

COMPANY POLICY
PUBLIC HOLIDAY

Purpose	This policy defines and explains the Company's observation and policy on public holidays. Employees shall use this policy as a reference to the Company's prevailing practices on public holidays.
Scope	Applicable to all permanent and contract employees employed by the Company inclusive of foreign workers and expatriate employees.
Revision date	
Issued by	HR Department
Approved by	Managing Director

Contents

- 1.0. The Company observes all public holidays gazetted by the government both at the national and state level.
- 2.0. Should any of the said gazetted public holiday fall on a rest day or another public holiday, the working day following immediately the rest day or the other public holiday shall be a paid holiday in substitution of the first mentioned public holiday
- 3.0. Where any of the public holidays fall on an off day (Saturday), there will be no replacement public holiday for the employees working during office hours.
- 4.0. Should a public holiday fall on the day when an employee is on paid maternity, paternity leave, compassionate leave, sabbatical leave and prolonged illness leave, the Company will not grant the employee another day off or pay in lieu for the public holiday as the wages paid includes the public holiday pay.
- 5.0. Should a public holiday fall on the day when an employee is on normal unpaid leave/no pay leave, the Company will not grant the employee another day off or pay in lieu for the public holiday. This clause shall exclude employees who are on unpaid leave due to medical reasons or for reasons which shall be determined by the Company at its sole discretion.
- 6.0. Employees who are on a continuous unpaid leave/no pay leave exceeding thirty (30) days shall not be entitled to another day off or pay in lieu for the public holiday that falls during their absence from work.

- 7.0. Employees shall not be entitled to holiday pay if they are absent from work without approval from their immediate superior or without reasonable excuses on a working day immediately before or after the public holiday or replacement public holiday.
- 8.0. If a public holiday is declared by the Federal or State Government under Section 8 of the Holidays Act, the Company shall replace the said public holiday by granting another day as a paid public holiday in substitution. The Company may also decide to grant an additional one (1) day of annual leave in a replacement instead of replacing the said public holiday. A decision on such replacement shall be made by the Company no later than seven (7) days after the announcement of the said public holiday is made. Employees shall be required to work as usual on the said public holiday unless they are informed otherwise.
- 9.0. Employees are not entitled to holiday pay if they are absent from work without approval from their immediate superior or without reasonable excuses on a working day immediately before or after the public holiday or replacement public holiday.
- 10.0. Public holiday during a business trip
 - 10.1. Should a public holiday fall on a working day at home state during a business trip, and it is not a public holiday at the intended location of the business trip, the Company will grant the employee another day off as a replacement.
 - 10.2. Should a public holiday be declared at the intended location of a business trip and it is a public holiday in home state during a business trip, such a public holiday will not be replaced.
 - 10.3. Should a public holiday be declared at the intended location of the business trip while the employee is travelling to the intended location, the employee shall notify the Company immediately and make necessary arrangements to return to their home state within the earliest possible timeframe. The loss of working hours/day due to this situation shall be deemed as business trip leave.
- 11.0. Employees within the scope of the Employment Act who are required to work on any public holiday shall be paid overtime as prescribed in the overtime policy. Employees outside of the Employment Act Scope who are required to work on any public holiday will be either given another day as a paid public holiday or may be given an additional one (1) day of annual leave in replacement thereof.
- 12.0. The Company reserves the right to amend this policy from time to time and shall notify all employees when such amendment has been made and has been approved by the Management.

- 13.0. Should there be a translation of this policy into other languages, the English version of this policy shall be authoritative in the event of any dispute or confusion.
- 14.0 For companies that decide to only observe the minimum days of public holiday prescribed by the EA, the below clause shall be used instead.
- 1.0. The Company observes eleven (11) of the gazetted public holidays every calendar year. They are;
- 1) The National Day
 - 2) The Birthday of the Yang di-Pertuan Agong
 - 3) The Birthday of the State Ruler (or the Yang di-Pertua Negeri or the Federal Territory Day)
 - 4) The Workers' Day
 - 5) The Malaysia Day
 - 6) Hari Raya Puasa (1 day only)
 - 7) Chinese New Year (1 day only)
 - 8) Deepavali
 - 9) Christmas
 - 10) Awal Muharram
 - 11) Hari Raya Haji
- 2.0. The Company may at its discretion change the selected public holiday except for the mandatory public holidays at its sole discretion. Employees shall be notified of such changes at the beginning of the calendar year.
- 3.0. Public Holidays such as Hari Raya Puasa and Chinese New Year shall be considered as one (1) day public holiday for the purpose of determining the minimum eleven (11) days prescribed by the Employment Act.

This sample policy/letter/document is merely a sample or guidance. Companies are advised to practice caution when drafting its HR documentation and shall always be in compliance with the Employment Act and Industrial Relations Act as well as past case laws so as to ensure the policy does not violate or infringe the prevailing employment regulations. Companies are encouraged to adopt best practices to be attractive employers and promote a productive and competitive operating landscape. The author shall not be held liable for any damages or claims arising from the usage of the contents of this document.

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