



Labour Bill



Pekerja Teras Transformasi Negara

- ◆ 4-6 MTUC/SOSCO, OSH National Conference - Genting View Resort
- ◆ 6hb Disember 2012– Bengkel Cadangan Pindaan Akta Perhubungan Perusahaan, MTUC
- ◆ 12-13 Disember 2012 Kursus OSH/PERKESO, Sutera Inn Kota Bahru Kelantan

MIGRANT WORKERS' NEW RECRUITMENT POLICY SHOULD COVER ALL SECTORS

On Monday Human Resources Minister Datuk Seri Dr. S. Subramaniam said that the first batch of Bangladeshi workers coming to the plantation sector will be done through a Government to Government deal.

MTUC supports the new policy implemented by the Ministry of Human Resources to allow recruitment to be done on a government to government basis. The Minister has stated that this system is aimed at eliminating the involvement of middlemen and agents and MTUC fully agree with this as recruiting agents are seen as the main culprits for labour exploitation. The Government to Government system should be applied to all other sectors including the migrant domestic workers.

Since our government opened the doors to migrant workers, more than a decade ago, MTUC repeatedly stressed that all recruitment of migrant workers should be on a government to government basis. This will not only significantly reduce recruitment costs but most importantly eliminate series of recurring problems of abuse, con the unsuspecting workers with forged documents thus making their presence illegal.

On Sunday, the Ministry stated that maid agencies in Malaysia and Indonesia have been told to come up with a competitive wage package acceptable to Malaysian employers. Having signed an MOU between the countries, Ministry's call to the agents sounds most absurd. What is the point of having an MOU and not implementing it? Why are we asking the maid agencies to decide on the wages to be paid to the domestic worker and the fees to be charged to employ a domestic worker? Once again the recruiting agents seemed to have ganged up to squeeze more money from the domestic workers and households who are employing them.

Recruitment fees under the MOU have already been set at RM 4,511, to which the agents have indicated that the said cost under the MOU is too low for them to make a profit. Instead of honouring the MOU, the Minister is asking the agents to come up with a realistic cost. It appears that the government is going all out to back the agents and making sure that they get huge profits at the expense of domestic workers and the household who employ them. If the fee structure was not feasible, the ministry should have addressed it earlier and not after the MOU has been signed. This shows that as long as the middlemen system remain, government will not be able to reduce the cost of employing domestic workers and at the same time ensure that the domestic workers are accorded fair wage and decent working conditions.

We reiterate our call that all migrant workers coming into the country from now should be on a government to government basis.

Abdul Halim Mansor,
Secretary General

ACFTU / ILO-ACTRAV Seminar on Emerging Trends in Collective Bargaining – In Times of Crisis

(24 – 26 September 2012) Beijing, China

Continue from last month:

Challenges :Changing trends in law and practice in respect of collective Bargaining:

- ◆ Having a sound legal framework was a necessary condition, but was not enough. Governments needed to ensure that laws were implemented and enforced. Employers and employers' organizations need to make commitments to rights of collective bargaining.
- ◆ National conditions in development and in implementation of collective bargaining are different. Dealing with these issues in time of crisis poses additional challenges.
- ◆ Pay regard to the role of MNEs and supply chains across the region and their HR practices that undermine collective bargaining.
- ◆ Collective bargaining is new and underdeveloped in some parts of the region. Need to be aware of this.
- ◆ Purpose of collective bargaining is to see rising level of wages, job security and social security.
- ◆ Law enforcement is critical.
- ◆ Respect of collective bargaining and trade unions by governments is critical.
- ◆ Capacity of trade unions needs to be developed.

The following issues highlighted for action:

- ◆ Ensure the ratification and implementation of International Labour Standards.
- ◆ Focus on definition of a worker so as many workers have access to protection.
- ◆ National level programmes for promotion of collective bargaining and for employers to respect it
- ◆ Effective obligation on employers to bargain. Include legal provisions that support unions to seek relevant information from employers including their organization when engaged in bargaining.
- ◆ Ensure effective implementation and protection of the right to organize and the right to strike, including solidarity action.
- ◆ Freedom to bargain on all matters including wages working hours, union security, employment security, and workplace safety.
- ◆ Collective bargaining at the national, sectoral and / or enterprise level as appropriate.
- ◆ Appropriate dispute settlement mechanisms including courts and the right to strike
- ◆ A priority in capacity building amongst unions and this should be the focus of work by ILO, ACTRAV, by national centres, GUFs and ITUC.
- ◆ Governments need to ensure that both governments

and employers respect rights and help to remedy gaps in law.

- ◆ Information needs to be made available on the company structures.
- ◆ Unions should focus on issues relating to the role of MNE corporations and supply chains, denial of rights in the public sector, solidarity and support between civil society and trade unions

Challenges: Changing trends in scope and content of collective agreements

- ◆ Some countries face challenges in interpreting CBA for outsourcing.
- ◆ Some governments do not enforce minimum provisions of legislation.
- ◆ Highlighted that in some countries the scope of negotiations is limited by the law.
- ◆ Unable to enlarge scope of negotiations to outsourced workers and promotions.
- ◆ In some countries such as Korea, collective bargaining limited to enterprise level and wages and terms and conditions of employment. Precarious workers, which make up 50% of workforce subcontractors and subcontractors cannot belong to trade union.
- ◆ In Singapore issues of transfer of workers in situations of merger and acquisition.
- ◆ Singapore has set up units to help contract, casual and migrant workers.
- ◆ Amendment of employment act to enlarge scope of representation.
- ◆ Indonesia and Korea, no collective agreement can cover informal workers, not recognized. Yellow unions may delay a negotiating process.
- ◆ Lack of knowledge on statistics and reports and need for more knowledge, statistics and overview of practices.

The following issues highlighted for action:

- ◆ Full involvement of trade unions in policy-making and legal reforms is critical as CBA is downstream.
- ◆ Trade unions to engage with Government on definition of employee and employment relationship under law including using Employment Relationship Recommendation.
- ◆ Set up units to help these workers to covered by the existing CBA
- ◆ Precarious workers and how to deal with it in CBA
- ◆ Organize precarious group of workers
- ◆ Equal pay for equal work.
- ◆ Scope / coverage of collective agreements to be expand-

Kilang Fiber Simen –Piket

IPOH Kakitangan kilang memproses bahan fiber simen di Kawasan Perindustrian Tasek, telah mengadakan

berkenaan turut dibayar elaun terlalu rendah. Mereka hanya diberi elaun syif RM0.15 sen, RM0.25 sen dan RM0.35 sen.



"Kami tidak diberi elaun makan dan elaun kenderaan. Majikan juga telah menggunakan khidmat kontraktor asing bagi melaksana tugas-tugas khas yang selama ini dikendalikan sendiri oleh pekerja mahir gi kilang ini.

"Sejak berbulan lamanya pekerja mahir kilang ini tidak dibenarkan bekerja lebih masa. Ini merupakan satu lagi masalah di kilang ini," katanya.

piket. Piket telah berlangsung selama empat hari bagi menggesa majikan segera mengadakan mesyuarat tergempar untuk membincangkan pelbagai isu berbangkit, khususnya hak-hak pekerja kilang berkenaan memandangkan kilang tersebut memproses bahan kimia yang amat berbahaya kepada kesihatan pekerja-pekerja.

Setiausaha Kesatuan Kerja kilang berkenaan, Rozanna Azwin Abd Aziz, menjelaskan, pekerja turut marah dengan tindakan majikan yang dilihat sengaja melengahkan proses penstrukturan semula gaji minima sepertimana diumumkan Kerajaan Pusat. Katanya "gaji pokok semua kakitangan di sini jauh lebih rendah dari pelarasan gaji yang ditetapkan kerajaan,". Rozanna Azwin turut menyatakan kakitangan kilang



Katanya, sebelum ini kontraktor luar hanya terlibat dalam bidang-bidang tertentu serta hanya diberi kontrak selama tiga bulan.

Rozanna Azwin turut memper-

soalkan penafian hak pekerja mendapat rawatan kesihatan di hospital panel walaupun disediakan dalam 'Guarantee Letter' (GL).

Sumber sinarharian 23 Nov 2012

Kursus OSH JB 7-8 Nov 2012

Kursus asas OSH anjuran bersama MTUC dan PERKESO telah diadakan selama dua hari di Johor Bahru dari 7-8hb November 2012. Seramai 32 peserta dari pelbagai industri dan kesatuan gabungan telah mengambil bahagian dalam kursus ini. Kursus telah dikendalikan oleh Sdra Abdul Halim Mansor, Setiausaha Agung MTUC.



NUBE PIKET: Alliance Bank Tidak Hormati Pekerja Beragama Islam

Ahli-ahli NUBE telah mengadakan piket di perkarangan ibu pejabat Bank Alliance Berhad Jalan Munshi Abdullah Kuala Lumpur pada pukul 5.00 petang. Piket yang berlangsung selama dua jam ini mendapat sokongan dari ahli-ahli Kongres Kesatuan Sekerja serta kesatuan gabungan. Pelbagai sepanduk dan banner telah direntangkan oleh ahli-ahli seperti "stop union busting, untung ratusan juta tapi ruang solat tiada, bank Singapore hina Islam, dan sebagainya.

Mengikut Sdra. J Soloman, dua isu utama yang menjadi pertikaian untuk mengadakan piket ini iaitu, keengganan pihak Alliance Bank Berhad membekalkan bilik solat kepada pekerja-pekerja Islam dan mempromosikan pekerja-pekerja kerani kepada jawatan eksekutif yang sekaligus menafikan hak mereka menyertai kesatuan (NUBE).

Mengikut Sdra J. Soloman, Setiausaha NUBE " ini adalah promosi palsu, di mana pekerja kerani sengaja di beri pangkat eksekutif tetapi bidang tugas adalah sama iaitu kerani walaupun gaji mereka dinaikkan sedikit namun itu hanyalah untuk membolehkan pekerja-pekerja ini menerima jawatan tersebut.

Turut serta dalam piket ini ialah Setiausaha Agung MTUC Sdra. Abdul Halim Mansor dan Sdra. Mohd Khalid Atan, Presiden MTUC.



PIKET NUBE

Ahli-ahli kesatuan pekerja-pekerja bank Malaysia (NUBE) bersama Kongres Kesatuan sekerja Malaysia (MTUC) telah mengadakan piket di perkarangan Dewan persidangan Sasana Kijang, Jalan Dato Onn Kuala Lumpur pada pukul 2.00 petang. Lokasi ini menjadi pilihan kerana sedang berlangsungnya Persidangan Bank peringkat ASEAN dari 7hb November 2012 hingga 9hb November 2012.

Seawal 1.30 tengahari lebih kurang 400 ahli kesatuan NUBE telah berkumpul diperkarangan Sasana Kijang dengan pelbagai sepanduk dan banner dengan ungkapan seperti "Maybank, CIMB, Bank Muamalat cheats poor workers, hentikan penindasan pekerja, 99% meningkat 1% menurun, Maybank Rompak bonus kami dan sebagainya.

Sdra. J.Solomon, Setiausaha Agung NUBE, menyatakan piket ini adalah tindakan susulan dari beberapa piket yang telah diadakan sepanjang tahun ini apabila pihak pengurusan bank tidak mengendahkan rungutan kesatuan serta terus mengamalkan aktiviti penindasan terhadap pekerja-pekerja bank.

"Kalau sektor perbankan yang memperoleh keuntungan tinggi tidak mahu berkongsi kekayaan dengan pekerja-pekerja lain apatah lagi dengan pekerja dalam sektor lain? Lama-lama akan jadi 99 peratus miskin dan hanya satu peratus kaya, kaya jadi semakin kaya manakala miskin jadi semakin miskin, yang boleh menjurus kepa-

da jurang kaya miskin yang besar" katanya.

Beliau mempersoalkan kenapa bonus prestasi kerja sebulan bagi pekerja-pekerja dinafikan malah bonus untuk CEO sebanyak 18-24 bulan boleh diberikan.

Sdra. Mohd Khalid Atan, Presiden MTUC pula menegaskan tindakan pihak pengurusan yang terus tidak mematuhi klausa-klausa yang terkandung dalam perjanjian bersama kesatuan serta menindas ahli-ahli kesatuan adalah amat tidak patut dan melanggar hak asasi pekerja.

Turut hadir untuk memberi sokongan ialah ahli parlimen Batu, Kuala Lumpur, Tian Chua. Piket yang berlangsung selama hampir satu jam setengah ini turut dihadiri oleh Sdra Mohd Khalid Atan, Presiden MTUC, Sdra. Hj Mohd Shafie BP Mammal, dan pemimpin-pemimpin MTUC serta ahli kesatuan gabungan.





TRIANGLE PROJECT

(Tripartite Action to Protect the Migrant Workers)

VIETNAMESE DELEGATION VISIT MTUC

The TRIANGLE PROJECT (Tripartite Action to Protect the Migrant Workers from Labour Exploitation Project) is a joint collaboration between MTUC and ILO, in Malaysia, and which has the strength and ability to facilitate cross-country cooperation.

A study trip was organised for the VGCL delegation to Malaysia to explore how MTUC, Vietnam General Confederation of Labour (VGCL) and Vietnamese Association of Manpower Supply (VAMAS) with support from the International Labour Organisation (ILO), could play an important and a meaningful role in providing protection and counsel for VIETNAMESE MIGRANT WORKERS, working in Malaysia from **ABUSE** and **LABOUR EXPLOITATION**.

The objective of the Vietnamese Delegates visit to MTUC was as follows:

- ♦ to interview Vietnamese migrant workers, to identify some of the challenges that they are facing and how such issues can be resolved;
- ♦ to build up cooperation and lines of communication between the MTUC, VGCL and VAMAS and the Vietnamese Embassy in Kuala Lumpur, for the purpose of resolving cases and monitoring recruitment agency practices;
- ♦ to meet with the Vietnamese Embassy's Labour Management Section, to discuss how the rights of the Vietnamese Migrant Workers can be protected at Source and Destination Country;
- ♦ to inform the VGCL, ahead of consultation on Law and Policy reform related to 'Sending' and 'Protecting' the rights of Vietnamese Workers abroad.

A 4 day program was organised for the 5 member VGCL delegation. The delegation was taken to the living quarters of the Vietnamese migrant workers in Kajang and Klang where they were able to share with the workers their problems and also information on their working conditions. The delegation also had the opportunity to meet with officials from the Vietnamese Embassy, MEF and SOCSO. They made a factory visit to UPHA Pharmaceutical Mfg to know more about the stringent implementation of safety standards in the company. Their meeting with officials of Labour Department, Industrial Relations Department and the Trade Union Department was very useful as they got good response to their questions.

VGCL indicated that after their fact finding mission in Malaysia, they would consider signing a memorandum of Understanding between MTUC and VGCL.

Reported by MOSES SINGAM, Project Officer, MTUC-ILO Triangle Project. 26 November 2012



Meeting Vietnamese workers in Kajang and Klang



Decent Work for Domestic Workers

The ITC-ILO, ACTRAV in cooperation with ITUC Brussels, organised a Knowledge-sharing cum training workshop in Petaling Jaya from 16 - 19 October 2012.

12 by 12 Campaign (12-12-12)

Background

20 unionists from Asia Pacific countries attended this Training to share effective strategies for reaching out and organising domestic workers, share campaign strategies and follow up actions on the ratification of Convention 189. The training also raised awareness on the scope and contents of ILO Convention 189 and Recommendation 201.



Following the adoption of ILO Convention 189 on decent work for domestic workers, ITUC launched in December 2011 the '12 by 12' Campaign in close co-operation with the IDWN and IUF aiming at 12 ratifications of the Convention by the end of 2012 and at strengthening domestic workers' unions.

MTUC will be participating in this campaign.

MTUC support for this campaign will start with the submission of a memorandum to the Minister of Human Resources urging the Minister and the government to ratify Convention 189. The Memorandum will be stressing the importance of Malaysia complying with International standards so that we will not be seen as a country which has progressed but decline to acknowledge the need to treat domestic workers who are human beings in a humane manner.

Update on C189: So far 6 countries have ratified Convention



189: Uruguay, Philippines, Mauritius, Nicaragua, Bolivia and Paraguay (last 3 countries still need to register at the ILO).

MTUC will distribute flyers on the need to ratify Convention 189 and seek the support of households employing domestic workers.

Reported by:

Parimala N.

Project Officer

MTUC/FNV Mobilising Action for the Protection of Migrant Domestic Workers, 25 Nov 2012

MTUC and trade unions across the globe will release a Press Statement on 12-12-12 which will be uploaded onto the MTUC Migrant Domestic Workers Website at www.mtucworkersrights.com



Current issues

Malaysians can't depend on EPF for retirement, says pension fund expert

KUALA LUMPUR, Oct 29 – Malaysians are at risk of a lower standard of living during retirement if they rely solely on EPF said the chief executive of Private Pension Administrator Malaysia Datuk Steve Ong.

Ong said that Malaysia's current income replacement levels for retirement was only 30 per cent while the average for OECD countries was 57 per cent.

He said that Malaysian's needed to put an estimated 30-35 per cent of monthly pay into a pension fund for a higher probability of achieving an income replacement rate of two-thirds.

Ong said that those who are currently contributing to EPF already are at about 23 per cent.

"If you contribute another 10 per cent more, there is a higher probability of you getting a two-thirds income replacement for your retirement," he said at the Malaysian Capital Market Summit here.

Ong said that those who do not plan for their retirement risked having to work longer or cut back on their standard of living during retirement.

He also said that the private pension fund industry could potentially add another RM1 trillion worth of funds to the Malaysian capital market based on each of the 13 million working adult Malaysians contributing RM3,000 to a private pension fund per year for 25 years.

"Think what RM1 trillion can do for the capital markets," he said.

Ong noted that Australia's private pension fund industry is now the fourth largest in the world with A\$1.5 trillion worth of assets under management, despite their small population.

Malaysia currently has eight private pension funds approved by the government.

Malaysians who contribute to private pension funds are also given RM3,000 in tax deductible allowance.

By Lee Wei Lian October 29, 2012

PENGUMUMAN :

Kepada Semua kesatuan gabungan :

Sila hantarkan Collective Agreement(CA)/Perjanjian Bersama terbaru ke Ibu Pejabat MTUC bagi penganalisaan dilakukan terhadap gaji minima dan umur persaraan diperkemaskinikan.

Kerjasama dari semua kesatuan gabungan amatlah dihargai.

- ♦ Kesatuan dalaman/inhouse-satu CA
- ♦ Kesatuan National/Kebangsaan-seberapa banyak yang boleh dihantar.

Sila alamatkan kepada Bahagian Penyelidikan/Research.