

2021年劳工(修正)法案
Employment (Amendment) Bill 2021 

对第18A条文的修正 –
服务未满整个月的工资计算方法

**Amendment of Section 18A - Calculation
of Wages for Incomplete Month's Work**



What's New?

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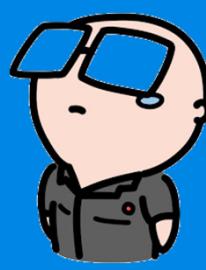
 Employment (Amendment) Bill 2021
New Section 18A - Calculation of Wages for
Incomplete Month's Work

New Section 18A –

Calculation of Wages for Incomplete Month's Work

- Section 18A covers the calculation of wages where an employee has not completed a whole month of service due to any of the following reasons:
 - His employment commenced after the first day of the month;
 - His employment terminated before the end of the month;
 - He took leave of absence without pay; or
 - He was called up for National Service.
- The formula shall be as follows:





Monthly Wages	* Number of days eligible in the wage period
Number of days of the wage period	

Employment (Amendment) Bill 2023

New Section 18A –

Calculation of Wages for Incomplete Month's Work

- The existing manner to calculate an employee's ordinary rate of pay under Section 60I of the Employment Act 1955, however, remains unchanged.
- Section 60I — which only applies to:
 - Part IX (Maternity Protection) and
 - Part XII (Rest Days, Hours of Work, Holidays, and Other Conditions of Service)
- Section 60I provides the following formula for determining the “ordinary rate of pay” for employees employed on a monthly rate of pay:
 - [monthly rate of pay / 26]





Monthly Wages	* Number of days eligible in the wage period
Number of days of the wage period	

Employment (Amendment) Bill 2023

新的第18A条 -- 未服务满整个月的工资计算方法



- 第18A条涵盖了雇员由于以下任何原因而没有完成整个月的服务时的工资计算:
 - 他的就业是在该月的第一天之后开始的；
 - 他的就业在该月结束前就终止了；
 - 他拿无薪假；或
 - 他被征召参加国民服务。
- 工资计算的公式如下:
 - $(\text{月工资} / \text{相关工资期的天数}) * \text{符合工资期条件的天数}$



新的第18A条 -- 未服务满整个月的工资计算方法



- 然而，根据1955年劳工法令第60I条计算雇员普通工资率的现有方式保持不变。
- 第60I条仅适用于:
 - 第九部分的产假保护；和
 - 第十二部分的休息日、工作时间、假期和其他服务条件
- 第60I条规定了以下公式，用于确定按月薪雇用的雇员的“普通工资率”:
 - $[\text{月工资率} / 26]$





For unpaid leave, how to calculate the Salary?
员工请假，工钱要怎样扣?



Name: Robert



- March 2022 Salary: RM 3,100
- Take 2 days unpaid leave

If employee is taking unpaid leave, how to calculate the Salary?
员工请假，工钱要怎样扣?



- Salary Per Day
 $\circ = 3,100 / 31$
 $\circ = 100$
- Unpaid Leave: 2 days
 \circ Deduct 2 day's pay
- 请无薪假期：2天
 \circ 扣2天的工资

$\circ = RM 100 * 2$
 $\circ = RM 200$

当月的薪水 / Salary for the Month

$\circ = RM 3,100 - RM 200$
 $\circ = RM 2,900$

New Section 18A –
Calculation of Wages for Incomplete Month's Work

“Calculation of wages for incomplete month’s work

18A. Notwithstanding section 601, an employee who is employed on a monthly rate of pay and has not completed a whole month of service—

- (a) where he commenced employment after the first day of the month;
- (b) where his employment was terminated before the end of the month;
- (c) where he took leave of absence without pay for one or more days of the month; or

Employment (Amendment) Bill 2023



New Section 18A –
Calculation of Wages for Incomplete Month's Work

(d) where he took leave of absence by reason of having been called up for national service under the National Service Act 1952 [Act 425], to present himself for national service training as required under the National Service Training Act 2003 [Act 628] or to comply with any other written law relating to national service,

shall be paid wages due to him for that month calculated according to the following formula:

$$\frac{\text{Monthly wages}}{\text{Number of days of the particular wage period}} \times \text{Number of days eligible in the wage period.}.$$

Employment (Amendment) Bill 2023



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