Client Alert

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The Continued Liberalisation of the Movement Control Order and PRIHATIN Screening Programme

On 28 April 2020, the Minister of International Trade and Industry ("**MITI**") announced the liberalisation of certain measures imposed on the operation of businesses during the Movement Control Order period ("**MCO**").

On 27 April 2020, the Social Security Organisation ("**SOCSO**") also issued guidelines in relation to the PRIHATIN Screening Programme ("**PSP**") ("**PSP Guidelines**") following the announcement by MITI that all employees of businesses approved to operate during the MCO are required to undergo COVID-19 health screenings.

Liberalisation

On 28 April 2020, the MITI Minister had announced that businesses that have received MITI's approval to operate during the MCO ("**Permitted Businesses**") can:

(a) increase their workforce capacity to 100% (from the previous 50%); and

(b) operate without any time restriction,

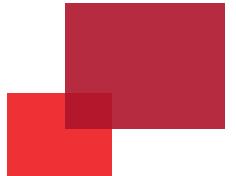from 29 April 2020 onwards (collectively, "**Selected Relaxation Measures**").

The Permitted Businesses do not have to reapply to MITI or obtain their local authority's approval to enjoy the Selected Relaxation Measures. Businesses that had only previously provided the names of selected employees to MITI must now submit a list of all employees to MITI. This will help facilitate the movement of employees who will encounter roadblocks in place throughout the MCO.

Businesses that are not providing essential services or have not received approval to operate from any Ministries / Government departments are not allowed to operate from their business premises, notwithstanding MITI's latest announcement regarding the Selected Relaxation Measures.

PSP

(a) Background

All employees (including foreign employees) working for businesses approved to operate during the MCO are required by MITI to undergo COVID-19 health screenings ("**Screening**"). SOCSO will bear the cost of the Screening for employees who are registered with and contributing to SOCSO. Employers are expected to bear the cost of Screenings carried out on foreign employees who are not registered with SOCSO. Individuals

currently working from home are exempted from the requirement to undergo the Screening provided they continue to work from home during this period.

The Screening will be implemented in two phases:

(i) **Phase One**: The Screenings during this phase will focus on employees working in the red or yellow zones designated by the Ministry of Health. The Screenings will be carried out by service providers appointed by SOCSO ("**Service Provider**").

(ii) **Phase Two**: Phase two Screenings will focus on employees who have not been screened during phase one and will be carried out by SOCSO's PSP panel clinics. Phase two Screenings are expected to commence on the first week of May 2020.

As part of the Screenings, SOCSO will collect other relevant information such as the employees' medical history, exposure to COVID-19 patients and attendance at assemblies.

(b) Application for Phase One Screening

Eligible employees (i.e., employees who are registered with and contributing to SOCSO) will first be required to sign-up individually through SOCSO's PSP Portal[1] by providing their Malaysian identification card number or Foreign Worker's Social Security Number (KSPA), their PERKESO Employer Code and the MITI approval letter reference number issued to their employer. Businesses are expected to assist employees who do not have online access to the PSP Portal.

Employers which are allowed to operate without MITI approval letters (i.e., essential services provider or businesses with approvals from other Ministries / Government department) should contact SOCSO to obtain the requisite information to allow its employees to register for the Screenings.

Upon successful registration through the PSP Portal, the employees will receive a validation key which will enable them to access their individual profiles on the PSP Portal.
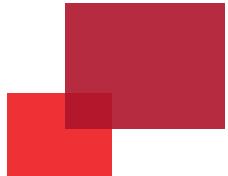
Employees can then make an appointment with their preferred Service Provider based on the list of Service Providers available on the PSP Portal.[2]

(c) Phase One Screening

Screenings are carried out on an appointment basis only. Service Providers will conduct the Screenings at either the employee's work premises or the Service Provider's premises.

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[1] https://prihatin.perkeso.gov.my/
[2] https://psp.perkeso.gov.my/psp-service-provider.html

Employees must bring their identification documents, such as an identity card or passport, and provide their validation key for authentication by the Service Provider.

The results of the Screening will be available online on the PSP Portal within 48 hours of all requisite samples being taken. Employees may review their results through their individual profiles on the PSP Portal. Whilst waiting for the results of the Screening, the employees may return to the workplace although SOCSO recommends that these employees refrain from doing so until their test results have been obtained and they test negative for COVID-19, to ensure a safe and healthy workplace for all and curb the spread of the virus.

The results of the PSP are confidential and will only be shared with the relevant employee, Service Provider and SOCSO. Should an employee test positive for COVID-19, the relevant Service Provider will notify the Ministry of Health. The employer may therefore not be alerted to a positive test, although it is anticipated that the Ministry of Health will take necessary action to compel the closure of the workplace and impose necessary quarantine measures to contain any potential formation of a cluster.

Conclusion

The PSP and the continued liberalisation of the restrictions under the MCO are welcomed by the business community. It demonstrates the Government's effort to balance the need to restart the economy whilst curbing the spread of COVID-19.

We expect SOCSO to issue further policies on Phase Two of the Screening in due course. Businesses should monitor these further developments.