

3th April 2017

Dear members,

**PUBLIC HOLIDAY ANNOUNCEMENT- 24 APRIL 2017 FOR THE CEREMONIAL
INSTALLATION / CORONATION OF DULI YANG MAHA MULIA SERI
PADUKA BAGINDA YANG DI-PERTUAN AGONG XV SULTAN MUHAMMAD V**

Kindly note that the Federal Government has declared 24th April 2017 as a National Public Holiday in conjunction with the ceremonial installation / coronation of Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong XV Sultan Muhammad V (“*the coronation*”).

This holiday has been declared under s. 8 of the Holidays Act 1951. As such, this holiday must be observed as a compulsory public holiday pursuant to s. 60D(1)(b) of the Employment Act 1955.

Notwithstanding this, by virtue of the second proviso to S. 60D(1A) of the Employment Act 1955, employers may grant any other day as a paid holiday in substitution for this holiday. The consent of the employee to make the substitution for this holiday to any other day is not required under law. If no substitution is made then employees are entitled to receive the holiday rate of pay for working on 24th April 2017.

ONLY FOR EMPLOYERS IN KEDAH, NEGERI SEMBILAN AND PERLIS

It is to be noted that 24th April 2017 is also a State holiday declared under s. 9 of the Holidays Act 1951 in the states of Kedah, Negeri Sembilan and Perlis in conjunction with the commemoration of Israk and Mikraj (“*State holiday*”). This means that employers in Kedah, Negeri Sembilan and Perlis who have stated that they observe ALL gazetted public holidays will have to observe the 24th April 2017 as one of the recognised holidays.

For such employers, as 24th April 2017 *also falls on a public holiday* (i.e. the coronation), the proviso under s. **60D(1)** of the **Employment Act 1955** states that where the public holiday falls on another public holiday, the working day that immediately follows the public holiday shall be a paid holiday in substitution of the first mentioned public holiday. This means the State holiday will be replaced on 25th April 2017. Employers in the states of Kedah, Negeri Sembilan and Perlis who observe ALL gazetted public holidays will therefore have to observe **both** 24th April 2017 and 25th April 2017 as holidays.

Employers in the states of Kedah, Negeri Sembilan and Perlis who observe only specified public holidays and not ALL public holidays are under no statutory obligation to observe the State holiday as a public holiday. For employers who are not legally obliged to observe the State holiday as a holiday but nevertheless wants to comply with the state's declaration as a sign of respect to the state, they may request employees to work on the said date but provide a substituted holiday as a replacement.

APPLICABLE TO ALL

We would also like to remind you that by virtue of s. **60D(2)** of the **Employment Act 1955**, if the employee is absent without leave or reasonable excuse on the working day immediately preceding or immediately succeeding a public holiday, he forfeits entitlement to the holiday pay. This means that he will not be paid for the day he is absent and for the public holiday.

Should you require any clarification please do not hesitate to contact us.

Yours faithfully,

Justin Lee
Legal Adviser