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Tahun
MTUC

Labour

Bulletin

2009 is ending with Human Resources Minister's many unfulfilled promises

Six months ago the human Resources Minister Datuk Subramaniam assured MTUC that he will act on the wages council recommendation to set a minimum salary for the security guards. Apart from the Minister's promise there is no indication that thousands of security guards' low wage and exploitative working conditions will change any time soon.

The wages council established by the Human Resources Ministry completed their study more than four years ago. Despite spending considerable sums of money the Minister has not gone beyond making empty promises.

In June, following the widely published case of ill treatment of an Indonesian domestic worker HR Minister assured the public that urgent measures will be put in place to protect and safeguard the 300,000 domestic workers in the country. He stated that by the end of 2009 domestic workers will enjoy a weekly day off but there is no indication that the minister's promise will be implemented.

Following the global economic crisis in April, Datuk Subra announced that the Government, taking into consideration the impact of the crisis on employment, has decided to freeze recruitment of migrant workers. Contrary to his promise, 200 to 300 migrant workers are arriving daily through KLIA.

MTUC is disappointed that Government has done nothing to enforce their decision that henceforth employers must pay the migrant workers' levy starting from the date of new contract.

Collective Bargaining Rights

Following the promulgation of amendments to the industrial Relations Act in May 2008 Human Resources Ministry officials assured MTUC that recognition disputes will be settled within a maximum period of six months. Unfortunately unions are still grappling with recognition claims submitted three years ago.

G.RAJASEKARAN
Secretary General

**Selamat
Tahun
Baru**

**Teruskan
perjuangan
anda bagi
tahun 2010**

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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

Mengapa bebaskan rakyat dengan GST?

Rang undang-undang GST sudahpun dibentang dalam persidangan Parlimen pada 16 Disember 2009 untuk bacaan pertama dan pembentangan kedua dijadualkan pada March 2010.

Sistem Cukai GST akan dimulakan dalam masa 18 bulan selepas pembentangan kedua di parlimen.

Cukai GST ialah cukai yang dikenakan ke atas barangan dan perkhidmatan yang dibeli oleh pengguna. Kerajaan mencadangkan kadar cukai 4% untuk Cukai GST dan berjanji memberikan pengecualian terhadap barangan asas seperti makanan.

Namun ini adalah beberapa persoalan yang perlu kita teliti:

1. Mengapa Kerajaan Malaysia mahu memperkenalkan Cukai GST di Malaysia?

Berdasarkan Menteri Kewangan Kedua Datuk Seri Ahmad Husni Hanadzlah, Malaysia perlu setanding dengan Negara membangun dan negara maju yang lain yang sudahpun mempunyai cukai GST. Singapura, Australia, Thailand, China dan Negara Eropah adalah antara negara yang sudahpun mengamalkan cukai GST. Oleh itu amat penting untuk Malaysia ikut peredaran masa agar tidak ketinggalan. Tambahan pula sumber yang diperolehi dari cukai korporat, cukai pendapatan dan wang royalti petrol tidak mencukupi bagi perbelanjaan kerajaan dan terpaksa berhadapan dengan bajet defisit.

Sumber : www.jerit.org,

Thousands of Sabah workers are without pensions

Government servants in Sabah want the retirement scheme in the state civil service and Government Linked Corporations (GLCs) revamped.

The Sabah chapter of the Malaysian Trade Union Congress (MTUC) said thousands of retirees in the state have been futilely seeking their pensions which have been denied them under anomalies. Those receiving pensions are getting less than RM150 per month.

"We must consider their contributions to the development of the state from the colonial era to the 1970s, and later," said Sabah MTUC chairperson Simon Yayun Lamadas. "It is sad to see so many civil servants sidelined in this manner."

Lamadas was commenting on an appeal recently by the Sabah Government Pensioners Association (PPKS) on behalf of "thousands of retired civil servants in Sabah who are without pensions".

Lamadas said it was an affront to the dignity and rights of workers to be placed in temporary service posts for 30 years and more. He asked why they were not absorbed into permanent service in line with their job designations.

The alternative, he said, would have been to let them go after an agreed period which then can reasonably be considered to be temporary.

In the case of the GLCs, the Sabah MTUC wants the minimum pension to be raised to RM720 per month in line with the practice in the public sector.

He sees no reason why most of the retirees have to subsist on as little as RM150 per month despite being willing to make sacrifices to continue working under the privatisation exercises.

"We cannot deny their contributions to the national economy," said Lamadas. "Most have been working for more than 25 years, both in the government service and after privatisation."

Lamadas estimates that at least 10,000 former GLC workers are subsisting on meager pensions. These are the workers affected by the corporatisation and privatisation of government statutory bodies and departments. The main GLCs involved are Malaysia Airports Berhad, Telekom Malaysia and Pos Malaysia.

The thrust of the claim by former state civil servants outside the GLCs is that a "retirement allowance" is provided for under the Industrial and Manual Group (IMG) staff scheme.

Workers under this scheme were paid monthly on a daily rated basis or Open Vote System, although this is not stipulated under service regulations.

The government, it is held, "most probably lost track of the thousands employed under the IMG and for convenience placed them under the Open Vote System".

Malaysiakini. Dec 22, 2009

New Laws needed to ensure justice for workers in Malaysia

*MTUC's proposed National Retrenchment Fund
Could Have Assisted former
Nikko Electronics workers*

Recently, it was reported that the retrenched workers of Nikko Electronics Bhd protested outside Penang State Assembly.(Star, 2/12/2009), seeking the State governments assistance to get their benefits and compensations. These were amongst the 1,000 odd workers that were retrenched suddenly without notice by their employer in July 2008. Apparently, their plea to the Minister, the Federal and State government have not been successful to date. If there was a National Retrenchment Scheme, as proposed by MTUC in 1998, in place, they could have resorted to this to get some compensation. Malaysian laws also need to be amended to ensure justice for all workers, especially those who lose their jobs and source of income.

There must be a new law that provides for compensation to workers in Malaysia that are terminated, retrenched or laid off by the employers as the current Employment (Termination And Lay-Off Benefits) Regulations 1980 is no longer just or sufficient given the fact of changes in the employment patterns in Malaysia.

Today, a lot of employers hire workers, be it local workers or migrant workers, on a short fixed term basis which may range from 1 to 2 years. Thereafter, a new contract may be entered into for some. There is also the practice of contracting out some of the jobs to private contractors, and in this case the workers become employees of the contractor, and not the

owner of the place that they work with.

This changing employment practices has had serious implications for workers, for they not only lose job security but also rights as workers, including the right to join existing unions. MTUC after the 1998 economic crisis, being fully aware of the fact that many a worker were not paid their requisite compensation and benefits by reason of the fact the employers did not have any more money, proposed to the Malaysian government to set up a National Retrenchment Scheme.

When these companies renege on their legal and contractual obligations to their workers by defaulting on statutory contributions to the Employees Provident Fund (EPF) and to the Social Security Organisation (SOCSO) as well as payment of retrenchment benefits pursuant to the Employment (Termination and Lay-Off Benefits) Regulations, 1980, then this National Retrenchment Fund could come in to immediately assist these workers.

Although in March 2009, The Malaysian government has ruled out setting up a retrenchment fund (Sun, 4/3/2009, No plan for retrenchment fund, MTUC urges that the government to reconsider this decision, and immediately set up this very much needed National Retrenchment Fund, which will surely benefit workers like those from Nikko Electronics Bhd.

*Press statement : Syed Shahir Syed Mohamud,
President MTUC*

Pakej Rangsangan di negara-negara terpilih

Perkembangan Ekonomi dan Kerjasama Antarabangsa



Pakej Rangsangan di Negara-negara Terpilih

Tarikh diumumkan	Negara	USD Bilion	Tumpuan pakej rangsangan
17 Feb 09	Amerika Syarikat	787.00	Mewujudkan pekerjaan, menggalakkan perbelanjaan pengguna dan pembinaan semula infrastruktur.
12 Dis 08	Kesatuan Eropah	39.00	Projek-projek merentasi sempadan termasuk sumber tenaga bersih dan menaik taraf infrastruktur telekomunikasi.
13 Jan 09	Jerman	118.00	Aktiviti pembinaan dan pembaikan kemudahan awam, bonus kanak-kanak, faedah sosial, skim insentif bagi melupuskan kereta dan potongan cukai.
5 Nov 08	Perancis	33.00	Pelaburan sektor awam dan memulihkan industri automotif.
13 Dis 08 6 Apr 09	Jepun	250.00 570.00	Perbelanjaan kerajaan, menstabilkan sistem kewangan, geran kepada kerajaan tempatan, jaringan keselamatan sosial untuk pekerja bukan tetap, perniagaan kecil-kecilan, menggiatkan ekonomi serantau, mempromosi tenaga solar, rawatan dan perkhidmatan perubatan serta potongan cukai kepada golongan isi rumah dan syarikat.
10 Nov 08	China	586.00	Perumahan golongan berpendapatan rendah, tenaga elektrik, bekalan air, projek infrastruktur kawasan luar bandar, projek berkaitan alam sekitar dan inovasi teknologi, perbelanjaan penjagaan kesihatan dan kebijakan sosial serta potongan cukai bagi perbelanjaan syarikat.
3 Nov 08 9 Feb 09	Republik Korea	14.64 38.00	Infrastruktur (termasuk jalan raya, universiti, sekolah, hospital), dana untuk SME, nelayan dan keluarga berpendapatan rendah, bantuan untuk industri pembinaan, projek mesra alam termasuk pembinaan empangan, jaringan pengangkutan hijau dan meluaskan kawasan hutan sedia ada serta potongan cukai.
28 Jan 09	Indonesia	6.32	Perbelanjaan infrastruktur, pemotongan harga bahan api dan tenaga elektrik serta insentif cukai kepada syarikat dan individu.
21 Jan 09	Filipina	7.01	Projek infrastruktur, pertanian, pendidikan, penjaga kesihatan, pemberian tunai kepada golongan isi rumah yang miskin dan potongan cukai.
16 Dis 08	Viet Nam	6.00	Perbelanjaan infrastruktur, perumahan, sekolah-sekolah dan hospital serta potongan cukai.
22 Jan 09	Singapura	13.70	Infrastruktur, subsidi gaji pekerja, latihan, pemberian tunai kepada pekerja berpendapatan rendah, menambahkan pengambilan penjawat awam, menjamin 80% daripada risiko pinjaman bank persendirian, meningkatkan bantuan kepada penerima kebijakan, pesara kerajaan dan pelajar, rebat cukai pendapatan individu serta potongan maksimum cukai korporat.
29 Jan 09	Thailand	3.30	Pemberian tunai kepada golongan berpendapatan rendah, meluaskan pendidikan percuma, subsidi pengangkutan dan utiliti serta potongan cukai.
30 Nov 08 10 Mac 09	Malaysia	1.93 16.20	Projek infrastruktur berimpak tinggi, mengurangkan pengangguran dan meningkatkan peluang pekerjaan dan latihan, mengurangkan beban rakyat terutamanya golongan yang mudah terjejas, membantu sektor swasta menghadapi krisis dan membangunkan kapasiti untuk masa depan.

Source: Laporan ekonomi 2009/2010

Nonchalant response by company smacked of blatant disregard to the welfare of a long time employee and engineered to compel the worker to leave

Industrial Court Chairman: Fredrick Indran Xa Nicholas

Case:

The company had employed the claimant as Marketing Service Manager in Singer(M) Sdn Bhd in Petaling Jaya.

Claimant's evidence

- **Tenure of service:** The claimant had been working with the company for 20 years. On the 28 October 2002 he was handed a letter of secondment dated 22 October 2002 in which he was instructed to report for duty in a gaming company in Kuching, Sarawak on 1st November 2002.
- **Period of notice:** In effect, he was given 3 days to transfer himself, and presumably his departments and household if he was minded too.
- **Work related procedure:**
 - 1) He was not appraised of what his new position or its duties would entail at the new company in Sarawak;
 - 2) That no work permit, (mandatory legal requirement) had been secured for the claimant to work in Sarawak at that point in time: and it would be an impossibility for such documentation to be secured from the relevant authorities by 3 days.
- **Family matter:** That at the material time, he had 2 young children, a wife (who had an on-going business at their then current location) and a critically ill mother-in-law; the combination of all these circumstances coupled by the sudden and *short order to relocate created in the mind of the claimant a general compartment of anguish and despair.*

The company's case

- The company had the right to transfer and /or relocate the claimant from one department to another within the company or from the company;
- The letter of secondment dated 22 Oct 2002 was issued to the claimant in accordance with the said *"term and conditions of employment"*
- That the claimant on receipt of notice on the 28 Oct 2002 tendered his resignation that very day;

- That the claimant had not informed the company of the reasons for his resignation;
- Or of any of the domestic problems that the claimant was alleged to have been suffering;
- Nor did the claimant inform the company that his refusal to go to Sarawak was due to immigration restrictions and or sanctions that he would face if he reported for duty there without a work permit and etc..;

The finding of court

Did the Claimant Leave the Employment of the Company by Reason of the Company's Conduct at the Appropriate Time?

Yes. "...that when an employee is constructively dismissed he is entitled to leave at the instant without giving any notice at all or alternatively ..."

☞ It is the finding of this court that the claimant, by tendering his resignation when he did, had acted decisively and had not failed or delayed in acting firmly in refusing to accept; and indeed by this very action had protested against the company's breach.

☞ Secondly court fail to see how the company can credibility and seriously justify its conduct in seconding the claimant to Sarawak at such short notice and more importantly without securing the necessary legal immigration documentation for his intended posting there.

☞ He was the Executive Director of the company, its appears cold & rather strange that the company didn't bother to even make a half-hearted attempt to ascertain the reason for the claimant's sudden decision to resign; and this after 20 years of service put in by the claimant.

*Award: 825 of 2009 ,
ILR: [2009] 4 ILR1-220*

Climate Change – Leaders Must “Go the Extra Distance”

Brussels, 18 December 2009 (ITUC OnLine): With the Copenhagen Climate Summit drawing to a close, the international trade union movement has urged governments to “go the extra distance” to settle their differences and work together to avoid catastrophic climate change. ITUC President Sharan Burrow addressed the Summit Plenary, welcomed the support expressed by negotiators for a just transition to a low carbon future, as a key basis for building further support for action. The full text of her remarks follows:

“World leaders here in Copenhagen can today make history and give our children and grandchildren a fighting chance at a stable future.

Working people around the world and their families are watching. They are depending on you to commit to a binding agreement that delivers a habitable planet, decent work and financial support for the most vulnerable; an historic legacy, right here, today in Copenhagen.

Trade unions support the highest ambitions for binding targets in developed countries and ambitious actions in developing nations that must limit the temperature rise to 2 degrees or less. We urge nations to accept transparency, to ensure trust through a global treaty finalized in the first half of 2010. Wealthy nations must lay the foundations for that trust with the finance and technology to kick start low carbon development, the investment to ensure climate resilience, employment and decent work.

Those investments will transform our economies and create millions of new jobs as we rebuild after the devastation of the global finan-

cial crisis. We must all take responsibility in this global challenge.

Delegates, we would like to express our satisfaction that this process has recognised the importance of calling for a Just Transition as a driver for decent work and good quality job creation. We thank those Parties that understood the potential of this paragraph for building a broad support for climate action.

The International Trade Union Confederation and its members are expecting and indeed relying on our presidents and prime ministers to put aside their differences, to stand as leaders and go the extra distance to do their fair share. Failure is not an option for our future so it cannot be an option for you. History will judge you on what you do today but more immediately so will we.”

Most Chaotic Conference

MTUC Secretary General G.Rajasekaran described the Copenhagen Climate Summit as the most chaotic conference. Not only the climate change conference ended without a positive plan of action, the organisers of the conference proved that they were incapable of managing such a major event.

Thousands of civil society representatives were made to wait in line under rain and freezing weather for as long as six to eight hours to register and obtain their accreditation. The organisers were most inconsiderate. It is strange that although UN had sent out invitations to more than 30,000 pre-registered participants, the venue could accommodate only 15,000.

GTP – Mentransformasikan Kerajaan, Mengubah Kehidupan

Program Hari Terbuka telah diadakan oleh Kerajaan pada 17-18 December 2009 di Sunway Convention centre. Hari terbuka ini memberi ruang kepada orang awam untuk memberi pendapat, pandangan, dan cadangan terhadap hasil usaha kerajaan terhadap 6 lab yang telah dikenalpasti untuk transformasi.

Dengan sasaran untuk meningkatkan ketahanan dan daya saing Malaysai, GTP telah diilhamkan dan diperkenalkan oleh Perdana Menteri, Dato'Sri Najib Tun Razak pada bulan April 2009. Matlamat utama GTP adalah untuk meningkatkan kualiti awam dalam usaha untuk memberi yang terbaik kepada orang ramai.

GTP mempunyai dua matlamat:

- Merubah kerajaan ke arah yang lebih efektif dan bertanggungjawab;
- Melonjakkan kesemua masyarakat Malaysia ke tahap yang lebih maju, bersatu padu, selamat dan adil dengan kualiti kehidupan tinggi untuk semua.

Ini adalah selari dengan Misi Negara untuk mengajjak Malaysia kepada Negara yang serba-serbi maju dengan rakyat yang berpendapatan tinggi.

In early October 2009, PEMANDU held a series of 'laboratories' or 'labs' to develop further the National Key Result Areas as proposed by the Prime Minister. A total of 8 labs, one for each KRA and another two for Unity and Data Management, brought together a cross-section of public and private sector professionals engaged for 5 weeks in a closed discussion group.

The results of these labs are now ready to be presented to the people of Malaysia for their opinions and suggestions.

The GTP Open Day, which will be held on Friday, December 17 & 18, 2009 Sunway Pyramid Convention Centre in Petaling Jaya, was opened to all members of public. This 2-day event aims to create more awareness amongst the people on the Government's plans to improve the quality of life.

The Open Day is the ideal opportunity for the public to get a better understanding of our efforts. Meet the lab leaders and members face-to-face, or just write in their thoughts. Public also can give opinions and suggestions on how can approach and better achieve the KRAs. By email at register@transformation.gov.my

15 members from MTUC participated in this important Open Day to deliver important messages of MTUC concern such as demand for RM900 minimum wage and reduce reliance on migrant workers etc.

Government Transformation Program

The Government Transformation Programme or GTP focuses on generating positive outcomes which are based on what the rakyat wants and needs ('People First') by ensuring fast delivery of results. ('Performance Now') to contribute to 1Malaysia and Vision 2020.

The 6 National Key Result Areas(NKRAs) identified to spearhead the Government's transformation are:

- Widening access to affordable and quality education;
- Reducing crime rate;
- Improving urban public transportation in the medium-term;
- Improving standards of living of low income households;
- Combating corruption;



International News

Bangladesh International Human Rights Day rallies

The National Garment Workers Federation organized a rally of garment workers named "Garment Workers Human Rights Protection Rally" in the capital city Dhaka. Several hundred garment workers



participated in this with red flags. It was led by the president and general secretary of the NGWF, Amirul Haque Amin and Miss Safia Pervin. From the rally it urged the government and employers to protect trade union rights in the garment sector because this is a human right. Also mentioned though according to the law garment workers have the right to organize and bargain but that is not the reality. And it happens because of the weakness of the labour laws, absence of commitment of the government and anti-union attitude of the em-

ployers.

The Bangladesh EPZ (Export Processing Zone) Workers Center, an organization initiated by the National Garment Workers Federation in 2000, also organized a Rally of EPZ workers in Dhaka. More than a hundred EPZ workers participated in this rally. It was called the "Trade Union Rights - Human Rights Rally". It was led by the Workers Centre co-ordinator and member secretary - Amirul Haque Amin and Mrs Jessmin Begum. The rally raised the issue that, ignoring international law, Human Rights and the country's constitution, EPZ workers are deprived of trade union rights - that is a violation of human rights.

Korean Government repression against migrant workers



Migrants' Trade Union
이주노동자노동조합

The South Korean government has declared a concentrated crack-down on undocumented migrant workers from October to December 2009. During this time the government will conduct raids throughout the country, arresting and deporting as many undocumented migrants

as possible.

This is not only an attack on undocumented migrants but on all migrants in South Korea. Among documented migrant workers there is no one without a friend or relative who is undocumented. The government's measures provide an excuse to the police to increase surveillance, investigation and attacks on these and other migrants, irrespective of their status.

PSI campaign for migrant workers' rights



Low and unequal pay, heavy workloads, poor working conditions and a lack of opportunities have pressured many health workers, a majority of them women, to leave their jobs in the health care sector to find other employment opportunities or to migrate abroad. The situation is true in both developing and industrialized countries. What is most alarming is the massive migration of health workers from developing countries where the public health situation is already critical. Often, such migration is driven by the desperation of health workers seeking to escape poverty and by active recruitment policies that do not take into account the situation of poorer countries and further exacerbated by illegal practices of private recruitment agencies that victimise migrant workers.