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**KOLEJ YAYASAN PELAJARAN JOHOR  
FINAL EXAMINATION**

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**COURSE NAME : EMPLOYMENT LAW**  
**COURSE CODE : DHR2133**  
**EXAMINATION : JUNE 2024**  
**DURATION : 3 HOURS**

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**INSTRUCTION TO CANDIDATES**

1. This question paper consists of **TWO (2)** parts :  
PART A (40 MARKS)  
PART B (60 MARKS)
2. Candidates are not allowed to bring any material to examination room except with the permission from the invigilator
3. Please check to make sure that this examination pack consist of
  - i. The Question Paper
  - ii. An Objective Answer Sheet
  - iii. An Answer Booklet
  - iv. Employment Act 1955

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**DO NOT TURN THIS PAGE UNTIL YOU ARE TOLD TO DO SO**

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*This examination paper consists of 9 printed pages including front page*



**PART A**

This part consists of **TWENTY (20)** questions.

Answer All questions in Objective Answer Paper.

1. Ali works as a clerk in Kota Kinabalu Sabah. The law that is applicable to him as a worker in Sabah is
- A The Employment Act 1955.
  - B The Sarawak Labour Ordinance 1952.
  - C The Sabah Labour Ordinance (cap.67).
  - D The Sabah Land Development Board Enactment 1981.

2. All employment contracts that exceeds a period of one month must be made in writing.

**Statement 1**

Which of the following sections is related to **Statement 1**?

- A Section 7 Employment Act 1955.
  - B Section 7B Employment Act 1955.
  - C Section 10 (1) Employment Act 1955.
  - D Section 10 (2) Employment Act 1955.
3. Indah Maju Sdn. Bhd. wants to terminate their contract of service with Ahmad who has been working for them for 8 years. Based on the situation, which of the following statement is **true**?
- A Indah Maju must give six weeks' notice of termination.
  - B Indah Maju must give two weeks' notice of termination.
  - C Indah Maju must give four weeks' notice of termination.
  - D Indah Maju must give eight weeks' notice of termination.

4. Which of the followings are the key terms and conditions one should be aware of when drafting a contract of service in Malaysia?
- i. Wages.
  - ii. Probation Period.
  - iii. Scope of Services.
  - iv. Notice of Termination.
- A** i and ii.  
**B** i and iii.  
**C** i,ii and iii.  
**D** i,ii,iii and iv.
5. Which of the following is the principle stated by Judge Plicher regarding payment of wages?
- A** If the terms of the contract is silent, the employer is responsible for paying wages as agreed.
- B** The employer's responsibility is to provide work depends on the type of job offered since different types of jobs may have different legal implications.
- C** Salary is payment paid to professional members and individual with permanent appointment while wages is payment paid to manual workers or worker who do not have permanent appointment.
- D** The obligation to pay wages usually depends on the performance of a task. At the same time, employees who are absent from work due to illness (and verified) are also usually entitled to the agreed wage rate.
6. Which of the following situations shows that an employee is considered to have been dismissed?
- A** Voluntary termination.
- B** An employee who has committed misconduct.
- C** Reaching retirement age as specified in the service contract.
- D** An employee was not paid for the period he was not given any job.

7. Haziq was placed under the custody of the police following an investigation implicating him during an interrogation of a suspect. In which section does it allow Haziq's employers not to pay his wages following his situation?
- A Section 20 of Employment Act 1955.
  - B Section 21 of Employment Act 1955.
  - C Section 22 of Employment Act 1955.
  - D Section 23 of Employment Act 1955.
8. Under a contract of service, employees are not allowed to work more than \_\_\_\_\_ per day.
- A 7 hours
  - B 8 hours
  - C 9 hours
  - D 10 hours
9. According to Section 60E (1) of Employment Act 1955, an employee is entitled to \_\_\_\_\_ days of annual leave if he has worked for more than 5 years.
- A 10 days
  - B 12 days
  - C 16 days
  - D 20 days
10. Puan Intan works for Felina Design as an Administrative Officer and her salary is RM2,600 per month. Puan Intan was asked by her employer to work during her rest day. If Puan Intan has worked for 8 hours on that day, calculate her wages for that day.
- A RM 50
  - B RM 80
  - C RM 100
  - D RM 150

11. How many days is an employee eligible for sick leave if he has been working for 4 years and was hospitalised due to dengue fever?
- A 14 days
  - B 18 days
  - C 22 days
  - D 60 days
12. Which of the following is the definition of misconduct in the context of an employer-employee relationship?
- A A criminal act committed at the workplace.
  - B An act that runs counter to organizational rules.
  - C A set of regulations, guidelines or ethics in the workplace to enforce employer's prerogative.
  - D A process in which the Workers' Union negotiates with an employer on behalf of its members.
13. What is the name of the compulsory document that must be sent to the accused worker before domestic inquiry can be conducted?
- A A charge letter.
  - B A show cause letter.
  - C A letter of appointment.
  - D A letter to call for Domestic Investigation.
14. Danny was caught twice using the company's car to pick his son up from school. What type of misconduct has Danny committed?
- A Past misconduct
  - B Criminal misconduct
  - C Personal misconduct
  - D Repeated misconduct

15. An employee has sexually harassed his co-worker. Under The Employment Act 1955, which disciplinary action can be taken by his employer?
- i. Downgrade the employee.
  - ii. Give advice to the employee.
  - iii. Dismiss the employee without notice.
  - iv. Impose a lesser punishment that is deemed fit and just.
- A** i and iii.  
**B** i, ii and iii.  
**C** i, iii and iv.  
**D** ii, iii and iv.
16. Which of the following refers to the maxim *Nemo Judex in Causa Sua*?
- A** The rule against bias.  
**B** A general legal principle.  
**C** Principle used in the Industrial Court.  
**D** The accused person is given the opportunity to be heard.
17. What is the purpose of social security law in the relation to employment?
- A** To provide free healthcare to all employees.  
**B** To offer unlimited paid time off for all workers.  
**C** To offer unlimited paid time off for independent contractors.  
**D** To provide financial protection and support to workers and their families in the event of retirement, disability, or death.
18. If an employer was charged with an offence of not paying contributions and dividend on such contributions as required under Section 45(3) of EPF Act 1991 for two of his employees, he shall
- A** pay a fine not exceeding RM 10,000.  
**B** be imprisoned for a term of not exceeding three (3) years.  
**C** be imprisoned for a term not exceeding three (3) years or pay a fine not exceeding RM 10,000.  
**D** be imprisoned for a term not exceeding three (3) years or pay a fine not exceeding RM 10,000 or both.

19. According to the Employment Injury Scheme, if an employee has been confirmed by the Medical Board as permanently disabled due to an accident at his working place, he is eligible for
- A medical benefit.
  - B dependent benefit.
  - C temporary disablement benefits.
  - D constant attendance allowances.
20. Mr. Gilkary, a foreign worker from Afghanistan, works as a security guard at Kawal Selia Sdn. Bhd. If his monthly salary is RM 1,500.00, what is his net income after deducting the monthly SOCSO contribution?
- A RM 1481.25.
  - B RM 1466.25.
  - C RM 1452.75.
  - D RM 1417.50.

[40 MARKS]



**PART B**

This part consists of **SIX (6)** questions.

Answer **all** questions in the answer Booklet.

**QUESTION 1**

Section 60J(l) of the Employment Act 1955 provides that, "*employers can be charged by the Minister to provide benefits such as termination, layout and retirement benefits to employees who has been lawfully terminated or unfairly dismissed*". However, under the Employment (Termination & Severance Benefits) Regulation 1980, there are several situations where the employers are not liable to pay those benefits to their employees.

With reference to the relevant Act, explain **five (5)** situations when employers are not liable to pay termination benefit to their employees.

(10 marks)

**QUESTION 2**

Discuss the termination of contract for special reasons.

(10 Marks)

**QUESTION 3**

Explain regarding on annual leave and sick leave entitled to an employee under the Employment Act 1955.

(10 Marks)

**QUESTION 4**

The term "domestic inquiry" is a technical term which refers to an internal inquiry due to an allegation of misconduct relating to the workplace. Explain the process that must be carried out before domestic inquiry is performed.

(10 Marks)

**QUESTION 5**

Every EPF member contributes to their retirement savings through monthly salary deduction by their employers. These contributions, comprising the member's and employer's share, will be divided and credited into two (2) accounts, Account 1 and Account 2 based on a fixed percentage. These accounts were created for different purposes and different types of withdrawals are applicable for each account.

Explain **five (5)** types of withdrawals that are allowed from Account 2.

(10 marks)

**QUESTION 6**

Discuss all the benefits that an employee is eligible for under the Employment Injury Insurance Scheme.

(10 Marks)

**END OF QUESTIONS PAPER**



