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Overview of Full Movement Control Order

Following the [stricter measures during the Movement Control Order](#) imposed by the government, the Prime Minister announced the implementation of a “full” Movement Control Order (**FMCO**) effective from 1 June until 14 June 2021 (**FMCO Period**) pursuant to s 11 of the Prevention and Control of Infectious Diseases Act 1988 (**PCIDA**).

The [Prevention and Control of Infectious Diseases \(Measures Within Infected Local Areas\) \(No 2\) Regulations 2021 \(FMCO Regulations\)](#), which sets out the parameters of the enforcement of the FMCO during the FMCO Period, was gazetted on 31 May 2021.

Control of movement

The FMCO Regulations restricts movement within an infected local area, or from one infected local area to another, by permitting movement only in limited scenarios. These include:

1. to obtain or supply daily necessities, where movement shall be restricted to a radius of not more than 10km from his residence, unless such necessities are not available within a 10km radius, and movement for this purpose shall be limited to only two persons per household;
2. to seek healthcare or medical services, where movement shall be restricted to a radius of not more than 10km, unless such services are not available within a 10km radius, and movement for this purpose shall be limited to no more than three persons;
3. to procure or provide any essential services;
4. to perform any official duties;
5. to provide humanitarian aid; and
6. to attend a learning institution.

Movement for reasons other than those specified above will be subject to the prior permission of the police.

Essential services

The Schedule to the FMCO Regulations sets out the list of essential services, being businesses that are permitted to physically operate during the FMCO Period, subject to the approval of the relevant authority. Some of the sectors listed under essential services include food and beverage, healthcare and medical care, water, energy, communications, banking, e-commerce and information technology, construction, logistics and manufacturing services. Businesses not falling within this list are not permitted to physically operate during the FMCO Period.

Control of gatherings

Gatherings, whether for religious, sports, recreational, social or cultural purposes, are not permitted.

Foreign employees

An authorised officer (defined under s 2 of the PCIDA as any Medical Officer of Health, any health inspector or any officer appointed by the Minister of Health) may direct any employer that employs a foreign employee to cause the employee to undergo a COVID-19 detection test at the cost of the employer.

Standard Operating Procedures (SOPs) and other relevant considerations for organisations

In tandem with the implementation of the FMCO, the [General SOP on the Movement Control Order \(FMCO SOP\)](#) was issued, which will be effective during the FMCO Period. Some of the key considerations applicable to organisations include the following:

1. businesses not falling within the essential services list are required to implement a full work from home arrangement for its employees;
2. businesses qualifying as an essential service approved by the relevant authority or agency are required to limit the total number of personnel physically present at the workplace to 60% at a time while a work from home arrangement must be implemented for the remaining 40% of its personnel;
3. movement of employees to the workplace (for those qualifying as an essential service) will be subject to the approval letter as issued by the relevant authority, an employment pass or a letter of authorisation issued by the employer; and
4. physical meetings, along with seminars, courses, workshops, trainings and conferences, are not permitted.

Sector-specific SOPs have also been issued to govern various industries. These include [legal](#), [manufacturing and production](#), [distribution trade](#), [construction](#) and [communications](#).

In addition to the SOPs, organisations should take note of the materials made available by the Ministry of International Trade and Industry such as the [Frequently Asked Questions on the FMCO \(MITI FAQ\)](#). The MITI FAQ provides clarification on various aspects, including a more detailed version of the essential services list, the procedures on applying for approval to physically operate during the FMCO Period, inter-state and inter-district travel for work purposes, and additional restrictions imposed on manufacturing companies falling under the “warm-idle” category.

Further, the relevant authorities have sought to provide more guidance vis-à-vis the operational restrictions applicable during the FMCO Period through additional publications. For example, those within the distribution trade sector should take note of the [Frequently Asked Questions published by the Ministry of Domestic Trade and Consumer Affairs](#) and those within the communications sector should refer to the [Frequently Asked Questions published by the Ministry of Communications and Multimedia](#).

More importantly, organisations must observe the [COVID-19 Management Guidelines for Workplaces as published by the Ministry of Health](#), which clarify the prevention and control measures as well as actions to be taken at the workplace in the event an employee is infected with COVID-19. Guidance on how to implement physical distancing at the workplace is also provided by the Ministry of Health via the [COVID-19 Guidelines for Physical Distancing at the Workplace, Home and for Individuals](#).

Organisations are reminded that any non-compliance of the FMCO Regulations and well as the SOPs may be penalised by a fine not exceeding RM50,000, or imprisonment for a term not exceeding six months, or both.

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