

**CIRCULAR NO. 20**  
**Centralised Labour Quarters (CLQ) for Migrant Workers**



**D**ear IEM Members,

The provision of a conducive living environment plays an important role in the management of migrant workers, who have contributed tremendously to our economic development. In fact, ensuring the humane treatment of migrants will go a long way in elevating the image of Malaysia in the global arena.

With the onslaught of the Covid-19 pandemic, the enhancement of living condition for all migrant workers is now more pertinent than ever. Besides allowing Malaysia to meet the conditions stipulated by the International Labour Organisation (ILO), it will also ensure a healthy and productive workforce where the spread of Coronavirus will be minimized.

**Chronology**

The minimum housing standard for plantation and mining industries in Peninsular Malaysia and Labuan was stipulated in the Worker's Minimum Standards of Housing and Amenities Act 1990 (Act 446).

The Cabinet Committee on Migrant Workers and Undocumented Migrants (JKKPA PATI) has decided in 2015 to make it compulsory for employers to provide accommodation to all migrant workers since 1st January 2016.

After the Workers' Minimum Standards of Housing and Amenities Act (Amendment) 2019 was gazetted on 23rd September 2019, the minimum housing standard is now applicable to all industries throughout Malaysia, not just plantation and mining in Peninsular Malaysia and Labuan. Immunisation of employees, including undocumented migrant workers against infectious diseases was also made compulsory.

Following the declaration of State of Emergency on 12th January 2021 to curb the Covid-19 pandemic, the Emergency Ordinance (Workers' Minimum Standards of Housing and Amenities) 2021 was gazetted on 17th February 2021. Among others, it makes the offences under Act 446 compoundable.

## **Enforcement**

The Emergency Ordinance (Workers' Minimum Standards of Housing and Amenities) 2021 authorises the Director-General of the Labour Department (JTK) to order owners of accommodations to replace, change or upgrade the facilities should it be found not meeting the criteria under the Act 446.

It also empowers a total of 6 ministries: The Ministry of Human Resources (MOHR), Ministry of Works (KKR), Ministry of Health (MOH), Ministry of Housing and Local Government (KPKT), Ministry of Domestic Trade and Consumer Affairs (KPDNHEP), Ministry of International Trade and Industry (MITI) to act against errant employers.

Employers who fail to comply can be fined up to RM200,000 or be jailed up to three years or both.

Enforcement will focus primarily on the 75,000 employers that hired foreign workers in Selangor, Johor, and Kuala Lumpur, especially the in three sectors with the highest number of Covid-19 cases, namely manufacturing, construction and services sectors.

## **Centralised Labour Quarters (CLQ)**

Under the amended Act 446, it is compulsory for employers in all sectors to provide workers' accommodation that meets the minimum standards as outlined in the Act.

Owners of accommodation facilities shall apply for a Certificate of Accommodation (Perakuan Penginapan) from the Labour Department (JTK). Only accommodation facilities that adhere to the following requirements will be granted the Certificate:

- The accommodation must be used for its original purpose only;
- If a permanent building is used:
  - The building must have received the Certificate of Completion and Compliance (CCC);
- If a temporary building (such as accommodation on construction sites) is used, it needs to obtain the following from the local authority:
  - A temporary building permit for a limited period of time, and;
  - An approval for the change of purpose of building from non-residential to residential.
- The accommodation must meet all requirements outlined under the Employees' Minimum Standards of Housing, Accommodations and Amenities (Accommodation and Centralized Accommodation) Regulations 2020
- If there are any changes involving the occupancy capacity, the building owner must apply for a separate Certification of Accommodation.
- The rent or charge of accommodation can be deducted from the wage of the employees.

## **Specific Requirements**

The specific requirements for CLQ are outlined under the Employees' Minimum Standards of Housing, Accommodations and Amenities (Accommodation and Centralized Accommodation) Regulations 2020. In terms of management, the accommodation may be:

- Managed by a single employer;
- Jointly managed by several employers, or;
- Managed by an external service provider.

The following types of buildings are allowed:

- Flat, apartment or condominium;
- Shophouses;
- Terrace houses, semi-detached houses, or bungalow;
- Non-residential buildings modified for accommodation use (must have obtained the approval of the local authority in accordance with prescribed standards).

The basic configuration of the accommodation facility according to the Regulations:

Dormitory type	Non-Dormitory
Sleeping area with fan & lamp. Minimum floor area = 3 m <sup>2</sup> per employee	Bedroom with fan & lamp. Minimum floor area = 3.6 m <sup>2</sup> per employee
Bathroom, toilet (separated or combined) with lamp Ratio = 1 bathroom / toilet to 15 employees	Bathroom, toilet (separated or combined) with lamp Ratio = 1 bathroom / toilet to 6 employees
1 dining area with chairs, tables, fan & lamp	
1 kitchen with lamp	
1 rest area with fan & lamp	
1 clothes hanging area	
1 First Aid Kit	
Dustbin	
Electricity & Water supply	

The amended Act 446 also stipulated that every employee should be provided the following basic amenities, which shall not be shared among employees:

- A single bed with a measurement of not less than 1.7 m<sup>2</sup> (if a bunk bed is provided, the space between the two beds shall not be less than 0.7 m);
- A mattress with a minimum thickness of not less than four inches, a pillow, and a blanket
- A locked cupboard of not less than 0.35 m in length, 0.35 m in width, and 0.9 m in height, for the safe custody of the employees' valuables including his / her passport which may be accessible by the employees any time.

Under the Act, the maximum number of employees in an 800 sq ft apartment is 6. However, more employees are allowed under the Act if the accommodation facility is larger.

### **Vaccination against Infectious Diseases**

To achieve the goal of herd immunity, 80% of the residents in Malaysia must be vaccinated. Besides offering hygienic accommodation with proper amenities, the vaccination of migrant workers is also an important step to curb the spread of Coronavirus.

The Amendment of Act 466 compels employers to arrange for the vaccination of their workers, including undocumented migrant workers against infectious diseases. By failing to ensure that workers, including undocumented migrant workers are vaccinated, the employers will have committed an offence under the Act.

### **Responsibilities of the Employer / Provider of Accommodation**

1. Appoint at least one "Person-in-Charge of Accommodation".
2. Prepare separate accommodation for workers of different gender.
3. Ensure that wiring is installed legally and take fire prevention measures.
4. Take proper measures to ensure workers' safety and wellbeing.
5. Take necessary measures to prevent the spread of infectious diseases.
6. Provide a First Aid Kit.
7. Ensure that workers receive appropriate medical assistance if unwell, keep a record of the complaint.
8. Ensure that all accommodation facilities are well-maintained, keep a record of the maintenance.
9. Ensure that the washroom, bathroom, and kitchen are in working order and clean.
10. Ensure the safety and cleanliness of the building and the surrounding.
11. Inspect the accommodation facility twice monthly, keep a record of the inspection.
12. Provide appropriate and adequate amenities.
13. Provide proper trash bin and refuse chamber.
14. Display notice on freedom of movement in BM and workers' language.
15. Report to JTK on Workers Check-in & Closure of CLQ.

## Infographics on Act 446



JABATAN TENAGA KERJA  
SEMENANJUNG MALAYSIA

# AKTA STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN KEMUDAHAN PEKERJA 1990 [AKTA 446]

Pindaan kepada Akta Standard Minimum Perumahan dan  
Kemudahan Pekerja 1990

Berkuatkuasa  
Mulai

1 Jun  
2020

P.U. (B) 248/2020.

Pelaksanaan dan  
Penguatkuasaan  
Kepada

Semua majikan dan  
penyedia penginapan  
berhubung kediaman  
pekerja di Semenanjung  
Malaysia dan W.P. Labuan

### Penambahbaikan:



Standard minimum termasuk  
spesifikasi penginapan, penginapan  
berpusat dan kemudahan pekerja-  
pekerja sektor swasta.

Pemakaian Akta 446 daripada  
sektor perladangan kepada semua  
sektor pekerjaan.

Kebajikan, keselamatan dan  
kesihatan pekerja.

Pematuhan kepada piawaian  
antarabangsa.



MAKLUMAT LANJUT DI  
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JABATAN TENAGA KERJA SEMENANJUNG MALAYSIA

# AKTA STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN KEMUDAHAN PEKERJA 1990 [AKTA 446]

Berkuat kuasa 1 Jun 2020



## 1 DEFINISI TERMA-TERMA BAHARU

- "Penginapan"
- "Penyedia Penginapan Berpusat"
- "Penginapan Berpusat"
- "Orang yang Bertanggungjawab Bagi Penginapan"

Seksyen 24B



## 2 PERLUASAN PELAKSANAAN KEPADA :

- Semua sektor pekerjaan.
- Semua tempat pekerjaan termasuk premis di bawah seliaan Majlis Bandaraya, Majlis Perbandaran, Wilayah Persekutuan.

Seksyen 24A



## 3 PENETAPAN STANDARD MINIMUM PENGINAPAN

Seksyen 24F

## 4 KEWAJIPAN PERAKUAN PENGINAPAN

Majikan atau penyedia penginapan berpusat wajib  
mendapatkan Perakuan Penginapan daripada Ketua  
Pengaruh JTKSM atau Pengarah JTK Negeri sebelum  
menempatkan pekerja di penginapan.

Seksyen 24D(1)



## 5 PEMBINAAN DAN UBAH SUAI BANGUNAN PERLU DILULUSKAN PIHAK BERKUASA TEMPATAN ATAU AGENSI BERKAITAN

Seksyen 24H(1)

## 6 KEMASUKAN PEKERJA KE PENGINAPAN WAJIB DILAPOR DALAM TEMPOH 30 HARI DARI TARIKH PINDAH MASUK

Seksyen 24E(1)



## 7 CAJ PENGINAPAN DIBOLEHKAN

- Majikan boleh memungut sewa atau caj penginapan melalui potongan gaji pekerja.
- Kadar caj dan sewa tertakluk kepada peraturan berkaitan caj dan sewa penginapan.

Seksyen 24C(1)

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# AKTA STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN KEMUDAHAN PEKERJA 1990 [AKTA 446]

Berkuat kuasa 1 Jun 2020

## PERAKUAN PENGINAPAN

Majikan atau Penyedia Penginapan Berpusat **WAJIB** mendapatkan Perakuan Penginapan daripada Jabatan Tenaga Kerja Semenanjung Malaysia (JTKSM) sebelum menempatkan pekerja ke dalam penginapan.

Seksyen 24D (1)

### TATACARA MENDAPATKAN PERAKUAN PENGINAPAN

Majikan atau Penyedia Penginapan Berpusat Menyediakan Penginapan Pekerja

01



02

Mendapatkan Kelulusan dari Pihak Berkuasa Tempatan atau Pihak Berkuasa Berkaitan

Membuat Permohonan Perakuan Penginapan daripada Jabatan Tenaga Kerja

03



### SYARAT PENGINAPAN

- Kemudahan dan penginapan hendaklah mengikut standard yang ditetapkan.
- Semua kemudahan dan ruang dalam penginapan digunakan bagi tujuan asal dan tidak boleh diubah suai.
- Ubah suai penginapan yang mengubah bilangan penghuni penginapan perlu mendapat Perakuan Penginapan yang baharu.

### PENALTI KESALAHAN MENEMPATKAN PEKERJA TANPA PERAKUAN PENGINAPAN

Denda RM50,000 atau penjara tidak lebih 1 tahun atau kedua-duanya

Seksyen 24D (1)



# AKTA STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN KEMUDAHAN PEKERJA 1990 [AKTA 446]

Berkuatkuasa 1 Jun 2020

## KEWAJIPAN DAN TANGGUNGJAWAB MAJIKAN / PENYEDIA PENGINAPAN BERPUSAT

Seksyen 24I, 24J, 24K

1

MELANTIK "ORANG YANG BERTANGGUNGJAWAB BAGI PENGINAPAN"

2

MENYEDIAKAN PENGINAPAN BERSINGAN BAGI PEKERJA BERLAINAN JANTINA

3

MENGAMBIL LANGKAH PENCEGAHAN YANG PERLU BAGI MEMASTIKAN KESELAMATAN DAN KESEJAHTERAAN PEKERJA

4

MENGAMBIL LANGKAH KESELAMATAN KEBAKARAN DAN MEMASTIKAN SISTEM PENDAWAIAN MENGIKUT UNDANG-UNDANG YANG BERKAITAN

5

MEMASTIKAN PEKERJA MENERIMA BANTUAN PERUBATAN YANG DIPERLUKAN

6

MENGAMBIL LANGKAH YANG PERLU BAGI MEMBENDUNG PENYEBARAN PENYAKIT BERJANGKIT

7

MEMBUAT PELAPORAN BERKALA KEPADA JTK

- Melapor pendudukan pekerja
- Melapor penutupan operasi penginapan

8

MEMPAMERKAN NOTIS DALAM BAHASA MALAYSIA DAN BAHASA PERTUTURAN PEKERJA BERHUBUNG HAK DAN KEBEBASAN PERGERAKAN PEKERJA MENGIKUT UNDANG-UNDANG

9

MENYEDIAKAN KEMUDAHAN YANG SESUAI DAN MENCUKUPI

10

MEMASTIKAN SETIAP PENGINAPAN YANG DISEDIAKAN DISELENGGARA



## AKTA STANDARD MINIMUM PERUMAHAN, PENGINAPAN DAN KEMUDAHAN PEKERJA 1990 [AKTA 446]

Berkuat kuasa 1 Jun 2020

### TANGGUNGJAWAB ORANG YANG BERTANGGUNGJAWAB BAGI PENGINAPAN

"Seseorang majikan atau penyedia penginapan berpusat hendaklah melantik sekurang-kurangnya **seorang yang bertanggungjawab bagi penginapan** yang disediakan di bawah Bahagian ini, yang akan bertanggungjawab bagi keselamatan dan kesejahteraan pekerja dan pengurusan penginapan dan kemudahan, mengikut peruntukan Akta ini atau mana-mana peruntukan yang dibuat di bawahnya."

Seksyen 24L



#### KESELAMATAN & KESEJAHTERAAN PEKERJA

- Memastikan pekerja mematuhi peraturan tatatertib.
- Memastikan pekerja dibawa ke klinik / hospital sekiranya mengadu tidak sihat dan menyimpan rekod aduan.
- Menyediakan peti kecemasan (*first aid kit*) dan bantuan perubatan yang diperlukan.



#### PENGURUSAN PENGINAPAN DAN KEMUDAHAN

- Menyelenggara penginapan dan menyimpan rekod penyelenggaraan.
- Memeriksa penginapan 2 kali sebulan dan menyimpan rekod pemeriksaan.
- Memastikan tandas, bilik mandi dan dapur dalam keadaan bersih dan boleh digunakan.
- Memastikan persekitaran halaman dan bangunan penginapan sentiasa dalam keadaan selamat dan bersih.
- Memastikan keadaan tempat membuang sampah disediakan.



For more information regarding the Centralised Labour Quarters and Act 446, please visit [http://jtksm.mohr.gov.my/images/akta446/3\\_faq446.pdf](http://jtksm.mohr.gov.my/images/akta446/3_faq446.pdf)

IEM will continue to keep our members updated on latest announcements from the government, ministries or government agencies related or affecting the engineering industry. Do keep a look out for our email blast or visit the IEM website at [www.myiem.org.my](http://www.myiem.org.my) under the tab 'RELATED TO ENGINEERING' or join our Telegram Channel to receive faster updates.

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IEM had also launched our very own mobile app IEMGo on 15 April 2021 to improve communication with members. You may download IEMGo from the following platforms:



We hope that all our members would remain safe and healthy during this challenging time. We will keep you updated on any further information promptly.

Thank you.

#myIEMstaysafe  
#myIEMstayhealthy  
#iemstayhealthystaysafe

**Special Committee on COVID-19**  
**The Institution of Engineers, Malaysia**  
**11<sup>th</sup> June 2021**

**##END##**