



# Labour Bulletin

## Pekerja Teras Transformasi Negara

### Hari Pekerja

Kementerian sumber Manusia akan mengadakan sambutan Hari Pekerja pada 4 Mei 2013 di Stadium Putra Bukit Jalil, Pelbagai kategori anugerah diadakan, Borang penyertaan boleh muat turun dari laman web Kementerian Sumber Manusia. [www.mohr.gov.my](http://www.mohr.gov.my)

### No minimum wage for migrant workers Government decides on dual wage system

MTUC is deeply disturbed by the Government's decision to back track on their earlier decision to implement a standard minimum wage for all workers in the country.

Following demands by Small and Medium Enterprises(SME), Government has now deferred the date of implementation of the National Minimum Wage order in respect of migrant workers in SME companies until 1st January 2014.

It appears that Government's reversal on minimum wage implementation was as a result of SME's demand backed by demonstration, arm-twisting tactics and walk out from consultation session's.

Government's U-turn effectively ends the intended common wage system and perpetuates dual wage system. Employers are now permitted to exploit thousands of foreign workers with low wages.

MTUC question's the validity of Government's earlier statement that introduction of minimum wage will enhance Government's effort to reduce dependency on foreign workers. The reversal shows that the Government is not genuinely interested to reduce migrant workers in the country.

Last week hundreds of migrant workers were involved in work stoppage to demand implementation of the RM900 minimum wage. In Nilai more than 2000 migrant workers from the Indian Multinational Company, RECRON stopped work for several days demanding wage increase.

RECRON pays their workers as low as RM240 per month. Employees of RECRON, owned by billionaire industrialist AMBANI BROTHERS of India are probably the lowest paid workers in the country.

By reversing the minimum wage policy, Government will be permitting continued exploitation of migrant workers and encourage unscrupulous employers to terminate locals and replace them with foreign workers.

**Mohd Khalid Atan**  
**President**



# Gaji minima menjadi persoalan

MUAR – Suasana tenang di Kawasan Perindustrian Parit Jalan berhampiran Seri Menanti, bertukar menjadi kecoh apabila kira-kira 150 pekerja warga asing dari sebuah kilang mengadakan mogok dan bertindak ganas dengan memukul serta mencederakan seorang pengurus pengeluaran dan tiga penyeliaanya.

Kejadian sekitar jam tiga petang itu dipercayai berpunca daripada rasa tidak puas hati pekerja terbabit terhadap pengurusan kilang kerana menanggung pelaksanaan penetapan had gaji minimum yang dijadualkan berkuat kuasa sejak Januari lalu.

Difahamkan, kekecohan itu sudah berlaku sejak Khamis 7hb Mac dengan melibatkan seramai 700 pekerja melakukan mogok tidak mahu menjalankan tugas masing-masing, namun tidak berlaku sebarang keganasan.

Saksi kejadian yang hanya mahu dikenali sebagai Ahmad, 33, berkata, keadaan menjadi lebih kecoh apabila 20 pekerja kilang terbabit secara tiba-tiba memasuki pejabat dan menarik keluar pengurus pengeluaran.

Menurutnya, tindakan pekerja terbabit disedari tiga penyelia kilang yang kemudiannya cuba membantu pengurus berkenaan, tetapi dihalang dan mereka dikasari dengan beberapa tumbukan dan sepakan.

“Keadaan menjadi sedikit tidak terkawal apabila sebahagian daripada mereka membaling batu pada tingkap menyebabkan banyak kaca tingkap pecah dan bertaburan.

“Pihak pengurusan ada cuba untuk memujuk mereka supaya berhenti daripada terus mengasari pengurus itu, tetapi tidak berjaya malah suasana menjadi lebih tegang,” katanya.

Katanya, keadaan itu memaksa pihak pengurusan menghubungi polis untuk mendapatkan bantuan dan apabila pihak berkuasa tiba, keadaan kembali menjadi terkawal dan pekerja terbabit

bersurai.

Akibat daripada keganasan pekerja terbabit, pengurus dan penyelia kilang itu yang berusia lingkungan 30an mengalami kecederaan ringan serta lebam pada bahagian muka dan sudah mendapatkan rawatan di Hospital Pakar Sultanah Fatimah (HPSF) selain membuat laporan di balai polis berhampiran.

Usaha pihak Media untuk menemu bual dan mendapatkan penjelasan pihak pengurusan kilang berkenaan tidak berjaya, namun mengakui mahu menyelesaikan masalah itu secara dalaman.

Sementara itu, Ketua Polis Daerah Muar, Asisten Komisioner Mohamad Nasir Ramli ketika dihubungi mengesahkan kejadian dan mengakui pihaknya ada menerima laporan berhubung kes itu.

“Polis akan tahan mereka yang terlibat untuk siasatan lanjut dan kes disiasat ikut Seksyen 147 Kanun Keseksaan kerana merusuh,” katanya. - [Sinar Harian, 10/3/2013, 150 pekerja mengganas](#)

Sebahagian daripada pekerja warga asing Kawasan Perindustrian Parit Jamil mengadakan mogok di kilang berkenaan, kelmarin. *Gambar kecil:* Cermin kilang pecah akibat dibaling batu.





# Latihan dan Kursus MTUC



## MTUC/ACIL Kursus Asas Kepimpinan dan Penubuhan Kesatuan Sekerja

- ♦ The First Training by the Education for 2013 was held from the 25<sup>th</sup> Feb to 1<sup>st</sup> March. The Training was opened by the Deputy President Sdra. Jafar Majid and Officially closed by the President of MTUC Sdra. Mohd Khalid Atan.
- ♦ Participants were mainly work site leaders from most of the sectors from all over Semenanjung Malaysia, from Textile, electronic, metal, food industry, service sector and some from the civil service partici-



pated actively in this training. Only 23 participants were able to participate for this training.

## MTUC/ACIL Kursus Hak pekerja dan Undang-undang berkaitan 18-22 March 2013

30 Trade Unions from all over Malaysia participated in the 5 days training on " Hak Pekerja dan Undang-Undang Berkaitan" among them 1/3 or 9 of them were women.

MTUC hopes such a move by Unions to send more women participants is very encouraging, in line with Gender Equality promoted by ILO, ITUC and the Malaysian Government on IWD on 8th March 2013.

*Reported by Somahsundram, Education Officer*

## Lawatan Kesatuan Proton Tanjung Malim ke MTUC

Pada 27hb Feb 2013, Pegawai Tertinggi PROTON telah melakukan satu kunjungan ke Ibu pejabat MTUC. Mereka telah mendapatkan khidmat nasihat dari Pegawai perhubungan MTUC, Encik Peter Kandiah.

Perjanjian Bersama terdahulu:

- ♦ Kenaikan tahunan 7.5%, bonus enam bulan, kini mengharapakan satu pencapaian yang baik dari pihak pengurusan PROTON kata Sdra. Zamri bin Kadim, Setiausaha dan Sdra. Zainuddin Presiden kesatuan.





# SHARP S&O ELECTRONICS MALAYSIA SDN BHD TIKAM BATU KEDAH.



## Deadlock In Collective Agreement, Why they Picket?

More than 14000 workers from S & O Electronics (Malaysia) Sdn. Bhd., located at Lot 202, Bakar Arang Industrial Estate, 08000 Sungai Petani, Kedah (Malaysia) have been picketing from 28th February 2013 for the following reasons:-

- Collective Agreement between the Union and the Company had expired on 31st March 2012. The Union and the company have concluded ten (10th) Collective Agreements over the years which carries terms and conditions of employment. The 11th collective agreement between the union and the company had expired on the 31st March 2012.

- Consequently, the Union had sent the proposal for the 11th Collective Agreement which takes effect on 01st April 2012, to the company vide our letter dated 5th

April 2012.

- The said proposal was discussed by Union and Company for eight (8) rounds lasting about 8 months.

**What is the dispute ?**

**Salary adjustment !!!**

Right from day one of the commencement of negotiation the union had started on the need for salary adjustment.

Though the original proposal was 12 % across the board,

the Union after considering the recent business development in Japan and other **pleas** by the company, had came down from its original stand of 12 % to 5 %.

Taking the financial standing and performance of the company for the previous 3 years (2010,2011,2012) They felt that the 5 % salary adjustment across the board is fair and



reasonable deal.

The company however, right from the beginning maintained 0% adamantly until at later stages came up to 3% and the final stages to 3.5 %.

The workers who have been producing with high sales turnover and who have supported the company's all out effort to increase productivity by various means, feel cheated and deprived of what is rightfully theirs.

Based on the currently prevailing circumstances, the EIWU has no choice but to stage this picket as provided under the law before deciding its next course of action.



Siri Jelayah  
Piket NUBE, di  
Petaling Jaya  
Seksyen 52.  
22hb March  
2013



# Aktiviti kesAtuAn

## NUBE: Siri Jelajah Piket terhadap Pengurusan CIMB

Hari ini pihak Kesatuan Pekerja-pekerja Bank Kebangsaan (NUBE) meneruskan piket susulannya di perkarangan bank-bank CIMB yang lebih dikenali sebagai Siri Jelajah Piket di Selangor.

Piket pertama hari ini bermula pada pukul 9.45 pagi di CIMB Jalan Dato Hamzah, Klang yang telah dihadiri lebih kurang 200 ahli NUBE.

Ahli-ahli NUBE telah mengerumi perkarangan CIMB dengan sepanduk-sepanduk, banner dan peralatan muzik. Pelbagai lagu kesatuan telah dinyanyikan bagi melepaskan rasa ketidakpuasan terhadap pihak pengurusan CIMB.

Sepanduk dengan slogan-slogan "CIMB kejam terhadap pekerja", "CIMB is not honest to Malaysian", "Ketua HR CIMB hina Union/Pekerja", "Darah pekerja diperah belanja Golf 18.7 juta" dan sebagainya.

Mengikut Sdra.J.Solomon, Setiausaha NUBE, tujuan piket siri jelayah ini diadakan adalah tuntutan pekerja bank yang masih belum mendapat penyelesaian adil dan tindakan majikan yang menganiaya pekerja-pekerja CIMB.

"Piket akan diteruskan selagi tuntutan-tuntutan dan hak pekerja tidak diberi keutamaan oleh pengurusan CIMB" kata beliau.

Antara pertikaian yang menjadi persoalan ialah; 27 aduan pekerja tidak diselesaikan oleh Pengurus CIMB, memecat dan menindas pekerja, 100 pekerja bekerja di bawah skim kontrak sementara yang berkala. Pekerja-pekerja ini telah dinafikan hak dan jaminan pekerja kontrak tetap. Sehabis berpiket di Klang, ahli-ahli NUBE telah meneruskan perjalanan ke Seksyen 52 Petaling Jaya bagi melangsungkan piket kedua dan lokasi ketiga ialah di Jalan Tun Aziz Lim Tan Kajang.



**PIKET PAPS:** Ahli Kesatuan Kebangsaan Pekerja-Pekerja Alat-Alat Pengangkutan Dan Sekutu, yang berkerja di Syarikat Armstrong Auto Parts Sdn Bhd., Tikam Batu dan Armstrong Auto Parts Sdn Bhd., Prai, dengan persetujuan bersama untuk mengadakan piket di hadapan kedua-dua syarikat atas alasan tidak bersetuju dengan tindakan syarikat dalam beberapa perkara seperti berikut:

- ♦ Pihak syarikat juga gagal membuat penyusunan semula dalam skim gaji untuk menunjukkan perbezaan yang berlaku atas bayaran gaji minima.
- ♦ Mengaji lebih dari seratus orang pekerja tempatan sebagai pekerja kontrak untuk tempoh lebih dari setahun.

Kami akan terus mengadakan piket walaupun lebih dari seminggu kalau pihak syarikat gagal mengambil tindakan sewajarnya untuk menyelesaikan perkara-perkara yang dibangkitkan.

Piket pertama diadakan pada 8 Feb 2013, Piket kedua pada 22 Feb 2013.

dilaporkan oleh: Mohamad Fauzi Bin Ibrahim, Penolong Setiausaha Agong, NUTEAIW





# Sambutan Hari Wanita Antarabangsa

Sambutan Hari Wanita Antarabangsa telah diadakan di TMCC, Menara TM. Bangsar. Kuala Lumpur pada 9hb Mac 2013.

Majlis telah berlangsung dengan jayanya dan dihadiri seramai 350 peserta. Acara di mulai dengan senamrobik, ceramah, kuiz dan juga cabutan bertuah. Peserta juga berpeluang mengenali Jawatankuasa Wanita MTUC dengan lebih dekat. Majlis sambutan kali ini dirasmikan oleh Sdra. Jaafar B. Majid, Timbalan Presiden MTUC.



## Majlis Makan Malam Belia MTUC 2013

Majlis malam amal belia MTUC 2013 diadakan pada 27 Februari 2013, bertempat di De Palma Shah Alam. Seramai 270 orang yang hadir dari kalangan ahli kesatuan gabungan MTUC dan seramai 30 orang dari pihak majikan yang turut memberikan sumbangan iaitu dari Perodua Manufacturing Sdn Bhd, Perodua Sales Sdn Bhd & North Port Malaysia Berhad. Majlis dimulakan dengan ucapan pengarah program Sdra Mohd Zaidi Sanusi (merangkap Setiausaha Belia MTUC), seterusnya ucapan Pengerusi Program Sdra Mohd Faisal bin Abu Bakar (merangkap Pengerusi Belia MTUC). Majlis telah dirasmikan oleh Sdra Mohd Khalid bin Hj Atan selaku Presiden MTUC. Seramai 15

pekerja yang mengalami kecacatan kekal akibat dari kemalangan industri telah menerima sumbangan kewangan hasil dari sumbangan dan pembelian meja dari majikan dan kesatuan yang menyertainya. Majlis telah diteruskan dengan acara pentas dan 50 cabutan bertuah. Saya selaku Pengerusi Belia MTUC mengucapkan tahniah dan jutaan terima kasih kepada AJK Belia MTUC selaku penganjur, Majikan dan Kesatuan-kesatuan yang memberi sumbangan serta menyertainya.

dilaporkan oleh :Mohd Faizal bin Abu Bakar  
Merangkap Pengerusi Jawatankuasa Belia

## DOMESTIC WORKERS SEEK PUBLIC SUPPORT AS THEY CELEBRATE INTERNATIONAL WOMEN'S DAY

**“A promise is a promise: Time for action to end violence against women”** is the 2013 theme for International Women's Day celebrated by 400 women trade unionists and domestic workers on 9<sup>th</sup> March at the TM Convention Centre which was organised by the MTUC Women's Wing.

Let us backtrack a little on the history of this celebration and how it came about: The first International Women's Day occurred on March 19 in 1911. The inaugural event, which included rallies and organized meetings, was a big success in countries such as Austria, Denmark, Germany and Switzerland. The March 19 date was chosen because it commemorated the day that the Prussian king promised to introduce votes for women in 1848. The promise gave hope for equality but it was a promise that he failed to keep. The International Women's Day date was moved to March 8 in 1913.

Similarly, our Minister of Human Resources failed to keep his promise – the One Paid Day off a Week which he promised in June 2009 was NEVER FULFILLED resulting in domestic workers still working 7 days a week and 365 days a year. Despite the large and growing numbers of foreign domestic workers in Malaysia, the country's Employment Act 1955 till today offers NO protection for these women. Our repeated and continuous call to the government to **“ACCORD SAFEGUARDS FOR DOMESTIC WORKERS IN THIS COUNTRY”** has fallen on deaf ears.

No one in Malaysia can miss witnessing the mistreatment of foreign domestic workers. With more than 200,000 foreign women working in the country, many households hire live-in domestic workers to take care of household duties. These women, excluded from the Malaysian Employment Act are often overworked; generally short-changed and many are subjected to sexual, physical and psychological abuse. There have been widespread public calls for action on the extreme cases of Malaysian employers brutally abusing and sometimes ending in death of their foreign domestic workers but perpetrators have often escaped punishment leaving domestic workers victims to such heinous acts.

A visible awareness raising sketch put up by the domestic workers comprising of Filipina and Indonesians portrayed the plight of domestic workers who are denied their rights and protection. Although the Filipina domestic workers enjoy benefits and protection under their work contract, nevertheless their main concern was for the thousands of other domestic workers who are denied decent wages, living and working conditions and deprived everything that is 'decent' but constantly being abused and made 'slaves'. They are also victims of human trafficking which includes sexual exploitation – all this needs to be addressed and eliminated in order for us to say that we are a developed and progressing country.

The sketch was aimed to draw attention and seek public support for their call to the Government to ratify Convention 189 and accord a more humane working and living conditions to the thousands of domestic workers. Their call to the government will gear MTUC to continue in its struggle to aggressively pursue this matter speaking out for the invisible and silenced women groups. There will be greater emphasis on the need to end violence, abuse and “rights denial” against all domestic workers including migrant domestic workers.

*Reported by:*

*Parimala N., Project Officer*

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



A Sketch by the Filipinas



EL EmEnts of trafficking



## Continue to Protect and Defend our International Borders Within International Human Rights Norms



The Malaysian Bar expresses its support for the Malaysian authorities in its continuing efforts to restore law and order in the affected areas. As an independent nation, Malaysia has a sovereign right to ensure recognition and respect for the territorial integrity of its

international borders. As the conflict continues, we call on all parties to take all necessary action to minimise any further injury and loss of life.

The International Court of Justice, in the course of adjudicating a territorial dispute between the Governments of Malaysia and Indonesia over the islands of Ligitan and Sipadan off the coast of Sabah, and in delivering its decision<sup>2</sup> on 17 December 2002, had set out the antecedents and history pertaining to the territory, and which effectively recognised the rights and sovereignty of Malaysia over the state of Sabah and its surrounding islands.

In essence, these antecedents show that the Sultanate of Sulu had, by its several actions and by various separate instruments between 19 April 1851 and 26 June 1946, relinquished and ceded all of its rights, interests and dominion over what was previously referred to as North Borneo (now known as the state of Sabah, Malaysia). These various instruments are:

(1) The Act of Re-Submission between Spain and the Sultan of Sulu dated 19 April 1851, which was confirmed by the Protocol dated 22 July 1878, whereby the island of Sulu and its dependencies were annexed by the Spanish Crown;

(2) The Cession and Agreement dated 22 January 1878 between the Sultan of Sulu, and Mr Alfred Dent and Baron von Overbeck as representatives of a British company, whereby the Sultan of Sulu granted and ceded to the latter all of his rights and powers over the mainland of the island of Borneo;

(3) The Commission dated 22 January 1878 whereby the Sultan of Sulu appointed Baron von Overbeck the "Dato Bendahara and Rajah of Sandakan", and ceded all of the Sultanate's rights to Baron von Overbeck as the "supreme ruler over the said dominions";

(4) Baron von Overbeck and Mr Alfred Dent in turn relinquished all their rights to a British company, later the British North Borneo Company;

(5) The Protocol dated 11 March 1877 between Spain, Germany and Great Britain;

(6) The Protocol dated 7 March 1885 between Spain, Germany and Great Britain whereby, *inter alia*, the Spanish Government relinquished to the British Government all claim of sovereignty over the territories of the continent of Borneo and its islands;

(7) The Agreement dated 12 May 1888 between the British Government and the British North Borneo Company for the creation of the State of North Borneo;

(8) The Treaty of Peace of Paris dated 10 December 1898 between Spain and the United States of America whereby Spain ceded the Philippine Archipelago to the United States of America;

(9) The Confirmation of Cession dated 22 April 1903 between the Sultan of Sulu and the British Government expanding the scope of the Cession and Agreement of 22 January 1878 between the Sultan of Sulu and Mr Alfred Dent and Baron von Overbeck;

(10) The Convention dated 2 January 1930 between the United States of America and Great Britain delimiting the boundary between the Philippine

Archipelago and the State of North Borneo;

(11) The Agreement dated 26 June 1946 between the British North Borneo Company and the British Government whereby the British North Borneo Company relinquished and transferred all of its interests, powers and rights in respect of the State of North Borneo to the British Crown, whereby the State of North Borneo became a British colony.

(12) The Agreement dated 9 July 1963 between the Federation of Malaya, the United Kingdom of Great Britain and Northern Ireland, North Borneo, Sarawak and Singapore relating to Malaysia, which entered into force on 16 September 1963, whereby the colony of North Borneo was to be "federated with the existing States of the Federation of Malaya as the [State] of Sabah".<sup>3</sup>

Although the Philippines was not a party to this litigation before the International Court of Justice — it did apply to intervene, but the application was rejected — it is clear from this judgment that the Sultanate of Sulu, even if such an entity were to legally exist today, has no subsisting legitimate claim to Sabah. In any event, as a matter of post-colonial self-determination, the people of Sabah voted overwhelmingly to join Malaysia in a referendum held in 1962, which was organised by the Cobbold Commission.

The Malaysian Bar thus calls upon the Malaysian Government to continue its efforts to defend its international borders and territory, protect its citizens, and apprehend the perpetrators of these acts of armed violence. In doing so, we nonetheless call upon the Malaysian Government to take appropriate and immediate steps to resolve the conflict in a peaceful manner to avoid the further use of arms and loss of limb or life.

Just as Malaysia is insisting on the respect for its sovereign rights under international law, as is proper, it would also be correct for the Malaysian Government to honour and maintain its commitment to international humanitarian law and international human rights standards in its conduct of the conflict and treatment of any persons detained as part of the conflict, and to accord such persons due process of the law. It is clear that there exists a serious threat to national security in the areas of conflict in Sabah, and that there are reports that the authorities have arrested 79 persons under the Security Offences (Special Measures) Act 2012. We expect that the due process of the law shall be observed and accorded to these arrested persons.

We ask the Malaysian authorities to take all necessary measures to protect and provide for the safety and well-being of civilians caught in the conflict zone, bearing in mind that these involve the elderly, women and children. They should be provided with safe passage to non-conflict zones and be provided with access to adequate food, shelter, medical assistance and protection. We also call upon the said authorities to ensure that all combatants, friend or foe, are treated humanely, and provided with the necessary medical assistance and treatment.

As we seek to assert our rights and protect our sovereignty and territorial integrity, we must continue to conduct ourselves with a strong sense of dignity and professionalism, with due observance of our own laws as well as international laws and standards. It is our conduct and observance of the law and human rights in the face of adversity that will differentiate us from those who would seek to threaten us and commit acts of aggression against us.

Press Release: 10 March 2013

**Christopher Leong, Vice-President Malaysian Bar**