

## Who is an Employee?

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Wednesday, 28 October 2009 10:09 - Last Updated Wednesday, 28 October 2009 10:13

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The Employment Act refers to an employee as:-

a) any person regardless of his or her occupation who has entered into a contract of service with an employer and whose wages does not exceed RM1,500.00 per month excluding commission, subsistence allowance (meal allowance) and overtime allowance.

b) any person, irrespective of the amount of his monthly wages, who has entered into a contract of service with an employer and who:

- is engaged as manual labourer i.e. physical work using hands and body instead mental or intellectual work using solely the brain.
- is engaged in supervising other employees engaged in manual labour.
- is engaged in the operation or maintenance of any vehicle used for the transportation of passengers or goods.
- is engaged in any capacity in any locally registered vessel but is not a certified officer; or
- is engaged as a domestic servant i.e. maids, gardeners, cooks, care-givers for children

c) any person employed to carry out work in any agricultural , construction work, trade, business or place of work, in respect of whom the Minister by order declares the provisions of the Employment Act to be applicable to; and

d) any employee earning more than RM1,500.00 but less than RM5,000 a month. However only payments in cash agreed to be paid by the employer under the employment contract can be claimed in the Labour Court and not the statutory benefits under the Employment Act.

It must be noted, that any person who does not come within the above categories will not be protected by the Employment Act.