

Digitalising Access to Justice: Bridging the Employment Rights Gap for Persons with Disabilities in Malaysia Via the Mobile Application

Ikmal Hisham Md Tah^{1*}, Muhammad Fikri Othman², Nur Ezan Rahmat³, Wan Arnidawati Wan Abdullah⁴, Mohd Faiz Shuhaimi⁵, Mohd Faizal Che Yusof⁶

^{1,2,3}Faculty of Law Universiti Teknologi MARA (UiTM), Malaysia

⁴Faculty Human Ecology Universiti Putra Malaysia (UPM), Malaysia

⁵President, Malaysian Disabled Youth Council (MBOKU) 2021-2025, Malaysia

⁶President, Association of Blind Muslims Malaysia (PERTIS)

*Corresponding Author

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ABSTRACT

Despite a legal framework protecting the employment rights of Persons with Disabilities (PWDs) in Malaysia, a significant gap persists between statutory guarantees and societal awareness. This paper introduces an innovation designed to bridge this gap: a mobile application that assists PWDs in navigating both job searching and legal literacy. The application serves as a comprehensive ecosystem that aggregates job vacancies, domestic and international labour standards, and conflict-resolution guides. To ensure sustainability and data integrity, the updated version ("I-OK v2") integrates critical features, including real-time announcements, user feedback loops, and a centralised administrator page. This study evaluates the application's development and its strategic potential in empowering PWDs to achieve sustainable employment and inclusivity in the national workforce.

Keywords: People with Disabilities (PWDs), employment, mobile applications, access to information, Malaysian Law.

INTRODUCTION

One of the important provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) concerns awareness-raising under Article 8. Article 8 stressed the importance of State Parties in raising awareness among society about the rights and dignity of persons with disabilities. It includes under Article 8 (2) (a) (iii) on initiating and maintaining effective public awareness campaigns designed to promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market; Furthermore, under clause (d) of the same article it allowed State Parties to promote awareness-training programmes regarding the rights of persons with disabilities. In promoting such awareness, Article 9(2)(f) of the CRPD ensures that State Parties take measures to encourage an appropriate form of assistance to support PWD in accessing information. Furthermore, Article 27 of the CRPD imposes a duty on State Parties to recognise the rights of persons with disabilities in work and employment on an equal basis with others, including by providing job opportunities and ensuring an inclusive, accessible and safe environment through appropriate legal and administrative measures. It includes prohibiting workplace discrimination, equal opportunities, salaries and benefits, joining a trade union, technical & vocational training programmes, reasonable accommodation, affirmative action, and incentives in various programmes, including professional rehabilitation, job retention, and return-to-work programmes.

Upon realising this clause in the Malaysian context, the authors have proposed creating an innovative mobile application to benefit the disabled community in Malaysia. Building upon the foundation of "I-OK@INFORMASI KERJA OKU," the newly launched "I-OK V2" is a mobile intervention designed to bridge the

gap between PWDs, the job market, and legal literacy. The application, which includes collaboration between academia and industry, consolidates technology-based resources on PWD rights—drawing on international frameworks and Malaysian statutes—while providing practical guidance on employment issues and conflict resolution (Harlida Abd Wahab et al., 2014; Md. Tah & Mokhtar, 2017). In refining the updated version, the developers also engaged with relevant stakeholders, including disability organisations, job coaches, and selected employers, to ensure that the application reflects the practical realities faced by PWDs in the labour market. These engagements provided meaningful insights into recruitment barriers, reasonable accommodation practices, and the types of employment opportunities most suited to different disability groups. Such collaboration strengthens the application's potential to function not only as an information platform but also as a practical link between PWD job seekers and inclusive employers.

To ensure the platform's long-term viability and relevance, Version 2 introduces three strategic improvements: real-time announcements, an interactive user feedback mechanism, and a centralised administrator page. These additions address a critical priority in application management: the need for a sustainable system to verify and update content. By prioritising data integrity, the application ensures that the disabled community has reliable access to current legislative and employment information, translated into simplified language to maximise empowerment and comprehension. In improving the second version of the platform, consideration was also given to the accessibility needs of users with different disabilities. Basic accessibility elements were integrated to support broader usability, including compatibility with commonly used screen-reading tools for users with visual impairments, clearer navigation pathways, and simplified content structure. High-contrast viewing modes and the option for larger text were incorporated to accommodate low-vision users, while the use of plain, concise language in the legal and employment modules enhances accessibility for those with cognitive or learning challenges. These features reflect the developers' intention to ensure that the platform remains inclusive and supportive of diverse user needs in line with the principles of accessibility under Article 9 of the CRPD.

Legal Framework on Employment for PWD in Malaysia

Persons with disabilities are always facing marginalisation and discrimination in the workplace due to various reasons, such as stigmatisation, lack of employment opportunity and job security, lower salary and benefits compared with others, no reasonable accommodation to cater for their disabilities, lack of job coach incentives, and this has jeopardised their ability to work (Jayasooria et al., 1997; Khoo et al., 2013). Malaysia has become a State Party to the UN Convention on the Rights of Persons with Disabilities (CRPD) and enacted the first domestic legislation in 2007, known as the Persons with Disabilities Act 2008. The act is the first civil rights legislation in Malaysia to promote and protect the rights of PWD (Md Tah & Mokhtar, 2016). Besides the PWD Act 2008, the constitution generally provides protection on equality of law under Article 8 (1), right to life under Article 5 and non-discrimination under Article 8 (2) without specifically mentioning disabled groups (Md Tah, 2013).

The Persons with Disabilities Act 2008, under Section 29 on the Access to Employment, explicitly recognises the right of PWDs to access employment on an equal basis. Section 29(1) codifies the right to employment on an "equal basis" with persons without disabilities, effectively prohibiting discrimination at the recruitment stage. This statutory protection extends beyond mere access; Section 29(2) mandates that employers—defined in Section 29(6) to include the Government explicitly—must ensure "just and favourable conditions of work." This encompasses equal remuneration for work of equal value, safe working environments, protection from harassment, and mechanisms for the redress of grievances (Harlida Abd Wahab et al., 2014).

Furthermore, Section 29 (3) imposes a "social obligation" on employers to practice proper employment management, including evaluating the abilities of PWDs and providing suitable placement. Administratively, the Act empowers the National Council for PWDs, which is governed under Section 3 of the Act, to provide, as stipulated in their functions under Section 9 (h), the effective and appropriate measures to promote recognition of the skills, merits and abilities of PWD and their contributions in the workplace and the labour market. In addition, Sections 29(4) and 29(5) of the Act, the Council has a duty to formulate affirmative action policies for the private sector and to promote diverse economic pathways, including self-employment, entrepreneurship, and the development of cooperatives, for the benefit of PWD in the working sector.

While Section 29 of the Persons with Disabilities Act 2008 grants the substantive right to employment, Section 30 (Access to Information, Communication, and Technology) serves as the procedural "key" that unlocks that right. In the modern digital economy, the inability to access information equates to an inability to access the labour market. Section 30(1) unequivocally grants PWDs the right to access information and technology on an "equal basis" with persons without disabilities. Historically, PWDs have faced systemic exclusion due to information asymmetry; mainstream job portals often lack accessibility features or fail to aggregate PWD-specific opportunities (Schur et al., 2013). Section 30(2) imposes a tripartite obligation on information providers: content must be provided in (a) accessible formats, (b) a timely manner, and (c) without additional cost. Section 30(3) mandates that the private sector must accept and facilitate alternative modes of communication (e.g., Malaysian Sign Language and Braille) for official transactions.

While the nation has established a legislative framework to protect PWDs, it remains structurally weak due to the absence of punitive enforcement mechanisms. The legal landscape governing the employment of Persons with Disabilities (PWDs) in Malaysia is characterised by a "rights-without-remedy" paradox (Md Tah, 2013). Besides the existence of the PWD Act, there is also other general legislation governing employment in Malaysia, such as the Employment Act (OSHA) 1955, the Industrial Relations Act 1967, the Social Security Act (SOCSSO) 1969, the Occupational Safety and Health Act 1964 and the latest Self-Employment Social Security Act 2017.

The Employment Act 1955 defines the basic terms of the employer-employee relationship. Recent amendments in 2022, specifically the introduction of Section 69F, empower the Director-General of Labour to inquire into complaints of discrimination. Any failure to comply with such orders from the Director General will be punishable by a fine of up to RM50,000 and a daily fine of not exceeding RM1,000 for each day the offence continues after the conviction. It opens the avenues, especially for PWD workers who need a mechanism for redress. In addition, for any case of unfair dismissal, any worker may file a complaint with the Director General of Industrial Relations within 60 days of the dismissal, as stipulated under Section 20 of the Industrial Relations Act 1967. By providing a guide to resolving conflicts, the application operationalises the Industrial Relations Act 1967 and educates PWDs on the procedural steps to file representations for reinstatement, thereby ensuring job security. In occupational health and safety, OSHA, under Section 29(2), mandates "safe and healthy working conditions" as the primary requirement under the Act. Meanwhile, under both the SOCSSO Act and the Self-Employment Social Security Act 2017, it provides benefits suitable for PWD workers, including disablement benefits, the Return-to-Work Programme, Invalidity Pension, Constant Attendance Allowances, and Self-Employment Protection Schemes. These benefits include the opportunity for vulnerable groups, such as PWDs, to be involved in job protection and benefits through employment schemes promoted by PERKESO, where they also have disability management program for these vulnerable groups (Abdullah et al., 2022; PERKESO, 2025). Given the challenges many PWDs face in navigating existing enforcement and dispute-resolution mechanisms, the application incorporates accessible guidance on the procedures available under Malaysian labour laws. This includes step-by-step explanations on how to lodge discrimination complaints under Section 69F of the Employment Act 1955, file representations for unfair dismissal under Section 20 of the Industrial Relations Act 1967, and access SOCSSO's Return-to-Work and disability-related schemes. By presenting these processes in a simplified and structured manner, the application helps users better understand and exercise their rights within the current legal framework.

Statutory Rights and Digital Innovations

The legal framework protecting Persons with Disabilities (PWDs) in Malaysia is comprehensive yet fragmented, spanning specific rights-based legislation and broader labour statutes as described above. Despite the ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), a significant disconnect persists between statutory rights and their practical enforcement—a phenomenon often attributed to information asymmetry and the lack of accessible legal mechanisms. In this context, the mobile application serves as a critical digital innovation. By aggregating disparate legal resources into a cohesive "one-stop platform," the application transforms the abstract "soft law" of policy into "hard knowledge" for the user, effectively operationalising the Malaysian legal framework for the disabled community.

The efficacy of the Persons with Disabilities Act 2008 (Act 685) relies heavily on the interdependence between the substantive right to employment (Section 29) and the procedural right to access information (Section 30).

While Section 29 mandates that PWDs must have access to employment on an "equal basis" with others, this right remains theoretical if the target demographic is excluded from the information ecosystem regarding vacancies and legal protections. The mobile application functions as a critical technological bridge that synthesises these two statutory provisions, transforming legal text into an actionable economic opportunity. In the digital economy, a PWD cannot exercise their right to employment if they are effectively blinded to vacancies due to inaccessible platforms. The mobile application directly fulfils the mandate of Section 29 on access to employment and Section 30(2) by providing information in "accessible formats," in a "timely manner" via real-time announcements, and "without additional cost" using free software.

To prevent the marginalisation of PWD rights, the mobile application integrates the broader Malaysian legislative matrix, ensuring users understand that their protection extends into mainstream labour laws. This is reflected in the application's provision of "international and Malaysian laws" and "conflict resolution" guides. While the PWD Act 2008 is often criticised for lacking punitive measures, the Employment Act 1955 and the Industrial Relations Act 1967 provide robust enforcement mechanisms, including guidance towards middle-stage settlement through the Industrial Relations Department and the final stage, where the Industrial Court would decide further on any employment disputes. The systematic approach designed into the mobile application would help workers settle their disputes in an amicable way.

Initial feedback obtained through the platform's built-in user-response feature indicates that PWD users value the consolidation of job opportunities, the simplified legal explanations, and the real-time updates offered by I-OK v2. Users also highlighted areas for improvement, particularly in relation to more straightforward visual presentation and enhanced accessibility options. These insights have informed ongoing refinements to the platform and demonstrate the importance of user-centred design in ensuring that the application remains relevant and responsive to the needs of the disabled community.

CONCLUSION

The digital innovation demonstrates that effective social innovation does not require complex, high-cost infrastructure. The "*I-OK@Informasi Kerja OKU*", including the recent "*I-OK V2*" application, developed with "no-code" software, creates a sustainable, cost-effective ecosystem for connecting PWDs to the labour market. By bypassing traditional app stores and utilising a web-based architecture, the application ensures "zero-cost" accessibility in compliance with the spirit of Section 30 of the PWD Act.

The significance of this second version lies in its focus on data management and user engagement. The introduction of an administrator page and feedback loops ensures that the platform remains dynamic, addressing the critical challenge of disseminating "accurate and verified information". As Malaysia moves towards a digital economy, the application serves as a scalable model for harnessing technology to address structural employment challenges, benefiting not only PWDs but also employers, caregivers, and the broader economy.

Looking ahead, the platform may be expanded through additional accessibility enhancements, broader collaboration with employers and government agencies, and the development of features such as multilingual support and automated job-matching tools. These improvements would further strengthen the application's role as a sustainable model for promoting inclusive employment and supporting PWDs' participation in Malaysia's evolving digital economy.

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