

ACT 514
OCCUPATIONAL SAFETY AND HEALTH ACT 1994
PART VI - GENERAL DUTIES OF EMPLOYEES

Section 27. Discrimination against employee, etc.

(1) No employer shall dismiss an employee, injure him in his employment, or alter his position to his detriment by reason only that the employee-

- (a) makes a complaint about a matter which he considers is not safe or is a risk to health;
- (b) is a member of a safety and health committee established pursuant to this Act; or
- (c) exercises any of his functions as a member of the safety and health committee.

(2) No trade union shall take any action on any of its members who, being an employee at a place of work-

- (a) makes a complaint about a matter which he considers is not safe or is a risk to health;
- (b) is a member of a safety and health committee established pursuant to this Act; or
- (c) exercises any of his functions as a member of the safety and health committee.

(3) An employer who, or a trade union which, contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to a term of imprisonment not exceeding one year or to both.

(4) Notwithstanding any written law to the contrary, where a person is convicted of an offence under this section the Court may, in addition to imposing a penalty on the offender, make one or both of the following orders:

- (a) an order that the offender pays within a specific period to the person against whom the offender has discriminated such damages as it thinks fit to compensate that person;
- (b) an order that the employee be reinstated or re-employed in his former position or, where that position is not available, in a similar position.