

Pekerja Teras Transformasi Negara

MTUC mengucapkan Selamat Hari Raya kepada semua kesatuan gabungan



Labour Bulletin

Syabas diminta telus terhadap rakyat

Wakil dan pemimpin daripada Kongres Kesatuan Sekerja Malaysia (MTUC) dan Gabungan Menentang Penswastan Air (CAWP) telah menyerahkan memorandum di ibu Pejabat SYABAS bagi membolehkan SYABAS memberi penjelasan mengenai krisis air di Selangor, Kuala Lumpur dan Putrajaya pada pagi ini 26hb Julai 2012.

"Kami mengharapkan agar pihak Syabas dapat memberi maklumat yang lengkap bagi membolehkan krisis air ditangani demi kepentingan rakyat supaya ketelusan, akauntabiliti dan good governance diamalkan secara wajar.

Mengikut Charles Santiago, Pengerusi CAWP dan MP Klang, memorandum ini dihantar berikutan kenyataan Pengarah Eksekutif (Perkhidmatan Teknikal) Tuan IR V. Subramaniam yang mengatakan bahawa pihak Syabas sedia memberi maklumat mengenai keadaan air di Selangor, Kuala Lumpur dan Putrajaya kepada stakeholders supaya mencari jalan untuk mengatasi krisis air. Pihak yang sama telah menyerahkan memorandum kepada kerajaan negeri Selangor yang bertanggungjawab terhadap 30 peratus dari syer Syabas di Negeri Selangor pada 25hb Julai.

⇒ Antara isu yang diminta untuk diberi penjelasan oleh wakil-wakil ini ialah:

Pengaliran air mentah dari empangan dan stesen pengepaman ke dalam loji rawatan:

kuantiti air mentah dari empangan ke pengambilan sungai (river intake) dan stesen pengepaman loji rawatan ke empangan dan loji rawatan berikut: iaitu empangan Sg. Selangor (SSP1, SSP2, SSP3 dan Rasa), empangan Sg. Langat (Loji Rawatan Sg. Langat), empangan Sg. Semenyih (Loji Rawatan Sg. Semenyih), dan empangan Sg. Tinggi (yang dihubungkan dan mengalir masuk ke SSP1, SSP2, SSP3, Rasa) mulai 1 Januari 2012-5 Julai 2012;

⇒ **Bacaan meter aliran keluar air yang telah dirawat** ke loji rawatan masing-masing bagi tempoh yang sama;

⇒ **Bacaan Meter aliran keluar air yang telah dirawat** ke sistem pengagihan kepada pengguna (melalui SYABAS);

⇒ **Buku log & meter tentukur (calibrated meter) yang disahkan**-Salinan buku log yang disahkan yang melibatkan pengepaman keluar setiap hari bagi setiap loji rawatan. Ketepatan meter disahkan oleh pihak yang bertanggungjawab untuk membekal, me-

masang, mentauliah dan menyelenggara peralatan telah dipastikan;

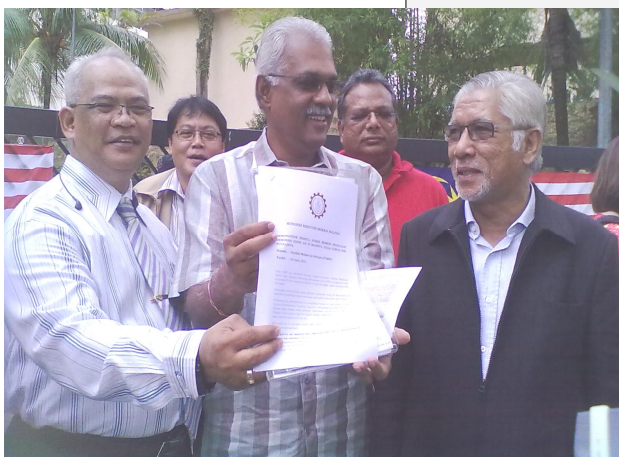
⇒ **Bil-bil elektrik** dari 1 Januari 2012-15 Julai 2012;

⇒ **Penggunaan kimia** bagi tempoh yang sama; dan

⇒ **Bil pembayaran Puncak Niaga** kepada SYABAS untuk air yang dijual bagi tempoh yang sama.

Mereka mengharapkan supaya pihak Syabas dapat memberikan maklumat-maklumat ini bagi membolehkan penelitian wajar dilakukan bagi menentukan samada benar-benar wujud atau tidak krisis air di negeri Selangor.

Turut hadir dalam majlis ini ialah Sarajun Hoda, wakil Aliran, Abdul Halim Mansor, Setiausaha Agung MTUC, Mohd Roszeli dan Senator Syed Shahir.





Perintah gaji minimum 2012

In exercise of the powers conferred by subsection 23(1) of the National Wages Consultative Council Act 2011 (Act 732) the Minister makes the following order:

Citation

1. This order may be cited as the **Minimum Wages Order 2012**.

Commencement

2. (1) This Order comes into operation-

(a) on 1 January 2013, in relation to -

(i) an employer who employs more than five employees; and

(ii) regardless of the number of employees employed, an employer who carries out a professional activity classified under the Malaysia Standard Classification of Occupations (MASCO) as published officially by the Ministry of Human Resources; and

(b) on 1 July 2013, in relation to an employer who employs five employees or less other than an employer referred to in subparagraph (a)(ii).

(2) notwithstanding subparagraph (1), any person or class or persons may, not less than ninety days before the commencement date which applies to the employer concerned comes into effect, apply to the Council for a deferral of the implementation of this Order in relation to the employer concerned to another date.

(3) Upon receiving an application under subparagraph (2), the Council may exercise the Council's power under subsection 25(2) of the Act and take all necessary action as specified under sections 21, 22 and 23 of the Act.

Non-application

3. This Order shall not apply to a domestic servant as defined under section 2 of the Employment Act 1955 [Act 265], section 2 of the Sabah Labour Ordinance [Cap. 76] and section 2 of the Sarawak Labour Ordinance [Cap. 76].

Minimum wages rates

4. The minimum wages rates payable to an employee shall be as follows:

Regional -Minimum wages	Monthly	Hourly
Peninsular Malaysia	RM900	RM4.33
Sabah, Sarawak and the Federal Territory of Labuan	RM800	RM3.85

Minimum wages rate of probationers

5. (1) Notwithstanding paragraph 4 and subject to subparagraphs (2), (3) and (4), where an employee is a probationer, the minimum wages rates specified under paragraph 4 which is payable to the employee may be reduced not more than thirty percent of the minimum wages rate.

(2) the actual percentage of reduction of the minimum wages rate under subparagraph (1), not exceeding the specified percentage, may be made based on agreement between the employer and the employee concerned.

(3) For the purposes of subparagraph (1), an employer is allowed to reduce an employee's minimum wages rate only for the first six months of the employee's probationary contract and no further reduction under the same probationary contract or any extension of the probationary contract is allowed after that.

(4) If a reduction of the minimum wages rate of an employee whose contract of service has been entered into before the coming into operation of this Order is being made under this paragraph and the minimum wages rate of the employee after the reduction is lower than the rate of the basic wage he is receiving the rate of the basic wage shall be retained and continue to be payable to the employee.

A (a probationer), an employee in Peninsular Malaysia, is being paid a basic wage of RM700. The employer may reduce A's minimum wages rate by not more than 30%. The calculation of A's minimum wages rate shall be as follows:

Current basic wage	Minimum wages rate after reduction
RM700 (basic wage)	Minimum wages – RM900 Reduced percentage = 30% RM900 – 30% = RM630 Minimum wages rate after reduction RM630

Minimum Wages Order 2012

After the reduction is made, A's minimum wages rate is lower than the rate of the basic wage he is receiving. In this case, the employer cannot pay the reduced minimum wages rate to A (RM630). The rate of the basic wage A is receiving shall be retained and continue to be payable to A (RM700).

Negotiation for restructuring of wages

6. *Nothing in this Order shall be construed as preventing the employer and the employee, or the trade union, as the case may be, from negotiation on the restructuring of wages under section 7B of the Employment Act 1955, section 9B of the Sabah Labour Ordinance or section 10B of the Sarawak Labour Ordinance, as the case may be, before this Order comes into operation in relation to the employer concerned provided that-*

(a) the restructured basic wages to be paid to the employee shall be in accordance with the minimum wage rates specified in this order;

(b) the restructured wages shall not be less favorable than the employee's existing wages;

(c) the restructured wages shall not be less than the amount of wages earned by the employee as agreed in the contract of service before the restructuring of the wages;

(d) the restructuring of the wages shall only involve the payment for work done during the normal hours of work of employee; and

(e) the restructuring of the wages shall not cause the employee to lose any remuneration specified under paragraphs (a) to (f) of the definition of 'wages' in section 2 of the Employment Act 1955, section 2 of the Sabah Labour Ordinance and section 2 of the Sarawak Labour Ordinance which the employee would be entitled to under the contract of service.

Revocation and savings

7. (1) All wages council orders made under the Wages Council Act 1947 [Act 195] shall be revoked with effect from 1 January 2013.

(2)

Notwithstanding subparagraph (1), all revoked wages council orders shall continue to apply to the employers referred to in subparagraph 2(1)(b) or subparagraph 2(2), as the case may require, until this order comes into operation in relation to them.

Source: Warta Kerajaan Persekutuan /Jab Peguam Negara
Made 16 July 2012.

*Datuk Seri Dr. Subramaniam
Minister of Human Resources.*

Minimum Wage Order gazetted

KUALA LUMPUR: The Minimum Wage Order 2012, which was gazetted yesterday, will take effect on Jan 1 for employers who employ six workers or more.

For employers who employed five workers or less, the date of enforcement would be on July 1 next year, said a statement from the Human Resources Ministry.

It said the commencement date also applied to employers who were carrying out professional activities classified under the Malaysian Standard Classification of Occupations (MASCO) regardless of the number of employees.

Further information on the gazette entitled "Minimum Wage Order 2012 P.U. (A) 214/2012" can be found at www.federalgazette.agc.gov.my **Bernama**

Retirement age Bill for private sector passed

SOCIAL Security Organisation (Socso) members aged 55 and above will be eligible for invalidity pension in line with the private sector minimum retirement age of 60 from next year, Human Resources Minister Datuk Seri Dr S. Subramaniam said.

Presently, only workers aged below 55 are covered under Socso's Invalidity Pension Scheme.

"The matter has been approved by Socso and it has also said it can afford to bear the cost. There will be no increase in contributions," he said while winding up the debate on the Minimum Retirement Age Bill 2012.

The Bill, which was tabled for second reading by Deputy Human Resources Minister Datuk Maznah Mazlan, was later passed. — **Bernama**



Kursus OSH 2012 MTUC/Perkeso 2012 di MTUC Bahagian Melaka.

- ♦ Kursus dua hari ini telah memberi pendedahan terhadap rawatan pertolongan cemas kepada peserta-peserta di tempat kerja. Penyertaan lebih ramai wanita telah memberi kelebihan yang unggul dalam kursus ini.

Dilaporkan oleh Sdra. Azlan Tajuddin MTUC Melaka.



Umur Persaraan 60 tahun

MTUC praises stand to retain EPF withdrawal at age 55

KUALA LUMPUR: The Malaysian Trades Union Congress (MTUC) said the government decision to retain the withdrawal age for the Employees Provident Fund (EPF) at 55 for private sector employees, as a smart move.

MTUC president Mohd Khalid Atan said the congress had conducted a study and it showed 80 per cent of private sector employees chose to withdraw their EPF at the age of 55, although the minimum retirement age has been extended to 60 years, effective January next year.

"MTUC welcomes the decision because since the beginning, the private sector employees have been given a choice either to withdraw their EPF at the age of 55 or 60," he told Bernama.

Cuepacs president Datuk Omar Osman also welcomed the move, saying that the news was a relief to private sector employees as they were worried over the rumour to increase EPF withdrawal age to 60.

"It proves the government always gives attention to private sector employees as they are part of the nation's economic workforce," he said.

On Saturday, Second Finance Minister Datuk Seri Ahmad Husni Hanadzlah said private sector workers could still withdraw their full EPF savings at age 55.

According to the Minimum Retirement Age 2012 Bill, which was passed by Parliament recently, the compulsory retirement age for private sector workers is raised to age 60. - Source: Bernama(Press)

Kesatuan sekerja lega keputusan kerajaan

KUALA LUMPUR 5 Ogos - Kongres Kesatuan Sekerja Malaysia (MTUC) lega dengan keputusan kerajaan mengekalkan had umur bagi pengeluaran penuh caruman Kumpulan Wang Simpanan Pekerja (KWSP) pada 55 tahun.

Setiausaha Agung MTUC, **Abdul Halim Mansor** berkata, pihaknya memandangkan keputusan itu sebagai satu perkara yang baik dan meredakan persepsi sesetengah golongan pekerja swasta yang kurang memahami isu pengeluaran wang caruman KWSP sebelum ini.

"Kami amat berterima kasih kepada kerajaan kerana membuat keputusan ini. MTUC berharap semua pekerja menggunakan wang persaraan itu sebaik-baiknya," katanya ketika dihubungi *Utusan Malaysia* di sini hari ini.

Beliau mengulas keputusan kerajaan yang tidak bercadang untuk menaikkan had umur bagi pengeluaran penuh caruman KWSP daripada 55 tahun kepada 60 tahun.

Ia ekoran cadangan pindaan Akta KWSP 1991 berikutan kelulusan Rang Undang-Undang Umur Persaraan Minimum 2012 yang dibuat di Parlimen sebelum ini yang menetapkan pekerja sektor swasta hanya boleh bersara wajib setelah mencapai umur 60 tahun.

Cadangan kenaikan had umur pengeluaran penuh KWSP kepada 60 tahun yang dikatakan selari dengan batas umur persaraan minimum swasta bagaimanapun sebelum ini telah menimbulkan kebingungan di kalangan para pencarum.

Ketika ini para pencarum boleh membuat pengeluaran separa KWSP pada usia 50 tahun sementara pengeluaran penuh hanya dibenarkan ketika seseorang itu berumur 55 tahun iaitu selepas bersara.

Abdul Halim berkata, walau apa pun keputusan kerajaan, yang penting bagi pekerja sektor swasta adalah mereka mempunyai simpanan yang mencukupi sewaktu bersara walaupun pada usia 60 tahun.

Source: *Utusan Online*, 6/08/2012



Domestic Workers Convention 2011 (No. 189)

On 16th June 2011, the International Labour Conference of the International Labour Organisation adopted the Convention concerning decent work for domestic workers.

Welcoming the adoption of the Convention, Halimah Yacob the Workers Vice-Chair from Singapore said, "We need effective and binding standards to provide decent work to our domestic workers, a clear framework to guide governments, employers and workers". But upto now Singapore has not ratified this Convention.

Manuela Tomei, Director of the ILO's Conditions of Work and Employment Programme said "This is a truly major achievement and the new standards make clear that "domestic workers are neither servants nor "members of the family, but workers. And after today they can no longer be considered second-class workers."

It is now 15 months since the ILO adopted the historical convention to provide the 100 million domestic workers across the globe recognition as workers; and respect and dignity as human beings but only one country has ratified Convention 189 so far.

Uruguay takes the lead to protect domestic workers

Uruguay became the first country to ratify ILO Convention 189, guaranteeing domestic workers get the same core labour protections as other workers.

On 6th August 2012 the Philippine Senate finally decided to ratify ILO Convention 189 (C189) on Decent Work for Domestic Workers. **Philippines** is the first ASEAN country to ratify Convention 189. This significant step made by the Philippines should also encourage other States in the ASEAN region to ratify C189. MTUC congratulates them.

Malaysia which employs more than 230,000 migrant domestic workers should also take the lead and ratify this Convention so that Malaysia can proudly declare to the world that we are concerned about the welfare of the migrant domestic workers working here.

ITUC's 12 in 12 Campaign

To support ITUC's campaign to achieve 12 ratifications within 2012, MTUC will urge the Minister of Human Resources to study the possibility of Malaysia becoming the next country to ratify Convention 189.

The recent dialogue concluded that MTUC should address a letter of appeal to all members of Parliament so that they can play a significant role in persuading the government to take a progressive step in this matter.

The convention will enter into force one year after ratification by two countries, which is a standard entry into force condition for ILO conventions.



Participants seek clarifications from the Labour Department on issues related to the recruiting agents' fees and right to mobility on their rest day.





MALAYSIA – INDONESIA MOU ON SAFEGUARDS FOR DOMESTIC WORKERS

In order to publicize and to make sure that the workers are entitled to these safeguards and become aware of the terms and conditions of the MOU, the MTUC organised a dialogue on Sunday 15 July 2012 at the Shah's Village Hotel, Petaling Jaya. The Deputy Director General at the Labour Department (JTK) En. Asri Ab. Rahman gave an elaborate presentation on the contents of the MOU and he listed out the main aspects which talked about a paid day off, workers right to hold passport, type and kind of work they should perform, duration of the work, their rest time, right to mobility on their day off, the right to join an association and recruitment fees. En. Asri was accompanied by two of his senior officers - En. Umar Jai Kumar B. Abdullah from the Labour Policy Division of the Human Resource Ministry and En. Wan Ismail Wan Ibrahim Deputy Director of Foreign Workers from the Labour Department Peninsular Malaysia. About 27 participants attended the dialogue comprising of trade unionists, Labour Attachés, NGOs and domestic workers.

The Dialogue helped MTUC to better understand the successful steps of the Ministry to address domestic workers issue and also enabled the workers to better understand their rights. The MTUC and other organisations working on these issues will also be able to educate these workers and publicise the Ministry's efforts to safeguard the interests and working conditions of migrant workers.

Sdra. Robert V, Vice President MTUC in his welcome address stressed that MTUC is against all forms of human trafficking and forced labour. He further reiterated that there should be policies established to ensure that domestic workers are well protected, have at least one

day off with pay per week, and that employers do not interfere in any way with migrant domestic workers' right to communication with family members.

En. Asri gave in-depth clarifications on the contents of the MOU covering issues pertaining to a paid weekly day off, workers right to hold their passports, type and kind of work domestic workers should perform, duration of the work and their rest time, prohibition of jobs not related to domestic work, salary deductions and right to join an association.

The session including the Question and Answer (Q & A) which lasted for 2 hours was very informative and created the engagement and involvement of everyone. Several domestic workers and NGOs namely Caram Asia, Bar Council, Tenaganita, Good Shepherd Sisters, Women's Aid Organisation and CAMSA who had actively participated in this session had the opportunity to share their experiences.

WHAT NEXT?

In order to disseminate the information on the contents of the MOU especially outlining the safeguards provided for the domestic workers MTUC will print 5,000 copies for distribution to the public, employers of domestic workers and domestic workers themselves. MTUC feels it is important for the workers to be aware of their rights so that these rights can be observed by the employers in their homes where they work.

Simultaneously, MTUC will prepare a memorandum to the Minister of Human Resources on the outcome of the dialogue.

The following table shows the fees to be borne by the Domestic Worker:

No.	Item	Amount(RP)	Amount (RM)
1.	Medical check-up in Indonesia	400,000	143
2.	Transportation cost from original city of the Domestic Workers to the original exit point in Indonesia	225,000	80
3.	Visa imposed by the Malaysian Embassy	45,000	16
4.	Travelling document	120,000	43
5.	Insurance	400,000	143
6.	Government levy	135,000	48
7.	Training (50%)	550,000	196
8.	Competency examination	110,000	39
9.	Accommodation	1,405,000	502
10.	Fee for Indonesian agency	1,650,000	589
	TOTAL	5,040,000	1,800



MALAYSIA-INDONESIA MOU ON TERMS AND CONDITIONS OF INDONESIAN DOMESTIC WORKERS IN MALAYSIA

Effective date: 31st May 2011.

Compliance of the laws and regulations

The employers and the domestic workers shall comply with all Malaysian laws, rules, regulations, policies and directives and the latter must respect Malaysian traditions and customs in their conduct while working in Malaysia.

Objective Of MOU

To develop the existing cooperation between the parties for the purpose of strengthening the mechanism on the conveyance recruitment of Domestic Workers from the Republic of Indonesia

- ♦ Moratorium has been imposed on 26th Jun 2009

Recruitment of Indonesian Domestic Worker

- ♦ Any employer who wishes to employ an Indonesian Domestic Worker without the service of MRA or through Indonesian Recruitment Agency (IRA) must obtain prior approval from the relevant authorities in Malaysia. This must be made through authorised agency in order to monitor the process of recruitment by both countries.

Repatriation

- ♦ Both countries shall facilitate the repatriation of the domestic workers upon the termination of their Contract of Employment.

Application

- ♦ Effective on the date of signing– 30th May 2011.
- ♦ New intake of the Indonesian Domestic Workers must comply with the Protocol Amendment of the MoU 2011. Application for a period of 5 years.

Rest Day

It is the duty of the Employers to provide one rest day in a week. The domestic worker may agree to work on her rest day; and in the event the domestic worker agrees to work on any of her rest day, she shall be paid a certain amount of money to be calculated on pro-rate basis in lieu of the rest day as agreed upon by the Employer and the domestic worker in the Contract of Employment.

Passport

Must be in the possession of Domestic Worker and can only be held by the employer with written permission by the worker for safekeeping and shall be returned upon request. Such agreement shall be made in writing.

Payment of salary

Monthly salary must be made through bank account under the name of the Domestic Worker.

DUTIES

The Domestic Worker shall comply with reasonable instructions of the Employer in the performance of the assigned household duties, including:

- ♦ Housekeeping
- ♦ Washing
- ♦ Ironing
- ♦ Cooking

Communication:

The Employer shall allow the domestic worker to communicate with her family.

Salary Deduction

Deductions cannot exceed 50% of the basic salary in a month. The total fees to be borne by the domestic worker is RM 1,800 which is to be deducted over a period of 6 months. (*refer to table page 6*)

PROHIBITION

Employers are prohibited from requiring their domestic workers to carry out duties which are not related to domestic jobs such as:

- ♦ washing cars, taking care of pets (dogs, cats and other animals), cutting trees and grass, to repair and paint the house etc.
- ♦ to carry out duties for the purposes of business on behalf of the employers such as helping the employers at shops or market.
- ♦ to carry out other works apart from the required duties such as doing business.

RESPONSIBILITY OF DEPARTMENT OF LABOUR

- ♦ To register employers employing Foreign Domestic Worker
- ♦ To produce acknowledgement letter to employers who intend to employ Foreign Domestic Worker.
- ♦ To conduct statutory inspection focusing on the recruitment of Foreign Domestic Worker with respect to the Protocol Amendment of the MoU 2011.
- ♦ To attend complaints and labour cases involving Foreign Domestic Workers.

RIGHT TO JOIN UNION

The law is silent on the right of domestic worker to join a union.

Reported by:

Parimala N. Project Officer

*MTUC/FNV Mobilising Action for the Protection of Migrant
Domestic Workers Project*



International news



Workers fight against outsourcing

Late last month in the Philippines all 16 affiliates of the global union Industrial met for a national conference to develop a strategy to fight against [contract and precarious employment](#). One of the issues for outsourced workers is their inability to be part of collective agreements. In Indonesia, the [KASBI trade union federation](#) has declared 2012 as the year to fight against outsourcing. Last month it held a rally of 40,000 workers. KASBI has stated that it has had recent successes with an estimated several thousand workers winning the right to permanent contracts. Source: Australia Asia Workers link.5 Aug 2012



Migrant workers

C97 Migration for Employment Convention (Revised), 1949 **C143 Migrant Workers (Supplementary Provisions)**

There are 17.1 million migrant workers across Africa, 44.5 million in North America, 6.7 million in Central and South America, 58.3 million in Asia and Oceania, and 64.1 million in Europe. In all of these regions at least 10 to 15 per cent are irregular migrants.

For the BWI, the current trends in subcontracting and privatization make it crucial for the trade union movement to urgently tackle this issue.

In our industries, construction has a long tradition of exploiting migrant labour from lower-wage economies. As many countries continue to rely on migrant workers, construction work has become increasingly temporary and insecure. Migrant workers are paid low wages and are not covered by social and labour legislation.

We continue to put pressure on the WTO regarding the General Agreement on Trade in Services (GATS) which will affect the construction industry and lead to an increase of migrant and cross border work. The competences and structure of the WTO do not enable it to regulate the temporary cross-border movement of workers, as envisaged under the Mode IV negotiations, in a manner that protects migrant workers' rights and consequently the WTO should not be the place for decisions in this area. Should any governments nonetheless make offers in this area, these must be preceded by formal trade union consultation and refer to respect for national labour law and existing collective agreements in receiving countries, as well as fundamental workers' rights, in order to ensure that migrant workers receive employment conditions equal to those of nationals. We also push for an ILO standard on contract labour.

BWI affiliates are particularly encouraged to:

- ◆ increase trade union awareness on the issue and continue to campaign against racism and xenophobia
 - ◆ gather relevant information and data on migration in our sectors and exchange information between sending and receiving countries
 - ◆ urge their government's to adopt appropriate global legislation and protection
 - ◆ establish agreements between unions in source and destination countries and to organise migrant and cross-border workers and ensure equal pay for equal work for employees regardless of their origin and nationality.
- Source: (BWI) Building and Wood Worker's International