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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

KAEDAH-KAEDAH KUMPULAN WANG SIMPANAN PEKERJA (KELAKUAN DAN TATATERTIB) (PINDAAN) 2017

EMPLOYEES PROVIDENT FUND (CONDUCT AND DISCIPLINE) (AMENDMENT) RULES 2017

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AKTA KUMPULAN WANG SIMPANAN PEKERJA 1991

KAEDAH-KAEDAH KUMPULAN WANG SIMPANAN PEKERJA
(KELAKUAN DAN TATATERTIB) (PINDAAN) 2017

PADA menjalankan kuasa yang diberikan oleh perenggan 73(m) Akta Kumpulan Wang Simpanan Pekerja 1991 [*Akta 452*], Lembaga membuat kaedah-kaedah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Kumpulan Wang Simpanan Pekerja (Kelakuan dan Tatatertib) (Pindaan) 2017**.

(2) Kaedah-Kaedah ini mula berkuat kuasa pada 6 Oktober 2017.

Pindaan am

2. Kaedah-Kaedah Kumpulan Wang Simpanan Pekerja (Kelakuan dan Tatatertib) 1993 [*P.U. (A) 178/1993*], yang disebut “Kaedah-Kaedah ibu” dalam Kaedah-Kaedah ini, dipinda dengan menggantikan perkataan “Pengurus Besar” di mana-mana jua terdapat dengan perkataan “ketua pegawai eksekutif”.

Pindaan kaedah 3

3. Kaedah 3 Kaedah-Kaedah ibu dipinda—

(a) dalam takrif “Jawatankuasa Tatatertib”, dengan memasukkan selepas perkataan “ertinya Jawatankuasa Tatatertib” perkataan “Lembaga”;

(b) dengan menggantikan takrif “Ketua Jabatan” dengan takrif yang berikut:

‘ “Ketua Jabatan” ertinya mana-mana pegawai yang bertanggungjawab bagi sesuatu bahagian, jabatan, seksyen, unit, cawangan atau lokasi penempatan dan termasuklah mana-mana pegawai yang diberi kuasa

secara bertulis oleh Ketua Jabatan untuk menjalankan fungsi-fungsi Ketua Jabatan;’;

(c) dengan memasukkan selepas takrif “Lembaga” takrif yang berikut:

‘ “mahkamah” ertinya mahkamah, termasuklah Mahkamah Syariah, yang mempunyai bidang kuasa untuk membicarakan seseorang bagi sesuatu kesalahan jenayah;’;

(d) dengan memasukkan selepas takrif “pegawai atau pengkhidmat” takrif yang berikut:

‘ “Pendaftar” termasuk Timbalan Pendaftar, Penolong Kanan Pendaftar atau Penolong Pendaftar sesuatu mahkamah; dan

(e) dengan memotong takrif “Pengurus Besar”.

Kaedah baharu 3A

4. Kaedah-Kaedah ibu dipinda dengan memasukkan dalam Bahagian II sebelum kaedah 4 kaedah yang berikut:

“Kegagalan memberi 3A. (1) Mana-mana pegawai atau pengkhidmat yang gagal dan mematuhi aku memberi aku janji sebagaimana yang ditentukan oleh janji. Lembaga melakukan suatu pelanggaran tata tertib dan boleh dikenakan tindakan tata tertib menurut Kaedah-Kaedah ini.

(2) Seseorang pegawai atau pengkhidmat yang gagal mematuhi mana-mana terma aku janji yang diberikan di bawah subkaedah (1) melakukan suatu pelanggaran tata tertib dan boleh dikenakan tindakan tata tertib menurut Kaedah-Kaedah ini.”.

Pindaan kaedah 5

5. Kaedah 5 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (1)—

(i) dengan memasukkan selepas perkataan “dikehendaki” perkataan “atau dibenarkan untuk berbuat demikian”; dan

(ii) dengan menggantikan perkataan “Ketua Jabatannya” dengan perkataan “ketua pegawai eksekutif”;

(b) dalam subkaedah (2), dengan menggantikan perkataan “memohon kebenaran bertulis daripada Ketua Jabatan untuk mengusahakan perkhidmatan tertentu” dengan perkataan “membuat permohonan melalui Ketua Jabatannya untuk mendapatkan kebenaran bertulis daripada ketua pegawai eksekutif untuk menjalankan aktiviti”;

(c) dalam subkaedah (3), dengan menggantikan perkataan “Ketua Jabatan” dengan perkataan “ketua pegawai eksekutif”; dan

(d) dengan memotong subkaedah (4).

Pindaan kaedah 6

6. Subkaedah 6(1) Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “Lembaga” dengan perkataan “ketua pegawai eksekutif atau Ketua Jabatan yang menguruskan hal ehwal sumber manusia”.

Pindaan kaedah 8

7. Kaedah 8 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (1)—

(i) dalam perenggan (a), dengan menggantikan perkataan “; dan” dengan noktah; dan

(ii) dengan memotong perenggan (b);

(b) dengan memasukkan selepas subkaedah (1) subkaedah yang berikut:

“(1A) Walau apapun subkaedah (1), seseorang pegawai atau pengkhidmat boleh menerima apa-apa hadiah, dalam bentuk zahir atau selainnya, dalam hal keadaan yang ditentukan oleh ketua pegawai eksekutif atau Ketua Jabatan yang menguruskan hal ehwal sumber manusia.”; dan

(c) dengan memotong subkaedah (4) dan (5).

Pindaan kaedah 9

8. Kaedah 9 Kaedah-Kaedah ibu dipinda—

(a) dengan menggantikan perkataan “jika—” dengan perkataan “kecuali dalam hal keadaan yang ditentukan oleh ketua pegawai eksekutif atau Ketua Jabatan yang menguruskan hal ehwal sumber manusia.”; dan

(b) dengan memotong perenggan (a) dan (b).

Pindaan kaedah 10

9. Kaedah 10 Kaedah-Kaedah ibu dipinda—

(a) dengan menggantikan perkataan “Jawatankuasa Tatatertib melalui Ketua Jabatan” di mana-mana jua terdapat dengan perkataan “Ketua Jabatannya”;

(b) dengan memasukkan selepas subkaedah (3) subkaedah yang berikut:

“(3A) Lembaga boleh, pada bila-bila masa, menghendaki mana-mana pegawai atau pengkhidmat untuk mengisytiharkan secara bertulis kepada Ketua Jabatannya segala harta yang dipunyai olehnya, isteri atau suaminya atau anaknya atau yang dipegang oleh mana-mana orang bagi pihaknya atau bagi pihak isteri atau suaminya atau anaknya.”;

(c) dalam subkaedah (4)—

(i) dalam teks bahasa kebangsaan, dengan memasukkan selepas perkataan “diperoleh” perkataan “terlebih dahulu”; dan

(ii) dengan menggantikan perkataan “Jawatankuasa Tatatertib” dengan perkataan “ketua pegawai eksekutif”;

(d) dalam subkaedah (5), dengan menggantikan perkataan “Jawatankuasa Tatatertib” di mana-mana jua terdapat dengan perkataan “ketua pegawai eksekutif”; dan

(e) dengan menggantikan subkaedah (6) dengan subkaedah yang berikut:

“(6) Ketua Jabatan hendaklah, jika dia berpuas hati dengan perisytiharan harta yang dibuat oleh pegawai atau pengkhidmat itu, mengarahkan supaya dicatatkan dalam rekod perkhidmatan pegawai atau pengkhidmat itu bahawa perisytiharan sedemikian telah dibuat.”.

Pindaan kaedah 11

10. Subkaedah 11(2) Kaedah-Kaedah ibu dipinda—

(a) dengan memasukkan selepas perkataan “kepada Jawatankuasa Tatatertib” perkataan “yang mempunyai bidang kuasa untuk mengenakan hukuman

selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu”;
dan

- (b) dalam teks bahasa kebangsaan, dengan memasukkan selepas perkataan “jika ada. Jawatankuasa Tatatertib” perkataan “itu”.

Pindaan kaedah 12

11. Kaedah 12 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (2)—

(i) dengan menggantikan perkataan “syarikat kewangan yang dilesenkan di bawah Akta Bank dan Institusi-Institusi Kewangan 1989” dengan perkataan “institusi yang dibenarkan di bawah mana-mana undang-undang bertulis untuk memberi pinjaman,”; dan

(ii) dalam perenggan (a), dengan menggantikan perkataan “syarikat kewangan berlesen” dengan perkataan “institusi”; dan

(b) dalam subkaedah (3)—

(i) dalam perenggan (b), dengan menggantikan perkataan “institusi kewangan berlesen” dengan perkataan “institusi yang dibenarkan di bawah mana-mana undang-undang bertulis untuk memberi pinjaman”; dan

(ii) dalam perenggan (d), dengan memotong perkataan “Kerajaan,”.

Pindaan kaedah 13

12. Subkaedah 13(5) Kaedah-Kaedah ibu dipinda dengan memasukkan selepas perkataan “keterhutangan kewangan yang serius,” perkataan “atau suatu prosiding sivil telah dimulakan terhadapnya berbangkit daripada hutangnya,”.

Pindaan kaedah 14

13. Kaedah 14 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (1)—

(i) dengan memotong perkataan “Mahkamah Tinggi atau Penolong Kanan Pendaftar Mahkamah Tinggi dan Pendaftar Mahkamah Sesyen dan Mahkamah Majistret”; dan

(ii) dalam perenggan (a), dengan menggantikan perkataan “satu bulan dari tarikh penghakiman” dengan perkataan “yang dinyatakan dalam penghakiman itu, atau jika tiada tempoh dinyatakan, satu bulan dari tarikh penerimaan salinan bermeterai penghakiman itu”;

(b) dalam subkaedah (2), dengan menggantikan perkataan “hendaklah” dengan perkataan “boleh”;

(c) dalam subkaedah (3), dengan memasukkan selepas perkataan “kepada Jawatankuasa Tatatertib” perkataan “yang mempunyai bidang kuasa untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu”; dan

(d) dalam teks bahasa kebangsaan, dalam subkaedah (4), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “itu”.

Pindaan kaedah 19

14. Subkaedah 19(4) Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “melalui bunyi atau penglihatan atau kedua-duanya” dengan perkataan “atau penerbitan, tanpa mengambil kira caranya”.

Pindaan kaedah 20

15. Perenggan 20(d) Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “Lembaga” dengan perkataan “ketua pegawai eksekutif”.

Pindaan kaedah 21

16. Kaedah 21 Kaedah-Kaedah ibu dipinda—

- (a) dengan menggantikan perkataan ‘Kumpulan “A”’ di mana-mana jua terdapat dengan perkataan “Kumpulan Eksekutif”;
- (b) dengan menggantikan perkataan ‘Kumpulan “B”’ di mana-mana jua terdapat dengan perkataan “Kumpulan Bukan Eksekutif”;
- (c) dalam perenggan (1)(a), dengan menggantikan perkataan “profesional” dengan perkataan “yang setaraf dengannya”;
- (d) dalam subkaedah (2), dengan memotong perkataan “Kecuali sebagaimana yang diperuntukkan dalam subkaedah (4),”; dan
- (e) dengan memotong subkaedah (4) dan (5).

Pindaan kaedah 23

17. Kaedah 23 Kaedah-Kaedah ibu dipinda—

- (a) dalam subkaedah (2)—
 - (i) dengan memasukkan selepas perkataan “bertugas” perkataan “tanpa cuti atau tanpa kebenaran terlebih dahulu atau tanpa sebab yang munasabah”; dan
 - (ii) dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang mempunyai bidang kuasa untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu”; dan
- (b) dalam subkaedah (3), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang disebut dalam subkaedah (2)”.

Pindaan kaedah 24

18. Subkaedah 24(1) Kaedah-Kaedah ibu dipinda dengan memasukkan selepas perkataan “Kaedah-Kaedah ini” perkataan “dengan seberapa segera yang praktik”.

Pindaan kaedah 25

19. Perenggan 25(2)(b) Kaedah-Kaedah ibu dipinda dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “Lembaga”.

Pindaan kaedah 26

20. Kaedah 26 Kaedah-Kaedah ibu dipinda—

(a) dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “berkenaan dengan pegawai atau pengkhidmat itu, atau jika terdapat lebih daripada satu Jawatankuasa Tatatertib berkenaan dengan pegawai atau pengkhidmat itu, Pengerusi Jawatankuasa Tatatertib yang mempunyai bidang kuasa untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu,”; dan

(b) dengan memasukkan selepas perkataan “menimbangkan” perkataan “dan menentukan”.

Pindaan kaedah 27

21. Kaedah 27 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (1)—

(i) dengan menggantikan perkataan “mendapati” dengan perkataan “yang disebut dalam kaedah 26 menentukan”;

(ii) dengan menggantikan perkataan “Jawatankuasa Tatatertib hendaklah” dengan perkataan “Pengerusi Jawatankuasa Tatatertib itu hendaklah”; dan

- (iii) dalam teks bahasa kebangsaan, dalam proviso, dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “itu”; dan
- (b) dalam perenggan 2(a), dengan menggantikan perkataan “kaedah 38” dengan perkataan “perenggan 38(a) hingga (g)”.

Pindaan kaedah 28

22. Kaedah 28 Kaedah-Kaedah ibu dipinda—

- (a) dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” di mana-mana jua terdapat, kecuali dalam subkaedah (1), perkataan “Lembaga”;
- (b) dalam subkaedah (1)—
 - (i) dengan menggantikan perkataan “Pengerusi Jawatankuasa Tatatertib mendapati” dengan perkataan “ditentukan di bawah kaedah 26”;
 - (ii) dengan menggantikan perkataan “Jawatankuasa Tatatertib hendaklah” dengan perkataan “Pengerusi Jawatankuasa Tatatertib Lembaga hendaklah”; dan
 - (iii) dalam proviso, dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “Lembaga”;
- (c) dalam subkaedah (2), dengan memasukkan selepas perkataan “hukuman yang lebih ringan” perkataan “di bawah perenggan 38(a) hingga (g)”;
- (d) dalam subkaedah (3), dengan menggantikan perkataan “perkara itu hendaklah dirujuk kepada Lembaga bagi penentuannya dan dalam menentukan perkara itu Lembaga” dengan perkataan “Jawatankuasa Tatatertib Lembaga”; dan

(e) dalam subkaedah (12)—

- (i) dalam teks bahasa kebangsaan, dengan memotong perkataan “yang berkenaan”;
- (ii) dalam perenggan (a), dengan menggantikan perkataan “perkara itu hendaklah dirujuk kepada Lembaga bagi penentuannya, dan dalam memperkatakan kes-kes sedemikian” dengan perkataan “Jawatankuasa Tatatertib ”; dan
- (iii) dalam perenggan (c), dengan menggantikan perkataan “ia” dengan perkataan “Jawatankuasa Tatatertib Lembaga”.

Pindaan kaedah 29

23. Kaedah 29 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (2), dengan memasukkan selepas perkataan “suatu laporan kepada Jawatankuasa Tatatertib” perkataan “yang mempunyai bidang kuasa untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu”; dan

(b) dalam subkaedah (3)—

- (i) dengan memasukkan selepas perkataan “kepada Jawatankuasa Tatatertib” perkataan “Lembaga”; dan
- (ii) dengan menggantikan perkataan “dan Jawatankuasa Tatatertib” dengan perkataan “dan Jawatankuasa Tatatertib Lembaga”.

Pindaan kaedah 30

24. Subkaedah 30(1) Kaedah-Kaedah ibu dipinda dengan memasukkan selepas perkataan “kepada Jawatankuasa Tatatertib” perkataan “yang mempunyai bidang kuasa

untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu”.

Pindaan kaedah 31

25. Subkaedah 31(1) Kaedah-Kaedah ibu dipinda dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang berkenaan”.

Pindaan kaedah 32

26. Kaedah 32 Kaedah-Kaedah ibu dipinda—

- (a) dengan memotong perkataan “mahkamah atau Penolong Kanan Pendaftar” di mana-mana jua terdapat;
- (b) dalam subkaedah (3), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang mempunyai bidang kuasa untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu”;
- (c) dalam teks bahasa kebangsaan, dalam subkaedah (4), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “itu”;
- (d) dalam subkaedah (5), dengan memasukkan selepas perkataan “disabitkan, Jawatankuasa Tatatertib” perkataan “Lembaga”; dan
- (e) dalam subkaedah (7), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang mempunyai bidang kuasa untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu”.

Pindaan kaedah 33

27. Kaedah 33 Kaedah-Kaedah ibu dipinda—

- (a) dengan memotong perkataan “mahkamah atau Penolong Kanan Pendaftar mahkamah”; dan
- (b) dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “Lembaga”.

Pindaan kaedah 36

28. Kaedah 36 Kaedah-Kaedah ibu dipinda—

- (a) dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” di mana-mana jua terdapat perkataan “Lembaga”; dan
- (b) dalam perenggan (1)(a), dengan memasukkan selepas perkataan “tahanan” perkataan “selain suatu perintah reman sementara menunggu perbicaraan atau bagi maksud penyiasatan”.

Pindaan kaedah 37

29. Kaedah 37 Kaedah-Kaedah ibu dipinda—

- (a) dalam subkaedah (1)—
 - (i) dengan menggantikan perkataan “Jawatankuasa Tatatertib yang berkenaan” dengan perkataan “Jawatankuasa Tatatertib Lembaga”;
 - (ii) dalam perenggan (a), dengan menggantikan perkataan “Jawatankuasa Tatatertib itu hendaklah dengan serta merta merujuk perkara itu kepada Lembaga bagi penentuannya” dengan perkataan “Jawatankuasa Tatatertib Lembaga hendaklah mengenakan hukuman buang kerja atau turun pangkat, sebagaimana yang difikirkannya sesuai”;
 - (iii) dalam perenggan (b)—

- (A) dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “Lembaga”; dan
- (B) dengan memasukkan selepas perkataan “apa-apa hukuman yang lebih ringan” perkataan “di bawah kaedah 38”; dan
- (iv) dalam perenggan (c), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “Lembaga”; dan
- (b) dalam subkaedah (2), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “Lembaga”.

Pindaan kaedah 38

30. Kaedah 38 Kaedah-Kaedah ibu dipinda—

- (a) dengan menggantikan perkataan “Jawatankuasa Tatatertib boleh, jika ia mendapati seseorang pegawai atau pengkhidmat” dengan perkataan “Jika seseorang pegawai atau pengkhidmat didapati”;
- (b) dengan memotong perkataan “, dan setelah mengambil kira seriusnya kesalahan itu, mengenakan ke atas pegawai atau pengkhidmat itu”;
- (c) dengan memasukkan selepas perkataan “lebih” perkataan “bergantung kepada keseriusan kesalahan itu, boleh dikenakan ke atas pegawai atau pengkhidmat itu”;
- (d) dengan memotong perenggan (b);
- (e) dalam perenggan (f), dengan memotong perkataan “atau”;
- (f) dalam perenggan (g), dengan menggantikan noktah dengan koma bernoktah; dan

(g) dengan memasukkan selepas perenggan (g) perenggan yang berikut:

“(h) turun pangkat; atau

(i) buang kerja.”.

Pindaan kaedah 39

31. Kaedah 39 Kaedah-Kaedah ibu dipinda—

(a) dalam perenggan (1)(c), dengan menggantikan perkataan “atau dipindahkan kepada kredit kumpulan wang yang dikenali sebagai Kumpulan Wang Denda” dengan perkataan “ke dalam hasil Lembaga”; dan

(b) dengan memotong subkaedah (2) dan (3).

Pindaan kaedah 40

32. Kaedah 40 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (1), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang mempunyai bidang kuasa untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu”; dan

(b) dalam subkaedah (2), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang disebut dalam subkaedah (1)”.

Pindaan kaedah 41

33. Subkaedah 41(1) Kaedah-Kaedah ibu dipinda dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang berkenaan”.

Pindaan kaedah 42

34. Subkaedah 42(1) Kaedah-Kaedah ibu dipinda—

- (a) dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang berkenaan”; dan
- (b) dengan menggantikan perkataan “tiga bulan” dengan perkataan “satu tahun”.

Pindaan kaedah 43

35. Kaedah 43 Kaedah-Kaedah ibu dipinda dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” di mana-mana jua terdapat perkataan “yang berkenaan”.

Pindaan kaedah 44

36. Subkaedah 44(1) Kaedah-Kaedah ibu dipinda dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang berkenaan”.

Kaedah baharu 44A

37. Kaedah-Kaedah ibu dipinda dengan memasukkan selepas kaedah 44 kaedah yang berikut:

“Turun pangkat. 44A. (1) Jawatankuasa Tatatertib Lembaga boleh mengenakan hukuman turun pangkat ke atas seseorang pegawai atau pengkhidmat dengan—

(a) menurunkan gred pegawai atau pengkhidmat itu ke satu gred yang lebih rendah dalam skim perkhidmatan yang sama; dan

(b) menentukan gaji pegawai atau pengkhidmat itu mengikut subkaedah (2).

(2) Gaji seseorang pegawai atau pengkhidmat yang dikenakan hukuman turun pangkat hendaklah ditentukan seperti yang berikut:

(a) tertakluk kepada perenggan (b) dan (c), gaji pegawai atau pengkhidmat itu hendaklah dikurangkan terlebih dahulu sebanyak satu kenaikan gaji tahunan di gred sebelum turun pangkat dan jumlah itu hendaklah menjadi gaji pegawai atau pengkhidmat itu di gred turun pangkat;

(b) sekiranya gaji pegawai atau pengkhidmat itu yang ditentukan di bawah perenggan (a) lebih tinggi daripada gaji maksimum di gred turun pangkat, gaji maksimum di gred turun pangkat itu hendaklah menjadi gaji pegawai atau pengkhidmat itu di gred turun pangkat; atau

(c) sekiranya gaji pegawai atau pengkhidmat itu yang ditentukan di bawah perenggan (a) lebih rendah daripada gaji minimum di gred turun pangkat, gaji minimum di gred turun pangkat itu hendaklah menjadi gaji pegawai atau pengkhidmat itu di gred turun pangkat.

(3) Sekiranya hukuman turun pangkat digabungkan dengan hukuman turun gaji, kedua-dua hukuman itu hendaklah dilaksanakan serentak dan perenggan (2)(a), (b) dan (c) hendaklah terpakai mengikut mana-mana yang berkenaan.

(4) Hukuman turun pangkat tidak terpakai bagi pegawai lantikan terus dan lantikan kontrak."

Pindaan kaedah 46

38. Kaedah 46 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (1)—

(i) dengan menggantikan perkataan “Jawatankuasa Tatatertib boleh” dengan perkataan “Jawatankuasa Tatatertib yang mempunyai bidang kuasa untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi seseorang pegawai atau pengkhidmat itu boleh”;

(ii) dengan menggantikan perkataan “seseorang pegawai atau pengkhidmat” dengan perkataan “pegawai atau pengkhidmat itu”; dan

(iii) dalam teks bahasa kebangsaan, dalam perenggan (b), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “itu”;

(b) dalam subkaedah (2), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang disebut dalam subkaedah (1)”; dan

(c) dalam subkaedah (4), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang disebut dalam subkaedah (1)”.

Pindaan kaedah 47

39. Kaedah 47 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (1), dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “Lembaga”; dan

(b) dalam subkaedah (2), dengan memasukkan selepas perkataan “yang berkenaan” perkataan “, atau mana-mana tarikh lain yang ditentukan oleh Jawatankuasa Tatatertib Lembaga”.

Pindaan kaedah 48

40. Perenggan 48(b) Kaedah-Kaedah ibu dipinda dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “yang mempunyai bidang kuasa untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu”.

Pindaan kaedah 49

41. Kaedah 49 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (1), dengan memasukkan selepas perkataan “atau digantung kerja tidak boleh meninggalkan Malaysia tanpa kebenaran bertulis terlebih dahulu daripada Jawatankuasa Tatatertib” perkataan “yang mempunyai bidang kuasa untuk mengenakan hukuman selain buang kerja atau turun pangkat bagi pegawai atau pengkhidmat itu”; dan

(b) dalam subkaedah (2)—

(i) dengan memasukkan selepas perkataan “subkaedah 46(3), Jawatankuasa Tatatertib” perkataan “yang disebut dalam subkaedah (1)”; dan

(ii) dalam teks bahasa kebangsaan, dengan memasukkan selepas perkataan “daripada Jawatankuasa Tatatertib” perkataan “itu”.

Pindaan kaedah 50

42. Subkaedah 50(3) Kaedah-Kaedah ibu dipinda dengan memasukkan selepas perkataan “Jawatankuasa Tatatertib” perkataan “Lembaga”.

Kecualian dan peralihan

43. Jika sesuatu kesalahan itu berlaku sebelum Kaedah-Kaedah ini mula berkuat kuasa, tidak kira sama ada prosiding tatatertib yang berhubungan dengannya telah dimulakan atau tidak, prosiding bagi kesalahan itu hendaklah dimulakan atau diteruskan di bawah dan dengan menepati Kaedah-Kaedah Kumpulan Wang Simpanan Pekerja (Kelakuan dan Tatatertib) 1993 sebelum dipinda oleh Kaedah-Kaedah ini.

Dibuat 28 September 2017
[9/1/GUB(U) 23 – Vol. 4; PN(PU2)498/XIII]

TAN SRI SAMSUDIN BIN OSMAN
Pengerusi
Lembaga Kumpulan Wang Simpanan Pekerja

EMPLOYEES PROVIDENT FUND ACT 1991

EMPLOYEES PROVIDENT FUND (CONDUCT AND DISCIPLINE)
(AMENDMENT) RULES 2017

IN exercise of the powers conferred by paragraph 73(m) of the Employees Provident Fund Act 1991 [Act 452], the Board makes the following rules:

Short title and commencement

1. (1) These rules may be cited as the **Employees Provident Fund (Conduct and Discipline) (Amendment) Rules 2017**.

(2) These Rules come into operation on 6 October 2017.

General amendment

2. The Employees Provident Fund (Conduct and Discipline) Rules 1993 [P.U. (A) 178/1993], which are referred to as the “principal Rules” in these Rules, are amended by substituting for the words “General Manager” wherever appearing the words “chief executive officer”.

Amendment of rule 3

3. Rule 3 of the principal Rules is amended—

(a) in the definition of “Disciplinary Committee”, by inserting after the words “means the Disciplinary Committee” the words “of the Board”;

(b) by substituting for the definition of “Head of Department” the following definition:

‘ “Head of Department” means any officer who is responsible for a division, department, section, unit, branch or placement location and includes any officer authorized in writing by the Head of Department to carry out the functions of the Head of Department;’

(c) by inserting after the definition of “convicted “ or “conviction” the following definition:

‘ “court” means a court, including a Syariah Court, having the jurisdiction to try a person for a criminal offence;’;

(d) by inserting after the definition of “officer or servant” the following definition:

‘ “Registrar” includes Deputy Registrar, Senior Assistant Registrar or Assistant Registrar of a court’; and

(e) by deleting the definition of “General Manager”.

New rule 3A

4. The principal Rules are amended by inserting in Part II before rule 4 the following rule:

“Failure to give and 3A. (1) Any officer or servant who fails to give an comply with undertaking as determined by the Board commits a breach of discipline and shall render himself liable to disciplinary action pursuant to these Rules. undertaking.”

(2) An officer or servant who fails to comply with any of the terms of the undertaking given under subsection (1) commits a breach of discipline and shall render himself liable to disciplinary action pursuant to these Rules.”.

Amendment of rule 5

5. Rule 5 of the principal Rules is amended—

(a) in subrule (1)—

(i) by inserting after the word “required” the words “or permitted to do so”;
and

(ii) by substituting for the words “his Head of Department” the words
“the chief executive officer”;

(b) in subrule (2), by substituting for the words “apply for written permission from the Head of Department to undertake specified services” the words “make an application through his Head of Department to obtain a written approval from the chief executive officer to carry out an activity”;

(c) in subrule (3), by substituting for the words “Head of Department” the words “chief executive officer”; and

(d) by deleting subrule (4).

Amendment of rule 6

6. Subrule 6(1) of the principal Rules is amended by substituting for the word “Board” the words “chief executive officer or the Head of Department who is in charge of human resource”.

Amendment of rule 8

7. Rule 8 of the principal Rules is amended—

(a) in subrule (1)—

(i) in paragraph (a), by substituting for the words “; and” a fullstop; and

(ii) by deleting paragraph *(b)*;

(b) by inserting after subrule (1) the following subrule:

“(1A) Notwithstanding subrule (1), an officer or servant may receive any present, whether in a tangible form or otherwise, in the circumstances as may be determined by the chief executive officer or the Head of Department who is in charge of the human resource.”; and

(c) by deleting subrules (4) and (5).

Amendment of rule 9

8. Rule 9 of the principal Rules is amended—

(a) by substituting for the words “if—” the words “except in the circumstances as may be determined by the chief executive officer or the Head of Department who is in charge of the human resource.”; and

(b) by deleting paragraphs *(a)* and *(b)*.

Amendment of rule 10

9. Rule 10 of the principal Rules is amended—

(a) by substituting for the words “the Disciplinary Committee through the Head of Department” wherever appearing the words “his Head of Department”;

(b) by inserting after subrule (3) the following subrule:

“(3A) The Board may, at any time, require any officer or servant to declare in writing to his Head of Department all properties owned by him, his spouse or child or held by any person on his behalf or on behalf of his spouse or child.”;

(c) in subrule (4)—

(i) in the national language text, by inserting after the word “diperoleh” the words “terlebih dahulu”; and

(ii) by substituting for the words “Disciplinary Committee” the words “chief executive officer”;

(d) in subrule (5), by substituting for the words “Disciplinary Committee” wherever appearing the words “chief executive officer”; and

(e) by substituting for subrule (6) the following subrule:

“(6) The Head of Department shall, if he is satisfied with the declaration of property made by the officer or servant, direct that it be recorded in the record of service of the officer or servant that the declaration has been made.”.

Amendment of rule 11

10. Subrule 11(2) of the principal Rules is amended—

(a) by inserting after the words “to the Disciplinary Committee” the words “having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant”; and

(b) in the national language text, by inserting after the words “jika ada. Jawatankuasa Tata tertib” the word “itu”.

Amendment of rule 12

11. Rule 12 of the principal Rules is amended—

(a) in subrule (2)—

- (i) by substituting for the words “finance companies licensed under the Banking and Financial Institutions Act 1989” the words “institution permitted under any written law to grant loan,”; and
- (ii) in paragraph (a), by substituting for the words “licensed finance companies” the word “institution”; and

(b) in subrule (3)—

- (i) in paragraph (b), by substituting for the words “licensed financial institution” the words “institution permitted under any written law to grant loan”; and
- (ii) in paragraph (d), by deleting the words “Government,”.

Amendment of rule 13

12. Subrule 13(5) of the principal Rules is amended by inserting after the words “serious pecuniary indebtedness to him,” the words “or a civil proceeding has been instituted against him arising from his debt,”.

Amendment of rule 14

13. Rule 14 of the principal Rules is amended—

(a) in subrule (1)—

- (i) by deleting the words “or Senior Assistant Registrar of the High Court and the Registrar of the Sessions and Magistrates Courts”; and
- (ii) in paragraph (a), by substituting for the words “one month from the date of judgment” the words “the period specified in the judgment, or if there is no period specified, one month from the date of receipt of the sealed copy of the judgment”;

- (b)* in subrule (2), by substituting for the word “shall” the word “may”;
- (c)* in subrule (3), by inserting after the words “to the Disciplinary Committee” the words “having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant”; and
- (d)* in the national language text, in subrule (4), by inserting after the words “Jawatankuasa Tata tertib” the word “itu”.

Amendment of rule 19

14. Subrule 19(4) of the principal Rules is amended by substituting for the words “by sound or vision or both” the words “or publication, without regard to the means”.

Amendment of rule 20

15. Paragraph 20(*d*) of the principal Rules is amended by substituting for the word “Board” the words “chief executive officer”.

Amendment of rule 21

16. Rule 21 of the principal Rules is amended—

- (a)* by substituting for the words ‘Group “A”’ wherever appearing the words “Executive Group”;
- (b)* by substituting for the words ‘Group “B”’ wherever appearing the words “Non-Executive Group”;
- (c)* in paragraph (1)(*a*), by substituting for the word “professional” the word “equivalent”;
- (d)* in subrule (2), by deleting the words “Except as provided in subrule (4),”; and
- (e)* by deleting subrules (4) and (5).

Amendment of rule 23

17. Rule 23 of the principal Rules is amended—

(a) in subrule (2)—

(i) by inserting after the word “duty” the words “without leave or without prior permission or without reasonable cause”; and

(ii) by inserting after the words “Disciplinary Committee” the words “having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant”; and

(b) in subrule (3), by inserting after the words “Disciplinary Committee” the words “referred to in subrule (2)”.

Amendment of rule 24

18. Subrule 24(1) of the principal Rules is amended by inserting after the words “these Rules” the words “as soon as practicable”.

Amendment of rule 25

19. Paragraph 25(2)(b) of the principal Rules is amended by inserting after the words “Disciplinary Committee” the words “of the Board”.

Amendment of rule 26

20. Rule 26 of the principal Rules is amended—

(a) by inserting after the words “Disciplinary Committee” the words “in respect of such officer or servant, or if there is more than one Disciplinary Committee in respect of such officer or servant, the Chairman of the Disciplinary Committee having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant,”; and

(b) by inserting after the word “consider” the words “and determine”.

Amendment of rule 27

21. Rule 27 of the principal Rules is amended—

(a) in subrule (1)—

(i) by substituting for the word “finds” the words “referred to in rule 26 determines”;

(ii) by substituting for the words “the Disciplinary Committee shall” the words “the Chairman of the Disciplinary Committee shall”; and

(iii) in the national language text, in the proviso, by inserting after the words “Jawatankuasa Tatatertib” the word “itu”; and

(b) in paragraph 2(a), by substituting for the words “rule 38” the words “paragraph 38(a) to (g)”.

Amendment of rule 28

22. Rule 28 of the principal Rules is amended—

(a) by inserting after the words “Disciplinary Committee” wherever appearing, except in subrule (1), the words “of the Board”;

(b) in subrule (1)—

(i) by substituting for the words “the Chairman of the Disciplinary Committee finds” the words “it is determined under rule 26”;

(ii) by substituting for the words “the Disciplinary Committee shall” the words “the Chairman of the Disciplinary Committee of the Board shall”; and

- (iii) in the proviso, by inserting after the words “Disciplinary Committee” the words “of the Board”;
- (c) in subrule (2), by inserting after the words “lesser punishment” the words “under paragraph 38(a) to (g)”;
- (d) in subrule (3), by substituting for the words “the matter shall be referred to the Board for its determination, and in determining such matter the Board” the words “the Disciplinary Committee of the Board”; and
- (e) in subrule (12)—
 - (i) in the national language text, by deleting the words “yang berkenaan”;
 - (ii) in paragraph (a), by substituting for the words “matter shall be referred to the Board for its determination, and in dealing with such cases” the words “the Disciplinary Committee of”; and
 - (iii) in paragraph (c), by substituting for the word “it” the words “the Disciplinary Committee of the Board”.

Amendment of rule 29

23. Rule 29 of the principal Rules is amended—

- (a) in subrule (2), by inserting after the words “a report to the Disciplinary Committee” the words “having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant”; and
- (b) in subrule (3)—
 - (i) by inserting after the words “to the Disciplinary Committee” the words “of the Board”; and

- (ii) by substituting for the words “and the Committee” the words “and the Disciplinary Committee of the Board”.

Amendment of rule 30

24. Subrule 30(1) of the principal Rules is amended by inserting after the words “to the Disciplinary Committee” the words “having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant”.

Amendment of rule 31

25. Subrule 31(1) of the principal Rules is amended by inserting after the words “notwithstanding that the” the word “appropriate”.

Amendment of rule 32

26. Rule 32 of the principal Rules is amended—

- (a) by deleting the words “or Senior Assistant Registrar” wherever appearing;
- (b) in subrule (3), by inserting after the words “Disciplinary Committee” the words “having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant”;
- (c) in the national language text, in subrule (4), by inserting after the words “Jawatankuasa Tatatertib” the word “itu”;
- (d) in subrule (5), by inserting after the words “conviction, the Disciplinary Committee” the words “of the Board”; and
- (e) in subrule (7), by inserting after the words “Disciplinary Committee” the words “having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant”.

Amendment of rule 33

27. Rule 33 of the principal Rules is amended—

- (a) by deleting the words “or Senior Assistant Registrar of the court”; and
- (b) by inserting after the words “Disciplinary Committee” the words “of the Board”.

Amendment of rule 36

28. Rule 36 of the principal Rules is amended—

- (a) by inserting after the words “Disciplinary Committee” wherever appearing the words “of the Board”; and
- (b) in paragraph (1)(a), by inserting after the word “detention” the words “other than an order of remand pending trial or for the purposes of investigation”.

Amendment of rule 37

29. Rule 37 of the principal Rules is amended—

- (a) in subrule (1)—
 - (i) by substituting for the words “the Disciplinary Committee” the words “the Disciplinary Committee of the Board”;
 - (ii) in paragraph (a), by substituting for the words “the Disciplinary Committee shall forthwith refer the matter to the Board for its determination” the words “the Disciplinary Committee of the Board shall impose the punishment of dismissal or reduction in rank, as it deems fit”;
 - (iii) in paragraph (b)—
 - (A) by inserting after the words “Disciplinary Committee” the words “of the Board”; and

- (B) by inserting after the words “such lesser punishment” the words “under rule 38”; and
- (iv) in paragraph (c), by inserting after the words “Disciplinary Committee” the words “of the Board”; and
- (b) in subrule (2), by inserting after the words “Disciplinary Committee” the words “of the Board”.

Amendment of rule 38

30. Rule 38 of the principal Rules is amended—

- (a) by substituting for the words “The Disciplinary Committee may, if it finds an officer or servant” the words “If an officer or servant is found”;
- (b) by deleting the words “, and after having regard to the seriousness of the offence, impose upon an officer or servant”;
- (c) by inserting after the word “punishments” the words “depending upon the seriousness of the offence, may be imposed on the officer or servant”;
- (d) by deleting paragraph (b);
- (e) in paragraph (f), by deleting the word “or”;
- (f) in paragraph (g), by substituting for the fullstop a semicolon; and
- (g) by inserting after paragraph (g) the following paragraphs:
 - “(h) reduction in rank; or
 - (i) dismissal.”.

Amendment of rule 39

31. Rule 39 of the principal Rules is amended—

(a) in paragraph (1)(c), by substituting for the words “or transferred to the credit of a fund known as the Fines Fund” the words “into the revenue of the Board”; and

(b) by deleting subrules (2) and (3).

Amendment of rule 40

32. Rule 40 of the principal Rules is amended—

(a) in subrule (1), by inserting after the words “the Disciplinary Committee” the words “having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant”; and

(b) in subrule (2), by inserting after the words “the Disciplinary Committee” the words “referred to in subrule (1)”.

Amendment of rule 41

33. Subrule 41(1) of the principal Rules is amended by inserting after the words “imposed by the” the word “appropriate”.

Amendment of rule 42

34. Subrule 42(1) of the principal Rules is amended—

(a) by inserting after the words “imposed by the” the word “appropriate”; and

(b) by substituting for the words “three months” the words “one year”.

Amendment of rule 43

35. Rule 43 of the principal Rules is amended by inserting after the words “to the” wherever appearing the word “appropriate”.

Amendment of rule 44

36. Subrule 44(1) of the principal Rules is amended by inserting after the words “his grade, the” the word “appropriate”.

New rule 44A

37. The principal Rules are amended by inserting after rule 44 the following rule:

“Reduction in rank. 44A. (1) The Disciplinary Committee of the Board may impose the punishment of reduction in rank on an officer or servant by—

(a) reducing the grade of the officer or servant to one lower grade in the same scheme of service; and

(b) determining the salary of the officer or servant in accordance with subrule (2).

(2) The salary of an officer or servant who is imposed with the punishment of reduction in rank shall be determined as follows:

(a) subject to paragraphs (b) and (c), the salary of the officer or servant shall first be reduced by one annual salary increment at the grade before the reduction in rank and that amount shall be the salary of the officer or servant at the grade of the reduced rank;

(b) if the salary of the officer or servant as determined under paragraph (a) is higher than the maximum salary at the grade of

the reduced rank, the maximum salary at the grade of the reduced rank shall be the salary of the officer or servant at the grade of the reduced rank; or

- (c) if the salary of the officer or servant as determined under paragraph (a) is lesser than the minimum salary at the grade of the reduced rank, the minimum salary at the grade of the reduced rank shall be the salary of the officer or servant at the grade of the reduced rank.

(3) If the punishment of reduction in rank is combined with the punishment of reduction of salary, both punishments shall be carried out simultaneously and paragraphs (2)(a), (b) and (c) shall apply according to whichever is appropriate.

(4) The punishment of reduction in rank is not applicable to an officer on lateral appointment and contract appointment.”.

Amendment of rule 46

38. Rule 46 of the principal Rules is amended—

(a) in subrule (1)—

- (i) by substituting for the words “The Disciplinary Committee may” the words “The Disciplinary Committee having the jurisdiction to impose a punishment other than dismissal or reduction in rank for an officer or servant may”;

- (ii) by substituting for the words “an officer or servant” the words “the officer or servant”; and
 - (iii) in the national language text, in paragraph (b), by inserting after the words “Jawatankuasa Tata tertib” the word “itu”;
- (b) in subrule (2), by inserting after the words “Disciplinary Committee” the words “referred to in subrule (1)”; and
- (c) in subrule (4), by inserting after the words “Disciplinary Committee” the words “referred to in subrule (1)”.

Amendment of rule 47

39. Rule 47 of the principal Rules is amended—

- (a) in subrule (1), by inserting after the words “Disciplinary Committee” the words “of the Board”; and
- (b) in subrule (2), by inserting after the words “may be” the words “, or any other date as determined by the Disciplinary Committee of the Board”.

Amendment of rule 48

40. Paragraph 48(b) of the principal Rules is amended by inserting after the words “Disciplinary Committee” the words “having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant”.

Amendment of rule 49

41. Rule 49 of the principal Rules is amended—

- (a) in subrule (1), by inserting after the words “or suspended shall not leave Malaysia without the prior written permission of the Disciplinary Committee” the words “having the jurisdiction to impose a punishment other than dismissal or reduction in rank for that officer or servant”; and

(b) in subrule (2)—

- (i) by inserting after the words “subrule 46(3), the Disciplinary Committee” the words “referred to in subrule (1)”; and
- (ii) in the national language text, by inserting after the words “daripada Jawatankuasa Tatatertib” the word “itu”.

Amendment of rule 50

42. Subrule 50(3) of the principal Rules is amended by inserting after the words “Disciplinary Committee” the words “of the Board”.

Saving and transitional

43. If an offence occurs before these Rules come into operation, regardless of whether the disciplinary proceedings relating to it has commenced or not, the proceeding for the offence shall commence or continue under and in compliance with the Employees Provident Fund (Conduct and Discipline) Rules 1993 before being amended by these Rules.

Made 28 September 2017
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TAN SRI SAMSUDIN BIN OSMAN
Chairman
Employees Provident Fund Board