



LAWS OF MALAYSIA

Act A1554

**PRIVATE EMPLOYMENT AGENCIES
(AMENDMENT) ACT 2017**

Date of Royal Assent	10 November 2017
Date of publication in the <i>Gazette</i>	30 November 2017

LAWS OF MALAYSIA

Act A1554

PRIVATE EMPLOYMENT AGENCIES (AMENDMENT) ACT 2017

An Act to amend the Private Employment Agencies Act 1981.

[]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Private Employment Agencies (Amendment) Act 2017.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 2

2. The Private Employment Agencies Act 1981 [*Act 246*], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) in the shoulder note, by deleting the words “**and exemption**”;
and

(b) by substituting for subsection (2) the following subsection:

“(2) This Act shall not apply to the Federal Government and State Governments.”.

Amendment of section 3**3. Section 3 of the principal Act is amended—**

- (a) by substituting for the definition of “private employment agency” the following definition:

‘ “private employment agency” means a body corporate which is incorporated under the Companies Act 2016 [*Act 777*] and is granted a licence under this Act to carry on recruiting activity;’;

- (b) in the definition of “prescribed”, by inserting after the word “Minister” the words “by regulations made under this Act”;

- (c) by substituting for the definition of “fee” the following definition:

‘ “fee” means the fee as specified in the First Schedule;’;

- (d) in the definition of “advertisement”, by substituting for the words “or any document and any announcement made orally or by any means of producing or transmitting light or sound” the words “, invitation or information which has been disseminated, published or displayed in relation to recruiting activities by any means or form including oral or written communication by means of print, electronic or any other media”;

- (e) by substituting for the definition of “Director General” the following definition:

‘ “Director General” means—

- (a) in respect of Peninsular Malaysia, the Director General of Labour appointed under subsection 3(1) of the Employment Act 1955 [*Act 265*];

- (b) in respect of Sabah, the Director of Labour appointed under subsection 3(1) of the Labour Ordinance [*Sabah Cap. 67*]; or
 - (c) in respect of Sarawak, the Director of Labour appointed under subsection 3(1) of the Labour Ordinance [*Sarawak Cap. 76*];;
- (f) by substituting for the definition of “licence” the following definition:
 - ‘ “licence” means a licence granted under section 9A;’;
- (g) by substituting for the definition of “employer” the following definition:
 - ‘ “employer” means any person who engages a private employment agency to recruit an employee for himself;’;
- (h) in the definition of “Minister”, by substituting for the words “labour and manpower” the words “human resources”;
- (i) by inserting after the definition of “private employment agency” the following definition:
 - ‘ “recruiting” means activities which have been carried on by any person, including advertising activities, as intermediaries between an employer and a job seeker to—
 - (a) offer to look for an employment, offer an employment or obtain an employment, for a job seeker; or
 - (b) offer to look for an employee, offer an employee or obtain an employee, for an employer.’;
- (j) by inserting before the definition of “licence” the following definition:
 - ‘ “labour officer” means the officer appointed under subsection 3(2) of the Employment Act 1955, subsection 3(1A) of the Labour Ordinance [*Sabah Cap. 67*] or subsection 3(1A) of the Labour Ordinance [*Sarawak Cap. 76*], as the case may be;’;