

INCLUSION OF PEOPLE WITH DISABILITIES IN MALAYSIA

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ABSTRACT

Keywords:

Disability; human rights; employer's responsibilities; Malaysia;

This paper looks at the rights of the people with disabilities who are facing the problem of social exclusion in Malaysia as people with discrimination choose to not employ the disabled peoples. This is also identifying the inhibitors of employment for the people with disabilities in order to get a job in a situation of being social excluded and the barriers that they have to face. This leads to the inequality of the employment rights for the people with disabilities. Therefore, this also shows the current disability laws that explain the employment rights of a person with a disability in Malaysia. There are laws and regulations in Malaysia protecting the rights of the disabled which show the equality of law among humans without looking at the abilities or potential of each human. Furthermore, responsibilities of an employer towards his employee with a disability will be discussed too. It discusses the employment issues faced by people with visual impairments and the treatments by the employers to the employees who have disabilities. There are gaps and weaknesses in the laws and regulations in Malaysia, where disabled people are depriving their rights and excluded from the areas of development of the country. The measurements that can be taken to improve the employment rate of the disabled people in Malaysia are also being discussed. Therefore, this paper has involved some

suggestions and recommendations for the law and regulations in Malaysia.

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INTRODUCTION

Person with disabilities means the person who is having disability in term of mental or physical and normally they are unable to carry out or perform some natural activities. There are estimated one billion of people with disabilities around the world, approximately fifteen per cent from the world's population. On the other hand, among this group of people, more than fifty per cent of them are actually at the working age. In Malaysia, a disabled person is registered at the Social Welfare Office. The disabled person is registered on a voluntary basis. The registered number of disabled in Malaysia is 197,519 as of year 2011. There are a total of 359,203 disabled people that were registered with the Department of Social Welfare in December 2012.

Even though there are a large number of disabled people who are of the working age, but it seems like there is a trend from the society in denying the employment opportunity of the disabled. People with disabilities are being denied of their opportunity in getting a decent employment because of their physical disability. Therefore, the rate of unemployment of the disabled is way higher than the people without disabilities. This leads to an inactive participation of the disabled in the economy and hence they are facing the risk of getting inadequate protection from the social.

PROBLEM STATEMENT

The problem is regarding to the extent of protection of the right to equal employment opportunity of the people with disabilities in Malaysia. This issue affects the rights of people with disabilities to equal employment opportunity in the society of Malaysia. The impact of inadequacy of the protection of the disabled's right to equal employment opportunity allows discrimination over the disabled and denial of their rights to employment. Thus leading to high unemployment rate among the disabled compared to the person without disabilities. Therefore, there is a need for both government and non-governmental organisation to work hand in hand to come up with effective solutions in order to solve this issue.

RESEARCH OBJECTIVES

General Objective:

- To study the extent of protection of the right to equal employment opportunity of the people with disabilities in Malaysia.

Specific Objectives:

- To understand the factors of high employment rate of the disabled in Malaysia compared to person without disabilities.
- To determine the protection of disabled's right to equal opportunity in employment by Government or non-governmental organisation in Malaysia.
- To evaluate whether the current protection is adequate in safeguarding the disabled's right to equal employment opportunity.
- To provide suggestions and reformations to overcome any weaknesses or inadequacy of the current protection of the right of disabled to equal employment opportunity.

RESEARCH QUESTIONS

1. What are the factors of high employment rate of the disabled in Malaysia compared to person without disabilities?
2. What is the current protection of disabled's right to equal opportunity in employment by Government or non-governmental organisation in Malaysia?
3. Is the current protection adequate and sufficient in safeguarding the disabled's right to equal employment opportunity?
4. Are there any suggestions and reformations in order to overcome any weaknesses or inadequacy of the current protection of the right of disabled to equal employment opportunity?

LITERATURE REVIEW 1

Person with disabilities means the person who is having disability in term of mental or physical and normally they are unable to carry out or perform some natural activities. In order to complete this literature review, three articles are being referred to. For the first article, the area of discussion confined to the Malaysian perspective on the intention of Managerial in hiring the persons with disabilities. This article also laid out the influence of Persons with Disabilities Act 2008 and the organizational culture on the intention to hire the disabled. After reading this articles, we can get to know that the rates of unemployment of the persons with disabilities are way higher than the rest of the people and this phenomenon can be seen all over the world. The main reason of this extremely high unemployment rates among the disabled person is due to the lack of intention from the

management of each organisation to hire such group of people. This is because according to them, it is very risky to hire the persons with disabilities, thinking them as 'weak' persons and is unable to perform or undertake any job. This wrong perception had led to a denial of opportunity among the disabled person in getting employed for jobs that they are capable and qualified of doing.

Anyhow, the government had a piece of legislation which protects and safeguard the rights of the disabled persons. Such legislation is known as the Persons with Disabilities Act 2008. The Chapter I of this Act provides the accessibility of the disabled people which includes their right to access to public facilities, access to public transport, access to education, access to employment, access to information, communication and technology, access to cultural life, and access to recreation, leisure and sport. To be more specific the access to employment by the disabled persons is being provided under s.29 of the act which it ensures the right of the persons with disabilities to have equal right to access to employment as compared to persons without disabilities. This section also urges the employer to promote stable employment for the disabled persons and at the same time put a duty on the Council to promote employment of persons with disabilities in both public and private sector. This Act had been generally accepted by the Malaysian public.

Nevertheless, the rate of the unemployment among the persons with disabilities remain unreduced because the less compliance among the employers towards this Act. Besides, there is no penalty imposed the employers on any non-compliance to this Act and thus making this Act not compulsory. Therefore, the discrimination towards the disabled persons and denial of their employment opportunities is said to be allowed as there is no penalty on those who does not comply with the Act. Perhaps, to solve this problem, the Parliament should amend the Act and adding the penalty clause which is to be imposed on the employer who does not comply with the Act. The Government should also promote this Act among the employers to encourage compliance. This is because when the employers know more about the Act there is a tendency that they will comply with the Act.

For the organizational culture, the one that is more flexible and ensures social justice among the persons with disabilities is the culture that is to be preferred instead of the organizational culture that is more bureaucratic and rigid. The company which ensures high level of fairness among the employees regardless of whether they are person with or without disabilities, no difference can be seen between those employees in terms of their loyalty, job satisfaction and also the willingness to work hard. On the other hand, if there is the element of bias or discrimination in a company towards the employees, the result will be totally the opposite. Hence, all the company should develop a culture of acceptance, tolerance and understanding in inclusion of the disabled employees and thus increasing the managerial intention to hire the persons with disabilities.

The second article is about the American perspective on the Law of Employment of the persons with disabilities. The Act that brings a significant effect on the disability law in America is the Rehabilitation Act 1973 in which this Act changes the American disability law from a welfare orientation to a civil rights orientation. With this change, the disabled person is no longer being treated as person who deserves poor instead the law started to treat them as the full citizen in whom they shall be entitled to the equal rights in all activities just like the persons without disabilities.

After the campaign brought by some activists concerning disability rights, the Congress enacted a new law known as Americans with Disabilities Act 1990 in which this Act provides equal employment opportunity among the persons with or without disabilities in both public and private sector. This is also the first comprehensive civil rights law of their nations in addressing the needs of the disabled persons. This Act strictly prohibits the discrimination of the persons with disabilities over their employment opportunity.

On the other hand, the European Union had proceeded to implement its directive on the issue of equal treatment in employment; the United nations had continued in its effort of drafting a convention concerning the rights of the persons with disabilities; the World Bank in its development programmes had seek to resolve any issue pertaining to the disabled persons. Therefore, instead of only holding on to own policies on employment of disabled persons, perhaps, we may learn from other nations' disability laws in order to overcome the weakness in our own disability laws.

The third article is about the proposal on equal employment and the disabled. The effort in ensuring the equal employment opportunity of the disabled can be seen through the proposed amendment being made to the Title VII of the Civil Rights Act 1964. Initially, Title VII was enacted to protect the women and also minorities and ensure there is equal employment opportunity. However, there is an urge to amend the Title VII to include the persons with disabilities because the disabled are very similar to the minorities in the sense that they are always subjected to discrimination. This can be seen when the disabled very often being denied of their opportunity to get employed. Therefore, the disabled should be included in Title VII as the title provides remedies which gives protection to these group of people. Thus, there is a need to amend the current law to include the disabled.

To put it in a nutshell, the Malaysian Persons with Disabilities Act 2008 is not sufficient in protecting the rights of the disabled to equal employment opportunity as the Act is not compulsory for the employers to comply with, for there is no penalty section being stated in the Act that is to be imposed on the non-compliance. Perhaps, the Parliament should consider amending the Act and make the compliance to the Act as mandatory to ensure the persons with disabilities have the equal job opportunity as the persons without disabilities. Besides, the government

can also consider in adopting the policies of other nations such as the European Union in addressing the issue relating to the disabled. Lastly, the organisations, be it governmental or non-governmental should also provide joint effort in reducing the high unemployment rates of the disabled by removing the fear to hire persons with disabilities and thus complying with the Act to promote job opportunity among the disabled.

LITERATURE REVIEW 2

In Malaysia, a disabled person is registered at the Social Welfare Office. The disabled person is registered on a voluntary basis. This means that anyone who has disabilities either physical or mental has an option to register his or her name at the Social Welfare Office. The purposes of registration of Person with disabilities are to plan for the provision of facilities to suit the needs of PWD and to enable registered PWD to get appropriate service based on the level of disabilities.

Malaysia government has put an effort to tackle the issue of hiring the disabled person. However, the effort carried out by the government seems not success. In 2008, the government had implemented one per cent quota policy. The policy is meant to reserve one per cent job opportunities to the Person with disabilities. In Malaysia, we have 1.4 million civil servants. Among the 1.4 million civil servants, the government expects to reserve one per cent job opportunities which are 14,000 to the disabled person. However, until today, Malaysia government has yet to achieve the target. The employment of Person with Disabilities has showed a slight rise in the public sector due to the one per cent policy. However, the rise of the employment rate is minimal. In 2011, the employment of the disabled person is 1686. In 2013, the number of the disabled person employed was slightly improved to 1,754.

From time to time, we always have a perception that employment of disabled person will make the work more troublesome. The disabled person does not have the ability to work or even take care of oneself. Thus, there are a lot of bosses refuse to hire the Person with Disabilities. There are several factors that will influence the employment of the disabled person.

First and foremost, most of the employers do not have an adequate and sufficient understanding of disabilities. Since the employers refuse to have a deep understanding of the relationship between disabilities and employment, hence, most of the disabled person losses the opportunities to contribute their efforts in the workplace. Disability is defined in the Oxford Dictionary. It means that a mental or physical condition that limits a person's activities, movements, or senses. A person with disabilities does not mean that the person does not have the ability to be employed as an employee. For example, a person with the physical disability and higher educational level can still be a professional. Jeslinda who is a disabled person and she is enrolled in a business course successfully. Subsequently, she obtained a degree from Sunway College Victoria University. From this

case, we can see that a person with the disability is not a useless person. A person with the disability can still learn a new skill in order to survive his or her life. Sometimes, a disabled person is more loyal than the normal person in the workplace. This is because a disabled person knows that getting a new job is difficult.

The second factor is the disabled person does not have a high educational level and special skill. In the era of globalization, a lot of works have been replaced by the machine. The workplace tends to use the machine instead of labour. This is because the cost of using the machine is far cheaper than the cost of using labour. The company hires a lot of professional people to do research and make a new machine. The company requires the employees to have a high educational level so that they can develop a new plan which can save cost and time. However, most of the disabled persons are not qualified as employees because they do not have the high educational level. Besides, the work can be done by the disabled person is replaced by the machine in this era of globalization. Thus, low educational level and special skill can be considered as the factor that reduces the employment rate of the disabled person. To protect the Person with disabilities, Malaysia government has enacted the Person with Disabilities Act 2008.

In my view, it is not sufficient even though Malaysia has enacted the Person with Disabilities Act 2008. The Person with Disabilities is not well-protected. A lot of disabled people are still isolated by the society. Society tends to discriminate the Person with Disabilities. Employers are less likely to hire the disabled person. Prejudice and social stigma are the two main causes to prevent the Person with Disabilities to assimilate into the society.

Malaysia government can refer to the method and way used by some other countries to solve the issue of hiring the Person with Disabilities. Some of the countries have carried out effective ways to settle this issue. For instance, UK Disability Discrimination Act 1995 and the United States Disability Discrimination Act 1990 are meant to protect the rights of the disabled person from being discriminated by others. If a person with disabilities is discriminated by the society frequently, he or she will lose of confidence. As time goes on, he or she does not have the courage and gut to be in touch with the society. Therefore, Malaysia government should revise or amend the current law so that the law can well-protect the rights of the disabled person.

In addition, Malaysia government can vacate some jobs from various fields and offer to the disabled person. Many of the Persons with Disabilities have low educational qualifications, but the government offers jobs which require high educational qualifications. The jobs offered to the Persons with Disabilities are not suitable. They might not be competent to the job offered due to educational level. At last, the Persons with Disabilities will choose to quit the job even though their boss is friendly and nice to the disabled person.

Last but not least, both the government and the NGO can work together to solve the environmental barriers faced by the disabled person. The barrier which is of the utmost importance faced by the disabled person is the transport. The disabled person requires appropriate transport to go to work. In Malaysia, a lot of people such as office workers and students will take the public transport to reach the workplace. The public transport is always in a crowd during the peak hour. The disabled person will face difficulties when they wish to take public transport before or after the working period. Therefore, the public transport companies and the government can work together to provide suitable public transport to the disabled persons to reach their workplace.

The next barrier is the workplace. The employers should provide more accessible workplace to the disabled person. For example, the employer can fix handrail along the corridor. When the disabled person walks along the corridor, he or she can avoid a fall by using handrail. In a nutshell, when there is a will, there is a way. Both Malaysia government agencies and the non-governmental agencies should work together to promote the employment of disabled person and thus solving our current issue.

LITERATURE REVIEW 3

As we all know, the International Labour Organization has played a very essential role to introduce the changes of policies and the framework of legislation at the national levels. One of the topics which the International Labour Organization has covered is the topic of disabled employees. Disabled employee can be considered as an employee who has disability to do the work unlike the others. They need more protection from the legislation and the law from any discrimination from their employers, in Section 29(6) of the Persons with Disabilities Act 2008, the Government also considered as an employer. Yet, in a lots of country, these categorized employees are not well protected by their countries and laws. In different country, they have their own legislation against it. In my research, I would like to distinguish that the disabled employees' protection within Malaysia and other countries, especially in Japan and United State as well as British. In Malaysia, the disabled employees do have their rights to have a job, yet, there is no specific legislation to solve the problem of the employment of disabled. Besides, there is also do not have any law to ensure the disabled people can be employed.

However, Malaysian Government does have giving the financial supports to the disabled people, and it is called as 'Disabled worker allowance'. Malaysia government has also provided and promoted the job opportunities for the disabled people. In Malaysia, there is a service called as 'Asia Community Service' (ACS). ACS provides a stepping stone to work, it has its own center which allocated in Malaysia which is to serve and provide some easy jobs to the intellect disabled people.

Other than that, Malaysia has also implemented an Act which called as Persons with Disabilities Act 2008 for the protection of the disabled person. In this particular Act, there is lot of category of person to be protected, yet, in Section 29 of the Act, the disabled employees are specifically being protected under this. In brief, they have the right to access to employment with equal basis similar to the normal persons. The employer shall give the work opportunity and equal remuneration to the disabled workers with a suitable job environment and management. The Council should promote employment of disabled persons in the private sector with appropriate policies and promote the training opportunities to them and the self-employment entrepreneurship. The issue here arose whether the disabled workers are fully protected under Malaysian Legislation?

In Japan, they have implemented labour regulations or quota system for the disabled person in the course of employment. In 1997, Miwa had stated that the Japan is the First East Asian Country to develop the quota system to protect the disabled workers. Quota system is a convinced and systematic mechanism to protect the disabled worker in an opened labour market. In this system, they promote the employment of disabled workers with physical and intellectual. Other than quota system, it also promotes the on-the-job adjustment scheme, financial assistance system and vocational guidance and placement.

In the position of United State, Americans deal with the Americans with Disabilities Act (ADA) 1990 to prevent the disabled workers from any discrimination. There is an Equal Employment Opportunity Commission (EEOC) which is a legislation to give and ensure that the disabled workers can get an equal job opportunity like others. The Americans with Disabilities Act has requires the employers to promote a "reasonable accommodations" for them unless such accommodations will cause over burden to the employer. There is a rehabilitation service in United State had implemented the Architectural Barriers Act 1968, Civil Rights Act of 1964 and Rehabilitation Act 1973.

In British position, the Executive Committee Member of Greater London Action on disability has promoted the Disability Law Service. This such service is to challenge the extensive inequality and poverty experienced by the disabled people, by securing them free and equal access to their legal rights and entitlements. In British, there is Disability Discrimination Acts to protect the discrimination for the disability. Disability Discrimination Acts had implemented that it is illegal for an employer to discriminate the employee. The employer should provide the place of work, the access of work, recruitment and selection, the performance, training and development for the disabled employee. Furthermore, the Equality and Human Rights Commission was established under Equality Act which consists of the Disability Rights Commission and Equal Opportunities Commission and the Commission for the Racial Equality.

All in all, it is clear that some of the legislations from the countries were not in the scope of the Malaysian position. In Malaysia, the people who are with disabilities, they will be look down by the society and they will get unfair treatment. They will be faced the unemployment issue, even they get employed yet, they will be having the last-hired-first-fired trend. Malaysia should provide a specific training for the disabled people, this is because of the employers will be able to understand the potential and ability of them to provide them a suitable works for them so that they will not be overburdened. So, Malaysia should implement the vocational rehabilitation program to the disabled employees, which it can provide lots of employment services. This can help and ease the disabled employees to be concerned in the society and the officers can introduce the suitable jobs to the disabled people. In Malaysia, we can't deny that only the government should aware to the problems of the disabled workers, the Non-Governmental Organization should cooperate with Malaysia government to curb these problems and provides the solution for such. They should also update and revise the vocational curriculum so that the people can be in the same trait of the labour market needs.

Moreover, Malaysia should provide the 'reasonable accommodations'. This is because of the disabled workers might not have ability to have a suitable accommodation to stay with basic facilities has been provided. Besides, some particular agencies are also encouraged to have a special fund for the disabled workers' employers. There should and ought to strengthen the legislation on the job quota basis and establish policy specifically to support the disabled people are being to be employed. Besides, they are required to be ensured to have transition support services, placement assistance, the job search and job readiness training

In Malaysia, the equality was protected under the Article 8 of Federal Constitution law. Yet, there is no very specific part for the disabled workers. Indeed, there is an international convention on the Rights of Persons with Disabilities (CRPD) for Malaysian position which on 6 July 2010, Malaysia had ratified it. The disabled employees should not be perceived and treated as a liability for the society, they should have equal treatment in any sectors. Even they might be a bit disabled, yet when they have the determination to do on something, in my frank opinion, as a society, we must be willing to accept them and give them opportunities to have jobs. They should be fully protection in any legislation as they have their rights to access in to the work's sectors and prevent them from any discrimination by their employers and colleagues.

LITERATURE REVIEW 4

People with disabilities in Malaysia are one of the most vulnerable communities in the Malaysian population. In a research article written by M. Rezaul Islam (2015), the registered number of disabled in Malaysia is 197,519 as of year 2011. There are a total of 359,203 disabled people that were registered with the Department of Social Welfare in December 2012. There is wide range of people with disabilities. The disabilities includes visual, hearing, speech, physical, learning mental and there are also people with multiple disabilities. In the article, it is also suggested that the lack of comprehensive database of specific problems faced by people with disabilities in Malaysia poses a great challenge. As the population is ageing, chronic diseases increase rapidly and the methodologies used to measure disabilities improve, the number of people with disabilities is expected to increase. In an article written by Khoo Suet Leng, Ling Ta Tiun and Lee Lay Wah (2013), the rights of people with disabilities to employment had become a topic that is debated widely. The transition of treating person with disabilities from a “charity” approach to “human rights” approach had redefined the disabilities. This literature review will discuss on several action done by the Malaysian government to protect the disabilities.

The disabilities often being regarded as one of the most easily forgotten and neglected developed agenda as it have always been considered as a branch of charity and welfare (M. Rezaul Islam, 2015). From 1970 onwards, the concept of social model of disability had introduced. The social model rise as a medical treatment against disabilities, which brings disability down to impairment. The original definition of disability is in the context of disabling environment and disabled people are also citizens with rights. Therefore, the social model was more of a political rather than an academic approach. The people with disabilities is now entitled with the equal rights with others.

The right of a person with disabilities in Malaysia is recognized by Person with Disabilities Act 2008. This Act had given the person with disabilities in Malaysia a more recognized right. The Part IV of this Act includes the promotion and development of the quality of life and wellbeing of the disabled people. Chapter I of Part IV mentions the number of accessibilities such as access to public transport, amenities and service and buildings, access to education, employment, cultural life and access to recreation, leisure and sports. Chapter II of Part IV provides the Person with Disabilities the right of habilitation and rehabilitation. On the other hand, Chapter III deals with the rights of Person with Disabilities to health services. Chapter IV deals with protection of persons with severe disabilities. Last but not least, Chapter V deals with situations of risk and humanitarian emerge

Apart from amendment of the law, there are also a number of social welfare and social service policy that secure the rights of disabled people in Malaysia. For example, the aims of The National Welfare Policy 1990

is to create a stable and secure society, self-reliance, equal opportunity to all, fostering the spirit of mutual help, and support in an effort to enhance the caring culture. On the other hand, The National Social Policy 2003 focuses on enhancing and ensuring that equal rights and full participation in Malaysian society is given to person with disabilities. There are 15 priority areas focussed by the Policy namely advocacy, rehabilitation, education, health, employment, support services, personal safety, housing, social development, children and women disability, and accessibility. Instead of that, the National Policy for Persons with Disabilities 2007 has objectives of achieving social integrity and stability, well-being for an established and progressive Malaysian society. It also focuses on national fortitude. Moreover, the National Plan of Action for Person with Disabilities (2007-2012) has taken to create a better awareness and creating a positive attitude.

In the same research paper by M. Rezaul Islam (2015), it is suggested that although there are policies and law that protects the person with disabilities, there are still many gaps between these provisions. Instead of that, there is also a lack of strong advocacy groups to advocate for the person with disabilities at the individual and community level. The inclusion of person with disabilities in all stages of decision making is as important as promoting awareness of the rights of disabled persons. The Coalition of Malaysian NGOs in the UPR Process (COMANGO) stated that although Malaysia had signed the Convention on the Rights of Person with Disabilities and disability laws are adopted, the law does not provide for rights of redress against those who violate the law protecting the rights of person with disabilities. Therefore, disabled person still continues to face difficulties in Malaysia. For example, the public transport in Malaysia is not designed to make disabled person safe while using the services. Instead of that, with the rising cost of living, disabled person in Malaysia still face problems with unemployment and expensive medical cost. The people with disabilities are often considered as the 'vast minority group' and this group had become more and more vocal and visible day by day. There are many improvements that need to be done to ensure the better quality life of disabled person in Malaysia.

In my opinion, the government has to amend the law protecting person with disabilities to reduce the gaps between provisions to the minimal. This is to ensure that the right of disabled person is not being deprived. Instead of that, the law concerned should also cover public transport to ensure they are disabled-friendly. Another way to protect the rights of disabled person life in Malaysia is to encourage the advocacy of person with disabilities at individual and community level. As many people are unclear about the law, government officials should hold lecture regarding Person with Disabilities Act 2008 to inform the public the rights of a disabled person.

Besides, rights of person with disabilities are protected by including them in all stages of decision making. For example, when amending law regarding person with disabilities, the law maker should include disabled

person when making and amending law because a disabled person is clearer on what rights of the person with disabilities is not fulfilled. Apart from that, the law should also punish people who violate the law that is enacted to protect the human rights of person with disabilities. One of the way to punish such offenders is to fine them as it will serve as a reminder to the public to protect the rights of person with disabilities as provided by the law.

In conclusion, there is still a long way to go for Malaysia in the matter of protecting the rights of person with disabilities. The main focus to enhance the protection of the rights of disabled person is to amend laws with the presence of disabled person in the process.

LITERATURE REVIEW 5

Employment is an important factor in determining a person's status and well-being in our society. Employment provides structure, purpose, meaning to life and money for living. However, people with disabilities are often unable to achieve this level of participation, as their unemployment rate is considerably higher than that of people without disabilities. Even when those with disabilities are employed, they are concentrated in lower grade and lower paid positions.

In Malaysia, we have laws relating to the people with disabilities. For instance, there is Persons with Disabilities Act 2008 where it lays out law which relates to disabilities. Although we have this law mentioned above but, these laws are not really practised by every organisation here in Malaysia. There are certain issues in Malaysia which causes the problem of employment of the disabled person.

The first issue is to create and widen employment opportunities for disabled people in both urban and rural areas. For an example, with the ingenious application of the principles and practices that produce successful enterprises and jobs in the normal economies, the numbers of employment opportunities that are suitable for and open to people with the many types of functional limitations that constitute disabilities can be greatly enlarged.

Secondly, corporate companies have their own employment programme for the disabled. Firstly they formulate and disseminate a corporate policy where the management should communicate its intent comprehensively and regularly in the company's house organ, in management orientation meetings, in supervisory training seminars, in press releases which tell of successfully employed disabled workers, in photographs of disabled employees in the company's recruitment brochures and annual reports, and in references to the disabled employment policy in recruitment advertisements and Of course, the surest way to encourage any department manager to employ disabled workers is to include a review of his efforts to hire and train the disabled as an integral part of his annual performance evaluation, and to take his

past year's success or failure in this regard into consideration in determining the size of his next salary increase.

Other than that, another major issue here with employment of the disabled in Malaysia is transportation. Transportation is a crucial problem for people with disabilities because the current public transportation system is unfriendly and inaccessible to them. This situation would be improved if employers could provide them with decent accommodation or transportation to and from their workplaces. Not only that, although there are laws in the Building laws that clearly stipulate all public buildings should be able to accommodate facilities for the disabled, but in reality there is no enforcement on the implementation of this particular law. This has resulted in many public buildings that continue to be inaccessible to people with disabilities, especially to those in wheelchairs and stretchers. As in Ireland this feature is very much needed to pass an audit for the building. They have to check the building every 3 years once to ensure they have the correct standards up to date.

Apart from that, Discrimination at work is another issue. In Malaysia, although there are enough worker quotas, there is discrimination the most apparent reason is related to their working relationships with their employers and colleagues, especially with those who could not understand their needs and feelings they tend to overlook disabled people in employment or rewards. Looking into, New Zealand, they have their own Human Rights Act which makes sure that people who are disabled are not discriminated in employment areas. The ideology behind this came from equality; people with disabilities should be given the same opportunities to employment. However, the provisions of the Human Rights Act only protect people suffering with disabilities from discrimination in employment matters if they are qualified for open employment.

In my opinion, we must support and give moral support workers with disabilities. The government has to arrange a budget to start the The Department of Labor for the Disability Employment Initiative, where they should come up with of One-Stop Career Center to serve people who are disabled. The budget from the Government should propose a new Disability Insurance to make sure the Social Security work rules and regulations are straighter and also allow the beneficiaries to allow them to work without the fear of losing the benefits given to them.

Other than that, we must come up with Disability Research Department. The authority in charge must conduct comprehensive and coordinated programs of research and related activities to maximize the full inclusion, work employment, and independent living of individuals with disabilities of all ages.

There are still many more Malaysians with disabilities who are still unemployed. Even those who are employed have their problems because they find that the salaries they are earning are much lower than the pay that they should be paid by their academic qualifications. To diminish this problem, discriminatory treatment is still clear despite the existence of Malaysia's People with Disability Act. This has just proved to us that the

Act is unsuccessful in protecting Malaysian people with disabilities from discrimination or exploitation in workplace.

As a conclusion, there are still improvements that we can make to the laws regarding the disabled people as the current laws are not covered fully. It is therefore proposed here that either the existing Act should be revised again or Malaysia should come with another act which is like Anti-Discrimination Act like just like the the United Kingdom's Disability Discrimination Act 1995 (DDA) and The Americans with Disability Act 1990 (ADA) in the United States, just to protect the rights of vulnerable groups like the people with disabilities.

SCOPE

The topic of this assignment is disability and work. This is one of the topics that have been covered by the International Labour Organisation (ILO). In this assignment, the scope of research had been limited to the protection to the people with disability over his/her right to the equal employment opportunity in Malaysia. In doing the research, the factor of high unemployment rate among the disabled had also been discussed. The area of discussion in this assignment had been confined to whether the disabled's right to equal employment opportunity is being well-protected in Malaysia. The suggestions and reformations to provide a better protection to the disabled regarding this issue had as well been discussed in the literature review.

LIMITATIONS

After doing the research on this topic, it has been found that there are a few limitations in ensuring the right to equal employment opportunity of the disabled in Malaysia is well-protected. One of the limitations is that the Person with Disabilities Act 2008 in Malaysia which protects the disabled is not comprehensive enough because it does not contain any penalty or remedial section that is to be imposed on the non-compliance. This makes the Act not compulsory to be followed by the employers. Besides, there are also very less intention among the employers to hire the people with disabilities as their employees because they have the wrong perception that disabled are not able to perform any jobs or not as effective as the employees without disabilities.

Furthermore, the society tends to discriminate the people with disabilities, thinking that they are the 'weak group' and unable to work. The physical disabilities of the disabled tend to be looked by the society as the barrier for the disabled in getting employed. Last but not least, there is a lack of promotion of the right of disabled to equal employment opportunity among the society. This leads to the prejudice and social stigma in which the disabled being denial of their rights to get employed and also very often being neglected and forgotten.

SUMMARY OF THE CHAPTERS

Person with disabilities means the person who is having disability in term of mental or physical and normally they are unable to carry out or perform some natural activities. However, a person with disabilities does not mean that the person does not have the ability to be employed as an employee.

In Malaysia, the unemployment rate of the disabled is way higher than the persons without disabilities. The disabled very often being denied of their right to equal employment opportunity. The factor of such denial is that most of the employers do not have an adequate and sufficient understanding of disabilities. Besides, the disabled person does not have a high educational level and special skill in which the company requires the employees to have a high educational level so that they can develop a new plan which can save cost and time. In addition, there is also very less intention from the employers to hire the persons with disabilities as their employees thinking that they are unable to work.

The official protection of the disabled right to employment can be seen through the Person with Disabilities Act 2008 which provides that disabled has right to access to employment. Besides, the Government gives financial supports to the disabled people, known as 'Disabled worker allowance' and also introduce 'Asia Community Service' (ACS) to provide some easy jobs to the intellect disabled people.

The protection of disabled's right to equal employment is insufficient, thus suggestions and reformations are needed. One of the suggestions is that the Parliament should consider amending the Person with Disabilities Act 2008 and make the compliance to the Act as mandatory by adding in remedial and penalty section. Moreover, government can vacate some jobs from various fields and offer to the disabled person especially the disabled with low qualifications. The government and the NGO can work together to solve the environmental barriers faced by the disabled person, for instance, the transport problem by providing suitable public transport to the disabled persons to reach their workplace and make the workplace easily accessible to them. The Government can also provide training for the disabled to help them to adapt to their working environment. Lastly, the employers should give support by willing to hire the disabled as their employees and throwing away all prejudices and discrimination towards them.

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