

**D.R. 34/95**

**Naskhah Sahih—Bahasa Inggeris**

**RANG UNDANG-UNDANG**

*bernama*

Suatu Akta untuk meminda Akta Pampasan Pekerja 1952.

[ ]

MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut:

1. Akta ini bolehlah dinamakan Akta Pampasan Pekerja (Pindaan) 1995. Tajuk ringkas.
2. Akta Pampasan Pekerja 1952, yang disebut "Akta ibu" dalam Akta ini, adalah dipinda dalam seksyen 3— Pindaan seksyen 3. Akta 273
  - (a) dengan memotong takrif "Minister";
  - (b) dalam proviso kepada takrif "partial disablement" dengan memasukkan selepas perkataan "specified in" perkataan "Part II of"; dan
  - (c) dalam proviso kepada takrif "total disablement"—
    - (i) dengan menggantikan perkataan "the permanent total loss of sight" dengan perkataan "every injury specified in Part I of the First Schedule"; dan
    - (ii) dengan memasukkan selepas perkataan "and specified in" perkataan "Part II of".

Seksyen baru 3A. **3.** Akta ibu adalah dipinda dengan memasukkan selepas seksyen 3 seksyen yang berikut:

Power to exempt. 3A. The Minister may by order exempt, subject to such conditions as he may deem fit to impose, any person or class of persons from all or any of the provisions of this Act."

Pindaan seksyen 8. **4.** Seksyen 8 Akta ibu adalah dipinda—

- (a) dalam perenggan (a)—
- (i) dengan menggantikan perkataan "forty-five months' earnings or fourteen thousand four hundred" dengan perkataan "sixty months earnings or eighteen thousand"; dan
  - (ii) dengan menggantikan perkataan "five hundred" dalam proviso dengan perkataan "one thousand";
- (b) dalam subperenggan (b) (i), (ii) dan (iii) dengan menggantikan perkataan "nineteen thousand two hundred" di mana-mana jua terdapat dalamnya dengan perkataan "twenty-three thousand";
- (c) dalam proviso kedua kepada perenggan (c) dengan menggantikan perkataan "nineteen thousand two hundred" dengan perkataan "twenty-three thousand"; dan
- (d) dalam perenggan (e) dengan menggantikan perkataan "thirty-five" dengan perkataan "sixty five".

Pindaan seksyen 9. **5.** Seksyen 9 Akta ibu adalah dipinda dengan menggantikan perenggan (d) dengan perenggan yang berikut;

"(d) where the earnings of a workman cannot be determined according to the provisions of paragraph (a), (b) or (c) or where the earnings of a workman have been determined according to the provisions of paragraph (a), (b) or (c) and are less than one hundred and twenty-six ringgit a month, then the earnings of the workman shall be deemed to be one hundred and twenty-six ringgit a month."

6. Subseksyen 10(4) Akta ibu adalah dipinda dengan menggantikan perkataan "one hundred" dengan perkataan "one thousand".

Pindaan  
seksyen 10.

7. Subseksyen 13(5) Akta ibu adalah dipinda dengan menggantikan perkataan "two thousand" dan "five thousand" masing-masingnya dengan perkataan "five thousand" dan "ten thousand".

Pindaan  
seksyen 13.

8. Subseksyen 23(2) Akta ibu adalah dipinda dengan menggantikan perkataan "two" dengan perkataan "five".

Pindaan  
seksyen 23.

9. Seksyen 26 Akta ibu adalah dipinda—

Pindaan  
seksyen 26.

(a) dalam Subseksyen (1) dengan menggantikan perkataan "a Malaysian" dan "any" selepas perkataan "to" masing-masingnya dengan perkataan "an" dan "every";

(b) dengan menggantikan Subseksyen (2) dengan subseksyen yang berikut:

"(2) Notwithstanding subsection (1) the Minister may by order approve an insurance scheme, and upon the coming into force of the order, every employer shall insure and keep himself insured under the approved insurance scheme in respect of any liability which he may incur under this Act to every workman employed by him.";

(c) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

"(3) For the purposes of subsection (2) "approved insurance scheme" means a scheme underwritten by an insurer registered under the Insurance Act 1963 and established in a manner approved by the Minister.";

Act 89.

(d) dengan memasukkan selepas subseksyen (3) subseksyen yang berikut:

"(4) In the event the Minister revokes an order made under subsection (2) the provisions of subsection (1) shall apply.";

- (e) dengan menomborkan semula subseksyen (3) yang sedia ada sebagai subseksyen (5) dan dengan menggantikan perkataan "two" dan "six months" yang terdapat dalamnya masing-masingnya dengan perkataan "five" dan "one year"; dan
- (f) dengan menomborkan semula subseksyen (4) yang sedia ada sebagai subseksyen (6) dan dengan menggantikan perkataan "subsection (1)" dan "ten" yang terdapat dalamnya masing-masingnya dengan perkataan "this section" dan "twenty".

Pindaan  
Jadual  
Pertama dan  
Kedua.

**10.** Akta ibu adalah dipinda dengan menggantikan Jadual Pertama dan Kedua dengan Jadual-Jadual yang berikut:

#### FIRST SCHEDULE

(Sections 3 and 8)

#### PART I

#### *List of injuries deemed to result in permanent total disablement*

<i>Serial No.</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100
5.	Very severe facial disfigurement	100
6.	Absolute deafness	100
7.	Total paralysis	100

<i>Serial No.</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
8.	Injuries resulting in being permanently bedridden	100
9.	Any other injury causing permanent total incapacity	100

## PART II

***List of injuries deemed to result in permanent partial disablement****Amputation—upper limbs (either arm) cases*

<i>Serial No</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
1.	Amputation through shoulder joint	90
2.	Amputation below shoulder with stump less than 8" from tip of acromion	80
3.	Amputation below 8" from tip of acromion to less than 4 1/2" below tip of olecranon	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4 1/2" below tip of olecranon	60
5.	Loss of thumb	30
6.	Loss of thumb and its metacarpal bone	40
7.	Loss of four fingers of one hand	50
8.	Loss of three fingers of one hand	30
9.	Loss of two fingers of one hand	20
10.	Loss of terminal phalanx of thumb	20

*Amputation—lower limbs cases*

11.	Amputation of both feet resulting in end-bearing stumps	90
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<i>Serial No.</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
12.	Amputation through both feet proximal to the metatarso-phalangeal joint	80
13.	Loss of all toes of both feet through the metatarso-phalangeal joint	40
14.	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30
15.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
16.	Amputation at hip	90
17.	Amputation below hip with stump not exceeding 5" in length measured from tip of great trenchanter	80
18.	Amputation below hip with stump exceeding 5" in length measured from tip of great trenchanter but not beyond middle thigh	70
19.	Amputation below middle thigh to 3 1/2" below knee	60
20.	Amputation below knee with stump exceeding 3 1/2" but not exceeding 5"	50
21.	Amputation below knee with stump exceeding 5"	40
22.	Amputation of one foot resulting in end-bearing	30
23.	Amputation through one foot proximal to the metatarso-phalangeal joint	30
24.	Loss of all toes of one foot through the metatarso-phalangeal joint	20

<i>Serial No.</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
<i>Other injuries</i>		
25.	Loss of one eye, without complications, the other being normal	40
26.	Loss of vision of one eye without complications or disfigurement of eye-ball, the other being normal	30
27.	Permanent total loss of hearing in one ear	20
Loss of—		
A—Fingers of right or left hand		
<i>Index finger</i>		
28.	Whole	14
29.	Two phalanges	11
30.	One phalanx	9
31.	Guillotine amputation of tip without loss of bone	5
<i>Middle finger</i>		
32.	Whole	12
33.	Two phalanges	9
34.	One phalanx	7
35.	Guillotine amputation of tip without loss of bone	4
<i>Ring or little finger</i>		
36.	Whole	7
37.	Two phalanges	6
38.	One phalanx	5

<i>Serial No</i>	<i>Description of Injury</i>	<i>Percentage of loss of earning capacity</i>
39.	Guillotine amputation of tip without loss of bone	2
<i>B—Toes of right or left foot</i>		
<i>Great toe</i>		
40.	Through metatarso-phalangeal joint	14
41.	Part, with some loss of bone	3
<i>Any other toe</i>		
42.	Through metatarso-phalangeal joint	3
43.	Part, with some loss of bone	1
<i>Two toes of one foot, excluding great toe</i>		
44.	Through metatarso-phalangeal joint	5
45.	Part, with some loss of bone	2
<i>Three toes of one foot, excluding great toe</i>		
46.	Through metatarso-phalangeal joint	6
47.	Part, with some loss of bone	3
<i>Four toes of one foot, excluding great toe</i>		
48.	Through metatarso-phalangeal joint	9
49.	Part, with some loss of bone	3

(NOTE—complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.)

## SECOND SCHEDULE

(Section 5)

*Occupational diseases*

Description of occupational diseases or injury	Nature of occupation
1. Poisoning by:	Any occupation involving—
(a) Lead or compound of lead	the use or handling of, or exposure to, the fumes, dust or vapour of lead or a compound of lead or a substance containing lead
(b) Phosphorus	the use or handling of, or exposure to, the fumes, dust or vapour of phosphorus or a compound of phosphorus or a substance containing phosphorus
(c) Arsenic	the use or handling of, or exposure to, the fumes, dust or vapour of arsenic or a compound of arsenic or a substance containing arsenic or exposure to any solution containing arsenic or a compound of arsenic
(d) Mercury	the use or handling of, or exposure to, the fumes, dust or vapour of mercury or a compound of mercury or a substance containing mercury
(e) Carbon bisulphide	the use or handling of, or exposure to, the fumes or vapour of carbon bisulphide or a compound of carbon bisulphide or a substance containing carbon bisulphide
(f) Benzene or a homologue	the use or handling of, or exposure to, the fumes of, or vapour containing, benzene or any of its homologues and their amino and nitroderivatives
(g) Manganese	the use or handling of, or exposure to, the fumes, dust or vapour of manganese or a compound of manganese or a substance containing manganese

Description of occupational diseases or injury	Nature of occupation
<i>(h)</i> Beryllium	the use or handling of, or exposure to, the fumes, dust or vapour of beryllium or a compound of beryllium or a substance containing beryllium
<i>(i)</i> Cadmium	the use or handling of, or exposure to, the fumes, dust or vapour of cadmium or a compound of cadmium or a substance containing cadmium
<i>(j)</i> Antimony	the use or handling of, or exposure to, the fumes, dust or vapour of antimony or a compound of antimony or a substance containing antimony
<i>(k)</i> Fluorine	the use or handling of, or exposure to, the fumes, dust or vapour of fluorine or a compound of fluorine or a substance containing fluorine
<i>(l)</i> Nickel	the use or handling of, or exposure to, the fumes, dust or vapour of nickel or a compound of nickel or a substance containing nickel
<i>(m)</i> Chromium	the use or handling of, or exposure to, the fumes, dust or vapour of chromium or a compound of chromium or a substance containing chromium
<i>(n)</i> Organochlorine, organophosphate, carbamate, nitrophenol, pentachlorophenol, dimethyldithiocarbamate or compounds of chlorophenoxy and dipyrityl	the use or handling of organochlorine, organophosphate, carbamate, nitrophenol, pentachlorophenol, dimethyldithiocarbamate or compounds of chlorophenoxy and dipyrityl for the destruction of pests or vermin

Description of occupational diseases or injury	Nature of occupation
(o) Nitrous fumes	the use or handling of nitric acid or exposure to nitrous fumes
(p) Rengas wood	the manipulation of rengas wood or any process in or incidental to the manufacture of articles therefrom
(q) Hydrogen cyanide or hydrogen sulphide gas	the use or handling of, or exposure to, the fumes or vapour of hydrogen cyanide or hydrogen sulphide
(r) The halogen derivatives of aliphatic or aromatic hydrocarbons	the production, liberation or use of hydrocarbons of the aliphatic series or aromatic series and their halogen derivatives
(s) Alcohols, glycols, ketones or aldehydes	the use or handling of, or exposure to, the fumes or vapour of alcohols, glycols, ketones or aldehydes
(t) Carbon monoxide gas	the use or handling of, or exposure to, carbon monoxide gas, and any process involving the use of— <ul style="list-style-type: none"> <li>(a) dynamite and gunpowder for blasting in subterranean galleries;</li> <li>(b) illuminating gas;</li> <li>(c) power or producer gas;</li> <li>(d) blast furnaces, furnaces and stoves for the burning of charcoal coke and other fuel;</li> <li>(e) gas engines</li> </ul>
(u) Carbon dioxide gas	blasting, the manufacture of mineral waters, fermentation in breweries and the formation of lime in lime kilns
(v) Diethylene dioxide (dioxane)	the use or handling of, or exposure to, the fumes of or vapour containing diethylene dioxide

Description of occupational diseases or injury	Nature of occupation
2. Anthrax	Any occupation involving the handling of wool, hair, bristle, hides or skins or other animal products or residues, or contact with animals infected with anthrax
3. Glanders	Any occupation involving contact with equine animals or their carcasses
4. Leptospirosis	Any occupation involving work in rat or other rodent infested places and any occupation involving the care or handling of dogs, cattle, swine and horses or any other infected animals
5. (a) Ulceration of the corneal surface of the eye	Any occupation involving the use or handling of, or exposure to, tar, pitch, padi husk, bitumen, mineral oil (including paraffin), soot, organic dust or any compound, product, or residue of any of these substance
(b) Localised new growth or the skin, papillomatous or keratotic	
(c) Epitheliomatous cancer or ulceration of the skin, due in any case to tar, pitch, padi husk, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue of any of these substances	
6. Chrome ulceration	Any occupation involving the use or handling of chromic acid, chromate or bichromate of ammonium, potassium, zinc or sodium or any preparation or solution containing any of these substances

Description of occupational diseases or injury	Nature of occupation
7. Inflammation, ulceration or malignant diseases of the skin or subcutaneous tissues or of the bones, or leukaemia, of anaemia of the aplastic type, due to X-ray, ionising particles, radium or other radio-active substances or other forms of radiant energy	Any occupation involving exposure to X-rays, ionising particles, radium, or other radio-active substances or other forms of radiant energy
8. Toxic jaundice	Any occupation involving the use or handling of halogenated hydrocarbon or nitric or amidoderivatives of benzene or other poisonous substances
9. Heat radiation cataract	Any occupation involving frequent or prolonged exposure to the glare of. or rays from, molten glass or molten or red-hot metal or frequent or prolonged exposure to radiation
10. Subcutaneous cellulitis or acute bursitis arising at or about the knee (Beat knee)	Any occupation involving manual labour causing severe or prolonged friction or pressure at or about the knee
11. Subcutaneous cellulitis of the hand (Beat hand)	Any occupation involving manual labour causing severe or prolonged friction or pressure on the hand
12. Subcutaneous cellulitis or acute bursitis arising at or about the elbow (Beat elbow)	Any occupation involving manual labour causing severe or prolonged friction or pressure at or about the elbow

Description of occupational diseases or injury	Nature of occupation
13. Inflammation of the synovial lining of the wrist joint and tendon sheaths	Any occupation involving manual labour or frequent or repeated movement of the hand or wrist
14. Heat cramp or heat stroke	Any occupation involving excessive exposure to heat
15. Cramp of the hand or forearm due to repetitive movements	Any occupation involving prolonged periods of hand writing, typing or other repetitive movements of the fingers, hand or arm
16. Compressed air illness or its <i>sequelae</i>	Any occupation or process carried on in compressed-air or under water
17. (a) Tuberculosis or leprosy	<p>Any occupation involving close or frequent contact with a source or sources of tuberculosis or leprosy infection by reason of employment—</p> <p>(a) in the medical treatment or nursing of a person or persons suffering from tuberculosis or leprosy or in a service ancillary to such treatment or nursing;</p> <p>(b) in attendance upon a person or persons suffering from tuberculosis or leprosy where the need for such attendance arises by reason of physical or mental infirmity;</p> <p>(c) as a research worker engaged in research in connection with tuberculosis or leprosy; or</p> <p>(d) as a laboratory worker, pathologist or post-mortem worker, where the occupation involves working with material which is a</p>

Description of occupational diseases or injury	Nature of occupation
(b) Viral hepatitis	source of tuberculosis or leprosy infection or in any occupation ancillary to such employment
	Any occupation involving—
	(a) close and frequent contact with human blood or human blood products; or
	(b) close and frequent contact with a source of viral hepatitis infection by reason of employment in the medical treatment or nursing of a person or persons suffering from viral hepatitis, or in a service ancillary to such treatment or nursing
18. Hearing impairment caused by noise	Any occupation involving excessive exposure to industrial noise of high sound pressure level in excess of 85 decibels over 8-hour period
19. Occupational dermatitis	Any occupation involving the handling of mineral oils, acids, alkalis, dusts or any other external agents capable of irritating the skin
20. Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or nerves)	Any occupation involving subjection to vibration
21. Lung cancer or mesothelioma caused by asbestos	Any occupation involving the mining, processing or handling of materials containing asbestos
22. Broncho pulmonary disease	Any occupation involving the substantial exposure to the inhalation of hard-metal dust, cotton dust, flax or hemp or sisal dust

Description of occupational diseases or injury	Nature of occupation
23. Pulmonary irritation	Any occupation involving the inhalation of sulphur oxides, chlorine, phosgene, ammonia, bromine, ozone, or nitrogen dioxide
24. Occupational asthma caused by sensitising agents or irritants	Any occupation involving the exposure to the inhalation of mineral dusts such as cement, copper, zinc, animal dusts, such as bone or hair, or dusts of plant origin such as cotton, wood, flax, jute, padi husks, cork, spices, hemp, sisal, tobacco, tea, flour, or gases or vapours of toluene diisocyanate or formaldehyde
25. Pneumoconiosis (silicosis, asbestosis, anthracosilicosis, stannosis, siderosis or siderosilicosis)	<p>Any occupation involving —</p> <p>(a) the mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials;</p> <p>(b) the handling of any of the materials specified in subparagraph (a) in or incidental to any of the operations mentioned therein or substantial exposure to the dust arising from such operations;</p> <p>(c) the breaking, crushing or grinding of flint or the working or handling of broken, crushed or ground flint or materials containing such flint or substantial exposure to the dust arising from such operations;</p> <p>(d) sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint or</p>

Description of  
occupational  
diseases or injury

Nature of occupation

substantial exposure to the dust arising from such sand blasting;

- (e) the grinding of mineral graphite, or substantial exposure to the dust arising from such grinding;
- (f) work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations:
  - (i) the freeing of steel castings from adherent siliceous substance;
  - (ii) the freeing of metal castings from adherent siliceous substance;
- (g) the manufacture of china or earthenware (including sanitary earthenware, electrical earthenware tiles), and any occupation involving substantial exposure to the dust arising therefrom;
- (h) the dressing of granite or any igneous rock by masons or the crushing of such materials or substantial exposure to the dust arising from such operations;
- (i) the use, or preparation for use, of a grindstone or substantial exposure to the dust arising therefrom;
- (j) boiler scaling or substantial exposure to the dust arising therefrom;

Description of  
occupational  
diseases or injury

Nature of occupation

- (k) the working or handling of asbestos or any admixture of asbestos, or the manufacture or repair of asbestos textiles or other articles containing asbestos, or substantial exposure to the dust arising from any of the foregoing operations;
- (l) work in any mine (underground or above ground) in which one of the objects of the mining operations is the getting of any mineral, or the working or handling of any minerals extracted therefrom, or any operation incidental thereto;
- (m) the manufacture of carbon electrodes for use in the electrolytic extraction of aluminium oxide, and any occupation involving substantial exposure to the dust arising therefrom;
- (n) exposure to the inhalation of dust containing iron and silica or haematite;
- (o) exposure to the inhalation of tin dust or fumes

26. Cancer caused by—

Any occupation involving—

(a) 4—amino-  
biphenyl

the use or handling of, or exposure to, the fumes, dust or vapour of 4-aminobiphenyl or a substance containing 4-aminobiphenyl

(b) Arsenic

the use or handling of, or exposure to, the fumes, dust or vapour of arsenic or a substance containing arsenic

(c) Benzene

the use or handling of, or exposure to, the fumes, dust or vapour of benzene or a substance containing benzene

Description of occupational diseases or injury	Nature of occupation
(d) Benzidine	the use or handling of, or exposure to, the fumes, dust or vapour of benzidine or a substance containing benzidine
(e) Bis-chloro methyl ether	the use or handling of, or exposure to, the fumes, dust or vapour of bis-chloro methyl ether or a substance containing bis-chloro methyl ether
(f) Chromium	the use or handling of, or exposure to, the fumes, dust or vapour of chromium or a substance containing chromium
(g) Haematite	the use or handling of, or exposure to, the fumes, dust or vapour of haematite or a substance containing haematite
(h) Mustard gas	the use or handling of, or exposure to, mustard gas or a substance containing mustard gas
(i) B-naphthylamine	the use or handling of, or exposure to, the fumes, dust or vapour of B-naphthylamine or a substance containing B-naphthylamine
(j) Nickel	the use or handling of, or exposure to, the fumes, dust or vapour of nickel or a substance containing nickel
(k) Soots, tars and oils	the use or handling of, or exposure to, soots, tars and oils
(l) Vinyl chloride	the use or handling of, or exposure to, the fumes, dust or vapour of vinyl chloride or a substance containing vinyl chloride
(m) Particulate polycyclic aromatic hydrocarbon	the use or handling of, or exposure to, the fumes, dust or vapour of polycyclic aromatic hydrocarbon or a substance containing polycyclic aromatic hydrocarbon
(n) Acrylonitrile	the use or handling of, or exposure to, the fumes, dust or vapour of acrylonitrile or a substance containing acrylonitrile

Description of occupational diseases or injury	Nature of occupation
(o) 1, 2-dibromoe-thane (ethylene dibromide)	the use or handling of, or exposure, to the fumes, dust or vapour of ethylene dibromide or a substance containing dibromide
(p) Wood dust	the use or handling of, or exposure to, wood dust arising from the manufacture of wood products
(q) Benz-o-pyrene	the use or handling of, or exposure to, the fumes, dust or vapour of benz-o-pyrene or a substance containing benz-o-pyrene
(r) Formaldehyde	the use or handling of, or exposure to, the gas of formaldehyde
27. Fibrotic diseases of the lung caused by—	Any occupation involving—
(a) talc	the use or handling of, or exposure to, dust of talc or a substance containing talc
(b) aluminium	the use or handling of, or exposure to, the fumes, dust or vapour of aluminium or a substance containing aluminium
(c) coal	the use or handling of, or exposure to, the fumes, dust or vapour of coal or a substance containing coal
(d) padi husk	the use or handling of, or exposure to, padi husk or dust or a substance containing padi husk".

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#### HURAIAN

Rang Undang-Undang ini bertujuan meminda Akta Pampasan Pekerja 1952 ("Akta").

2. *Fasal 2* bertujuan meminda proviso kepada takrif "partial disablement" dan "total disablement" untuk memasukkan Bahagian I dan Bahagian II Jadual Pertama baru.

3. *Fasal 3* bertujuan memasukkan seksyen baru 3A untuk memberi kuasa kepada Menteri mengecualikan mana-mana orang atau kelas orang daripada semua atau mana-mana peruntukan Akta.

4. *Fasal 4* bertujuan meminda seksyen 8 Akta untuk menambah amaun pampasan yang akan diawardkan sekiranya berlaku kematian, takdaya sepenuh yang kekal, takdaya separa yang kekal atau takdaya sementara yang kekal seseorang pekerja akibat daripada kecederaan yang dialami olehnya. Amaun sekarang yang diawardkan adalah dianggap tidak mencukupi dan tambahan sebanyak dua puluh peratus dicadangkan dengan mengambil kira trend inflasi yang disebabkan oleh kenaikan standard dan kos kehidupan.

5. *Fasal 5* bertujuan meminda seksyen 9 Akta dengan menggantikan perenggan (1)(d) dengan perenggan yang baru. Perenggan (1)(d) yang baru itu bertujuan menambah purata minimum pendapatan bulanan pekerja sebanyak dua puluh peratus dalam pengiraan pendapatan bulanan sebenarnya pada tarikh kemalangan yang melibatkan dirinya.

6. *Fasal 6* bertujuan meminda subseksyen 10(4) Akta untuk menambah amaun perbelanjaan pengebumian yang ditanggung oleh seseorang tanggungan seorang pekerja daripada RM100.00 kepada RM1,000.00 kerana amaun sekarang sebanyak RM100.00 yang diperuntukkan bagi perbelanjaan pengebumian adalah tidak mencukupi dan tidak realistik.

7. *Fasal 7* bertujuan meminda subseksyen 13(5) Akta dengan menambahkan denda yang dikenakan bagi ketakpatuhan subseksyen 13(1) daripada denda maksimum sebanyak RM1,000.00 bagi kesalahan pertama dan RM5,000.00 bagi mana-mana kesalahan berikutnya kepada denda maksimum RM5,000.00 bagi kesalahan pertama dan RM10,000.00 bagi mana-mana kesalahan berikutnya. Pindaan itu bertujuan mencegah seseorang majikan daripada melanggar subseksyen 13(1) yang mengenakan ke atas majikan suatu kewajipan untuk memberitahu Pesuruhjaya mengenai apa-apa kemalangan di premisnya yang berkaitan dengan apa-apa yang dilakukan bagi maksud perdagangan atau perniagaan majikan itu dan yang mengakibatkan kematian atau takdaya serta-merta sepenuh atau separa mana-mana orang yang cedera.

8. *Fasal 8* bertujuan meminda subseksyen 23(2) Akta untuk menambah penalti denda maksimum daripada RM2,000.00 kepada RM5,000.00 bagi kegagalan mematuhi subseksyen 23(1). Subseksyen itu menghendaki tiap-tiap majikan memberi Pesuruhjaya penyata yang menyatakan jumlah kecederaan yang berkenaan dengannya pampasan telah dibayar oleh majikan itu dan amaun pampasan itu.

9. *Fasal 9* bertujuan meminda seksyen 26 Akta. Subseksyen 26(2) dan (3) merupakan peruntukan baru yang dimasukkan untuk mengatasi masalah yang dihadapi oleh pihak menuntut (seseorang pekerja yang cedera) berhubung dengan tuntutan yang dibuat terhadap suatu syarikat

insurans berkenaan dengan polisi insurans yang diambil oleh majikannya. Di bawah subseksyen 26(1), seseorang majikan adalah bebas menginsuranskan dan memastikan dirinya terus diinsuranskan dengan mana-mana syarikat insurans berkenaan dengan apa-apa liabiliti yang mungkin ditanggung olehnya terhadap mana-mana pekerja yang diambil kerja olehnya. Walau bagaimanapun, syarikat insurans yang kecil yang dalam kedudukan kewangan yang lemah kerap kali didapati mempertikaikan tuntutan pekerja bagi mengelakkan tuntutan atau melambatkan pembayaran. Untuk mengatasi masalah itu, pindaan yang dicadangkan bertujuan menjadikannya mandatori bagi seseorang majikan menginsuranskan dirinya atau memastikan dirinya terus diinsuranskan di bawah skim insurans yang diluluskan oleh Menteri. Di bawah subseksyen baru 26(4), sekiranya Menteri membatalkan apa-apa perintah yang meluluskan skim insurans itu, peruntukan subseksyen 26(1) berkenaan dengan insurans wajib hendaklah terpakai.

10. *Fasal 10* bertujuan meminda Jadual Pertama dan Kedua kepada Akta dengan menggantikan Jadual Pertama dengan Jadual Pertama yang baru yang dibahagikan kepada dua bahagian iaitu, Bahagian I dan Bahagian II, dan Jadual Kedua dengan Jadual Kedua yang baru yang melanjutkan senarai penyakit pekerjaan. Bahagian I Jadual Pertama menyenaraikan kecederaan yang disifatkan sebagai mengakibatkan takdaya sepenuh yang kekal manakala Bahagian II, kecederaan yang disifatkan sebagai mengakibatkan takdaya separa yang kekal. Dengan pindaan ini, skop perlindungan yang diberikan kepada seseorang pekerja di bawah Akta diperluaskan dengan sewajarnya.

*IMPLIKASI KEWANGAN*

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan. [PN.(U<sup>2</sup>) 1898.]