

Foreign Worker Compliance Pack

Template for reference only. Legal advice is recommended before signing.

FOREIGN WORKER COMPLIANCE PACK

For F&B (Services sector) employers hiring foreign workers in Peninsular Malaysia.
Framework based on: Immigration Act 1959/63, Employment Act 1955 Part XIIB, Workers' Minimum Standards of Housing and Amenities Act 1990 (Act 446, amended by Act A1604 of 2019), Employees Provident Fund Act 1991, Passports Act 1966, Employment (Restriction) Act 1968, and 2026 KDN / Imigresen / FWCMS / FOMEMA directives.

Establishment: _____

SSM Registration No.: _____ | Business Licence No.:

HR Officer: _____

FWCMS Employer Account: _____

PART I – Pre-Recruitment (VDR Application via FWCMS)

#	Document / Action	Responsible	Status
1	Register company on FWCMS portal (fwcms.com.my)	HR	[]
2	e-SSM company profile (latest) uploaded to FWCMS	HR	[]
3	Form 9 / Form 13 / Form 24 / Form 49 (as applicable for Sdn Bhd)	HR	[]
4	Business licence from local council (MBPJ / MBPP / DBKL)	HR	[]
5	Latest Borang J (income tax return) or audited accounts	HR	[]
6	Application to KDN (Ministry of Home Affairs) for foreign worker quota	HR	[]
7	Quota approval letter (Surat Kelulusan Kuota) received	KDN	[]
8	Job Description (JD) for each position	HR	[]
9	Advertisement of job vacancy on MYFutureJobs (minimum 7 days – local priority hiring requirement)	HR	[]
10	VDR (Visa Dengan Rujukan) application submitted via FWCMS	HR	[]
11	Levy payment (Services sector F&B: RM1,850–1,950 per worker per year)	HR	[]
12	VDR approval from Immigration Department of Malaysia	Imigresen	[]
13	Worker obtains Entry Visa at Malaysian Embassy / High Commission in source country	Worker	[]

PART II – Arrival and Onboarding

#	Document / Action	Timeline	Status
14	Pick up worker at designated entry point (KLIA / KLIA2 / JB / Penang) with VDR + Entry Visa	Day 1	[]
15	Issue employment contract (English + worker's mother tongue version, 4 original copies)	Day 1	[]
16	FOMEMA medical examination at registered health centre	Within 30 days of arrival	[]
17	FOMEMA report released to Immigration Department	Within 7 working days of exam	[]
18	VPTE (Visit Pass Temporary Employment) / PLKS issued after "Certified Fit" result	After FOMEMA pass	[]
Foreign Workers' Compensation Scheme (FWCS)			
19	insurance activated (Workmen's Compensation Act 1952)	Day 1	[]
20	SKHPPA (Hospitalisation & Surgical Insurance Scheme for Foreign Workers) activated	Day 1	[]
21	EPF registration (Employer 2% + Employee 2%, mandatory since 2025-10)	Day 1	[]
22	SOCSO registration (Employment Injury Scheme for Foreign Workers)	Day 1	[]
23	Safety & hygiene induction training (recorded, signed by worker)	Week 1	[]
24	Halal training (if F&B business is Halal-certified)	Week 1	[]

PART III – During Employment (Act 446 + Ongoing Management)

#	Document / Action	Frequency	Status
25	Accommodation compliance with Act 446 – water / electricity / fire safety / medical access / minimum 3.6 sqm per person	Continuous	[]
26	Certificate of Accommodation (Sijil Akomodasi Pekerja) from JTKSM displayed at accommodation	Continuous	[]
27	Accommodation rental deduction ≤ RM100 per month (if any)	Each payroll	[]
28	Monthly payslip issued with EPF / SOCSO / EIS breakdown	Monthly	[]
29	Passport retained by Worker (Employer must not retain – Passports Act 1966)	Continuous	[]
30	Attendance / overtime records kept in accordance with EA1955 s.60A	Daily	[]
31	Annual FOMEMA medical re-examination (mandatory since 2023-12-16)	Yearly	[]
32	PLKS renewal – submit not later than 3 months before expiry (passport + current PLKS + FOMEMA + levy + insurance)	Yearly	[]
33	Halal committee check – if worker enters food processing area (maintain ≥ 2 Muslim workers rule)	Continuous	[]
34	I-Kad (Foreign Worker Identity Card) carried by worker at all times	Continuous	[]

PART IV – Termination and Repatriation

#	Document / Action	Responsible	Status
35	Resignation letter from Worker (or termination letter from Employer with reason)	HR	[]
36	Cancellation of PLKS via FWCMS / Imigresen within 30 days of termination	HR	[]
37	Final salary + outstanding leave payout + pro-rated bonus (if any)	HR	[]
38	EPF withdrawal form for non-citizen (KWSP 9K / 9N) assisted by HR	HR + Worker	[]
39	Repatriation flight to country of origin – borne by Employer (except voluntary resignation before contract end)	HR	[]
40	Check Out Memo (COM) from Imigresen confirming departure	Imigresen	[]
41	Update FWCMS record to “Departed”	HR	[]
42	Retain employment records for 7 years (EA1955 s.61)	HR	[]

PART V – Compliance Red Lines (Violations)

#	Violation	Penalty / Consequence
1	Passport retention by Employer	Criminal offence – Passports Act 1966 s.12(1) (f): fine up to RM10,000 or imprisonment up to 5 years
2	Levy deducted from Worker’s salary	Employment (Restriction) Act 1968: fine up to RM10,000 per worker per incident
3	Accommodation below Act 446 standards	JTKSM compound RM10,000 per unit; Certificate of Accommodation revoked
4	Employing without valid PLKS	Imigresen prosecution: fine RM10,000–50,000 per worker + imprisonment up to 5 years
5	Missed annual FOMEMA medical	PLKS renewal rejected; worker becomes illegal immigrant
6	No EPF contribution (since 2025-10)	KWSP prosecution + arrears + 10% interest; affects PLKS renewal

PART VI – Cost Estimate (Per Worker, Year 1)

Item	Estimated Amount (MYR)
Quota application fee	10
VDR application fee	125
Levy (Services sector, F&B)	1,850–1,950
FOMEMA medical fee	180–220
FWCS insurance	72
SKHPPA insurance	120
PLKS / VPTE fee	60
Recruitment agency fee (if used)	2,000–5,000
Repatriation flight (at contract end)	800–1,500
Total per worker, Year 1	MYR 5,200–9,000

Recurring costs from Year 2 onwards: Levy + FOMEMA + insurances ≈ MYR 2,300–2,400 per year.

Sign-off

Prepared by (HR Officer): _____ | Date: _____

Reviewed by (General Manager / Owner): _____ | Date: _____
