee’s ordinary rate of pay or a rate prescribed by the Minister, whichever is greater. Monthly-paid employees are considered to have received their maternity allowance if they continue to receive their monthly wages during the maternity leave period without deduction. If a female employee is eligible to claim maternity allowance from multiple employers, she cannot receive an amount exceeding what she would be entitled to from a single employer. An employer who pays maternity allowance can recover a proportionate contribution from any other employer(s) for whom the employee worked during the eligibility period. Terminating a female employee’s service during her maternity leave period is an offence, except in cases of business closure. The maternity allowance must be paid in the same manner as wages earned during the employment contract’s wage period. If a female employee dies during her maternity leave, the maternity allowance from the commencement of her leave to the day before her death must be paid to her nominee or legal representative. Female employees must notify their employer of their pregnancy and intended maternity leave commencement date within specific timeframes to be eligible for maternity allowance. A female employee can nominate another person to receive her maternity allowance on her behalf. Any payment made to the nominee is considered as if it were made directly to the employee, ensuring flexibility and convenience in receiving the allowance. It an offence for an employer to terminate the employment of a pregnant female employee or one suffering from an illness related to her pregnancy, except under specific circumstances such as wilful breach of contract, misconduct, or closure of the business. If such a termination occurs, the burden of proof that it was not due to pregnancy or a related illness lies with the employer. The Act provides protection for female employees who are unable to return to work after the maternity leave period due to pregnancy-related illnesses, extending their job security for an additional ninety days post the eligible period. Termination within this timeframe without proper medical certification of fitness for work is considered an offence. Any contract condition requiring a female employee to give up her rights under this part of the act is void. This ensures that the statutory rights related to maternity leave and allowances cannot be waived or replaced by less favorable terms in employment contracts. The Act mandates employers to maintain a register of all maternity allowance payments and related matters as prescribed by regulations. This administrative requirement ensures transparency and facilitates compliance checks. Maternity leave in Malaysia has been extended to 98 consecutive days, up from the previous 60 days. This period is designed to start no earlier than 30 days before the expected date of confinement and no later than the day immediately following confinement. 2. How does maternity allowance work? Eligible employees are entitled to a maternity allowance, which is typically their average monthly wage, for the duration of their maternity leave. To qualify, an employee must have worked for at least 90 days in the nine months immediately before her confinement or at any time in the four months immediately before her confinement. However, this allowance is only for up to the first five children. 3. Can an employer refuse to grant maternity leave? Employers cannot refuse maternity leave to eligible employees. Such refusal without proper justification may violate labor laws and result in legal consequences. These entitlements are protected rights under the Employment Act, which covers all employees regardless of their wages. 4. What should I do if I need to commence my maternity leave earlier than planned? A female employee is required to inform her employer of her maternity leave start date and the expected confinement period at least 60 days in advance. However, if there is a need to start the leave earlier than planned due to medical reasons, it’s advisable to communicate this change as soon as possible. The employee may commence work at any time during the maternity leave if she has been certified fit to resume work by a registered medical practitioner and with the consent of her employer. 5. Is it possible for an employee to cancel or cut short maternity leave? Under the updated labour law in Malaysia, once initiated, maternity leave is set at a fixed duration of 98 days and is fully paid. It is not permissible to cancel this leave once it has commenced, and employers are not allowed to compel an employee to return to work before the completion of the 98-day period. However, there are exceptional circumstances where an employee might return to work during the maternity leave period. In such cases, a formal agreement between the employer and the employee is required. Additionally, it is mandatory for the employee to provide a medical certificate from a doctor confirming her fitness to resume work duties. As per the current legislation, no additional allowances are required to be provided to the employee who returns to work early, as she would still be receiving her paid maternity salary. Nevertheless, any extra allowance or incentive beyond the statutory requirement is at the employer’s discretion. 6. Can employers terminate the employment of a pregnant female employee? Through this act’s amendment, employers cannot terminate the employment of a pregnant female employee or an employee suffering from an illness arising from pregnancy, except under the following circumstances : Termination due to a breach of the agreed employment contract under section 13(2); Termination due to misconduct under section 14(1); and Termination due to the employer’s business closure. 7. Would an employee who had a miscarriage be entitled to maternity allowance? If the female employee suffers a miscarriage after at least 22 weeks, then she is entitled to maternity leave and allowance provided subject to the conditions stipulated in the Employment Act 1955.Confinement is defined under section 2(1) of the Employment Act 1955 as “parturition resulting after at least twenty-two weeks of pregnancy in the issue of a child or children, whether alive or dead, and shall for the purposes of this Act commence and end on the actual day of birth and where two or more children are born at one confinement shall commence and end on the day of the birth of the last-born of such children, and the word confined shall be construed accordingly”. 8. Are maternity leave and maternity allowance applicable for foreign female workers? The Employment Act 1955 is applicable to both Malaysian and foreign employees. Therefore, foreign female employees are eligible for maternity leave and maternity allowance, irrespective of whether the child is considered legitimate or otherwise. For businesses seeking to manage employee leave efficiently, CentralHR emerges as a viable solution. This segment introduces the platform’s capabilities in simplifying leave administration, highlighting employee and employer benefits.