



FREQUENTLY ASKED QUESTIONS (FAQ)

EXTENSION OF SOCIAL SECURITY COVERAGE TO DOMESTIC WORKERS UNDER EMPLOYEES' SOCIAL SECURITY ACT 1969 [ACT 4] AND EMPLOYMENT INSURANCE SYSTEM ACT 2017 [ACT 800]

1. Who are categorised as domestic workers under Act 4 and Act 800?

- Domestic workers are individuals legally employed exclusively in the work or in connection with work of a private dwelling house and not for other activities such as trade, business or profession carried out by the employer in such dwelling house or outside of the dwelling house.

2. What are the examples of domestic workers?

- Examples of domestic workers are house maids, personal drivers, gardener, personal bodyguard, house guards, cooks, nurses, caretakers, valet or anyone who is employed in the work or in connection with work of a private dwelling house.

3. What are the categories of domestic workers?

- Domestic workers are categorised into two groups:
 - (a) Domestic workers who are;
 - i. Malaysian citizens with MyKad;
 - ii. non-Malaysian citizens with permanent resident status and MyPR;

- iii. non-Malaysian citizens with temporary resident status and have MyKAS; or

- (b) **Foreign** domestic workers who are;

Non-Malaysian employees with a valid travel document and Temporary Employment Visitor's Pass (PLKS) issued by the Immigration Department of Malaysia (JIM) to work in Malaysia.

4. Can wife/husband/children/parents/relatives be employed as domestic workers and registered under SOCSO?

- No, this coverage does not apply to domestic workers who are close relatives to the employer as listed below:
 - (i) husband or wife;
 - (ii) a child including an adopted child or stepchild;
 - (iii) a parent, a sibling or a grandparent including an adopted parent, an adopted sibling and an adopted grandparent, and a step-parent, a step-sibling and a step-grandparent;
 - (iv) a parent-in-law, a son-in-law or a daughter-in-law including an adopted parent-in-law, an adopted son-in-law and an adopted daughter-in-law, and a step-parent-in-law, a step-son-in-law and a step-daughter-in-law; or
 - (v) a sibling-in-law;

5. Who is eligible to contribute for a domestic worker?

- Employer of a domestic worker. However, the employer must be an individual who is a Malaysian citizen and the domestic worker is not employed for a business; and
- Foreign citizen employers who employ Malaysian citizens as domestic

workers.

6. Who is eligible to contribute for a domestic worker under Act 800?

- An individual who is either Malaysian citizen or non-Malaysian citizen, who employ a domestic worker who is a Malaysian Citizen, a Permanent Resident (PR) or a Temporary Resident (TR) is eligible to contribute.

7. Can a foreign domestic worker be covered under Act 4 and Act 800?

- A foreign domestic worker who is a non-Malaysian citizen with a valid travel document and Temporary Employment Visitor's Pass (PLKS) issued by the Immigration Department of Malaysia (JIM) to work in Malaysia is eligible to be covered under Act 4 only. This does not include:
 - (a) A foreign domestic worker who is employed by a foreign employer; and
 - (b) A foreign domestic worker without a valid pass issued by the Director General of Immigration or for the duration of a pass or permit which has been recalibrated with retrospective effect.
- A foreign domestic worker who is a non-Malaysian Citizen, PR and TR are not covered under Act 800.

8. What are the eligible protection under Act 4 and Act 800 for domestic workers who are Malaysian citizens, PR, TR and foreign?

| Act / Domestic Workers | Act 4 | | Act 800 |
|------------------------|--------------------------|-------------------|-----------------------------|
| | Employment Injury Scheme | Invalidity Scheme | Employment Insurance System |

| | | | |
|-------------------------|----------|--------------|--------------|
| Malaysian Citizens | Eligible | Eligible | Eligible |
| Permanent Resident (PR) | Eligible | Eligible | Eligible |
| Temporary Resident (TR) | Eligible | Eligible | Eligible |
| Foreigners | Eligible | Not eligible | Not eligible |

9. What is the age limit for domestic workers who are eligible to be covered under Act 800?

- Domestic workers who are eligible to be covered under Act 800 are those aged from 18 to 60 years **EXCEPT** for employees aged 57 years and above who have never contributed under Act 800.

10. Can domestic workers be covered under Act 4 and at the same time be covered under insurance companies?

- For employers who have already insured their domestic workers and the term of the insurance policy is still valid on 1 June 2021, exemption is given from contributing to SOCSO until the expiry of the insurance policy.
- All domestic workers employed by the employer who have insurance policies related to employment injury and invalidity for Malaysian citizens, PR or TR as well as employment injury for foreign citizens, the insurance policies shall continue to apply until its expiry before 31 May 2022.
- If the expiry date of the insurance policy is after 31 May 2022, the employer **MUST** register and contribute with SOCSO on 1 June 2022.
- Employers who hire new domestic workers from 1 June 2021 **MUST** register and contribute with SOCSO.

11. When does the coverage for domestic workers for Act 4 & Act 800 begin?

- Coverage for domestic workers for Act 4 & Act 800 starts on 1 June 2021.

12. When does the registration of employers & domestic workers under Act 4 and Act 800 begin?

- Registration of employers and employees for Act 4 & Act 800 begins on 16 June 2021.

13. How can contribution payments be made?

- Employers can make contribution payments through the following methods:-
 - (i) Payment through Online Portal (FPX)
 - (ii) Internet banking
 - (iii) Banks appointed as collection agents are as follows:-
 - Maybank Berhad
 - Public Bank Berhad
 - RHB Bank Berhad

14. What are the required documents needed when registering employers & employees under Act 4 and Act 800?

- For new employer registration under Act 4, employers must submit the following documents:-
 - (i) *Borang Pendaftaran ID Portal / Portal ID Registration Form*
 - (ii) *Borang 1 (Borang Pendaftaran Majikan)*
 - (iii) *Borang Pendaftaran Pekerja Domestik*
 - (iv) *Salinan Kad Pengenalan / Pasport terkini Majikan*
 - (v) *Salinan Kad Pengenalan / Pasport terkini Pekerja Domestik*

- Meanwhile, for new employer registration under Act 800, employers must submit the following documents:-

(i) *Borang SIP1 (Borang Pendaftaran Majikan)*

(ii) *Borang SIP2 (Borang Pendaftaran Pekerja)*

15. Must the working address of a foreign domestic worker registered on the ASSIST portal follow the address on the Temporary Employment Visitor's Pass (PLKS)?

- Yes. The working address of the foreign domestic worker registered on the ASSIST portal must follow the address on the PLKS.

16. What is the rate of contribution to be paid by employers and domestic workers under Act 4 and Act 800?

- The contribution rate is as stipulated in the Third Schedule, Act 4 and Second Schedule, Act 800 which can be accessed at www.perkeso.gov.my.

17. What is the registration status of a domestic worker if they work for a residence and for another enterprise at the same time?

- The domestic worker must be registered and pay contributions for both jobs. However, this only applies to Malaysian, PR and TR domestic workers and not foreign domestic workers.

18. What are the required documents to apply for benefits under Act 4 & Act 800 for domestic workers who are Malaysian citizens, PR and TR?

- To apply for benefits under Act 4, the required documents to be submitted are similar to existing benefit application, which is Form 34 as well as supporting documents as per the checklist included in the form which can be accessed at www.perkeso.gov.my.
- To apply for benefits under Act 800, the required documents to be submitted are Form SIPF1 along with the following supporting documents:-
 - (i) Copy of Identity Card (National Registration Department of Malaysia)*
 - (ii) Copy of Termination Letter *
 - (iii) Copy of Salary Statement (6 Months Before the Date of Loss of Employment) *
 - (iv) Copy of Bank Account *
 - (v) Copy of Job Offer Letter *

* Employees must make a declaration during the application if the above documents cannot be uploaded/submitted.

19. How can a domestic worker apply for benefits under Act 800 if the worker experiences loss of employment?

- All benefit applications can be made online via the EIS Benefits Portal at <https://eis.perkeso.gov.my/eisportal/insured/appl/instruction> OR visit the nearest SOCSO office.

20. What are the required documents needed for foreign domestic workers to apply for benefits under Act 4?

- Documents required to apply for benefits under Act 4 are;
 - (i) Foreign Worker Accident And Occupational Diseases Notification Form (PA-F101R1)
 - (ii) Foreign Worker Dependants' And Funeral Benefit Claim Form (PA-F101R2)

- (iii) *Borang Tuntutan Kos Penghantaran Pulang Jenazah (PA-F101R3);*
and
- (iv) Supporting documents as stated in the checklist of the respective forms.

21. What are the categories of loss of employment that are ELIGIBLE for benefits under Act 800?

- The categories of loss of employment that are ELIGIBLE for benefits under Act 800 are as below:
 - (i) Normal retrenchment
 - (ii) VSS/MSS (voluntary/mutual separation schemes)
 - (iii) Closure of workplace due to natural disasters (force majeure)
 - (iv) Bankruptcy or closure of the business
 - (v) Constructive dismissal
 - (vi) Resignation due to sexual harassment or threats made in the workplace
 - (vii) Resignation after being ordered to perform dangerous duties that are not within the job scope

22. What are the categories of loss of employment that are NOT ELIGIBLE for benefits under Act 800?

- The categories of loss of employment that are NOT ELIGIBLE for benefits under Act 800 are as below:
 - (i) Dismissal due to employee misconduct
 - (ii) Voluntary resignation
 - (iii) Retirement
 - (iv) Expiry of a fixed-term contract or completion of a project

23. If a domestic worker commits violence or misconduct against his/her employer and the domestic worker suffers injury or death, can benefits be paid to the domestic worker or his/her dependents?

- SOCSO does not prevent any domestic worker from submitting applications related to accidents that occur. If there is violence, misconduct or intentional injury to his/her employer and the domestic worker suffers injuries as a result of the act, the case is considered as a non-employment injury and if there is any doubt, further investigation will be conducted.

24. If the employer commits violence or misconduct against a domestic worker and the worker suffers injury or death, can benefits be paid to the domestic worker or his/her dependents?

- Injury or death suffered by a domestic worker as a result of the actions of his/her employer is considered an employment injury and benefits can be paid to the domestic worker or his/her dependents.

25. Does a written contract of service between the employer and the domestic worker need to be submitted during the registration process?

- A written service contract does not need to be submitted during the registration process. However, the employer needs to declare that there is a written or verbal contract of service in the Domestic Worker Registration Form which can be done through the ASSIST portal. If the contract of service is verbal, the scope of work must be stated in the Domestic Worker Registration Form.

26. If a domestic worker is not eligible for financial benefits, can the worker receive other assistance under Act 800?

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- Domestic workers may still get access to employment services such as counseling, job search or placement services through the MYFutureJobs portal at www.myfuturejobs.gov.my even if they are not eligible to receive financial benefits. In this situation, domestic workers are encouraged to register on the MYFutureJobs portal.

27. Does this social security coverage provide 24 hours protection as there are domestic workers who work without being subject to certain working hours (i.e. maids)?

- Yes. Under Act 4, as long as the domestic worker carries out his/her duties and scope of work as according to their employment, the domestic worker is subject to the protection provided. Nevertheless, any decision is subject to the investigation conducted by the Investigating Officer, if necessary. If there is no need for an investigation, the case can be decided either as an employment injury or non-employment injury.
- Benefits for domestic workers who are registered and contributes under Act 800 are not subjected to certain working hours.

28. During sick leave, does the employer need to pay the domestic worker's salary? If salary is paid, is the employer eligible to claim the Temporary Disablement Benefit (FHUS) for domestic workers from SOCSO?

- During sick leave, the employer's requirement to pay the domestic worker's salary is subject to the contract of service. If the employer pays domestic worker's salary during his/her sick leave, the employer can claim FHUS from SOCSO provided that the sick leave is declared as an employment injury and subject to the amount prescribed under Act 4.
- If the employer does not pay the domestic worker's salary during his/her sick leave and the case is declared as an employment injury, FHUS will be

paid to the domestic worker directly and the employer is not entitled to claim FHUS payment from SOCSO.

- However, if the case is declared to be a non-employment injury, no payment will be made to the domestic worker or employer for the period of sick leave.

29. Can an employer terminate the services of a domestic worker even during the sick leave period?

- Employers may lay off domestic workers if they are on continuous sick leave for four days or more.

30. If a domestic worker suffers an injury/accident during the sick leave period, can the domestic worker receive benefits?

- If the domestic worker suffers an injury/accident during sick leave and the injury/accident is an employment injury, the domestic worker can claim for a new benefit for the injury/accident suffered during the sick leave period.

31. Is there a need for employers to maintain salary records of their respective domestic workers?

- Yes. Salary records must be maintained and kept by the employer for 7 years. These records are necessary as employment proof for the purpose of claims and benefit calculation as well as to avoid any manipulation by the employer on the payment of wages to domestic workers. Employers may provide monthly pay slips to domestic workers and record them in a register or appropriate documentation as employment records.

32. Can a domestic worker apply for benefits under Act 800 as a result of dismissal by the employer due to a complaint made by the domestic worker to any agency?

- Domestic workers who are dismissed by the employer after making a complaint to any agency can apply for benefits under Act 800.

33. If a domestic worker commits misconduct against the employer and is dismissed or laid off, can the domestic worker receive benefits under Act 800?

- Any loss of employment that occurs due to the misconduct of a domestic worker against the employer is **NOT ELIGIBLE** for benefits under Act 800.

34. If the employer brings a domestic worker abroad with the intention of settling abroad with the domestic worker, is the employer obliged to contribute under Act 4 or Act 800?

- If a domestic worker is taken abroad by the employer for the purpose of settling abroad, Act 4 or Act 800 does not apply to the employer and domestic worker. If there is an accident abroad while the domestic worker is living with his/her employer, the accident is considered as a non-employment injury.

35. If the employer instructs the domestic worker to follow him/her abroad to carry out employment-related duties as a domestic worker for a certain period and not for the purpose of settling abroad, does accidents experienced by the domestic worker abroad be covered under Act 4?

- Yes, provided that the accident is related to the activities of his/her duties as a domestic worker for the employer.

36. Are accidents occurred while on paid leave as contained in the employment contract included under this coverage?

- Accidents that occur while on paid leave are **NOT** covered under the Employment Injury Scheme, Act 4.

37. Can a foreign domestic worker who works at an address different from the workplace address listed in the Temporary Employment Visitor's Pass (PLKS) receive benefits under Act 4 in the event of any accident?

- If the accident is related to the employment and occurs while carrying out domestic worker duties, the foreign domestic worker is still eligible to receive benefits under Act 4. However, any decision is subject to investigation.

38. Can a domestic worker receive benefits under Act 4, if the accident occurs while the domestic worker under the instruction of the employer performs work that is beyond the scope of their job description?

- If an accident occurs while the domestic worker is instructed by the employer to perform work beyond the scope of their actual work, the domestic worker is **NOT** eligible for any benefits under Act 4. This is because, the employer cannot instruct the domestic worker to perform work outside the scope of duties in connection with a residential house designated by the employer in accordance with the contract of service. However, if a domestic worker performs work outside the scope due to an unforeseen circumstance or emergency, the domestic worker may still be

given consideration under the provisions of Section 25, Act 4, subject to the outcome of the investigation.

39. If an employer with permanent resident status brings a domestic worker from his/her own country to work in Malaysia, can the foreign domestic worker be covered under Act 4 & Act 800?

- The foreign domestic worker is covered under Act 4 however, a foreign domestic worker employed by Malaysian citizens or non-citizens is **NOT COVERED** under Act 800

40. Can domestic workers be covered under Act 4 & 800 if at the same time they are covered by other insurance company?

- It is **MANDATORY** for domestic workers to register and contribute with SOCSO after 31 May 2022 even if they are covered by other insurance policies. However, after that date, employers are not prohibited from obtaining additional coverage from other insurance companies including third party insurance for the domestic workers.

41. Are previous employment contributions included for the calculation of contribution qualifying conditions for the Invalidity Scheme and Employment Insurance System?

- Yes. If the domestic worker has contributions from previous employment, the amount of the previous contribution as well as the current contribution made as a domestic worker can be taken into account in determining the contribution qualifying conditions for benefit application according to the respective schemes.

42. If the employer of a domestic worker registered with SOCSO dies, what is the status of the employer's code? Can someone else pay contributions for a deceased employer?

- If the employer dies, the employer code can no longer be used to pay domestic worker contributions. The dependants of the employer who wish to continue employing the domestic worker must report the death of the employer and register themselves as a new employer. The new employer must apply with JIM if it involves foreign domestic workers.

43. If a domestic worker is fired or terminated due to an employment injury, how can the worker apply and receive benefits if he/she no longer has an employer?

- Domestic workers who are dismissed or terminated due to an accident can apply for benefits with SOCSO even if they no longer have an employer. For foreign domestic workers whose work permits have been terminated due to an accident and have returned to their country of origin, the application for benefits can still be processed provided the application is submitted to SOCSO before the worker returns to his/her country of origin and the benefit is to the extent accrued during the employment in Malaysia. SOCSO and JIM will ensure that the foreign domestic workers are provided passes while waiting to receive benefits under Act 4.

44. Is a domestic worker only covered if he/she performs his actual job (job-scope) or will he/she be covered for all work executed under the instructions of the employer?

- This social security coverage for domestic workers is subject to the work in connection with the dwelling house. Nevertheless, this depends on the

accident that occurs in relation to the work as a domestic worker and subject to investigations.

45. What actions will be taken if the employer forges documents to apply for benefits for a domestic worker?

- Any falsification of documents submitted to SOCSO either by employees or employers can be prosecuted. If found guilty, the court may impose a jail term of up to 2 years, or a fine not exceeding RM10,000, or both as provided in Section 93 of Act 4 and Section 73 of Act 800.

46. A domestic worker legally employed by an employer has suffered an accident but is not registered with SOCSO. In that situation, is the domestic worker eligible for benefits under SOCSO?

- For a domestic worker who is legally employed and does not fall within the exclusion list, the worker is ELIGIBLE to be covered under Act 4, however action shall be taken against the employer based on the provisions of the law. However, if the domestic worker is a foreign worker and does not have a valid Temporary Employment Visitor's Pass (PLKS), then they are not covered under this act.

47. If a Malaysian domestic worker performs two jobs with different employers and they are involved in an employment related accident, is he/she covered under Act 4?

- If the accident is related to either of the two jobs and it is declared as an employment injury case, the domestic worker is ELIGIBLE to be covered under Act 4 and receive benefits provided.

48. If a Malaysian domestic worker performs two jobs with different employers, will the contributions from the two jobs be taken into account for the purpose of benefit calculation?

- Contributions from both employers will be taken into account for the purpose of benefit calculation subject to the maximum contribution ceiling.

49. Is a domestic worker subject to the provisions of Section 24, Act 4 on commuting accident if the domestic worker does not live at his/her employer's residence?

- Yes, a domestic worker who does not live with his/her employer is subject to the provisions of Section 24, Act 4 on commuting accidents. This includes domestic workers who are living with their employers.

50. If a domestic worker is injured by his employer/family member/co-worker etc. while executing his/her work, is he/she eligible for any benefit under the Employment Injury Scheme, Act 4?

- If the injury is related to the employment of the domestic worker, he/she is eligible to be covered and receive benefits provided under the Employment Injury Scheme, Act 4.

51. If a domestic worker suffers injuries as a result of engaging in criminal activities, is he/she covered under the Employment Injury Scheme, Act 4?

- No, the domestic worker is not eligible for benefits under the Employment Injury Scheme, Act 4.

For further inquiries, please contact SOCSO's Careline number at 1-300-22-8000 or visit SOCSO's official website at www.perkeso.gov.my or email to perkeso@perkeso.gov.my.

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