

13 February 2020

Guideline on the Management of Infectious Epidemics Including the Novel Coronavirus at the Work Place

The recent Coronavirus (Covid-19) outbreak in the region has raised certain questions amongst employers on the dos and don'ts when dealing with potential quarantine and infection issues touching their employees. The Malaysian Labour Department has released a Guideline on the Management of Infectious Epidemics Including the Novel Coronavirus at the Work Place dated 7 February 2020 ("**Guidelines**"), which sets out as follows:

i. **Medical Check-up**

Employers are advised to direct their employees (suspected to have been exposed or infected) to immediately undergo a medical examination by a registered medical practitioner or medical officer at the expense of the employer, pursuant to section 60F of the Employment Act 1955. NB: For employees who do not come within the Employment Act, their entitlement to expenses for such a medical examination will depend on their contractual rights.

ii. **Sick Leave**

Employers are to allow for full paid sick leave or hospitalisation leave throughout the period of hospitalised treatment for employees who are confirmed to exhibit symptoms of the Covid-19 infection. Although the Guidelines made no mention of it, the Minister of Human Resource is reported by the press (*Bernama report dated 6 Feb 2020*) as having said that employers;

- are encouraged to provide "extra remuneration" to employees under quarantine order who exceed their sick leave or hospitalisation entitlement; and
- are allowed to instruct any unwell employee from coming to the office by providing paid sick leave to the employee.

iii. **Quarantine**

Employees who are placed under quarantine, including home surveillance, by an order issued by a registered medical practitioner upon their recent return from countries affected by Covid-19, should be paid in full throughout the quarantine period. Employers may not force employees to utilise their annual leave entitlement or to go on unpaid leave at any time during the quarantine period, including home surveillance.

iv. **Attendance at Work**

Employers are not to prohibit any employee from attending work in the absence of any quarantine order issued by a registered medical practitioner to the employee.

Obligations under the Occupational Health and Safety Act 1994 ("OSHA")

i. **Notification of a Covid-19 Infection at the Work Place**

Employers are to notify the nearest occupational safety and health office of the occurrence of a Covid-19 infection, or if the same is likely to occur at the workplace, pursuant to Section 32(1) of the OSHA.

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