



OBSERVING ADDITIONAL PUBLIC HOLIDAYS IN MALAYSIA

Additional Day of Holiday for Hari Raya Aidilfitri

The Government of Malaysia has declared an additional day of holiday for the upcoming Hari Raya Aidilfitri celebration.

The Prime Minister of Malaysia, Datuk Seri Anwar Ibrahim in his announcement stated that the exact day of the additional day of holiday would depend on when the first day of Hari Raya falls on. If the first day of Hari Raya falls on Friday (21.4.2023), then the additional day of holiday would be on Monday (24.4.2023). If the first day of Hari Raya falls on Saturday (22.4.2023), then the additional day of holiday would be on Friday (21.4.2023).

The Power to Declare Additional Public Holidays

Pursuant to **Section 60D(1)(a) of the Employment Act 1955**, employees are entitled to 11 gazetted public holidays. The 11 gazetted public holidays as set out in the **First Schedule of the Holidays Act 1951** are as follows:

- Birthday of the Prophet Muhammad (s.a.w.).
- Hari Kebangsaan or National Day.
- Chinese New Year (one day in the States of Kelantan and Terengganu, two days in the other States).
- Wesak Day.
- Birthday of the Yang di-Pertuan Agong.
- Hari Raya Puasa (2 days).
- Hari Raya Haji (two days in the States of Kelantan and Terengganu, one day in the other States).
- Deepavali.
- Christmas day.
- Malaysia Day.

In addition to the 11 gazetted public holidays, employees are also entitled to any additional public holidays declared by the government pursuant to **Section 8 of the Holidays Act 1951**. Pursuant to **Section 8**, the Minister is empowered to announce any special holiday in West Malaysia and in the Federal Territory. **Section 8** provides as follows:

“The Minister may, by notification in the Gazette or in such other manner as he thinks fit, appoint, in respect of West Malaysia, or the Federal Territory or, after consultation with the State Authority, in respect of a State, a day to be observed as a public holiday or a bank holiday in addition to, or in substitution for, any of the days mentioned in the Schedules and thereupon this act shall, in West Malaysia, or in the Federal Territory, or in the State in respect of which a day is appointed to be observed as a holiday as aforesaid, be applicable to such day in the

same manner as if the said day had been mentioned in the First Schedule or the Second Schedule, as the case may be.”

Must Employers Observe the Additional Public Holiday?

When it comes to an additional public holiday declared pursuant to **Section 8 of the Holidays Act 1951**, employers are entitled to grant their employees any other day as a paid public holiday in substitution of the declared additional public holiday. This is as provided for under **Section 60D(1A) of the Employment Act 1955**.

Therefore, whilst employers are encouraged to observe the additional public holiday declared under **Section 8 of the Holidays Act 1951**, the employers may however require their employees to work on the declared public holiday provided that they grant their employees another day as a paid public holiday in substitution.

It is worth noting that for employees who earn a monthly salary of RM4,000.00 or below, the employers have an option of requiring such employees to work on the declared public holiday without providing another day as a paid public holiday in substitution subject to these employees being paid additional wages for having to work on the declared public holiday. The additional wages that these employees are entitled to are set out in **Section 60D(3)(a) of the Employment Act 1955**.

Please feel free to contact the following persons should you have any queries:

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