

CIRCULAR NO. 75/2022

DATE: 4 AUGUST 2022

**EMPLOYMENT (AMENDMENT) ACT 2022 &  
REDUCTION OF MAXIMUM WORKING HOURS FROM 48 HOURS TO 45 HOURS**

The Deputy Minister of Human Resources, Datuk Awang Hashim, announced on 23 June 2022 that the [Employment \(Amendment\) Act 2022](#) ("Amendment Act") will come into effect on 1 September 2022.

**EMPLOYMENT (AMENDMENT) ACT 2022**

The Amendment Act will include, amongst others:

- i Increase in maternity leave to 98 days
- ii The right to seven days paternity leave
- iii The introduction of Flexible Working Arrangements
- iv The requirement for employers to exhibit conspicuously at the place of employment, a notice to raise awareness on sexual harassment.
- v Provision on anti-discrimination
- vi Blacklisting employers from employing foreign workers for breaches of labour legislations
- vii Reduction of maximum working hours, from 48 hours to 45 hours per week

The Ministry of Human Resources announced that the EA 1955 will be extended to all employees regardless of salary earned, to enable all employees to receive the minimum benefits and protection prescribed thereunder. The Ministry further stated that follow-up amendments to the First Schedule of EA 1955 will be made through a Ministerial Order in line with the powers of the Minister of Human Resources under section 2(2) thereof.

**REDUCTION OF MAXIMUM WORKING HOURS FROM 48 HOURS TO 45 HOURS**

The Amendment Act 2022 reduces the maximum working hours per week to 45 hours, for all employees under the scope of EA 1955 irrespective of whether they are non-shift employees or shift employees.

**A) Non-Shift Employees**

- i. Apart from reducing the maximum working hours per week to 45 hours, the other existing provisions on working hours under section 60A(1) of EA 1955 remain status quo. Please be reminded that, subject to certain provisos, an employee shall not be required to work:
  - a) More than five (5) consecutive hours without a period of leisure of at least 30 minutes
  - b) More than eight (8) hours in one day
  - c) In excess of a spread over period of 10 hours in one day
- ii. Pursuant to section 60A(7) of the EA 1955, the maximum number of hours of work for non-shift employees is 12 hours a day. The limit of eight (8) hours per day is for normal working hours, and the 12 hour limit will be inclusive of the overtime hours.
- iii. Overtime is defined as the number of hours of work carried out in excess of the normal hours of work per day. The existing overtime limit is 104 hours per month in the aggregate. For the

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purposes of determining the overtime limit, work done on any rest day or public holiday, or any day substituted for a public holiday is not taken into account.

- iv. Proviso (iii) to section 60A(1) states that where, by agreement under the employment contract, the number of hours of work in one or more days is less than eight (8) hours, the limit of eight (8) hours may be extended to a maximum of nine (9) hours on the remaining days, subject always to the maximum limit of 45 hours per week.

## **B) Shift Employees**

- i. Please note that “shift work” is defined as “...work which by reason of its nature requires to be carried on continuously or continually, as the case may be, by two or more shifts.”
- ii. Apart from the reduction of the maximum working hours per week to 45 hours, the other existing provisions in the EA 1955 that governs shift work remain status quo. Employees engaged in shift work may be required to work for more than eight (8) hours per day, subject to the requirement in paragraph A) i (a) above, or more than 45 hours per week, provided that the average number of hours worked over three (3) weeks does not exceed 45 hours per week.

Working hours may need to be adjusted to ensure compliance with the new amendments. This may include extending the lunch break, or what is termed as “period of leisure” in the EA 1955 so that the normal hours of work is 7.5 hours on six (6) working days a week.

Companies will be liable to pay overtime if their working hours exceed 45 hours per week.

Please refer to [MEF Circular No. AG 15/2022 dated 1 August 2022](#) which provides the proviso on the reduction of maximum working hours for Non-Shift Employees, Shift Employees as well as possible scenarios with MEF’s Commentary.

Thank you.

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