

BAB 91: CUTI BERSALIN

PEKERJA TEMPATAN

Kehamilan Lengkap	Kehamilan Tidak Lengkap										
Semua pekerja wanita berhak mendapat cuti bersalin selama 15 Minggu <table><tr><th>Sebelum</th><th>Selepas</th><td rowspan="2">15 Minggu</td></tr><tr><td>2 Minggu</td><td>13 Minggu</td></tr></table> <u>Pembayaran Gaji</u> - Gaji dibayar untuk tempoh 13 minggu 2 minggu terakhir baki cuti adalah cuti tanpa gaji	Sebelum	Selepas	15 Minggu	2 Minggu	13 Minggu	Semua pekerja wanita yang mengalami kehamilan tidak lengkap (keguguran) pada usia 24 minggu atau keatas, berhak mendapat cuti bersalin selama 8 minggu <table><tr><th>Sebelum</th><th>Selepas</th><td rowspan="2">8 Minggu</td></tr><tr><td>2 Minggu</td><td>6 Minggu</td></tr></table> <u>Pembayaran Gaji</u> Gaji dibayar untuk tempoh 8 minggu	Sebelum	Selepas	8 Minggu	2 Minggu	6 Minggu
Sebelum	Selepas	15 Minggu									
2 Minggu	13 Minggu										
Sebelum	Selepas	8 Minggu									
2 Minggu	6 Minggu										
<u>Kelayakan</u> ✓ Rakyat atau Penduduk Tetap Brunei Darussalam ✓ Telah berkhidmat dengan majikan selama 180 hari (6 bulan) dan ke atas ✓ Pekerja yang carumannya perlu dibayar oleh majikan bagi pihak pekerja di bawah SPK ✓ Berkahwin secara sah											

PEKERJA IMIGRAN

Kehamilan Lengkap

Semua pekerja wanita imigran berhak mendapat cuti bersalin selama **9 minggu**

Sebelum	Selepas	9
4 Minggu	5 Minggu	Minggu

- Gaji dibayar untuk tempoh **8 minggu**
- Telah berkhidmat dengan majikan selama **180 hari (6 bulan) dan ke atas**
- 1 minggu terakhir baki cuti adalah **cuti tanpa gaji**

Nota:

Mana-mana pekerja (rakyat, penduduk tetap atau pekerja imigran) yang telah berkhidmat dengan majikan kurang daripada 180 hari (6 bulan) tidak layak untuk dibayar gaji



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APA YANG AWDA PERLU TAHU?

1

GAJI TAMBAHAN UNTUK BEKERJA SEMASA TEMPOH FAEDAH BERSALIN

- Jika pekerja wanita bekerja dalam tempoh faedah sebelum bersalin:
 - ✓ Dia berhak menerima sama ada **gaji tambahan sehari**, atau
 - ✓ **Satu hari tambahan** selepas cuti bersalinnya berakhir

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TUNTUTAN DARIPADA SEORANG MAJIKAN SAHAJA

- Pekerja wanita hanya boleh menuntut faedah bersalin daripada **seorang majikan sahaja** bagi setiap kehamilan

3

TIDAK MELEPASKAN HAK BERSALIN

- Pekerja wanita **tidak boleh mengetepikan** hak bersalinnya
- Sebarang kontrak yang menghapuskan hak ini adalah **tidak sah**

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NOTIS CUTI BERSALIN

- Pekerja wanita hendaklah memberikan notis **sekurang-kurangnya 1 minggu** sebelum memulakan cuti bersalin
- Dia hendaklah memaklumkan majikannya **secepat mungkin** selepas bersalin
- Jika notis tidak diberikan, **hanya separuh bayaran diberikan** - melainkan ada sebab yang munasabah
- Dia boleh **mencalonkan seseorang** untuk menerima bayaran bagi pihaknya

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BILA PEMBAYARAN PERLU DIBUAT

- Untuk pekerja bergaji hari:
 - ✓ Dalam **tempoh 7 hari selepas bersalin**, dan
 - ✓ Dalam **tempoh 7 hari selepas cuti bersalin tamat**
- Untuk semua pekerja lain:
 - ✓ Dibayar pada **hari gaji biasa**



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CUTI KELEPASAN AWAM ADALAH TERMASUK

- Seorang pekerja wanita dibayar setiap hari semasa cuti bersalin,
 - ✓ Termasuk cuti kelepasan awam
 - ✓ Tetapi **tiada bayaran tambahan** untuk cuti

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JIKA PEKERJA WANITA MENINGGAL DUNIA SEBELUM ATAU SELEPAS BERSALIN

- Jika kematian berlaku **sebelum bersalin**:
 - ✓ Bayaran diberikan kepada **orang yang dicalonkan atau wakil sahnyanya** (gaji maksima 30 hari)
- Jika kematian berlaku **selepas bersalin**:
 - ✓ Semua **faedah yang belum dibayar** mesti dibayar

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PERLINDUNGAN PEKERJA SEMASA CUTI BERSALIN

- Majikan **tidak boleh memecat** pekerja wanita semasa cuti bersalinnya
- Tiada notis boleh diberikan yang **tamat tempoh semasa cuti**

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PEMECATAN TIDAK ADIL SEBELUM BERSALIN

- Jika pekerja wanita diberhentikan kerja **dalam tempoh 3 bulan sebelum bersalin** tanpa sebab yang sah:
 - ✓ Dia masih mendapat faedah bersalinnya
 - ✓ Menteri boleh:
 - Perintah **pengambilan semula dengan gaji penuh**, atau
 - Perintah **pampasan**
 - ✓ Majikan hendaklah mematuhi atau berdepan dengan denda/penjara

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TIADA KERJA DALAM MASA 4 MINGGU SELEPAS BERSALIN

- Majikan **tidak boleh** membenarkan pekerja wanita bekerja
 - ✓ Dalam **tempoh 4 minggu selepas bersalin**



NASIHAT UNDANG-UNDANG

2383006 EXT 4210 (WAKTU BEKERJA)
8244210 (WAKTU BEKERJA)



TALIAN ADUAN

2381848 (WAKTU BEKERJA)
7298989 (SELEPAS WAKTU BEKERJA)



ADUAN MELALUI NLMS

TEKAN ICON "ADUAN PERLANGGARAN
UNDANG-UNDANG PERBURUHAN"



PERTANYAAN MAKLUMAT LANJUT:

WWW.LABOUR.GOV.BN
INFO.BURUH@BURUH.GOV.BN

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BEKERJA DENGAN MAJIKAN LAIN SEMASA CUTI

- Pekerja wanita yang bekerja dengan majikan lain semasa cuti bersalin:
 - ✓ Hilang haknya untuk mendapat manfaat
 - ✓ Boleh juga diberhentikan kerja

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TUNTUTAN PEMBAYARAN BALIK GAJI BAGI PEKERJA TEMPATAN:

- Pihak majikan membayar gaji bagi tempoh 8 minggu pertama
- Pihak Kementerian Kewangan membantu membayar gaji penuh bagi tempoh 5 minggu berikutnya
- Majikan perlulah membuat pembayaran gaji pekerja terlebih dahulu bagi tempoh 5 minggu tersebut dan kemudiannya membuat tuntutan pembayaran balik kepada Kementerian Kewangan
- Borang Tuntutan Cuti Pembayaran balik gaji boleh didapati di laman sesawang www.labour.gov.bn

Denda Kesalahan di bawah Bab 91, Akta Pekerjaan (Penggag 278)

Kesalahan	Individu/Syarikat
Pertama dan Kedua	Denda kompaun tidak melebihi B\$1,000 bagi setiap kesalahan
Ketiga atau gagal membayar denda kompaun akan dihadapkan ke Mahkamah	Denda tidak melebihi B\$1,000 , dihukum penjara tidak melebihi 6 bulan atau kedua-duanya sekali



SEC 91: MATERNITY LEAVE

LOCAL EMPLOYEE

Complete Pregnancy	Incomplete Pregnancy										
All female employees are entitled to 15 weeks of maternity leave. <table><tr><th>Before</th><th>After</th><td rowspan="2">15 Weeks</td></tr><tr><td>2 Weeks</td><td>13 Weeks</td></tr></table> <u>Payment of Salary</u> - Salary is paid for period of 13 weeks - The final 2 weeks of the remaining leave is unpaid leave.	Before	After	15 Weeks	2 Weeks	13 Weeks	All female employees who suffer from incomplete pregnancy (miscarriage) at 24 weeks or above, are entitled to 8 weeks of maternity leave <table><tr><th>Before</th><th>After</th><td rowspan="2">8 Weeks</td></tr><tr><td>2 Weeks</td><td>6 Weeks</td></tr></table> <u>Payment of Salary</u> Salary is paid for period of 8 weeks	Before	After	8 Weeks	2 Weeks	6 Weeks
Before	After	15 Weeks									
2 Weeks	13 Weeks										
Before	After	8 Weeks									
2 Weeks	6 Weeks										
<u>Eligibility</u> ✓ Applies to citizen or permanent resident of Brunei Darussalam ✓ Has served an employer for 180 days (6 months) and above ✓ An employee whose contributors are payable by her employer on behalf of the employee under SPK ✓ Lawfully married											

IMMIGRANT EMPLOYEE

Complete Pregnancy

All immigrant female employees are entitled to **9 weeks** of maternity leave

Before	After	9 Weeks
4 Weeks	5 Weeks	

- Salary is paid for a period of **8 weeks**
- Has served an employer for **180 days (6 months) and above**
- The final week of remaining leave is **unpaid leave**

Note:

Any employee (citizen, permanent resident or immigrant) who has served with the employer for less than 180 days (6 months) is not entitled to be paid any salary



SEC 91: MATERNITY LEAVE

WHAT YOU NEED TO KNOW?

- 1 ADDITIONAL PAY FOR WORKING DURING MATERNITY BENEFIT PERIOD**
 - If a female employee works during the benefit period before giving birth;
 - ✓ She is entitled to receive either an **extra day's pay**, or
 - ✓ **One extra day off** at the end of her maternity leave instead
- 2 CLAIMING FROM ONE EMPLOYER ONLY**
 - A female employee can only claim maternity benefits from **only one employer** per pregnancy
- 3 NO GIVING UP MATERNITY RIGHTS**
 - A female employee **cannot waive** her maternity rights
 - Any contract that removes these rights is **not valid**
- 4 NOTICE OF MATERNITY RIGHTS**
 - A female employee must give **at least 1 week's notice** before starting maternity leave
 - She must inform her employer **as soon as possible** after giving birth
 - If notice is not given, **only half payment** is given unless there's a valid reason
 - She may **nominate someone** to receive payments on her behalf
- 5 WHEN PAYMENT TO BE MADE**
 - For Daily-rated employees:
 - ✓ Within **7 days of delivery**, and
 - ✓ Within **7 days after the maternity leave ends**
 - For all others:
 - ✓ Paid on the **normal payday**



SEC 91: MATERNITY LEAVE

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PUBLIC HOLIDAYS ARE INCLUDED

- A female employee is paid for **every day** during maternity leave
 - ✓ Including public holidays
 - ✓ But **no extra pay** for holidays

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IF A FEMALE EMPLOYEE DIES BEFORE OR AFTER GIVING BIRTH

- If death happens **before delivery**:
 - ✓ Payment goes to her **nominated person or legal representative** (max 30 days' pay)
 - ✓ But no extra pay for holidays
- If death happens **after delivery**:
 - ✓ All **unpaid benefits** must be paid out

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JOB PROTECTION DURING MATERNITY LEAVE

- An employer **cannot dismiss** a female employee during her maternity
- No notice can be given that **expires during leave**

9

UNFAIR DISMISSAL BEFORE BIRTH

- If a female employee is dismissed **within 3 months before giving birth** without a valid reason
 - ✓ She still gets her maternity benefits
 - ✓ The Minister may:
 - Order **reinstatement with full pay**, or
 - Order **compensation**
 - ✓ Employer must comply or face **finances/imprisonment**

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NO WORK WITHIN 4 WEEKS AFTER DELIVERY

- An employer **must not** allow a female employee to work
 - ✓ Within **4 weeks after giving birth**



SEC 91: MATERNITY LEAVE

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WORKING FOR ANOTHER EMPLOYER DURING LEAVE

- A female employee who works for **another employer** during maternity leave:
 - ✓ **Loses her right** to benefits
 - ✓ May also be **dismissed**

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SALARY REIMBURSEMENT FOR LOCAL EMPLOYEE

- The employer pays the basic salary for the first 8 weeks
- Following this, the government helps to pay salary for a period of 5 weeks
- However, the employer is obliged to make advance salary payments for the above-mentioned 5 weeks period and then make claim to the government for repayment
- The salary reimbursement leave claim form is available on the website www.labour.gov.bn

Offences	Individual/Company
First and second	Compound not exceeding B\$1,000 for each offence
Third or failure to pay the compound will be brought to the court	Fine not exceeding B\$1,000 , imprisonment for a term not exceeding 6 months or both

