



ADVISORY NOTES TO MEMBERS OF ACEM

A. Overview

- 1) This Advisory Notes to ACEM Members are related to the latest Work From Home (WFH) Order from the Government under the Conditional Movement Control Order (PKPB) that is currently enforced from 14 to 27 October 2020.
- 2) This Advisory Notes is based on an online briefing by MITI (Chaired by the TKSU Dato' Sri Norazman bin Ayob) on 21 October 2020.
- 3) All ACEM Members are requested to appreciate the need and the principles applied under these Orders and to support by taking all necessary action to ensure the success of the objectives for the good of the Engineering Consulting business and industry and the Nation.
- 4) These Orders are necessary to overcome the Covid-19 pandemic and mitigate its severe impact on social and economic well-being.
- 5) One of the strategies is to curb people movement and close contact through the PKPB.
- 6) In view of the high numbers of new cases daily, the next strategy is for the Government to impose the WFH order to further ensure lesser people movement and contact.
- 7) This WFH order also applies to the Professional Services Sector under the purview of MITI. The Engineering Consulting Services is categorised under this sector.
- 8) A major point to note is that this PKPB and the WFH Order seeks to balance the need for strict Public Health Management with the need for Economic activities to continue its recovery path.
- 9) Achieving this balance requires to a large extent, the discipline of the public to adhere and practice the SOPs in place and with the encouragement of employees too.

B. The WFH Order and SOP

- 10) This WFH Order is effective from 22 October 2020 until the end-date of the PKPB.
- 11) Although the present end-date of the current PKPB is 27 October 2020, ACEM Members are, under the present trend of new cases, advised to plan for possible extension of the duration of the PKPB.
- 12) MITI has refrained from issuing a "one for all" SOP that would not be able to account for the differences in professional practices and business characteristics between and within the services sector. A "one for all" SOP tend to create confusion and could even stifle the performance of certain professional services.
- 13) Instead, MITI has given latitude to the respective Professional Services businesses to interpret and implement the SOPs.
- 14) In return MITI expects the Professional Services sector to act responsibly and demonstrate professionalism in implementing the PKPB, WFH Order and the SOP to be in line with the basic principles outlined.



- 15) If, in the unfortunate case that this expectation is not fulfilled or successful, the Government (MITI) would have no option but to revert to a strict "one for all" SOP and even a total lockdown.
- 16) The WFH SOP issued by MITI applies to "*Kakitangan Pengurusan dan Penyeliaan (KPP)*" (Supervisory and Management Staff). This category of staff is deemed as not essential to be present in numbers and at all times during the production activities of the company.
- 17) The examples of duties of the KPP staff given are those involved in Accounts, Finance, Administration, Legal, Planning and ICT.
- 18) At the briefing MITI also gave examples of posts under this category. These includes CEOs and top management.
- 19) MITI strongly advised companies not to change the designations of staff just to circumvent the conditions imposed. Penalties may be imposed if found guilty of such actions.
- 20) Only 10% of the total KPP Staff are allowed to Work From Office at any one time whilst the remainder shall WFH.
- 21) The staff shall work for only 3 days in a week and from 10:00 am until 2:00 pm.
- 22) Each company may choose and fix (define) any 3 days of the week for the KPP staff to work. The staff may work on rotation on the defined days. No KPP staff shall be allowed to work on the remaining 4 days (of 7 days in a week).
- 23) The reasoning behind this as explained by MITI is to facilitate enforcement. It is more convenient for enforcement officers to visit office premises before 10:00 am or after 2:00 pm to monitor if there are activities in the premises during those periods or the designated days.
- 24) Non-KPP staffs are those involved in "Production". This refers to the core business activities of a company. In manufacturing, these are those involved in the production of goods and materials in factory production lines. In construction, on-site construction works are considered as "Production". These activities shall continue in line with the Government policy related to economic recovery measures. The staffs involved are therefore allowed to work as per normal working hours practiced by the respective industry.
- 25) Maintenance staff are also considered as part of "Production". Theirs is to ensure uninterrupted operations. IT maintenance staffs are also categorised as part of "Production".
- 26) As to the need for Covid-19 swab tests on staff, MITI informed that this is not necessary at the moment. This condition is subject to any further instruction by KMM, if any.



C. Appropriate Measures by ACEM Members

- 27) The Engineering Consultancy Service sector has its own distinct characteristics that may differ distinctly in many aspects from the Manufacturing and other Professional Services sectors.
- 28) Thus, the measures to be taken by ACEM Members may differ in certain circumstances from other Professional Services and Sectors.
- 29) "Production" in the Engineering Consultancy Services are related to the Scope and Terms and Conditions of Service Contracts awarded by clients.
- 30) For this business, "Production" generally covers:
 - a. Construction Supervision (on-site "Production")
 - b. Engineering Planning (in office "Production"; for Studies and for Design Works)
 - c. Design Works (in office "Production")
 - d. Data Collection (on-site "Production"; e.g. Soil Investigation supervision, site condition assessment, engineering survey planning and monitoring, utility survey, electrical and mechanical on-site assessment, health, safety and environment checks).
 - e. Stakeholder Engagements (on-site "Production")
- 31) KPP staffs and non-KPP in-office Production staff are usually housed in the same premises. Thus there will not be any day of the week of "fully closed" office premise. Instead only the KPP Sections or Divisions within the premise shall be closed on the KPP staff WFH days designated by the respective company.
- 32) The CEO and Management Team of an Engineering Consultancy company comprises active practicing registered professional engineers. With more than 95% of the registered companies being SMEs, the CEOs and Management Teams dedicate up to 50% or more of their time in "Production" instead of just Management activities. These include taking on the roles of Project Directors, Project Managers and Experts as well as Specialists (e.g., Geotechnic, Structures, Hydrologist, Water Supply, Electrical and Mechanical Designs, Engineering Planning) in the respective Services Contracts with clients. Thus this category of staff are also designated as "in office Production" staff and collectively responsible for service delivery.
- 33) Drivers and Despatchers may be designated as "Production" staff under certain circumstances.
- 34) Not all in office "Production" staff are able to WFH especially in cases where the software needed for production activities are sited only in the office premise.
- 35) As SMEs, most of the companies are small-sized. For the 10% limit of KPP staff allowed to work from office on the designated days, for many companies, this translates to only 1 work from staff on those days.



- 36) Based on the above, the following are necessary as well as appropriate measures to be undertaken by ACEM Members:
- a. To adhere fully to the PKPB and the WFH Orders and the SOPs.
 - b. To ensure every effort is made to maximise the numbers of in office "Production" staff to WFH.
 - c. To issue "Surat Pelepasan Perjalanan" to all on-site "Production Staff" as well as in office "Production" Staff.
 - d. To demonstrate and show evidence to Enforcement Officers that the PKPB and WFH SOPs are fully adhered to. This include preparing a list of KPP staff and their WFH Schedules, the 3 days designated KPP WFH and the 4 days closure of KPP Sections or Divisions or premises. Also a listing of in office "Production" staff and their WFH Schedules and a listing of on-site staff. All these to be endorsed by an Authorised Officer of the company.
 - e. To continuously remind all staff and visitors to adhere to the SOPs.
 - f. To ensure that the company is registered with MITI CIMS (<https://notification.miti.gov.my>). (Most ACEM Members would have done so prior to the relaxation of the previous MCO)
 - g. Where practical, to designate a staff to be responsible to monitor compliance with the PKPB, WHF Order and the SOPs.

Thank you.

Datuk Ir Mohd Adnan bin Mohd Nor
PRESIDENT

22 October 2020