

Malaysia

Women, Business and the Law 2020 presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Kuala Lumpur). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Malaysia scores 50 out of 100**. The overall score for Malaysia is lower than the regional average observed across East Asia & Pacific (71.3).

Malaysia - Scores for Women, Business and the Law 2020



Relative Strengths

Malaysia does not attain a perfect score on any of the WBL2020 indicators. There is room for improvement across all eight indicators.

Areas for Improvement

However, when it comes to constraints on freedom of movement, laws affecting women's decisions to work, laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, constraints on women's starting and running a business, gender differences in property and inheritance, and laws affecting the size of a women's pension, Malaysia could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Malaysia is on the indicator related to laws affecting women's work after having children (the WBL2020 Parenthood Indicator). To improve on the Parenthood Indicator, Malaysia may wish to consider making paid leave of at least 14 weeks available to mothers, making the government administer 100% of maternity leave benefits, making paid leave available to fathers, making paid parental leave available, and prohibiting the dismissal of pregnant workers.

Recent Reforms (2018-2019)

No reforms impacting the WBL2020 indicators have been observed during the past two years.



	QUESTION	ANSWER	LEGAL BASIS
Mobility	Can a woman choose where to live in the same way as a man?	No	Islamic Family Law Act (Federal Territories Act), 1984, Art. 59(2)(c)
	Can a woman travel outside her home in the same way as a man?	No	Islamic Family Law Act (Federal Territories Act), 1984, Art. 59(2)(b)
	Can a woman apply for a passport in the same way as a man?	Yes	Passport application procedures; Passport application form
	Can a woman travel outside the country in the same way as a man?	Yes	Islamic Family Law Act (Federal Territories Act), 1984, Art. 59(2)(b)
Workplace	Can a woman get a job in the same way as a man?	Yes	Married Women Act of 1957, Art. 4
	Does the law prohibit discrimination in employment based on gender?	No	No applicable provisions could be located
	Is there legislation on sexual harassment in employment?	Yes	Employment Act 1955, Sec. 2 and Part XVA
	Are there criminal penalties or civil remedies for sexual harassment in employment?	No	<i>Criminal:</i> No applicable provisions could be located <i>Civil:</i> No applicable provisions could be located
Pay	Does the law mandate equal remuneration for work of equal value?	No	No applicable provisions could be located
	Can women work the same night hours as men?	Yes	No restrictions could be located
	Can women work in jobs dangerous in the same way as men?	Yes	Jobs deemed hazardous: No restrictions could be located Jobs deemed arduous: No restrictions could be located Jobs deemed morally inappropriate: No restrictions could be located
	Are women able to work in the same industries as men?	No	Mining: Employment Act 1955, Art. 35 Construction: Employment Act 1955, Arts. 2 and 34 Factories: Employment Act 1955, Arts. 2 and 34 Agriculture: Employment Act 1955, Arts. 2 and 34 Energy: Employment Act 1955, Arts. 2 and 34 Water: Employment Act 1955, Arts. 2 and 34 Transportation: Employment Act 1955, Arts. 2 and 34 Other: No restrictions could be located
Marriage	Is there no legal provision that requires a married woman to obey her husband?	No	Islamic Family Law Act (Federal Territories Act), 1984, Art. 129
	Can a woman be head of household in the same way as a man?	Yes	No restrictions could be located
	Is there legislation specifically addressing domestic violence?	Yes	Domestic Violence Act 1994
	Can a woman obtain a judgment of divorce in the same way as a man?	No	Islamic Family Law Act (Federal Territories Act), 1984, Arts. 47-52
Parenthood	Does a woman have the same rights to remarry as a man?	No	Islamic Family Law (Federal Territories Act), 1984, Arts. 47(16) and 47(17)
	Is paid leave of at least 14 weeks available to mothers?	No	Employment Act 1955, Sec. 37(1)(a)
	Does the government pay 100% of maternity leave benefits?	No	Employment Act 1955, Sec. 37
	Is there paid paternity leave?	No	No applicable provisions could be located
	Is there paid parental leave?	No	No applicable provisions could be located
Entrepren.	Is dismissal of pregnant workers prohibited?	No	No applicable provisions could be located
	Does the law prohibit discrimination in access to credit based on gender?	No	No applicable provisions could be located
	Can a woman sign a contract in the same way as a man?	Yes	No restrictions could be located
	Can a woman register a business in the same way as a man?	Yes	No restrictions could be located
Assets	Can a woman open a bank account in the same way as man?	Yes	No restrictions could be located
	Do men and women have equal ownership rights to immovable property?	Yes	Married Women Act of 1957, Art. 5
	Do sons and daughters have equal rights to inherit assets from their parents?	No	Federal Constitution of Malaysia, Art. 3; Distribution Act, Art. 2
	Do female and male surviving spouses have equal rights to inherit assets?	No	Federal Constitution of Malaysia, Art. 3; Distribution Act, Art. 2
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Married Women Act of 1957, Sec. 5
Pension	Does the law provide for the valuation of nonmonetary contributions?	Yes	Islamic Family Law (Federal Territories Act), 1984, Art. 58(4)(a)
	Are the ages at which men and women can retire with full pension benefits equal?	Yes	Women: Minimum Retirement Age Act of 5 August 2012, Art. 4(1) Men: Minimum Retirement Age Act of 5 August 2012, Art. 4(1)
	Are the ages at which men and women can retire with partial pension benefits equal?	Yes	Women: Employees Provident Fund Act of 28 March 1991, Art. 54(6)(a) Men: Employees Provident Fund Act of 28 March 1991, Art. 54(6)(a)
	Are the mandatory retirement ages for men and women equal?	Yes	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are periods of absence due to child care accounted for in pension benefits?	No	No applicable provisions could be located