



Labour Bulletin

ACCOUNTABILITY FIRST GST ONLY AS A LAST RESORT

I refer to MIER's view on GST (the Sun November 23, 09)

For obvious reasons Malaysian Trades Union Congress (MTUC) as a national organization of workers has consistently raised strong objections against the implementation of GST. GST will have a far reaching impact on the cost of goods and services and its effect will be even more serious on the lower income families.

Government has persistently rejected MTUC's demand for a national minimum wage, reasoning that a minimum wage will raise the cost of doing business and thus be a deterrent to foreign investors.

Conditions and treatment accorded to foreign investors seemed to be an obsession with our Government and some economists as well. It is ironical that MIER whilst referring to corporate tax rates in Singapore has glaringly failed to make any reference to the high wage policy and social security costs practiced there. For production workers Singapore pays 300% more than Malaysia.

Despite numerous problems, Malaysia has flooded the country with three million migrant workers: I believe that this policy is again aimed to comply with pressure of foreign investors.

Let us examine the effects of service tax. A family in need of medical treatment for their children are often forced to seek treatment in a private hospital. By doing so they help to reduce the pressure on Government hospitals and despite incurring exorbitant costs they are required to pay a service tax. I cannot comprehend the logic of this.

I concede that Government needs revenue for development and as citizens we cannot shirk our responsibility. But before the people are required to contribute, Government must convince that they have managed the available revenues prudently.

The Auditor General's revelations over the past twenty years shows clearly that government has done very little to ensure that we get our money's worth. In fact until recently the public got the impression that our Prime Ministers were not concerned about Auditor General's repeated criticism.

The current on going heated debate on the happenings in Port Kelang Free Zone is another disgraceful example of misuse of public funds.

Public will not accept a GST until it is proven that the Government is accountable and transparent.

G. RAJASEKARAN
Secretary General

**MTUC 60th
anniversary
dinner
will be held at
Armada Petaling
Jaya, on the
31st Dec 2009. at
7.30pm**

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Setiausaha Penyelidikan



Trade unions must be involved in collective bargaining and also in tripartite participation on national issues

25 unionist from 18 countries participated in the regional conference and made a series of recommendation after the two days ITUC – Asia Pacific Regional Conference on Industrial Relations Focusing on Tripartism and Bipartism in Singapore in September 2009.

Recommendations for Actions by ITUC – Asia Pacific

The ITUC – Asia Pacific together with its affiliates should continuously organize regional and national campaigns promoting effective tripartism and bipartism. Such campaigns should have the following key components.

- Support for tripartite and bipartite mechanisms where these provide a legitimate means for unions to progress improvements in social and economic policies benefiting workers.
- Recognition and respect all workers' fundamental right to form and/or join a Union and have the union to be legitimately recognised at all levels in society
- Support for the establishment in law of tripartite structures involving Unions, Employers and Governments that function to promote constructive and effective social dialogue.
- Enactment and effective enforcement of laws on fundamental rights of all workers and unions to bargain collective agreements irrespective of the category of work or sectors - public or private
- Having education activities for the capacity building of trade unions to enable effective engagements in tripartism and bipartism activities.

- Advocacy on the incorporation of core labour standards into the operations and activities of regional and sub-regional economic structures and IFIs and WTO.
- Setting up of an ITUC - AP network to exchange information on activities and share good practices on tripartism and bipartism.
- Unifying of unions for greater solidarity, gaining of public support and having high density of unions

Recognition of the engagement by unions in tripartite and bipartite mechanisms does not diminish the legitimate rights of unions to organise and campaign on matters of interest and concern to workers.

Respect for democratic principles and practices-

Respect for democratic principles and practices is essential for the development of independent and vibrant social organizations including trade unions. Such enabling environment is necessary for meaningful and effective social dialogue to occur.

Importance and objectives of tripartism and bipartism-

Tripartite and bipartite structures have important functions to reflect trade union policy on issues such as labour standards, national development, economic policies, social safety nets, and taxation, which are part of important mechanisms for re-distribution.

Role of workers' organizations – trade unions, the representative organizations of workers, should be given due recognition and respect on the basis of ILO Conventions 87 and 98 as they are a component that plays an essential role in industrial relations.

No union for migrants

Friday November 6, 2009-star

Subra piqued by idea of a union for foreign workers

HUMAN Resources Minister Datuk Dr S. Subramaniam told off an Opposition MP for trying to be a hero to foreign workers.

He accused N. Gobalakrishnan (PKR-Bagan Serai) of playing to the gallery by asking the government to allow foreign workers to set up their own associations to better protect themselves.

Dr Subramaniam said the Government was more aware of the issues affecting foreign workers than the MP.

"First you will demand that an association be set up for foreign workers.

"Then I'm sure you will ask that they be allowed to form their own political parties," he said when replying to Gobala-krishnan's question.

Dr Subramaniam said local and foreign workers were given adequate protection under the Workers Act 1955, in which workers were given contractual benefits such as wages, holidays, termination notice and work place insurance.

Gobalakrishnan had asked Dr Subramaniam on the ministry's efforts to contain problems faced by foreign workers especially in view of the increase in the number of such workers being abused by their local employers. "Recently, a foreign worker got two of his teeth broken by his employer.

"And we also hear of other cases where these foreign workers were beaten up.

"The Government should allow foreign workers to form their own associations so that they can protect themselves better," said Gobalakrishnan.

Dr Subramaniam said the rights of foreign workers were also protected through other Acts such as the Workmen's Compensation Act 1952 if they are involved in accidents at the workplace, Occupational Safety and Health Act 1994 and Factories and Machinery Act 1967.

To a supplementary question from Datuk Halimah Mohd Sadique (BN-Tenggara), who asked about action taken against agents who failed to secure employment for workers they had brought into the country, Subramaniam said the government regularly cancels the licenses of unscrupulous agents.

MTUC is surprised by Subramaniam's contradictory statement

Replying to the questions Human Resources Minister Dato S. Subramaniam told parliament that foreign workers don't need a union. Its reported that the minister claimed that Malaysian laws adequately protect and safeguard migrant workers rights.

MTUC is surprised by Subramaniam's contradictory statement. HR Ministry had claimed all the while that migrant workers can join a union. The latest statement by Subramaniam has created confusion.

Persatuan pekerja asing tidak dibenarkan

TEMERLOH 10 Nov. - Kerajaan tidak akan melayan tuntutan pekerja asing untuk menubuhkan persatuan di negara ini bagi mengelakkan sebarang implikasi buruk pada masa akan datang.

Menteri Sumber Manusia, Datuk Dr. S. Subramaniam berkata, terdapat desakan daripada pekerja asing di negara ini yang meminta kerajaan membenarkan mereka menubuhkan persatuan.

Tegas beliau, sebarang persatuan bagi pekerja asing dianggap tidak perlu memandangkan kerajaan mempunyai mekanisme untuk menjaga kebajikan mereka. - Utusan

The Malaysian Bar is disturbed about the high number of migrants who have died while in custody.

In July 2009, the Dewan Rakyat was told that some 2,029 persons died in prisons, rehabilitation centres and immigration detention centres between 2002 and 1 June 2009. More recently SUHAKAM Commissioner Datuk Siva Subramaniam was quoted as saying that 1,300 foreigners died in detention within the past six years. The Dewan Rakyat figure would mean that an average of one migrant dies in custody almost every day!

The authorities should conduct a thorough investigation to identify the underlying causes for this large number of deaths. Brushing off these deaths as being due to illness, asthma or suicide is unacceptable. When individuals are placed in custody and denied their freedom of movement, the detaining authority is responsible for their well-being and care. The detaining authority has a duty of care towards all such individuals, which is a responsibility that should be taken very seriously.

In the event of a death, the questions that should be asked include whether the death could have been avoided, and whether the authorities were negligent in fulfilling their duty of care.

Dato' M. Ramachelvam

Chairperson, Law Reform and Special Areas Committee
Bar Council

Jabatan tangani pekerja asing mungkin diwujudkan

Agensi atasi lambakan buruh luar, timbulkan masalah sosial



“Kita perlu buat kajian supaya kemasukan pekerja asing dan pengendalian mereka lebih tersusun kerana ia memberi kesan walaupun dari satu sudut ia membantu tetapi dalam jangka panjang (sumbangan) tidak sebesar mana”

Muhyiddin Yassin
Timbalan Perdana Menteri



KERAJAAN akan mengkaji kemungkinan mewujudkan sebuah jabatan khusus bagi menangani isu pekerja asing, termasuk memantau kedudukan mereka ketika bekerja di negara dan selepas tamat tempoh permit bekerja. Timbalan Perdana Menteri, Tan Sri Muhyiddin Yassin, berkata jabatan itu juga boleh berfungsi mengatasi lambakan pekerja asing yang sejak akhir-akhir ini menimbulkan banyak masalah sosial ekonomi kepada negara.

Beliau yang juga Pengerusi Jawatankuasa Kabinet Mengenai Pekerja Asing berkata, dengan bilangan dua juta pekerja asing berdaftar serta

(sumbangan) tidak sebesar mana,” katanya pada sidang media di sini, semalam.

Beliau berada di sini bagi menghadiri Sidang Kemuncak Keselamatan dan Jami-

baliknya. Justeru, saya berpendapat, kita perlu ambil satu langkah komprehensif dan holistik dengan melihat dari segi kesan jangka panjang kepada ekonomi negara,” ka-

belajar, sebaliknya bekerja atau terabit dalam kegiatan lain sehingga menimbulkan pelbagai masalah kepada rakyat tempatan.

Semalam, Muhyiddin me-

NASIONAL

Sabtu 21 November 2009

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BH PILIH 7A 21 (emel)

MTUC tolak syor jabatan khas tangani pekerja asing

KUALA LUMPUR: Kongres Kesatuan Se-kerja Malaysia (MTUC) menolak cadangan kerajaan mewujudkan satu jabatan khusus bagi menangani isu pekerja asing dan sudah memadam dengan peranan kementerian sedia ada.

Setiausaha Agungnya, G Rajasegaran, berkata MTUC yakin gandingan Kementerian Keselamatan Dalam Negeri dan Kementerian Sumber Manusia, mampu menangani isu berkenaan.

“Saya tidak nampak keperluan untuk mewujudkan satu jabatan baru, bagi saya jika ditambah satu lagi ia memerlukan perbelanjaan besar. Adalah lebih wajar jika kerajaan mewujudkan satu pasukan khas.

“Adalah lebih baik pekerja asing ini dibawa masuk me-

lalui saluran diwujudkan antara dua negara, jika dilaksanakan saya percaya kos pekerja asing juga dapat dikurangkan,” katanya ketika dihubungi di sini, semalam.

Semalam akhbar melaporkan, Timbalan Perdana Menteri, Tan Sri Muhyiddin Yassin berkata ada kemungkinan jabatan khusus akan diwujudkan bagi menangani isu pekerja asing, termasuk memantau kedudukan mereka ketika bekerja di negara dan selepas tamat tempoh permit bekerja.

Bekas Presiden Persatuan Pembantu Rumah Asing Malaysia (Papa), Datuk Raja Zulkepley Dahalan, berpendapat cadangan terbabit kena pada masanya dan wajar dilaksanakan ketika negara berdepan lambakan pekerja asing.



Climate change is a health and safety issue

Climate change is a health and safety issue for the planet – trade unions call for strong Copenhagen deal

Scottish trade unions warned today (Tue 24 Nov) that climate change is an urgent health and safety issue for the planet and its people, and called on world leaders to reach a strong deal in Copenhagen.

- **Grahame Smith** the Scottish Trade Union Congress General Secretary said that it is vital that the UN talks in Copenhagen in December (7th-18th) secure an ambitious, just and legally binding deal to cut greenhouse gas emissions worldwide.

- **Grahame Smith** said:
"Climate change is a trade union issue - an urgent health and safety issue for the planet and its people."

"Trade unionists internationally want world leaders to agree a deal that is fair to developing countries, whose people are already being hit the hardest, and fair to working people by ensuring a just transition to a low carbon future. That is why our members will be supporting The Wave."

- **Matt Smith** said:
"UNISON Scotland worked hard with other members of Stop Climate Chaos Scotland to lobby for the world leading Scottish Climate Change Act that we hope will be an example to other countries at these crucial talks.
"Trade unions also want to see action on climate change in every workplace across Scotland."

- **Mike Robinson** said:
"The Wave on Dec 5th promises to be a great demonstration of support for a strong climate deal in Copenhagen and Stop Climate Chaos Scotland welcomes trade union support."

"We want to encourage thousands of people across Scotland to join us and send a clear message to world leaders at these crucial talks."

"We need a safe planet for people to live on. It is vital that other industrialised nations share Scotland's ambition by making substantial cuts to their greenhouse gas emissions. We have a responsibility to protect the poorest and those most affected and that means committing to fair and fast action to prevent dangerous climate change." *Source: UNISON Scotland*

MTUC urge the government:

Despite the prevailing context of worsening global economic and financial crisis, by the end of 2009 governments must reach an agreement on climate change to succeed the current Kyoto Protocol; an agreement that must put our world on a path to protect our societies, their environment and the generations to come.

The Malaysian Trades Union Congress has written to Datuk Douglas Uggah Embas, Minister of Natural Resources and Environment-the trade union position for these crucial negotiations, as well as trade unions' specific demands aimed at improving the social and labour dimension of the climate change negotiating text.

MTUC urged the minister to support the proposals contained in the 15th Conference of the Parties (COP15) in Copenhagen, Denmark (7-18 December 2009), as they would both advance the interests of all countries worldwide and contribute to addressing many urgent challenges posed by climate change and climate change measures.

The international trade union movement is asking governments to:

Support an ambitious, binding and fair agreement in Copenhagen, which will set the basis for medium and long term emission reductions and for a sustainable adaptation to the effects of climate change in developing countries.

Ensure that the new agreement maintains the call for "Just Transition for the workforce which creates decent work and quality jobs".

Add a definition of "stakeholders" or "civil society", following agreed definitions from Agenda 21, as a means for recognising trade unions as relevant stakeholders in this discussion. In "Agenda 21", trade unions are recognised as one among nine Major Groups which are key in sustainable development decision-making.

MTUC called on the government to seriously consider this request and support of its proposals in COP15 discussions, as well as working with trade unions at the national level in addressing this crucial challenge for our society.

Estate workers say minister lied about their incomes.

Oil palm and rubber plantation workers are angry at Plantation Industries and Commodities Minister Tan Sri Bernard Dompok's revelation that they are above the national poverty line.

Dompok told Parliament on Oct 19 that the net income of a oil palm harvester is about RM1,700 and a rubber tapper's salary is about RM870 a month, when replying to a question from Mas Gading MP Datuk Dr. Tiki Lafe.

He also said the income level of the workers were above the rural poverty line of RM720 a month and that they also enjoyed free facilities such as homes, medical care and pre-school education for their children.

Coordinator for the Plantation Workers Support Group M Sugumaran blasted Dompok's statement and called it a "blatant lie".

"It is a blatant lie and it has been going on for a long time. The fact is misleading and confusing.

"The statement by the minister is in bad faith as it will (be) the reason for the people in the plantation to lose out the benefits given by the government to those who earn below the poverty line," he told reporters during a press conference in parliament.

Sugumaran added that his support group had met with workers from oil plantations and rubber estates in Selangor and Perak. "The workers were furious that minister said that they are getting more RM1,000; they said he should have just said we are getting RM3,000 and more. "Our immediate study has shown that the average wage of a rubber tapper, oil palm fruit cutter and common labourer is less than RM700, which is well below the poverty line. "The data we have clearly shows that the Ministry of Plantation Industries and Commodities is committing a big fraud and they are trying to close the real problems of workers are living from hand to mouth," he said.

Earlier, 10 plantation workers together with coordinators from Jerit and the support group met with Sungai Siput MP Dr D Jeyakumar in parliament. Jeyakumar pointed out that is harder for locals to land jobs due to high competition from foreign workers. "At this moment, most of the rubber estates have been converted to oil palm estates and the fruit cutting activities have been given to contractors who use foreign workers. Therefore there is high competition between locals and foreigners as foreigners are paid much less.

"The only job that is available nowadays is what we call a 'weeder' or common worker where the worker has to spray the fertiliser or treat the plants.

"And their monthly pay is more or less RM500 a month including the advance which is RM80 a month. So the net salary of the worker is only about RM420 and not RM1,700," he explained in the press conference.

Source: By Asrul Hadi Abdullah Sani/ Malaysian Insider/ Parti Sosialis Malaysia, 19 Nov 2009





APECS Leaders emphasise on a need for change

-analysis of Major points by James Howard, ITUC

Summary

The overall tone of the 2009 APEC Declaration is somewhat altered from previous such statements, with a strong emphasis on a need for change, inclusiveness, and "a new growth paradigm". When it comes to the detail however, much of the content is characterised by a familiar APEC business orientation, and there is a lack of detail regarding labour issues, with no reference at all to the APEC processes and meetings on human resource development. Nor is consultation beyond the business community even mentioned, despite interventions by ITUC/APLN affiliates to seek their governments' support for an APEC Labour Forum. The language on climate change is disappointingly indecisive, as has been commented on extensively in media reports of the APEC Summit.

Growth and Employment Issues

The APEC Declaration begins by echoing the position of the G20, stating that "We will maintain our economic stimulus policies until a durable economic recovery has clearly taken hold." This responds to trade union demands and is very welcome. There appears to be an implicit recognition that the former policies were insufficient in the statement that "We cannot go back to "growth as usual"" and the call for "a new growth paradigm". The preamble concludes by stating that Leaders will put in place in 2010 "a comprehensive long-term growth strategy that supports more balanced growth within and across economies, achieves greater inclusiveness in our societies, sustains our environment, and which seeks to raise our growth potential through innovation and a knowledge-based economy." This is all potentially important.

When it comes to the details, however, the first substantive section on **"Supporting Balanced Growth"** is disappointing, emphasising open trade and investment, structural reform and working with the private sector to achieve the optimal results. The references to APEC's work on structural reform are potentially worrying, given APEC's established support for the

World Bank's "Doing Business" deregulatory agenda over recent years. A report is to be produced by APEC Finance Ministers in 2010 and it will be important for trade unions to make an effective input to that report.

The following section on "Fostering Inclusive Growth" begins promisingly by expressing a resolve "to ensure that future economic growth is more inclusive, to broaden access to opportunities created by growth and to spread the benefits of growth more widely". However, the major vehicle mentioned to achieve that is support for Small and Medium Sized Enterprises (SMEs). Subsequently, there is reference *to job creation and skills upgrading of workers and particular reference is made to women, but again it is "outreach to women entrepreneurs" that receives the major share of attention.* There is no reference to labour nor any recognition that the best way to "enhance opportunities for all segments of our societies to benefit from growth", as Leaders say they desire, is by *enabling trade unions to engage in effective collective bargaining on behalf of their members.* **Nor is there reference to the quality of employment or to decent work.**

Sustainability and Climate Change

The APEC Declaration is strong on intentions and expresses a determined "commitment to tackle the threat of climate change and work towards an ambitious outcome in Copenhagen". It echoes G20 language on eliminating fossil fuel subsidies while paying attention to those in need of essential energy, and refers to various specific ways to cut greenhouse gas emissions such as higher energy intensity, sustainable forest management, REDD and addressing the role of the oceans. However as has been widely commented on in the press, there was no specific commitment to achieving targets for reduction of greenhouse gases at the forthcoming Copenhagen meeting, which is generally considered to be an extremely negative contribution to the prospects for the Copenhagen Summit. And unsurprisingly, there is no reference to the social impact of climate change nor to just transition.

International News

St. francis hotel workers on strike

SAN FRANCISCO, CA - About 650 workers at the St. Francis Hotel, one of the city's oldest and most luxurious, walked out on strike on November 18. This was the third of what may be many strikes hit San Francisco's Class A hotels. The contract with the workers' union, UNITE HERE Local 2, expired on August 14. Since then, Local 2 has been trying to bargain a new agreement in the middle of an economic depression.

San Francisco's largest hotels are demanding cuts in health and retirement benefits, and increased workloads, saying that the economic crisis has reduced tourism in the city. The luxury hotel chains want workers begin paying for their healthcare premiums -- \$35/month this year, \$115/month next year, and \$200/month the year after. A typical San Francisco hotel worker earns \$30,000 per year, and many can't work a full 40-hour week.

Over the first nine months of 2009, Starwood Hotels and Resorts, which manages the Westin St. Francis, earned \$180 million in profits. Starwood also manages three other San Francisco Class A hotels. The owner of the St. Francis, Strategic Hotels and Resorts, saw \$11 million in earnings during the same period. The company bought the hotel for \$439 million in 2006.

Source: David Bacon, <http://dbacon.igc.org>



Turkey: 22 Public Sector Union Members and Leaders Freed After Six Months of Unlawful Detention

On 19 and 20 November, in Izmir, Turkey, the ITUC attended, together with over a dozen representatives from trade unions and Global Union Federations from eight different European countries, the trial against 31 leaders and members of Turkish public sector union KESK. Being tried on charges of having established a terrorist organisation, 22 of them had already spent nearly six months in prison without access to due trial.

Between January and May 2009, the Turkish police had tapped the phones of 36 KESK members and leaders. The accusations were all written up after this. On 28 May, they were all arrested. In the end, 31 were made to stand trial on terrorism charges, of whom 22 were detained. From then on, their rights were violated in a huge number of ways.

After their arrest, they were kept in detention for almost six months. Until the submission of the indictment, on 31 July, the defence lawyers did not have access to their files. Their homes and workplaces were searched and their computers were confiscated. The only evidence against them stemmed from their recorded telephone conversations and their e-mail exchanges.

During the trial itself, the rights of the defense were constantly violated, with the president of the court himself doing the interrogations, the defense lawyers being impeded to speak to the defendants, and only one female guard being present although ten women were standing trial.

Last Friday night, the court in Izmir ruled all detainees had to be freed. Although the international trade union movement of course welcomed this decision, it remains highly concerned because all the accused will have to appear in court again in March next year.

Sadly enough, this trial took place concurrently with the case of another Turkish trade unionist, also arrested and detained on terrorism charges.

Source: ITUC OnLine: Brussels, 23 Nov 2009