



Labour Bulletin

CPI FIGURES, ARE THEY RELIABLE?

Group	Weight	Index					% Change		
		Mar 2007	Feb 2008	Mar 2008	Jan-Mar 2007	Jan-Mar 2008	Mar 2008 / Feb 2008	Mar 2008 / Mar 2007	Jan-Mar 2008 / 2007
TOTAL	100.0	105.0	107.9	107.9	105.1	107.8	0.0	2.8	2.6
Food & Non-Alcoholic Beverages	31.4	105.4	110.7	110.6	105.8	110.5	-0.1	4.9	4.4
Non-Food	68.6	104.8	106.6	106.7	104.8	106.6	0.1	1.8	1.7

Source: Department of Statistic, Malaysia

	2005	2006	2007	2008 Jan	2008 Feb
Malaysia	2.9	2.8	1.9	107.5	107.9
S'jung	2.9	2	2	109.9	110.5
Sabah	3.2	2.4	2	107.9	108.2
Sarawak	3	3	2	107.6	108.2



PRICE SQUEEZE: A worker displays apples at the fruit section of a supermarket in Singapore. The island republic's inflation rate shot up to a 26-year high as food and energy costs soared. — AP picture

Inflation hits new highs in Asia

SINGAPORE: Inflation hit a 26-year peak in Singapore and a 13-month high in Malaysia as governments across Asia grapple with the problem of containing surging food and energy costs without choking off economic growth. Australian inflation accelerated to its fastest pace in

We see daily reports on escalating price of food and other essential items around the world. One of the major grouse of the people during our 12th general election on March 8 was the exorbitant rise in cost of living. Surprisingly the statistics Department reported that the increase in CPI for the whole year 2007 was only 2%.

It is stated that food price in the month of February went down(-0.1). We find this claim ridiculous and unbelievable. CPI figures are extensively used by employers and industrial court to determine wage increases. Trade unions suspect that CPI figures are deliberately kept at a low level to show that Government has been successful in their attempt to control inflation.

G. Rajasekaran
Secretary General

MTUC leaders, union leaders and members will assemble outside **Parliament House on Wednesday 7th May 2008 at 10.00am** to express workers' protest against governments' failure to address our concerns.

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Domestic Inquiry Defective and Improper

Company did not accede to the union request for a postponement and failed to inform the union

The claimant was dismissed on the ground that he was found in possession of 26 bottles of wine and liquor belonging to the company without authority. The claimant was working as In-flight Services Supervisor in Cabin Crew Department with Malaysian Airlines.

Claimant's contention

- As an Inflight Services Supervisor the Claimant is allowed to carry only one trolley bag. He said that the trolley bag would contain a service report, a jacket and safety manual;
- it is impossible to carry 26 bottles of liquor in it because the handle of his trolley will break. He also stated that the cabin crew staff operating international flights have to go through customs check and if the Claimant was found to be carrying the huge quantity of liquor he would have been charged by them and the liquor confiscated.
- It is the Claimant's assertion that he had in no way or in any capacity taken nor placed any bottles of liquor into his trolley bag from any of the bar carts on board the flight in the presence of his 16 crew members.
- Moreover all the witnesses produced by the company were from the Security Department and during the two months' long investigation the **Company did not produce a single independent witness despite** the fact that there were many cabin crew and other MAS personnel in the FMB building at that time.
- The place of search was changed from the FMB Aerobridge to the CCTV room at the commencement of the domestic inquiry and company failed to produce any of these witnesses for this changes of place.
- With regards to the 26 bottles of wine and liquor were brought from MH73- the Company should provide documentary evidence such as the bar sales stock card which was available from the aircraft which should show whether these items were missing from the bar stock card for that particular flight

Court finding

- The domestic inquiry was continued in their absence of claimant and union although the claimant and the Union had requested for a postponement until their complaints had been resolved. However although the Company did not accede to their request neither the Claimant nor his Union representative was informed that the domestic inquiry would proceed ex-parte in their absence.

Bearing the above reasons the Court would conclude that the domestic inquiry held to hear the charge against the Claimant was defective and improper.

- The Company sought to establish its case through the evidence of 5 security personnel. The testimony of these witnesses is that the 26 bottles of wine and liquor were brought from the aircraft Flight MH73. However no documents were produced to prove that these goods were indeed from that particular flight. The Company should have produced a report stating that the said goods had gone missing from Flight MH73 but no such report or document was ever shown to the Court.
- The Company's witnesses further testified that the said 26 bottles of wine and liquor had been handed to the police. Since these goods were not produced before the Court it is imperative for the Company to call the police personnel to confirm this but it failed to do so.
- The Company's side of the story is that a cabin crew had contacted the ground staff via telephone giving the information that the Claimant had taken the said goods from the aircraft. Now it is not disputed that it is against the Company's rules and regulations for a cabin crew from the aircraft to contact a ground staff. Therefore it is incumbent upon the Company to call this cabin crew who had alleged that he saw the Claimant take the 26 bottles of wine and liquor from Flight MH73 as a witness. However the Company did not do so.

Award: 431 of 2008, Industrial Court Chairman: Datin Siti Saleha Abu Bakar .Company: Sistem Penerbangan Malaysia Union : MASEU

Current News

40 year old Yong Kam Fook Plastic Factory shutdown

About 300 employees of a plastic manufacturing factory in section 15 here were shocked when they went to work in the morning and found themselves locked out of the premises on the 8th April 2008.

The company management didn't even inform the union about it. The factory's 200 Malaysian employees and about a hundred foreign workers was picketing outside the premises. The foreign workers found themselves in a quandary as their passports were held by the company's officials. Since the foreign workers also lose their accommodation benefit, they have to put up a tent in front of the factory to stay.

Meanwhile NUPCIW and MTUC submitted a report on the matter at their first meeting with the newly appointed Minister of Human Resource, Datuk Dr. S. Subramaniam on April 10. MTUC emphasised that majority of the 200 employees have more than 20 years service with the company. Datuk S. Subramaniam directed the Director General of Labour and Director General of Industrial Relations to find ways to resolve the issues.

Unions happy, bosses aren't over minimum wage

Employees are happy the Government is considering the possibility of a minimum wage policy. The employers are not.

The Malaysian Trades Union Congress and the National Union of Bank Employees (NUBE) welcomed the Government's decision. The Malaysian Employers Federation (MEF), however, is not pleased.

MTUC secretary-general G. Rajasekaran said the union submitted a memorandum last June to Prime Minister Datuk Seri Abdullah Ahmad Badawi calling for a national minimum wage of RM900 and RM300 cost of living allowance. "We sent a reminder to him last week and I'm glad that his department is looking into it," he said in response to Minister in the Prime Minister's Department Senator Datuk Amirsham A. Aziz's statement on having a minimum wage policy.

Rajasekaran said MTUC was against the minimum wage councils set up by the Human Resources Ministry and wanted the Government to listen to its argument for a national minimum wage. "Almost 90% of workers do not have collective agreements," he said, adding that if employers wanted market forces to determine wages, they should reduce the number of migrant workers and reduce dependence on foreign labour.

NUBE secretary general J. Solomon said the Government's recent move was a good sign and indicated it was "seriously taking steps to eradicate poverty." "We are happy that he can see the lower income group's plight and the issue at macro economic level."

MEF executive director Shamsuddin Bardan, meanwhile, said: "We prefer to let market forces determine wages. Minimum wage does not guarantee productivity as seen in Indonesia and the Philippines." "We should talk about increasing productivity rather than having a minimum wage because income will increase with productivity," he said, adding that Singapore did not have a minimum wage policy. *Source: Star, 9 April 08*

MTUC / ACILS Industrial Relations and Domestic Inquiry Course

35 trade union activist participated in this one week course held at MTUC Training center in Subang Jaya. The participants were able to learn and understand the role and responsibilities of Trade Union reps when representing members at work place. Subjects introduced were overview of Employment Act 1955, IR Act 1967, and Laws pertaining to Domestic Inquiry, Grievance handling and employers views on promoting industrial harmony at work place. In a day long session MTUC Deputy Secretary General Sdr. Abdul Halim actively involved all the participants in a mock session.





International Women's Day

MTUC women committee has carried out number of activities during the International Women's Day(IWD) which was lead by Sis Laila, Chairperson of women committee. All the women committee participated actively to make the event successful. They started their IWD celebration in 5 states mainly:

- Kuching on the 1st March,
- Penang-5th March;
- Port Dickson -15 March
- Kota Kinabalu on the 3rd March;
- Johore-6 March;



Panel Discussion on "Decent Work, Decent Life For Women", workshop and signature campaign were conducted during IWD. All the session were enthusiastically participated by women committee members and officers from each divisions. Through this programme they were able to foster and enhance understanding to meet and created more in-depth knowledge of the present challenges to revitalize and activate the division committee to give more spaces for women's participation in the labour movement.

Meanwhile, Sis. Elsa Ramos-Workers Specialist-ILO Bangkok and Sis. Josephine Gonzales, Director-Women's Department, ITUC-AP graced the event with their kind presence. Panel discussion on need to organize and for women active participation and leadership in trade union movement was led by Sis. Josephine whilst Sis. Elsa enlightened the audience on roles and functions of ILO, ILO Conventions and the monitory system on the implementation/non-compliance of international standards to the livelihood of global workforce.

The workshop also suggested some recommendation which need to look into by the committee such as:

Public awareness through; leafleting, setting up of union webpage for easy access, family gathering or get-together in the community, social activities through sports, outdoor games etc. In fact continuous interactions with grassroots and



MTUC Report to ILO on Denial of Freedom of Association for Migrant Workers

Government rejects Migrant Domestic Workers Association

Foreign domestic workers are the most marginalized group of migrants in this country. Migrant domestic workers at the same time are additionally discriminated against because of their non-recognition as workers and categorization as “domestic servants.” They are **not recognised** as workers in the labor legislation. There are **no standardised** contracts for them except for Filipino domestic workers. They work in isolated conditions. This isolation of working and living in a private home is further aggravated with no off days and holidays. Since the length of time of work for each day is not specified, the domestic workers work very long hours. Consequently these workers become completely dependent or even at the mercy of their employer with no protective measures and mechanisms. This evident lack of protection has led to increased abuse and violence of foreign domestic workers. The work conditions have also impacted on the health of the domestic workers.

Major Problems faced by the Migrant Domestic Workers

Wages and Working Conditions for Migrant Domestic Workers

- The Employment Act is not applicable to domestic workers; therefore there is no limit to their daily or weekly working time. They are not entitled to a weekly rest day, a minimum number of public holidays, sick leave or annual leave. Any medical attention given depends on the generosity of the employers.
- The government encourages migrant workers, like domestic workers, to complain about abuses by employers and/or other members of their household. When a migrant worker makes a police report against his/her employer, they lose their job and it is sad that the government takes the position that the migrant worker that complains will not get his /her permit varied so that he/she can work with another employer until that criminal case is disposed off.

Do Migrant Workers have the Right to Join a Trade Union?

The Department of Trade Union Affairs has ruled that migrant workers other than migrant domestic workers can join a trade union which represents rest of the workers at the enterprise. But one of the conditionality of work permit issued by the Immigration Department ban migrant workers from joining a “Persatuan” (Association) which is interpreted by the employers to include Kesatuan (trade union). Thus most employers prevent migrant workers from joining a trade union. Migrant workers supplied by labor contractors are not treated as employees of the workplace where they physically work and therefore are not permitted to join the union.

Globalisation has encouraged investors to demand extensive concessions

Since unions are permitted to organize workers within similar industry or at enterprise level, employees of labor suppliers cannot join any of the existing 600 trades unions in the country. Globalization and competition for foreign investment has encouraged investors to demand extensive concessions from developing countries, including Malaysia. Lack of a minimum wage regulation, extensive recruitment of migrant workers, absence of enforceable mechanism to ensure fairness, denial of freedom of association has become an increasing phenomenon.



Workshop on Social Protection & Healthcare Services for workers in Malaysia

14-15 April 2008

The Human Resource Ministry with the collaboration with United Nations University-International Institute for Global Health(UNU-IIGH) organised workshop on the above subject. The aim of this workshop is to bring together the main stakeholders, employers, employees and government to foster a fruitful discussion pertaining to the social protection in Malaysia for the betterment of workers in order to achieve decent work-the heart of the social progress.

Decent work which is summing up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organisation and participate in the decisions that effect their lives and equality of opportunity and treatment for all women and men.

Progress and promoting decent work is a shared responsibility of the ILO's constituents and the Office. In the tripartite IKLO, the decent work agenda incorporates the needs and perspectives of the governments, employer's and workers' organisation that constitute the ILO, mobilising their energy and resourcefulness and providing a platform for constructing consensus on social and economic policies.

How far is the Malaysian employers and government willing to promote this decent work agenda is still a question when their focus are more to promote business in the name of globalisation, liberalisation and competitions rather than looking at the welfare of workers. The decent work agenda will be a piece of beautiful message to all of us if its not able to adopt to the system for implementation.

Workshop on Social Protection and Health care services for workers in Malaysia
Ministry of Human Resources (MoHR) in Collaboration with United Nations University- International Institute for Global Health (UHU-IIGH)
Kuala Lumpur 14-15 April 2008



Isu utama bagi MTUC dalam bengkel ini ialah perundangan gaji minima, dana pemberhentian kerja, persekitaran kerja yang sihat dan selamat di samping membantah penswastaan perkhidmatan asas seperti perubatan.

Pekerja-pekerja dalam sektor swasta masih ketinggalan dalam menikmati sebarang bentuk jaringan keselamatan sosial kerana penafian yang dilakukan oleh pihak kerajaan dan majikan yang menghendakkan pasaran menentukan perkara-perkara tersebut. MTUC berpendapat bahawa PASARAN GAGAL menjamin agenda ini dikecapi oleh kaum pekerja dan keluarga mereka.



Policies for promoting decent work in an era of globalisation

Social Dialogue is a tool for Decent work

Concentrating on factors that encourage productivity growth and the creation of quality jobs will be critical to promote both competitiveness and decent work. This approach, combined with a gradual narrowing of development gaps between Member Countries, will more surely lead to an integrated, dynamic, and vibrant ASEAN Community. Although appropriate policy mixes will vary from country to country, the key ingredients have much in common. The trends analysis presented in the report identifies several relevant areas of concern for policy-makers:

- First, while export competitiveness is crucial for regional growth and development, this must be pursued through improvements in productivity – the source of **sustainable competitiveness and quality employment**. To this end policies should encourage companies to invest in workers' skills and improve access to new technologies.
- Second, if ASEAN economies are to maintain their competitiveness while fostering sustainable growth and poverty reduction, they must ensure that gains from **productivity growth are shared with workers through higher wages and improved working conditions – in other words, through decent work**.
- Third, in an era of rapid structural changes and increasing competitive pressure, it is essential that workers are protected. Appropriate measures include **strengthened social safety nets** and labour market policies such as job-search assistance and retraining programmes to help workers adjust and to mitigate the costs of such adjustments.
- Fourth, **(migrant)** it is likely that ASEAN will see increasing flows of migrants. If migration is going to benefit all parties, policy-makers should assess the impact of related regulatory measures, including those which ensure **equal treatment, register the undocumented, penalize employers who hire undocumented migrant workers, and give workers legal status**.
- Fifth, **(OSH)** **greater efforts are needed to prevent occupational injuries and diseases**, helping to protect workers while promoting productivity. Occupational injury- and disease-reporting systems and labour inspection regimes **need strengthening, and worker coverage needs expansion**. This should be a win-win policy, given that sound safety and health practices are good for workers as well as for business.

Recent initiatives at both the country and regional levels demonstrate that the political will exists to tackle these difficult challenges. Still needed is greater institutional recognition of the far-reaching benefits – for enterprises and the broader economy, as well as for the workers themselves – of policies aimed at improving worker productivity and expanding access to decent employment, particularly those that set minimum standards for education and training, health and safety, equal treatment, and representation at work.

Improvements in social dialogue between workers, employers and governments – the tripartite constituents of the ILO – will also be crucial for achieving equitable and sustainable growth. Without strong workers' and employers' organizations and effective mechanisms for social dialogue and improved industrial relations, the true achievement of decent work in ASEAN will not be possible.

Gunakanlah ini
sebagai garis
panduan dalam
Perjanjian
Bersama kesatuan-
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There is no "one size fits all" strategy for realizing decent work in the region. Different countries, given their national realities, individual cultures and development levels, will strive in different ways to achieve the goal of more and better jobs. However, there are **principles and rights at work that can and should be respected in all contexts and at all levels of development. These cover freedom of association and collective bargaining, non-discrimination and non-use of forced labour and child labour**. On this foundation, **social dialogue is the most effective way of achieving national consensus on the best combination of policies for a country to achieve its national development objectives**.

Source: Labour and Social Trends in ASEAN 2007: Integration, Challenges and Opportunities, ILO

International News



Zimbabwe: despicable attack against trade unionists
Brussels, 25 March 2008: As criticism of Zimbabwe's human rights' record is mounting throughout the international community in the run-up to coming week-end's national elections, the ITUC has denounced what it says is the Mugabe regime's "most despicable attack yet" against the country's independent trade union movement. It has released the [text of a strongly-worded protest letter](#) to Zimbabwean President Robert Mugabe over the torture of nine leaders and representatives of the Progressive Teachers' Union of Zimbabwe by agents of the regime on 19 February. The protest is based on new, first-hand information received by the ITUC concerning the severity of the beatings and sexual assaults which took place in a blood-spattered basement room at the headquarters of the ruling party Zanu-PF. The nine were abducted by Zanu-PF militia on the morning of 19 February, and subjected to more than two hours of brutal attacks during the day. The women amongst the nine trade unionists were subjected to sexual assault with iron bars, and five of the trade unionists were hospitalised following the beatings, including two with serious bone fractures. This is definitely the most despicable act so far in a long catalogue of anti-union violence and repression lasting for many years", said ITUC General Secretary Guy Ryder. "The Mugabe regime has once again demonstrated with extreme violence its absolute intolerance of peaceful dissent over its disastrous social and economic track record", he added.

Domestic workers : ITUC welcomes step towards an ILO international convention, *ITUC Online 055/200308*

Brussels, 20 March 2008 : The Governing Body of the International Labour Organisation (ILO) decided yesterday to include the item "Decent Work for Domestic Workers" on the agenda of the 99th session (2010) of the International Labour Conference.

The ITUC welcomes this step towards better international protection of the rights of domestic workers. "This is an historic advance in the fight on behalf of millions of domestic workers who today face widespread exploitation and are prevented from enjoying decent working conditions," said Guy Ryder, general secretary of the ITUC.

Excessively long working hours, low pay, little social security, sexual harassment, physical violence, abuses by the recruiting agents, forced labour, an increasing use of child labour... the situation described in the document submitted to the members of the ILO's Governing Body meeting in Geneva from 6 to 20 March once again sheds light on the extreme vulnerability of this group of workers, particularly migrants and women, and the desperate lack of decent work. Hitherto ignored by international law, these workers are all too often excluded from national labour legislation and deprived of freedom of association and the right to collective bargaining.

Egypt: Court Decision Restores Registration of Workers' Rights Organisation

Brussels, 2 April 2008: The ITUC has welcomed a decision taken by Egypt's Administrative Court on 30 March to overturn the government's refusal to allow the Centre for Trade Union and Workers' Services (CTUWS) to operate. The Centre had been subjected to a series of administrative obstacles, culminating in its closure by security forces in 2007. Efforts by the CTUWS to convince the authorities to allow it to be registered under the country's law on non-governmental organisations had been thwarted by the Egyptian security services.

The government's actions against the Centre came against the background of rising discontent amongst Egypt's workforce, with a series of protests and strikes over wages, working conditions and workers' rights.

"This is an important decision by the Administrative Court, and we urge the Egyptian government to ensure that the CTUWS is allowed to carry out its legitimate activities without such interference from now on, and to ensure that internationally-recognised fundamental labour standards be fully respected in law and in practice for all Egyptians", said ITUC General Secretary Guy Ryder.

Source: ITUC Online: 059/030408