LEGAL PROTECTION FOR GIG ECONOMY WORKERS IN MALAYSIA: A REVIEW

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**Abstract**

The gig economy is tremendously demanded and identified as a new source of economic growth. The word gig used to be associated with performing artists hired for short term engagements. The word gig was later identified as with any job that is on an *ad hoc* or temporary basis. Recently gig economy included in the Twelfth Malaysian Plan (2021-2025) where government plan to develop ecosystem to support this sector. Indirectly it shows that the government is committed to maintaining the gig economy sector to sustain growth and to be a drive of prosperous, inclusive and sustainable Malaysia. During the COVID-19 pandemic, the role of gig workers has reclassified into ‘essential workers’ in delivering everyday sustenance of the global economy. Delivery personnel, e-hailing drivers and warehouse workers who were previously categorized as a low-skilled job, have become part of frontlines highlighting the importance of their contribution for others who stay at home. The biggest concerns are welfare considerations and safety for gig workers. Unlike salaried employees, gig workers generally do not have company covered insurance plans. Thus, they have to bear the cost if there is a work-related accident. Those in the gig economy run the risk of being mistreated or disadvantaged by employers. Their status as ‘independent contractor’ or ‘self-employed’ is not covered under the employment law. Thus gig workers are not entitled to enjoy basic employment rights such as annual leave, paid sick leave, minimum rest days, maternity leave for female workers, right for minimum termination notice, access to justice, termination benefits and protection against unfair dismissal. Beside of that, the issue relates to their occupation with the status as ‘independent contractor’ or ‘self-employed’, the question here is whether they are fully protected under the Occupational Safety & Health Act 1994 also arise. Therefore, this paper aim to look at to what extent legal protection for gig economy workers based on the existing Malaysian legislation. The discussion will canvas several Malaysian laws from the employment law, security protection as well as occupational safety and health legislation in order to give a picture of legal protection for gig economy workers.

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