

SAMPLE POLICY LEAVE

Purpose	This policy defines and explains the company's practice on various types of leave in accordance with Malaysian employment regulations as well as prevailing market practice. The policy also promotes the company as an employer of choice and a responsible employer.
Scope	Applicable to all local and foreign employees employed by the company as well as foreign workers.

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1.0. ANNUAL LEAVE

- 1.1. Employees shall be entitled to paid annual leave on calendar year basis as follows:

Years of Services		Entitlement
More than or equivalent to	Less than	
0	2	8
2	5	12
Above 5		16

- 1.2. Employee who has not completed a full year of service as of 31 December shall be entitled to proportionate annual leave for the employment period served. Annual leave can be taken based on earned basis upon commencement of employment.
- 1.3. Employees are required to submit their leave request at least three (3) days in advance.
- 1.4. Carry Forward
- 1.4.1. Employees may carry forward a maximum of five (5) days unutilised annual leave, which must be cleared by the end of the first quarter of the following year. Any unutilised annual leave beyond that permitted date shall be forfeited.
- 1.5. Resignation of Employees (all job grades)
- 1.5.1. Unutilised earned annual leave shall be paid and shall subject to relevant statutory regulations (if any).

2.0. UNPAID LEAVE

- 2.1. An employee who is not entitled to any annual leave or does not have accrued leave or has exhausted his/her annual leave entitlement may apply for unpaid leave by submitting their application at least three (3) days in advance before commencement of such leave.
- 2.2. Approval of unpaid leave shall be at the discretion of the Company depending on the exigency of service or nature of the application.

3.0. NO-PAY LEAVE (ALSO KNOWN AS ABSENTEEISM)

- 3.1. Employee who fails to report to work without approval shall be put on no-pay leave and shall be subject to disciplinary actions.

4.0. REPLACEMENT LEAVE

- 4.1. The Company may provide replacement leave for reasons such as work beyond normal days of work or work on a public holiday or other business exigencies or when an employee performs work during business travels during a public holiday or for other business reasons for employees outside the scope of Employment Act 1955.
- 4.2. All replacement leave must be utilised within ninety (90) days from the date of such work performed. Failing to utilise the replacement leave within the said period would result in the leave being forfeited.

5.0. EMERGENCY LEAVE

- 5.1. Emergency leave shall apply for leave without notice.
- 5.2. Should an employee need to take an emergency leave, they are required notify the company before commencement of work hours and submit the leave application form within forty-eight (48) hours upon returning to work.
- 5.3. Leave approved shall be treated as annual leave. Should the employee have insufficient annual leave, it shall be treated as unpaid leave.

6.0. PATERNITY LEAVE

- 6.1. Employees shall be entitled to paternity leave of seven (7) consecutive days in respect of each confinement and restricted to five confinements irrespective of the number of spouses subject to the following conditions;
 - 6.1.1. Married, and
 - 6.1.2. Has been employed by the company at least twelve (12) months immediately before the commencement leave, and
 - 6.1.3. Have notified the Company of the pregnancy of his spouse at least thirty days from the expected confinement or as early as possible after the birth.
- 6.2. The consecutive days shall include off-day and rest day.
- 6.3. Employees who chose to delay the commencement of the paternity leave must obtain approval from the company no later than 48 hours of the commencement of the confinement period.
- 6.4. Should there be any public holidays that falls during the paternity leave, the said public holiday(s) shall be substituted.
- 6.5. The paternity leave must be taken as a block leave without any break.

7.0. MARRIAGE LEAVE

- 7.1. The company provides three (3) days marriage leave for all confirmed employees for first legal marriage.
- 7.2. A copy of the marriage certificate shall be furnished to Human Resource Department upon returning to work.

8.0. COMPASSIONATE LEAVE

- 8.1. The company provides compassionate leave of three (3) days per calendar year for all confirmed employees for the following reasons;
 - 8.1.1. Death of immediate family members. (Immediate family members are defined as father, mother, sister, brother, legal child, grandfather, grandmother, father-in-law, mother-in-law or in cases where there is a legal guardian relationship). A copy of the death certificate shall be furnished along with the leave application upon returning to work. Failure to submit a valid copy of the death certificate shall result in rejection of the leave and employee shall be required to apply annual leave or unpaid leave.
 - 8.1.2. Fire or flood at one (1) registered residence with the company.
 - 8.1.3. Other compassionate reasons that shall be decided at discretion of the company.

9.0. SICK LEAVE

- 9.1. Employees shall be entitled to paid sick leave on calendar year basis as follows:

Years of Service		Entitlement
More than or equivalent to	Less than	
0	2	14
2	5	18
Above 5		22

- 9.2. When an employee falls sick during annual leave, the annual leave shall be deemed to have not been taken.
- 9.3. When an employee falls sick during a public holiday or any other day substituted for a public holiday, the employee shall be granted another day as a paid holiday in substitution for such public holiday or the day substituted for a public holiday.
- 8.6. Employee must immediately inform his/her department manager or supervisor when he/she is granted sick leave by a registered medical practitioner. The original copy of the medical certificate must be submitted to the department manager or supervisor within forty (48) hours of commencement of such sick leave or where it is impossible, the copy of the medical certificate shall be submitted electronically.
- 9.4. A copy of the sick leave certificate shall be furnished along with the leave application form upon returning to work. Failure to submit a valid copy of the sick leave certificate shall result in rejection of the application and the employee shall be required to apply for annual leave or unpaid leave and shall be subject to disciplinary actions.

10.0. HOSPITALISATION LEAVE

- 10.1. Employees shall be eligible for paid hospitalisation leave of sixty (60) days if they are hospitalized or deemed ill enough but are not hospitalised, for any reason whatsoever as advised or certified by a medical practitioner.
- 10.2. When an employee is hospitalised during his/her annual leave, the hospitalisation leave shall be deemed to have not been taken.
- 10.3. When an employee is hospitalised during a public holiday or any other day substituted for a public holiday, the employee shall be granted another day as a paid holiday in substitution for such public holiday or the day substituted for a public holiday.
- 10.4. Employee must immediately inform his/her department manager or supervisor when he/she is hospitalised or granted hospitalisation leave by a registered medical practitioner. The original copy of the medical certificate must be submitted to the department manager or supervisor within forty (48) hours of commencement of such hospitalisation leave or where it is impossible, the copy of the medical certificate shall be submitted electronically.
- 10.5. A copy of the hospitalisation leave certificate shall be furnished along with the leave application form upon returning to work. Failure to submit a valid copy of the hospitalisation leave certificate shall result in rejection of the application and employee shall be required to apply annual leave or unpaid leave and shall subject to disciplinary actions.

11.0. PUBLIC HOLIDAY LEAVE

- 11.1. Employee shall be entitled to fifteen (15) public holidays each calendar year as follows;
 - 11.1.1. National Day (1 Day)
 - 11.1.2. Malaysia Day (1 Day)
 - 11.1.3. King's Birthday (1 Day)
 - 11.1.4. Sultan/Governor's Birthday (1 Day)
 - 11.1.5. Labour Day (1 Day)
 - 11.1.6. New Year (1 Day)
 - 11.1.7. Hari Raya Puasa (First Day)
 - 11.1.8. Hari Raya Puasa (Second Day)
 - 11.1.9. Hari Raya Haji (1 Day)
 - 11.1.10. Awal Muharram (1 Day)
 - 11.1.11. Wesak (1 Day)
 - 11.1.12. Deepavali (1 Day)
 - 11.1.13. Christmas (1 Day)
 - 11.1.14. Chinese New Year (First Day)
 - 11.1.15. Chinese New Year (Second Day)
- 11.2. Company shall notify all employees on any changes to the public holiday observation.
- 11.3. If a paid holiday falls on a rest day, the following day immediately will be paid holiday in substitution.

- 11.4. Employees who absent themselves from work on the working day immediately preceding or succeeding any paid public holiday(s) or any days substituted thereof without prior consent from the Company or without acceptable reasons shall not be entitled to the pay for such holiday(s) or consecutive holiday(s) as per Employment Act 1955.
- 11.5. Should the Employee choose to work during the designated public holiday, the employee shall be paid overtime pay for those under Employment Act 1955 or replacement leave for others.
- 11.6. If a public holiday is declared by the Federal or State Government under Section 8 of the Holidays Act, the Company shall replace the said public holiday by granting another day as a paid public holiday in substitution. The Company may also decide to grant additional one (1) day of annual leave in replacement instead of replacing the said public holiday. Decision on such replacement shall be made by the Company no later than seven (7) days after the announcement of the said public holiday is made. Employees shall be required to work as usual on the said public holiday unless they are informed otherwise.

12.0. **MATERNITY LEAVE**

- 12.1. All female employees are eligible for ninety-eight (98) days of maternity leave for the first five (5) living child subject to the conditions below:
 - 12.1.1. Has been employed by the Company for a period of, or periods amounting in the aggregate to, not less than ninety days during the nine months immediately before her confinement; and
 - 12.1.2. Has been employed by the Company at any time in the four months immediately before her confinement;
 - 12.1.3. Any other conditions of maternity leave stipulated in Employment Act 1955 shall apply.
- 12.2. An Employee may opt to commence their maternity leave earlier subject to the advice of a registered medical practitioner.
- 12.3. The employee may, with the consent of her employer, commence work at any time during the eligible period if she has been certified fit to resume work by a registered medical practitioner.
- 12.4. Employee who commences work prior to the end of their confinement period and is eligible for maternity allowance shall choose any of the below options with regards to their maternity allowance:
 - 12.4.1. Continues to receive maternity allowance for the remaining eligible period
 - 12.4.2. Convert the maternity allowance for the remaining eligible period into annual leave. This annual leave must be utilised within twelve (12) months from day of commencement of work after confinement. Unused leave cannot be converted into cash payment.

13.0. STUDY/EXAMINATION LEAVE

- 13.1. The company provides paid study or examination leave for all confirmed employees.
- 13.2. The employee shall be eligible for maximum five (5) days per calendar year for a maximum period four (4) years subject to the initial duration of the programme.
- 13.3. This leave can be taken for exam preparation or for examination purposes. Proof of examination must be furnished during application period.
- 13.4. Employee can only utilise this leave once in their employment lifetime with the company.
- 13.5. To qualify for this leave, the employee must notify the Company on the programme upon receiving the admission or acceptance letter.
- 13.6. The Company may impose conditions such as work performance or other conditions when approving this leave.

14.0. BUSINESS TRIP, TRAINING AND SEMINAR

- 14.1. Employees who undertake business trip or participates in training or seminar are required to apply for business trip leave at least seven (7) days prior.
 - 14.2. For business trip(s) during public holiday or rest day, clause 4 shall apply.
- 15.0. The Company reserves the right to amend this policy from time to time and shall notify all employees when such amendment has been made and has been approved by the Management.
- 16.0. Should there be a translation of this policy into other languages, the English version of this policy shall be authoritative in the event of any dispute or confusion.

This sample policy/letter/document is merely a sample or guidance. Companies are advised to practice caution when drafting their HR documentation and shall always be in compliance with the Employment Act and Industrial Relations Act, Malaysian Laws as well as past case laws so as to ensure the policy does not violate or infringe the prevailing employment regulations. Companies are advised to seek legal advice when drafting their policies and documentation. This template and all templates shared by the Malaysia HR Forum are merely samples. Companies are encouraged to adopt best practices to be an attractive employer and promote a productive and competitive operating landscape. The author nor the Malaysia HR Forum shall not be held liable for any damages or claims arising from the usage of the contents of this document.