Legal and Institutional Framework for Persons With Disabilities in Malaysia: The Case of Employment

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SCOPE

• Overview & discussion on PWDs
• Law and institutions that relates to people with disabilities (PWDs)
• In the aspect of employment
Background - Facts about PWDs

• The number of PWDs:
  ▫ The UN’s estimation – 10% of the world population, with 80% of them is living in the developing countries (United Nations Enable, 2007).
  ▫ The WHO and World Bank (2011) predicted about 15 percent.
  ▫ Malaysia – in 2013, nearly 500,000 (Department of Social Welfare Malaysia, 2014).

  • the number of PWDs is believed to be far from the statistics.
Facts about PWDs

• Unemployment
• The ILO estimated 386 million of the world's working-age people have some kind of disability; unemployment rate is about 80 percent in some countries (Disabled World, 2013).
• In Malaysia:
  ▫ 1990 until 2007 – 8,117 have been placed in the private sector (Department of Social Welfare Malaysia, 2009).
  ▫ In 2013 – 1,754 have been located in public sector (Berita Harian, October 1, 2013).
• This is the obvious evidence of low employment rate of PWDs, particularly when comparing the number of registered PWDs in Malaysia.
The Legal Framework

- Recognition of CRPD
- The Persons With Disabilities Act 2008
- Right to access to Employment – S 29
- Also reflected under the Federal Constitution
  - Right to equality
  - Right to life (livelihood)
S 29 PWDA 2008

- PWDs shall have the right to access to employment on equal basis with persons without disabilities.
- Employer shall protect the rights of PWDs, on equal basis with persons without disabilities, to just and favourable conditions of work, including equal opportunities, equal remuneration, safe and healthy working conditions, protection from harassment and the redress of grievances.”
employer shall in performing their social obligation endeavour to promote stable employment for PWDs by properly evaluating their abilities, providing suitable places of employment and conducting proper employment management.

Obligations of the Council –

- Formulate appropriate policies & measures;
- Promote opportunities for trainings, self-employment, entrepreneurship, etc.
THE INSTITUTIONAL FRAMEWORK

• Ministry of Women, Family and Community Development Malaysia
  ▫ Department of Social Welfare
    • Department for the Development of PWDs
    • DET, Job Coach
• National Council For Person With Disabilities
  ▫ Introduced by PWDA 2008
• Industrial Training and Rehabilitation Centre
• Ministry of Human Resource
  ▫ Manpower Department
    • SPOKU
Discussion & Conclusion

- In general, PWDA 2008 is seen as a great achievement of PWDs in Malaysia - it gives a legal recognition.
- PWDA 2008 proves the commitment of Malaysia towards acknowledging PWDs’ rights, in line with the recognition to the CRPD.
- However, improvement is still expected especially when looking at the employment of PWDs in Malaysia (Khoo, Tiun & Lee, 2013; Ta & Leng, 2013; Jaafar, Wahab & Omar, 2013; Lee, Abdullah & Mey, 2011).
- Effective implementation of the law no doubt needs support from related institutions.
- Furthermore, support from employers is the most critical.
Thank You