

Govt urged to understand dilemma



By [Adib Povera](#) - January 25, 2021 @ 9:02am



Health authorities and policemen conducting standard operating procedure checks on factory buses during Op Covid-19 at the Juru toll plaza in Bukit Mertajam on Friday. - NSTP/DANIAL SAAD

KUALA LUMPUR: The government has been asked to conduct a detailed study as well as stakeholder engagements before pushing ahead with its proposal to introduce harsher penalties against businesses and companies found violating the rules on Covid-19 prevention.

Observers say the government should take into consideration and weigh several matters, including the economic pressure brought on by the pandemic, which may cause companies to violate the guidelines in place to ensure the survival of their businesses.

Malaysian Employers Federation (MEF) executive director Datuk Shamsuddin Bardan said this could be achieved by engaging associations representing businesses and industries, which would help the government formulate an effective solution to get companies to comply with the regulations.

"I am sure most businesses have the respective groupings and associations that the government can meet to identify the root cause of the issue and subsequently come up with a better solution to the matter.



Datuk Shamsuddin Bardan

"Apart from understanding the issues and predicament faced by businesses and industries, the engagement session can act as a platform for the government to educate and even iron out disputes and confusion arising from guidelines as well as the standard operating procedures (SOPs) that are being enforced.

"Instead of simply penalising people, it is better for the government to continue with an educational and a hand-holding approach, especially during this critical and challenging period brought on by the pandemic," he said.

Shamsuddin also questioned if a first-time offender would be liable to the proposed RM100,000 fine against companies and businesses which failed to comply with SOPs on Covid-19 prevention.

"If the RM100,000 fine is being issued against repeat offenders, then by all means, the errant quarters deserve it.

"However, if the fine is levelled against a first-time offender who might commit the offence due to unclear understanding over the SOPs, then it would add to the financial burden of the company.

"(What is more concerning is when) we read reports of individuals compounded for not wearing face masks despite not being in crowded places," he said.

The Malay Chambers of Commerce Malaysia hoped the government would not adopt a blanket approach when penalising companies and businesses found violating the guidelines and SOPs on Covid-19 prevention.

Its deputy president Norsyahrin Hamidon said while he agreed that harsher penalties should be slapped on entertainment outlets, since such businesses were prohibited throughout the implementation of the Movement Control Order 2.0 (MCO 2.0), he reckoned the government should exhaust all avenues, including beefing up enforcement against errant quarters.

"There is enforcement on the ground, but we feel that it can be intensified to ensure that everyone, whether they are companies, businesses or individuals, complies with the SOPs introduced by the government to stem the outbreak.



Norsyahrin Hamidon

"Having said that, the government should come up with a clear guideline if it decides to push ahead with increasing the fine (against businesses and companies found breaching SOPs)," he said.

Associate Professor Dr Geshina Ayu Mat Saat said it was necessary to understand why companies were violating SOPs, besides making clear the purpose or justification for harsher punishment.

The criminologist and psychologist in Universiti Sains Malaysia said identifying and understanding the reasons why companies violated the law was a necessary step to ensure that the SOPs were adhered to.

Geshina said if companies violated the law for survival, this means a review should be done so that companies could survive MCO 2.0 and at the same time, the infection rate could be reduced.

"For example, there may be companies violating SOPs since the monetary assistance rolled out by the government may not be enough to keep their businesses afloat throughout the restricted movement orders, especially for small- and medium-scale enterprises.

"There may also be situations where companies are dealing with time-sensitive products. Some products that have a short shelf life or can't be stored for a long time may force businesses to remain in operation with many employees to complete orders for those products," she said.

Other factors that might compel companies to violate SOPs, she said, included businesses tied to chain agreements.

"Delivery deadlines have been agreed upon throughout the entire chain. As long as the raw materials are available, activities related to the chain will move regardless of movement restrictions," she said.

As an alternative to higher fines, Geshina said the government could also introduce community placement for errant people and organisations.

"This will educate them to experience for themselves what actually happens on the frontlines when it comes to protecting Malaysia and other people (from the risk of being infected by the virus)," she said.

Senior Minister (Security Cluster) Datuk Seri Ismail Sabri Yaakob on Thursday said the government was looking at raising fines for companies caught flouting SOPs.

He said the existing RM1,000 was not deterrent enough, hence an increase of up to RM100,000 or even jail time could be considered. The maximum fines for individuals could be raised as well.

He said the matter was being looked into by the Attorney-General's Chambers.