

## Client Alert

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## Daily Reporting Requirement for Companies Operating during the Control Period Pursuant to the CMCO

Following the implementation of the Conditional Movement Control Order ("**CMCO**") from 4 May 2020 until 9 June 2020 ("**Control Period**"), all economic sectors and business activities (save for prohibited activities) are allowed to resume operations, subject to the conditions and industry-specific Standard Operating Procedures ("**SOP**").

On 20 May 2020, the Department of Occupational Safety and Health ("**DOSH**") of the Ministry of Human Resources announced that businesses that have resumed operations must submit a daily report on its compliance with the SOP applicable to the businesses ("**Daily Reporting Requirement**"). The Daily Reporting Requirement came into effect on 20 May 2020.

### Daily Reporting Requirement

The Daily Reporting Requirement is imposed under Section 15 of the Occupational Safety and Health Act 1994 ("**OSHA**"), which imposes a general duty on employers and self-employed persons to ensure the safety, health and welfare of their employees.

A person who contravenes Section 15 of the OSHA will be liable to a fine up to RM 50,000 and/or imprisonment for up to 2 years. For an offence committed by a company, the director and management of the company will also be liable to similar penalties.

### Procedure

Businesses operating during the Control Period are required to submit the daily reports by completing an online form available on the CIMS 3.0 system<sup>1</sup> maintained by the Ministry of International Trade and Industry ("**MITI**").


Businesses are required to have a user account to access the CIMS 3.0 system. Businesses previously registered with MITI for CIMS 2.0 (e.g. for approval to operate during the Movement Control Order) will not be required to register for a new user account. They may access the new system by using their existing login credentials under the previous system.

When submitting the daily reports, businesses will be required to provide the following details:

- (a) company name;

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<sup>1</sup> The CIMS 3.0 system is accessible at <http://notification.miti.gov.my>.

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- (b) company registration number, regulatory licence number, professional licence number or local authority registration number (as applicable);
  - (c) address of business premises;
  - (d) industry sector;
  - (e) name of compliance officer, designation and contact details;
  - (f) the specific SOP followed by the business;
  - (g) confirmations relating to the business' prevention measures that are in place, including whether:
    - (i) there are employees under investigation or subject to house quarantine order, etc;
    - (ii) employees are provided with personal protection equipment appropriate to the nature of their work;
    - (iii) functional thermometers are prepared;
    - (iv) there is temperature and COVID-19 symptom screening at the entrance of the business premises;
    - (v) temperature screening is carried out by trained staff;
    - (vi) records of temperature of employees, customers and visitors, as well as their name and contact number are kept (such records must be kept for at least 3 months);
    - (vii) hand sanitisers and disinfection kits are placed at the entrance and other appropriate locations within the premises;
    - (viii) when carrying out sanitisation, priority is given to the use of safe chemicals in disinfectant and cleaning agents;
    - (ix) the business has followed the daily frequency of sanitisation as required under the applicable SOP;
    - (x) vehicles used to transport employees have been sanitised at a frequency as required under the applicable SOP;
    - (xi) social distancing of a minimum of 1 metre is complied with;
    - (xii) the business distributes any information on COVID-19 prevention and control measures to its employees; and
    - (xiii) the workplace has good air ventilation.

Lastly, businesses will also need to declare:

- (a) whether all foreign workers working in the construction sector or as security guards in the state of Selangor or Federal Territory of Kuala Lumpur have taken a COVID-19 test (if applicable); and



- (b) whether the business agrees to assist and cooperate with the Ministry of Health or other authorities in contact tracing if any employee is found to be infected by COVID-19.

Note that businesses are required to submit separate daily reports for multiple business premises.

### **Conclusion**

Businesses should comply with the Daily Reporting Requirement to prevent enforcement action by the relevant authorities. Businesses will need to monitor regulatory developments closely as the Malaysian Government may impose new requirements and procedures from time to time.

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