

Labour Bulletin

MTUC protest against denial of collective bargaining

MTUC General Council representing more than 200 trade unions in the country expressed deep concern against government's failure to take effective measures to resolve union recognition claims. The parliament hurriedly approved a series of amendments to the Industrial Relations Act 1967 in February 2008.

Unfortunately, amendments largely unfavourable to trade unions and workers, have come into force but the new provisions aimed to speed up resolution of union recognition claims is in-operative.

Human Resources Minister Datuk S Subramaniam assured the National Advisory Council on July 23, that the required Regulations still awaiting the approval of Attorney General will be completed within a month.

General Council decided that if the HR Minister fail to fulfill his promise, union leaders march to the Minister's office to present a memorandum. The council also decided to submit a formal complaint to the ILO.

Several members of the council felt that the ministry is deliberately delaying the introduction of appropriate regulations in order to obstruct unions' effort to negotiate for better wages and working conditions.

G.RAJASEKARAN
Secretary General

**ITUC Asia Pacific
to hold
Regional workshop
in Petaling Jaya
from Sept 2-4, 2009
to decide on strategies to improve
working condition
of migrant workers**

Kandungan Isu ini

- 2 MC memadai untuk majikan mengiktiraf cuti sakit
- 3 Why people resort to street demonstration
- 4 Kursus KKP oleh NIOSH
- 5 The importance of OSH
- 6 SME and their problem due to economic crisis
- 7 Transport fair increased by 30%
- 8 CSR- a scam?

Wisma MTUC
10-5, Jalan USJ 9/5T,
47620 Subang Jaya,
Selangor.
Tel: 03-80242953
Fax: 03-80243225
email: mtuc@tm.net.my
www.mtuc.org.my

Disediakan oleh:
R.Rajeswari
Setiausaha Penyelidikan

Sijil MC memadai untuk membuktikan seseorang itu sakit dan bukannya laporan perubatan

Isu: Syarikat telah menahan gaji pengadu selama dua bulan, malahan pengadu pula MC untuk tempoh tersebut.

Pertikaian pihak syarikat :

1) company saying that they did not refuse to pay but they expressly told him that it (the salary) is suspended until he furnishes the medical report from his doctor, but he refused to do so".

2) pengadu tidak hadir siasatan domestik yang ditetapkan oleh majikan.

Pertikaian oleh ahli MTUC bagi pihak pengadu:

- cuti sakit (termasuk hospitalisasi) yang diperuntukkan di dalam kontrak perkhidmatan menggunakan pakai peruntukkan sek. 60F Akta, Maka majikan hendaklah membayar kerana cuti sakit serta cuti hospitalisasi yang diperolehi tidak melebihi jumlah yang diperuntukkan di bawah sek 60F Akta tersebut.
- siasatan domestik cuba dijalankan sebanyak 4 kali namun pengadu tidak dapat mengikuti disebabkan kebetulan atau tidak, pengadu tidak hadir kerana berada dalam bercuti sakit.

Āpa kata akta /undang-undang/hakim:

- *"You shall be entitled to sick leave in accordance with the provisions of the employment act. The company shall in all cases required a valid medical certificate by company's panel doctor or by any government doctor you are referred to".*

- Walaupun adalah seorang pekerja yang tidak tertakluk di bawah Akta memandangkan upah beliau sebagai eksekutif akaun berjumlah RM 3,100.00 sebulan, akan tetapi kontrak perkhidmatan Pengadu menggunakan pakai peruntukkan berkaitan kelayakkan cuti sakit. Cuma syarat tambahan yang diperuntukkan oleh syarikat ialah **mengkehendaki Pengadu untuk mengemukakan sijil cuti sakit yang sah yang telah ditandatangani oleh doktor panel atau oleh mana-mana doktor kerajaan yang telah dirujuk.**

Kes yang dirujuk: [1999] 1 CLJ ms 390:

"Sick Leave supported by medical certificate is recognized by S60F of the EA 1955. If the employer is unhappy with the valid certificate tendered, the evidence of the doctor who issued such certificate is very relevant. The testimony of the witness about what the doctor told him over the telephone is hearsay and should not been admitted." Selanjutnya Yang Arif menyatakan " the applicant past record is irrelevant in the light of the fact that his absence from work during the relevant period was properly covered by the medical certificates issued by competent authorities."

Kes No: KBR/11004/2008/0233

Syarikat: Chain Chon Stainless Steel Sdn.Bhd.

Presiding Officer: Tuan Rhymie Bin Mohd Ramli

Wakil Pengadu: Peter Kandiah, MTUC

Employer's ploy to get rid off workman:

An employer does not like a workman. He does not want to dismiss him and face the consequences. He wants to ease the workman out of his organisation. He wants to make the process as painless as possible for himself. He usually employs the sublets of means. He may, under the guise of exercising the management power of transfer, demote the workman... alternatively, he may take steps to reduce the workman in rank by giving him fewer or less prestigious responsibilities than previously held. Generally speaking, he will make life so unbearable for the workman so as to drive the latter out of employment. In the normal case, the workman being unable to tolerate the acts of oppression and victimisation will tender his resignation and leave employer's services. The question will then arise whether such departure is a voluntary resignation or a dismissal in truth in fact.

Industrial Court chairman: YA Kamaruzaman Ab Jalil
Award No. 808 2009; [page: 208]
Under case of : [2001] 1 CLJ 9

Kursus MTUC / NIOSH



Kursus Peranan Jawatankuasa Keselamatan dan Kesihatan Pekerjaan
MTUC/ NIOSH , 10-11 Ogos 2009

National Institute of Occupational, safety and Health(NIOSH) telah mengendalikan kursus 2 hari dari 10-11 Ogos 2009, peranan Jawatankuasa Keselamatan dan Kesihatan(JKK) di ibu pejabat MTUC Subang Jaya Selangor.

Mengikut Akta OSH, 1994 Section 30 setiap tempat kerja yang mempunyai **40 pekerja harus menubuhkan JKK.**

Adalah tanggungjawab majikan untuk mengadakan **polisi bertulis** untuk pekerja-pekerjanya.

Puan Siti menunjukkan kaedah melakukan senaman regangan di tempat kerja. Mengikut Puan Siti kawalan risiko amat penting di tempat kerja bagi mengurangkan hazard dan risiko bagi pekerja.

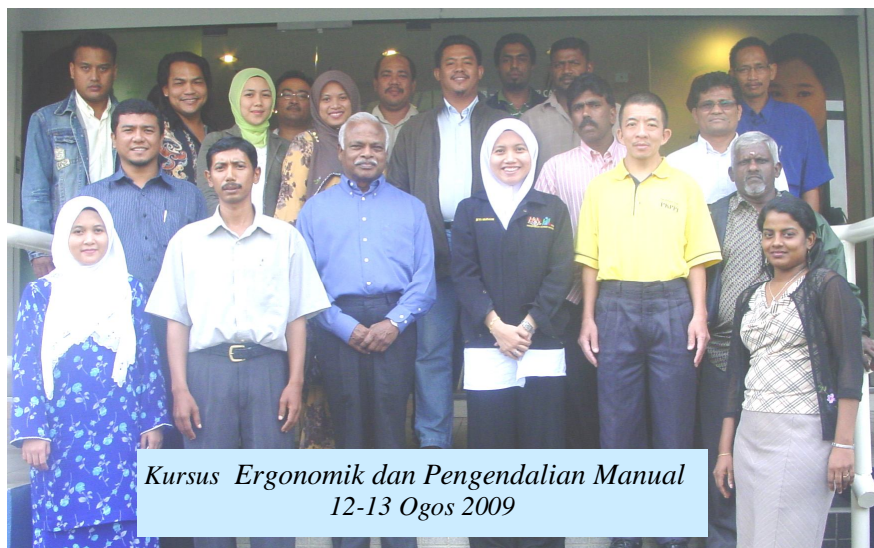
Pengendalian kerja dengan kaedah yang cermat dan ergonomik penting bagi meningkatkan produktiviti pekerja.

Segala hazard di tempat kerja dapat dielakkan sekiranya tindakan awal diambil.



NIOSH telah mengadakan kursus Ergonomik dan Pengenalan Manual selama dua hari dari 12-13 Ogos 2009 di Subang Jaya MTUC.

Kursus ini walaupun kurang popular di kalangan ahli-ahli namun hasil penganalisaan dan penilaian dari peserta kursus menunjukkan kursus ini amat berfaedah kerana ia berkait rapat dengan setiap tingkahlaku pekerja di tempat kerja, yang pekerja sendiri tidak menyedari hakikat-hakikat tersebut.



Kursus Ergonomik dan Pengendalian Manual
12-13 Ogos 2009

WHY PEOPLE RESORT TO STREET DEMONSTRATIONS

There is no justification for the Government to use brute force against peaceful demonstrators. The whole world witnessed that the march on Saturday 1st August in protest against the dreaded Internal Security Act remained orderly and peaceful until the police intervened with water cannon and tear gas.

Unnecessary force was applied to disrupt a peaceful march by citizens whose only aim was to submit their concerns against the ISA to the King. More than 500 people including juveniles were arrested.

Prime Minister Datuk Seri Mohd Najib Razak must take cognizance of the fact that civil society groups have made known their resentment and reasoning for opposing the ISA. In the last 50 years, series of forums and assemblies have debated the abuses of the ISA: Unfortunately nothing has changed.

It is now a well known fact that Government always ignored memorandums and proposals submitted by civil society groups. A good example would be the attitude and approach of the fifth Prime Minister Tun Abdullah Badawi.

Since ascending to the post of Prime Minister on 31st October 2003, Tun Abdullah Ahmad Badawi sidelined the MTUC and ignored the needs of seven million workers in the private sector.

During his entire 5 years and 5 months rein he never met MTUC leaders; he ignored repeated reminders. Since November 2003 MTUC submitted four memorandums on:

- **Privatization of water distribution on 24 January 2006**
- **The impact of increase of Petroleum products on 27 March 2006**
- **Minimum wage on 18 June 2007**
- **Restrictive labour legislations on 5th May 2008**

Not only Prime Minister Abdullah failed to meet with MTUC leaders,

he even failed to acknowledge any of the communications forwarded to him. By this he proved that all his slogans were just that – SLOGANS he never believed in any of them.

MTUC concede that it is the Government's responsibility to maintain public order but this should not be used as an excuse to ban peaceful assemblies and march when all other efforts have failed.

G. RAJASEKARAN
Secretary General

Photo by: Malaysiakini



Employers' perception on OSH: Profits are more

Occupational Health and Safety seems to be no longer important...and did the [746 workers who died in industrial accidents in Malaysia in 2008](#) because occupational safety and health requirements and standards were not met?

Now, we are told that about 90% of transportation companies in Malaysia are not even bothered about Occupational Health and Safety matters...

A few weeks ago, we were told that [90% estates in Malaysia fails to meet Occupational Safety and Health standards ..](#)
Source: <http://charleshector.blogspot.com>

Workers are human beings, and the Malaysian government must start to care about workers safety and health issues..

The government must start sending labour inspectors (DOSH officers) to all workplaces to ensure that no more workers die and/or are injured at their workplace.

Non compliance with DOSH standards must not be viewed lightly...

Six people, including a store manager who tried to save a Bangladeshi worker, died from inhaling ammonia that leaked from a faulty refrigeration system at a jetty in Kampung Bagan Pasir.

Three other Bangladeshi workers who also suffered from the gas leak have been warded at the Tanjung Karang Hospital. Manager Lim Kian Chew, 35, collapsed after pulling out a Bangladeshi worker who had fainted while working inside a makeshift cooler tank that was used to store fish.

Four other Bangladeshi workers, who joined Lim's relative Kim Son, 58, and two of his neighbours, Sia Liang Huat, 33, and Gan Ayong, 30, in responding to calls for help, also died in the 8am incident on 11 August 2009.

The noxious ammonia was being used as a refrigerant in the cooler tank. When firefighters arrived at 9am, they found nine people unconscious and foaming at the mouth next to one of the four cooler tanks in the jetty area.

A firefighter said the smell of ammonia was so strong that he could smell it through his breathing apparatus.

The victims were sent to the hospital where six of them were pronounced dead on arrival.

Selangor Fire and Rescue Department director Soiman Jahid told reporters that residents from 15 houses within 100m of the jetty were ordered to evacuate for several hours until the situation was under control.

"This is the first time we have responded to a case like this in Selangor," he said.

Three fire engines, including a hazardous materials response team (Hazmat) from Section 15, Shah Alam, were dispatched to the emergency.

Water was used to dissolve the gas contained in the faulty cooler tank and later soda ash was applied to neutralise the liquid ammonia.

Kian Chew managed the store for his elder brother Kian Boon, 38, who sells the fish that is used to make fertiliser.

Kian Boon said the cooling system had leaked before, adding that the salt water caused the refrigerator coils to corrode and he spent RM10,000 in April to change the coils.

"The workers knew the gas was poisonous but they did not know how hazardous it was,"

reported by star 12 August 2009



SME's lament that despite paying millions as premium, Govt yet to issue conversion; Labour shortage due to low wage?

Round table discussion with SME owners on how to deal with the global economic crisis and how could the state government assist them.

The MP Klang, Charles Santiago or-



ganized a dialog session on the 10th August 2009. The most important issues raised from the dialog:

- 1) **shortage of man power**-SME's saying that local workers are denying to take the jobs with a pay of RM500-700 and facing difficulty in getting migrant workers due to the out-source procedure in getting migrants.
- 2) The authority putting so much of **restriction to legalize the business premises**, or the land of their business (from agriculture land to business land). Meanwhile the business owners are paying huge amount as premium and still not able to get their CF. According to YB Ean Yong Hian Wah,

Selangor State Exco, there are about 2500 illegal factories in Selangor which has been registered and the authority has collected about 14 million of premium till now. *This can be the major cause for the industries for not paying good salary for their workers since they are spending huge amount of their profit to the authority and etc.*

Sesi Dialog Y.B Menteri Pembangunan Wanita, Keluarga Dan Masyarakat dgn Pertubuhan Bukan Kerajaan.

Dialog sehari ini telah diadakan pada 9 Ogos 2009 di Hotel Nikko Kuala Lumpur. Jawatankuasa Wanita MTUC telah mengambil bahagian dalam sesi dialog ini serta menyampai memorandum kepada YB menteri dalam isu-isu kaum wanita terutamanya keperluan pusat pengasuhan kanak-kanak dan keutamaan peluang pekerjaan kepada kaum



A need for childcare and women employment-memo by MTUC

wanita. Sesi ini telah dihadiri oleh kebanyakan kumpulan NGO wanita, wakil NGO kanak-kanak, wakil Organisasi Orang Kurang Upaya, Organisasi ibu bapa tunggal dari seluruh Malaysia termasuk Sabah & Sarawak.

Dialog ini lebih berorientasikan perbincangan bagi mencari penyelesaian terhadap permasalahan-permasalahan mereka dan jabatan-jabatan yang terlibat yang boleh menguruskan permasalahan mereka.

Public transport fares increase by 30%

20pc toll rebate to benefit 85,000

Rebate only an interim measure

Rebate only an interim measure

FROM PAGE 1

"As anticipated by the prime minister, the rebate is only an interim measure. The government has commissioned a study to find out how to help alleviate the cost of travelling for highway users."

Asked when the study would be completed, Shazmin said the government would take time to study the current toll structure and long-term measures to lighten the burden on highway users.

"Ultimately, EPU has to complete the study so that we can put in place a more efficient and long-term mechanism to lighten the burden on highway users," Shazmin added.

Highway users in Kuala Lumpur, Klang Valley, and Penang would be eligible to stop at both Salakan and Ipoh-Utara toll plazas for payment of toll transactions.

Highway users will now be able to enjoy a smoother, more comfortable and safer journey unlike in the past where many lives were lost along the stretch, especially at the Ipoh-Utara toll plaza."

Shazmin, who was accompanied by the Expressway Berhad chairman, Tan Sri Mohd Shahrir Mohd Kasim during the launch, said the cost of the through traffic project was RM283 million, which included construction of separate dedicated lanes for local traffic parallel to the highway.

The separate lanes, he added, were created to maintain the existing non-toll route for local residents travelling between Ampang in the south and Jelapang in the north.

What is the point in giving rebate for toll and the next day increasing the public transport fares by 30%..

Increase in public transportation fares, will also cause and give indirect implication for price increase of other goods and services in the market. Therefore unions are encourage to take this factor while negotiating for the new CA.

Dearer public transport from Aug 1

by Hemananthani Sivanandam
newsdesk@thesundaily.com

KUALA LUMPUR: Public transport fares will be up by up to 30% from Aug 1.

A taxi ride will cost RM3 for the first three minutes and 10 sen for every subsequent 115m/21 seconds. At present it is RM2 for the first 10 minutes and 10 sen for every subsequent 150m/45 seconds.

Announcing the new fares yesterday, Mirza Nazri Abdul Aziz said the people should be shocked as the government had been in about the increase for two months.

"The government has conditioned minds for the hikes," he told a press conference after presenting 831 taxi permits to Klang Valley cabbies.

Express bus fares will be up by two sen per kilometre to 8.5 sen and stage bus fares in KL will increase by between 25 and 70 sen depending on zones.

Parents will also have to fork out more for school buses in urban areas, up from RM2 to RM27.43 for the first kilometre now from RM1.55 to RM2.02 for every subsequent kilometre from next month.

The cabinet decided on Aug 29, 2007 to review public transport fares following rising operating costs. On June 17, it agreed to fare increases for taxis, rental cars and express, stage and school buses and other types of public transport.

Nazri said the fare structure would be reviewed every year. He said public transport operators were expected to adhere to the guidelines to improve their services. Among them are abiding by the Safety, Health and Environment code of practice for an efficient management of their fleets, setting up of a database of drivers' records to aid enforcement against those blacklisted and display fare schedules in all vehicles.

Nazri said the fare rise would also encourage cabbies to be more responsible. "The fare hike is reasonable. If the rates are low, taxi drivers will refuse to use the meter, charge atrociously and demand for higher fares. Now, I hope all the indiscipline will stop," he said.

Cabbies have between Aug 1 and Dec 31 to calibrate their meters.

Nazri urged the public to complain to the Commercial Vehicle Licensing Board if they were unhappy with any service or had a bad experience with operators. There are 9,061 stage buses, 4,998 express buses, 19,128 rental cars, 16,343 school buses and 32,921 taxis nationwide.

See table Page 8

EXPRESS BUS	
NOW	FROM AUG 1
6.5 sen/km	8.5 sen/km
STAGE BUS (in KL)	
75 sen - RM2.40	RM1 - RM3.10
STAGE BUS (outside KL)	
48-72 sen/first 2km 7.2 sen/km subsequently	62-94 sen/first 2km 9.4 sen/km subsequently
Mini BUS (one way)	
75 sen - RM2.40	90 sen - RM1
SCHOOL BUS (urban)	
RM21.10/first km RM1.55/km subsequently	RM27.43/first km RM2.02/km subsequently
SCHOOL BUS (rural)	
RM18.55/first km RM1.55/km subsequently	RM20.61/first km RM2.02/km subsequently
TAXI	
Klang Valley, JB, Malacca, Kuala Terengganu	
NOW	FROM AUG 1
RM2/first km 10 sen/150m subsequently	RM3/first km 10 sen/115m subsequently
Penang	
RM3/first km 10 sen/150m subsequently	RM4/first km 10 sen/115m subsequently
AIRPORT TAXI	
To KLIA, LCCT (standardised)	
RM29 - RM543	RM32.20 - RM602.70
To other airports:	
RM14 - RM20	RM15.50 - RM22.80
RENTAL CAR (Non-air cond)	
NOW	FROM AUG 1
11.5 sen/km	21.65 sen/km + 50 sen additional charge for every passenger
(Air-cond)	
13.3 sen/km	25 sen/km + 50 sen additional charge for every passenger



Kenaikan harga minyak baru-baru ini telah mengakibatkan kenaikan yang mendadak pada harga barangan dan juga kos pengangkutan. Malahan penurunan harga minyak tidak menampakkan kesanggupan pengeluaran atau syarikat untuk menurunkan kembali harga barangan. Ini sudah menjadi satu kebiasaan dalam persekitaran di Malaysia. Siapakah yang menanggung risiko ini? Sudah tentunya golongan yang berpendapatan rendah.

Kini taktik serampang dua mata pula yang digunakan oleh pelbagai pihak bagi mengambil kesempatan dengan kegawatan ekonomi global. Bagaimanakah lobi untuk mengalakkan penduduk Malaysia menggunakan pengangkutan awam dapat direalisasikan sekiranya harga pengangkutan awam dinaikkan begitu mendadak sekali. Apatah lagi kebanyakan golongan berpendapatan rendah sememangnya bergantung kepada penggunaan pengangkutan awam.

MTUC Wants Transport Fare Hike To Be Reviewed

Malaysian Trades Union Congress wants the public transport fare hike announced On 16 July 2009 to be reviewed as it would burden the lower income group.

MTUC president, Syed Shahrir Syed Mohamud said it was the wrong time for a fare increase as the workers were badly affected by the economic slowdown.

He added by saying that "their take home pay have reduced as they are not allowed to do overtime, there is no pay rise, some had their salaries cut while others are out of work. Imagine how difficult it is for parents to fork out more money for school and public bus fares for their children,"

He regretted that the government did not seek the views of organisations representing the workers and the lower income group before announcing the fare hike.

The public transport fares will go up to 30 per cent from Aug 1.



International news

Corporate social responsibility movement: Is it just a scam?

"What do we do when the entire economy becomes a Nigerian email scam?" That's the provocative question posed in an [article](#) on the Website of America magazine on August 3.

Well, one thing we should do is to recognize that the corporate social responsibility (CSR) movement is itself largely a scam. The Economist has a different word for it.

"For most companies, . . . CSR is little more than a cosmetic treatment," the Economist wrote in 2005. "The human face that CSR applies to capitalism goes on each morning, gets increasingly smeared by day, and washed off at night."

The world economy is in crisis today because it suffers from "governance gaps" where sweatshops and other grave social and moral evils thrive. Thanks to current international law, investors and business people are privileged to operate globally under rights without matching responsibilities.

The Pope repeatedly emphasizes, as a general principle, the need to balance rights and responsibilities. He gets very specific when it comes to two highly controversial subjects:

-- Responsibility of investors: The positive side of the reform movement already underway in the global financial system, should be further developed, "highlighting the responsibility of the investor."

-- Intellectual property protection: "On the part of rich countries, there is an excessive zeal for . . . an unduly rigid assertion of the right to protect intellectual property, especially in the field of health care."

Just those two reforms, if adopted and implemented in international trade and investment pacts, would be major breakthroughs in globalization and in what the Pope calls "integral human development." But both reforms are outside the stated CSR goals. Both are vigorously opposed by the business and financial community in the United States and beyond

Source: Robert Senser, Human Rights for workers, August 01, 2009

GDP 'Growth': a tool to fool

Statistics on economic growth are misleading measures of a nation's economic health, but they are widely used anyway.

The front page of today's Washington Post hailed a "modest growth" in France and Germany as the "latest sign of a global comeback, and reported that "improving indicators" are pointing to an end of the recession in the United States, China, and even Japan.

Yet another story in today's Post, this one on page 11, headlined: "Optimism Bypasses Consumers," with this subhead "Retail Sales, Foreclosure Data Show Outlook Remains Bleak for Households."

The difference between the two stories is that the optimistic one builds on a small climb in the Gross Domestic Product, the commonly used measure of how the economy is faring. But GDP is an unreliable indicator. It is *one* measure of the economy, but by itself "a deeply foolish one," according to a long analysis in the August 10 New York Times.

Source: Robert Senser, Human Rights for Workers. August 14, 2009

"Turkey: Anti-union harassment: 32 unionists still in prison"

Brussels, The International Trade Union Confederation (ITUC) and the European Trade Union Confederation (ETUC) wrote a [joint letter](#) to the Turkish Prime Minister last week to protest at the constant harassment, dismissal, random judicial proceedings and arrests of members and leaders of their common affiliate, the Confederation of Public Employees' Trade Unions (KESK). At this moment, 32 persons still remain in prison, without access to due process and in contravention of Council of Europe and ILO standards.

Source: ITUC CSI IGB online, 27 July 2009