

KEMENTERIAN SUMBER MANUSIA

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**KERATAN
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KESUMA**”

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KTMB hanya selenggara lif dan eskalator di Stesen KL Sentral sahaja

Kuala Lumpur: Selain penyelenggaraan berkala, mengurangkan frekuensi kerosakan lif dan eskalator di stesen komuter, pihak Keretapi Tanah Melayu Berhad (KTMB) melakukan penyelenggaraan pencegahan berdasarkan jangka hayat alat ganti.

Jurucakap KTMB berkata, penyelenggaraan bagi semua kemudahan di bawah seliaan KTMB adalah mengikut jangka hayat penggunaan dan keperluan.

"Contohnya jika jangka hayat alat ganti seperti *handrail* untuk eskalator adalah tiga tahun, maka sebelum mencapai tiga tahun, pihak kami akan menukar atau mengganti komponen.

"Bagaimanapun, keupayaan barang gantian juga memainkan peranan penting bagi memastikan ia tidak mudah rosak walaupun sudah diganti," katanya dalam kenyataan kepada Harian Metro.

Beliau mengulas keluhan pengguna mengenai kemudahan di stesen KTM Komuter yang tidak sempurna, selain ketibaan tren tidak tepat masa.

Mengulas lanjut, KTMB berkata, perkhidmatan selenggaraan lif dan eskalator diuruskan oleh dua entiti iaitu KTMB dan Railway Assets Corporation (RAC), masing-masing mengendalikan operasi kereta api dan pemilik stesen serta *rolling stock* (kereta api).

Menurutnya, semua lif dan eskalator di stesen bermula dari stesen Tanjung Malim, Perak sehingga Gemas, Negeri Sembilan berada di bawah seliaan dan diselenggara oleh pihak RAC, manakala KTMB hanya menyelenggara lif dan eskalator di Stesen KL Sentral saja.

"Penyelenggaraan berkala bagi lif dan eskalator yang berada di bawah seliaan pihak KTMB adalah mengikut garis panduan dan peraturan pihak berkuasa iaitu Jabatan Keselamatan, Kesihatan dan Persekitaran (JKKP).

"Kami menjalankan kerja penyelenggaraan sebulan sekali oleh pihak kontraktor dilantik. Proses lantikan dan pemilihan kontraktor mengikut ketetapan Akta Keselamatan dan Kesihatan Pekerjaan 1994 (AKKP 1994).

"Mana-mana lif atau eskalator di bawah seliaan KTMB tidak dapat digunakan atau rosak, kami akan mempamerkan notis jangkaan tarikh siap untuk kerja pembaikan sedang dijalankan.

"Bagi pengguna memerlukan bantuan terutama warga emas dan OKU boleh mendapatkan bantuan daripada kakitangan stesen bertugas," kata kenyataan itu.

Sementara itu, mengenai rungutan pengguna yang kecewa apabila tren dikatakan kerap mengalami kelewatan, KTMB berkata, pihaknya tidak menafikan gangguan perkhidmatan tren terutamanya komuter.

Bagaimanapun katanya, gangguan itu disebabkan masalah teknikal seperti keupayaan tren yang berusia, masalah semboyan yang sensitif kepada masalah kecurian kabel, situasi yang di luar jangka seperti bencana alam iaitu banjir, pokok tumbang dan alat talian atas terbingkas.

"KTMB sudah mengambil langkah proaktif dengan memastikan pokok besar berhampiran landasan ditebang dan dibersihkan. Ini dapat mengelakkan daripada berlakunya kejadian *tripping* akibat pokok tumbang dan terkena alat talian atas.

"Jika berlaku kelewatan, pemakluman atau hebahan di stesen turut dipertingkatkan bagi memudahkan pengguna mendapatkan langkah alternatif jika terdapat sebarang gangguan.

"KTMB juga membangunkan dan sedang menambah baik sistem *live tracking* melalui aplikasi MyRailtime di mana pengguna boleh mendapatkan status perjalanan tren sama ada ia mengikut jadual atau mengalami kelewatan," katanya.



Dismissal of fit employee constitutes discrimination, says MEF

PETALING JAYA: Dismissal of an employee living with HIV/AIDS who has been declared fit to work by medical experts constitutes workplace discrimination, says the Malaysian Employers Federation (MEF).

MEF president Datuk Dr Syed Hussain Syed Husman said employers should avoid such actions and that any disciplinary measures leading to dismissal should be based on objective reasons related to job performance or misconduct.

"MEF upholds the view that people living with HIV (PLHIV)

have equal rights to employment and should be given opportunities based on merit and performance, much like any other group," he said when contacted.

However, Syed Hussain acknowledged that certain job roles might pose safety and health risks for PLHIV.

Citing the Code of Practice on Prevention and Management of HIV/AIDS at the Workplace 2001, published by the Department of Occupational Safety and Health (DOSH), he said any job-related distinctions based on inherent job

requirements are not considered discriminatory.

"Currently, Malaysia lacks explicit laws that bar employers from dismissing employees with HIV.

"Employers are advised to adhere to the provisions of the Code of Practice on managing HIV/AIDS in the workplace," he said.

"Notably, under Section 69F of the Employment Act 1955, the Labour director-general has the authority to investigate and resolve disputes related to employment discrimination and

can issue orders based on their findings."

To address workplace discrimination against PLHIV, Syed Hussain said it requires a multi-faceted approach, highlighting the importance of implementing various strategies and adhering to key principles outlined in the Code of Practice.

He said these measures include developing comprehensive HIV/AIDS policies and programmes, conducting education, training and awareness initiatives, maintaining confidentiality and privacy, as well as providing counsel-

ling and social support.

"By implementing these key principles, employers will be able to work towards reducing stigma and discrimination, creating a more inclusive and supportive environment for people living with HIV/AIDS," Syed Hussain added.

His comments came following an increase in reports of workplace discrimination incidents against PLHIV over the past five years, with the first half of this year recording 66 cases – more than doubling previous yearly totals.

Workplace bias highest in five years

Reports of discrimination against people with HIV more than double

By **JUNAID IBRAHIM**
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PETALING JAYA: There has been an increase in reports on workplace discrimination incidents against people living with HIV (PLHIV) over the past five years, with the first half of this year recording 66 cases – more than double previous yearly totals.

The data, which spans from 2019 until June 2024, collected by the Malaysian AIDS Council (MAC) from different organisations showed that the latest figure was the highest throughout the five-year period.

Cumulatively, MAC recorded a total of 218 cases with "required declaration of HIV status" at the workplace becoming the highest type of discrimination with 41 reports.

This was followed by cases of revocations of job offers during pre-employment with 31 reports, forced resignation (19 reports) and dismissal from position (16 reports).

In advocating for the marginalised group, MAC has addressed

nine cases to date, with four of them having been resolved while the rest are still ongoing.

"Of these, two cases have successfully continued with their employment while two other cases have had their job offers revoked due to their HIV status.

"The remaining cases are being managed by our partner organisations," it said in a statement to *The Star*.

MAC said the approach included mediation to negotiate a fair resolution between the employee and the company to create a safe and supportive environment for PLHIV.

It said that during the mediation, MAC would provide evidence-based information about HIV/AIDS to both top management and staff members while ensuring the confidentiality of affected individuals.

"MAC also offers ongoing mental health support to clients throughout the advocacy process and assists them in connecting with their social networks, including family, friends and peer support groups," it said.

The council said that there was

no specific law that protected PLHIV in the workplace in Malaysia.

"However, thanks to the efforts of the Occupational Safety and Health Department and the Human Resources Ministry, alongside other organisations including the MAC, Malaysian AIDS Foundation and other key stakeholders, a Code of Practice for the Management of HIV/AIDS at the Workplace was developed," it said.

"This Code emphasises the employer's responsibility to be non-judgemental and to implement non-discriminatory policies for employees who are HIV positive," it added.

While there was no mandatory HIV/AIDS policy at the workplace, companies were encouraged to adhere to the Code of Practice, with currently only 42 companies in Malaysia adopting it, MAC said.

"The ministry has created the Anti-Discrimination Act (under 69F) at the workplace to address discrimination issues in employment.

"However, it is unclear how

this Act specifically protects employees from discrimination based on their HIV status," it added.

According to subsection (1) of the Act, an employer found guilty of discrimination can be fined up to RM50,000.

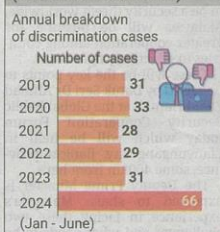
If the offence continues, the employer may be fined up to RM1,000 per day for each day the offence persists after conviction.

Last December, it was reported that the government expressed its support for the MAC's proposal to amend the Employment Act 1955 and the Industrial Relations Act 1967 to protect PLHIV from workplace discrimination.

MAC said there were two proposed areas under either Act which would include several sections aimed at protecting the rights of PLHIV through prevention and management of HIV in the workplace, right to treatment, HIV workplace policies and employer inquiries into complaints of discrimination, among others.

"These provisions, however, only cover workplace discrimination," the MAC said.

Reports of workplace discrimination against PLHIV (Year 2019 - June 2024)



Types of cases



Source: Data collected by the Malaysian AIDS Council (MAC)

The Star graphics

Socso fully supports HIV-positive workers

PETALING JAYA: There should not be any prejudice towards people living with HIV (PLHIV) as the disease is now treatable and they can live a normal life with medication, says the Social Security Organisation (Socso).

Its chief executive officer Datuk Seri Dr Mohammed Azman Aziz Mohammed said Socso works closely with the Malaysian AIDS Foundation (MAF) to ensure the organisation fully understands the disease.

Mohammed Azman said Socso even sponsors second-line antiretroviral therapy medicine up to RM300,000 annually through MAF for insured employees who are categorised as PLHIV.

He said all the necessary policies are in place as Socso does not discriminate against employees based on their illnesses and is fully committed to assisting PLHIV in retaining their jobs and overcoming workplace challenges.

"Socso's Employment Insurance System does not discriminate against PLHIV.

"Individuals who have lost their job or were dismissed due to their HIV status are eligible for benefits under the employment services. This includes the replacement of income and job placement facilities," he said.

"They can also be recruited into Socso's Return to Work Programme where retraining and reskilling may be initiated towards a goal of retaining at work or returning to work.

"To this effect, Socso proactively collaborates with MAF to recruit PLHIVs into the programme," Mohammed Azman added.

The project, which started in 2020, regularly recruits about 30 PLHIV yearly, with a return to work rate of between 50% to 60% annually, and is monitored by both organisations.

"Other than rehabilitation and return to work, Socso has also been assisting its insured persons who require second-line antiretroviral therapies by sponsoring the medicine through the MAF, to

the value of RM300,000 per year.

"The challenge lies in the confidence and stigma that surrounds the issue.

"We believe that continuous awareness and education will greatly enhance the reintegration of PLHIV into society and the workplace," said Mohammed Azman.

Lawyer Edward Saw, who specialises in the field of industrial relations and employment law, said employees who are PLHIV have the same rights, similar to any other employee under the laws.

"Dismissal on the sole ground that an employee is HIV positive would be unlawful and discriminatory.

"The Department of Safety and Health has a Code of Practice on Prevention and Management of HIV/AIDS at the Workplace, issued in 2001.

"The code prescribes that an HIV positive employee has the right to continue in employment as long as they are able to work

and do not pose any danger to themselves, their co-workers and other individuals.

"The procedure for termination on medical grounds in such cases should be the same as any other disease.

"This means any employee who is HIV positive and who is dismissed for that sole reason can claim unfair and unlawful dismissal under Section 20 of the Industrial Relations Act 1967," said Saw.

He said should the employee take the matter to the Industrial Court for unlawful dismissal, the burden would be on the employer to prove that the dismissal was necessary because the employee's condition was affecting his or her work and posed a danger to other colleagues at the workplace.

Saw said PLHIVs should not hide their status as the employer has a right to know and to assess the risk.

"The employer is under a duty to ensure that the workplace is a safe environment which means

the interests of all employees must be looked after.

"In most cases, the employer will usually send the employee for a pre-employment screening.

"If an employee hides this status and is subsequently discovered, the employee could be dismissed for non-disclosure of material information, which is also a recognised misconduct," he said, adding that this would also depend on whether there was a requirement to disclose at the start.

He said if the Industrial Court finds the dismissal of an employee who is HIV positive as lawful and the employee still wants to find a legal recourse, then he or she can appeal the decision at the High Court.



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AmBank secures cert on OSH, enters Malaysia Book of Records

PETALING JAYA: AmBank Group has become the first banking institution in Malaysia to achieve ISO 45001:2018 certification, which allows it to earn a coveted spot in the Malaysia Book of Records.

Group CEO Jamie Ling said: "We are honoured to be recognised by the Malaysia Book of Records. This certification is a testament to our steadfast commitment to the well-being of our workforce and our proactive approach to a safe and conducive workplace. It further reflects our dedication to excellence and our continuous efforts to uphold the highest standards of occupational health and safety while improving

our overall operational efficiency."

The ISO 45001:2018 is an international standard for occupational health and safety (OSH) management. It provides a comprehensive framework which enables organisations to systematically assess hazards and implement risk control measures, leading to reduced workplace injuries, illnesses and incidents.

Ling said achieving this certification not only strengthens AmBank Group's brand image and reputation as a responsible and sustainable bank but also motivates its workforce to actively pursue opportunities for innovation in creating sustainable financial products and services.

"Our OSH Management System is comprehensive, encompassing all our employees. We adhere to the highest safety standards, maintaining certification under ISO 45001 since 2018. This certification underscores our dedication to creating a workplace where safety is paramount and non-negotiable," said group chief HR officer and group OSH chairperson Rohani Mustafa.

By prioritising the safety and health of employees, she said, AmBank Group does not only foster a positive work environment but also enhances operational efficiency and sustainability initiatives.