

# Labour Bulletin

## BANKING GIANT HSBC TO ELIMINATE 241 JOBS

Last week HSBC announced their decision to shut down their call centre in Kuala Lumpur which will affect 241 employees. Majority of the employees working as officers for close to ten years are shocked by Management's decisions to suddenly shut down.

Contrary to HSBC's statement (Financial Daily 22/07/09), management did not offer alternate jobs even at the HSBC Electronic Data Processing Malaysia (HDPM) in Cyberjaya which will be taking over the call centre functions.

We are deeply concerned with the Management's inconsiderate approach said MTUC.

At a time when white collar jobs are becoming scarce HSBC, should make every effort to relocate the affected employees. Since HSBC claims that the 241 constitute only 5% of the total HSBC workforce with genuine attempt they can easily absorb them in other departments.

MTUC will alert the Human Resources Minister to this unreasonable and unfair method adopted by HSBC Management. MTUC want Datuk Dr S. Subramaniam to intervene before notices are issued to the workers.

The Association of HSBC Bank Malaysia Berhad Officers, find it difficult to comprehend the rationale for management's decision. Even the quantum of compensation offered to the affected employees is very much lower than what was paid to employees retrenched earlier said the union official.

MTUC will assist the union to find an amicable solution.

*G.Rajasekaran, Secretary General*

***"Minimum wage for security guards, hotel and catering and clinic assistants will be out in a month". Dato S.Subramaniam, Minister of Human Resources Malaysia.***

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# "The future of the Malaysian Health care system"

A one day seminar on Healthcare system in Malaysia was organised by the Selangor state government on the 18th July 2009 in Subang. It was participated by more than 200 participants from the NGO groups, state exco members, council members, doctors-MMA, medical practitioners, publics and other stake holders. It was officiated by YB Dr. Xavier Jayakumar, Selangor State Exco for Health.

Dr Jeyakumar highlighted some of the key points at the seminar:

- **Liberalisation of Health Services**

Liberalisation of the services, including health provision, is one of the main strategies announced by the 6<sup>th</sup> Prime Minister to move Malaysia from a "middle income" country to a high income country. Liberalisation of the health sector would involve some or all of the following:

- Permission for foreign corporations to set up and operate private hospitals in Malaysia.
- Permission for foreign Managed Care Organisations (MCOs) and Health Management Organisations (HMOs) to set up networks in Malaysia.
- Permission for foreign doctors to be employed in the Malaysian health sector –both in the foreign owned private hospitals and MCOs as well as in other institutions.
- Permission for foreign paramedics to work in Malaysia.
- Permission for foreign insurance companies to offer personal health insurance packages.

Dr Jeyakumar stress that on the face of it, without deeper analysis, the above listed developments may seem to be good for the common Malaysian – these developments appear to increase the availability of health care in Malaysia. One might be led to believe that ordinary Malaysians will have more choice - they can choose to go to the new foreign owned hospitals, whose very existence will force Malaysian owned hospitals – both private and government owned - to provide better services (because of the competition).

*However such an analysis doesn't recognise the fact the establishment of more private hospitals, well funded MCOs and a fragmented risk-rated insurance system, will undermine the existing health care system and that this is to the detriment of the ordinary Malaysian. The two points below will chose us the impact of setting up more private hospitals:*

**More Private Hospitals**

- will pinch specialists, doctors, and paramedical staff from the government hospitals
- brain drain from government hospitals will get worse.
- Quality of care in Government hospital will deteriorate further.
- At present only 25% of the specialists remain in government service, and they have to look after 75% of the in-patients in the country.
- This relative scarcity of experienced specialists in the government sector is a major reason why the public is losing faith in the public hospital system.

*Mr Steven KW Chow, President of FPMPAM questioned the benefit of **Health Tourism***

- Does it really benefit our health care system?
- What is the cost to the taxpayer?
- Are we producing enough to meet our needs?
- Long term implications - will it worsen the disparities in healthcare development?





# Courses and Training

MTUC telah menganjurkan kursus Hak Berkesatuan dan Undang-undang berkaitan pada 13-17 Julai 2009 di Pusat latihan MTUC Subang Jaya.

Kursus ini telah dihadiri oleh 26 ahli kesatuan yang diwakili dari pelbagai sektor dan 5 wakil wanita turut menyertai. Peserta-peserta telah didedahkan dengan pengetahuan pelbagai akta yang terlibat dalam menangani isu-isu kesatuan sekerja.



Kursus Hak Berkesatuan dan Undang-undang

*Pengalaman akta yang berkesan amat penting bagi menjana keadilan yang harmoni bagi kesatuan sekerja dan ahlinya.*

## Kursus Keselamatan dan Kesihatan

Kursus Keselamatan dan Kesihatan telah berlangsung di Hotel Midah selama 2 hari dari 17-28 Mei 2009, yang dianjurkan bersama-sama dengan bahagian Selangor. Kursus ini telah dirasmikan oleh Presiden MTUC Sdr. Syed Shahir dan majlis penyampaian sijil serta dialog telah dilakukan oleh Sdr. G.Rajasekaran, Setiausaha Agung MTUC.

Lebih kurang 25 peserta dari pelbagai sektor telah menyertai kursus ini bagi manfaat kesatuan-sekerja masing-masing.



*Setiausaha Agung Sdr. G.Rajasekaran menyampaikan sijil kepada peserta-peserta kursus*

*OSH adalah suatu elemen yang penting yang sentiasa kurang diberi perhatian sehingga ia menimpa diri seseorang individu, barulah kesedaran wujud. Oleh itu adalah penting bagi setiap ahli mengetahui hak dan perlindungan di bawah OSH.*





# Statistic from Industrial Court

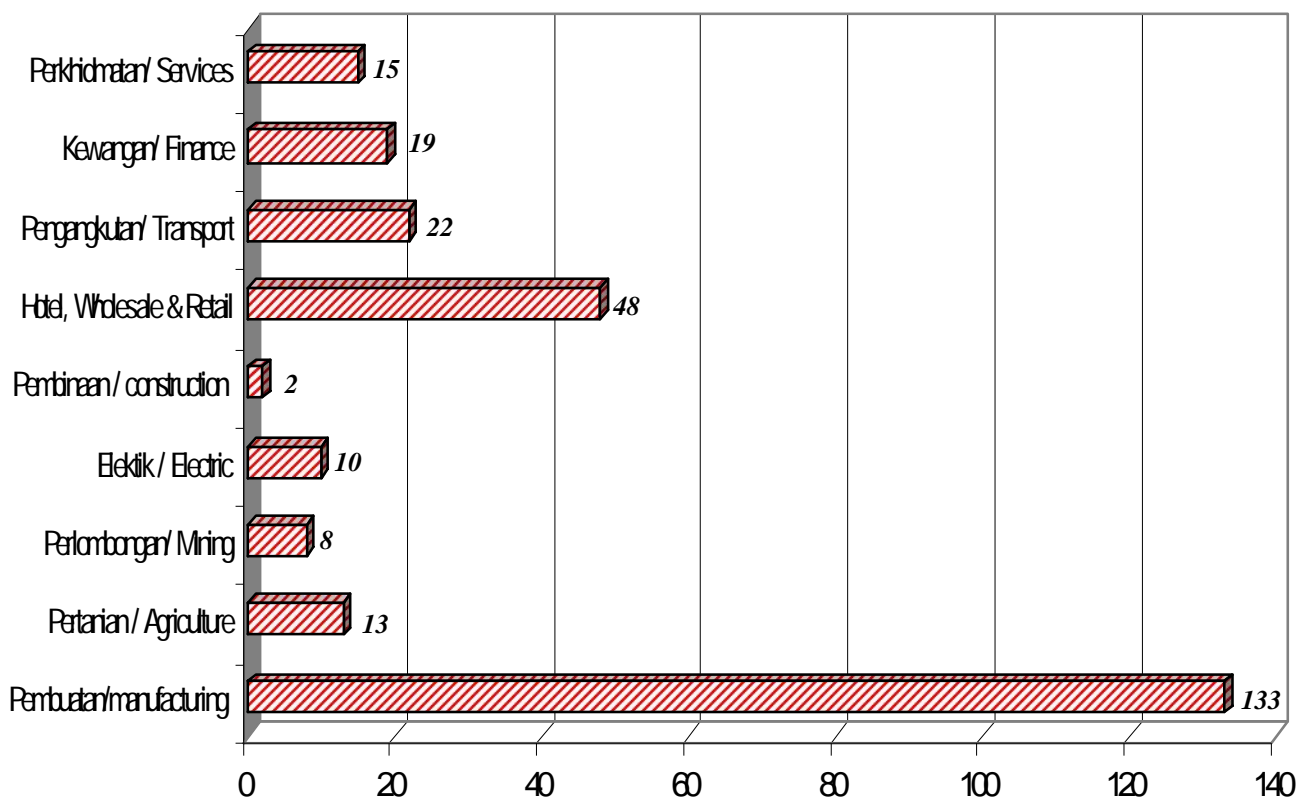
Collective Agreements Deposited and Given Cognisance  
(2001 - 2008)

SUBJECT	2001	2002	2003	2004	2005	2006	2007	2008
Total Of Collective Agreement Carried Forward For Cognisance	73	42	63	43	40	46	8	23
Total Of Collective Agreement Deposited	342	257	350	324	271	349	333	273
Total Of Collective Agreement Given Cognisance	373	236	369	324	263	385	314	270

Berdasarkan rajah diatas, jumlah perjanjian bersama yang diberi pengiktirafan sejak kebelakangan ini telah mengalami penurunan sedikit semenjak tahun 2006 hingga ke tahun 2008. Keadaan yang sama juga bagi jumlah perjanjian bersama yang diwartakan.

Manakala rajah dibawah pula menunjukkan pemberian pengiktirafan terhadap perjanjian bersama mengikut sektor pada tahun 2008. sektor yang paling tertinggi ialah sektor pembuatan dan diikuti dengan sektor perhotelan, pemborong dan runcit.

Total Number of Cognizance Given According to the Sector 2008





# Industrial Disputes

**NO. OF CASES REPORTED TO INDUSTRIAL COURT (2001 - 2008)**

	2001	2002	2003	2004	2005	2006	2007	2008
Total Cases Carried Forward	2017	2074	2098	2331	4143	3723	4566	4612
Total Cases Referred	1056	1092	1085	3406	1859	2990	2346	665
Total Cases Heard / Given Award	1026	1081	1026	1911	2403	2332	2599	2170
Total Cases Pending	1935	2098	2331	3966	3723	4566	4612	3342
Total Cases Settled	963	956	887	1788	2209	2233	2367	1980

Merujuk kepada jadual di sebelah – secara keseluruhannya menunjukkan bahawa kes-kes yang diselesaikan serta dibawa untuk penyelesaian pertikaian adalah agak tinggi. Malahan kes yang tertunggak juga menunjukkan angka yang agak tinggi iaitu sebanyak 4612 kes pada tahun 2007 dan 3342 kes pada tahun 2008.

Berdasarkan jadual di sebelah, kes yang melibatkan pemecatan mengalami penurunan kecil berbanding dengan tahun 2007. Namun demikian pemecatan konstruktif adalah agak tinggi pada tahun 2008.

**Analysis of Awards of Dismissal Cases (2001 - 2008)**

Types Of Termination	2001	2002	2003	2004	2005	2006	2007	2008
Constructive	26	35	40	34	22	42	97	126
Misconduct	726	810	763	1638	2144	2051	1200	878
Retrenchment	41	52	61	61	16	32	422	155
Others	-	-	-	-	-	-	402	573
<b>TOTAL</b>	<b>793</b>	<b>897</b>	<b>864</b>	<b>1733</b>	<b>2182</b>	<b>2125</b>	<b>2121</b>	<b>1732</b>

**Analysis of Awards of Non-Dismissal Cases (2001 - 2008)**

SUBJECT	2001	2002	2003	2004	2005	2006	2007	2008
Non-Compliance Of Award	52	58	64	59	60	136	109	124
Non-Compliance Of Collective Agreement	60	64	39	43	60	66	30	40
Interpretation Of Award / Collective Agreement	8	7	4	9	16	10	6	4
Variation Of Award Collective Agreement	1	1	3	3	7	1	7	2
Amendment To Collective Agreement (By Court Order)	2	-	0	0	1	1	-	0
Collective Agreement (Terms And Conditions)	40	54	46	47	46	37	61	39
Questions Of Law	7	5	4	5	12	8	14	3
Victimization	-	-	2	-	-	-	1	0
Trade Disputes	-	-	-	-	-	-	-	20
<b>TOTAL</b>	<b>170</b>	<b>189</b>	<b>162</b>	<b>166</b>	<b>202</b>	<b>259</b>	<b>228</b>	<b>232</b>

Jadual sebelah pula menunjukkan kes-kes yang tiada kaitan dengan pemecatan. Walaupun secara keseluruhan ia menunjukkan angka yang kecil namun demikian jumlah kes telah mengalami peningkatan yang kecil daripada 228 kes pada tahun 2007 kepada 232 kes pada tahun 2008.

**Tidak mematuhi award yang diperintah oleh mahkamah telah meningkat dengan signifikan. Ia perlu dikaji dengan serius: dari hanya 52 kes pada tahun 2001 kepada 124 kes tahun 2008.**

Sekiranya majikan tidak mematuhi award yang diperturunkan oleh mahkamah apakah dan bagaimana **pekerja akan menghadapi permasalahan ini...**



# GLC-Unions Demand increase in retirement age from 55 to 58

The conference of Unions in the Government Linked Companies (GLCs) which was held on the 16<sup>th</sup> June, 2009 at the Hotel Istana, Kuala Lumpur opened an alternative Channel of Communication with the government and Government Linked Company employers to address issues and problems concerning Government Linked Companies employees of present and retired GLC workers.

For the past 20 years, the Government Linked Company Unions mulled over major problems which they could not address individually and they needed a concerted and combined effort to address issues which were common to all the unions in the Government Linked Companies.

attendance.

**The conference passed two resolutions for the consideration of the Government which concerns.**

- **Age of retirement at Government Linked Companies From 55 to 58 for GLC workers and**
- **An Appeal to Review and revise the Pension Formula for Government Linked Companies workers and retirees.**

ions meeting were fully satisfied that at last they have fresh hope to resolve long standing issues affecting GLC workers in the near future. A memorandum on the 4 major issues will be sent to Y.A.B Prime Minister as soon as possible.

*reported by:*

**MOHAMED SHAFIE BP MAMMAL**

*President*

*Kongres Kesatuan Kesatuan Sekerja Dalam Syarikat GLC Malaysia*



The conference was a great success where 40 Government Linked

All leaders attending the GLC Un-

*this conference resolves that the government, as a major shareholder of GLCs to relook into the process of appointing CEOs for the GLC to reflect the needs of the enterprise and not based on personalities and connections of the persons being selected to lead the GLCs.*

Company Unions and more than 300 top leaders of the Government Linked Company Unions were in



## MASEU: MAS mahukan pengecualian dari membayar sewa dan pajakan kepada Penerbangan Malaysia Berhad dan Aircraft Business Malaysia SB

Kesatuan Pekerja-Pekerja Sistem Penerbangan Malaysia (MASEU) merayu supaya Malaysian Airline System (MAS) dikecualikan daripada membayar sewa dan pajakan kepada Penerbangan Malaysia Bhd. (PMB) dan Aircraft Business Malaysia Sdn. Bhd. (ABM) bagi tahun kewangan 2009.

MASEU dalam kenyataannya berkata, pengecualian itu akan membantu syarikat penerbangan kebangsaan itu menampunkan kos lindung nilai bahan api untuk akaun berakhir Disember 2009.

Mengikut rekod kesatuan, lebih 68 pesawat disewa dan dipajak dari PMB dan ABM pada ketika ini. Kedua-dua syarikat ini adalah syarikat milik penuh Kementerian Kewangan diperbadankan. Menurut kesatuan pekerja itu, krisis kewangan global telah memberi impak yang cukup serius kepada industri penerbangan ekoran kekurangan pergerakan penumpang dan kargo di seluruh dunia.

Meskipun MAS telah melakukan pelbagai usaha yang sepatutnya, namun ia masih belum cukup untuk menjamin keutuhannya. Tambah MASEU, syarikat penerbangan kebangsaan itu terpaksa membayar sewa dan pajakan hampir RM1 bilion setiap tahun. "Sekiranya PMB dan ABM memberikan pengecualian, MAS akan dapat mencapai sasaran dan pemulihan dalam jangka singkat".

***Pihak kesatuan sentiasa meletakkan 'jaminan pekerjaan' sebagai faktor utama dan sebarang penjimatan kos adalah untuk menyelamatkan pekerjaan dan bukannya pengurangan pekerjaan untuk menjimatkan kos.***

MAS telah melaksanakan dua pusingan pemotongan bajet di samping sasaran pengurangan kos sebanyak RM700 juta hingga RM1 bilion. Syarikat penerbangan itu telah merekodkan kerugian bersih sebanyak RM695 juta pada suku pertama berakhir 31 Mac disebabkan kerugian lindung nilai bahan api sebanyak RM640.2 juta.

*Sumber: Utusan Malaysia, 22 Julai 2009*

## MTUC sought Human Resources Minister's explanation on a series of issues:

### **The Status of recognition process.**

Amendment's to the Industrial Relations Act was intended to speed up union recognition claims. We are now informed that in the absence of appropriate regulations the DGIR cannot process unions' report under Section 9 of the IR Act. It is now 15 months since the amendments came into force.

### ***The status of commission of Inquiry and Wages Councils for:***

- Hotel and catering industry
- Private clinic assistants
- Security guards

The Ministry of Human Resources established commission of Inquiry and Wages Councils and spent considerable sums of money to complete their work but the Minister of Human Resources has not taken steps to implement their recommendations.

### **Measures taken to reduce dependency on migrant workers**

It is now three years since the HR Ministry adopted policy to reduce dependency on foreign workers. According to feed backs we have, there has been no change in the situation: In fact the situation has worsened.

### **Report on the status of seksyen 20 for reinstatement**

From the numerous complaints from unions and workers, the YB Minister of Human Resources has arbitrarily and unfairly rejected hundreds of applications for reinstatement: The time taken to refer such cases to the Industrial Court is inordinately delayed.

### **Report on the status of industrial court cases**

We like to know the number of cases referred to the court, and the time taken to hand down awards.

### **Report on the status of working and living conditions of maids**

In the last three years we were assured that the Ministry was taking steps to improve the working and living conditions of domestic workers. We were informed that the Ministry was considering the possibility of including these category of workers within the scope of the Employment Act or draw up a special regulations. We have not seen any development.



# International news

## **Human Rights for Workers.**

### **Globalization**

"The processes of globalization, suitably understood and directed, open up the unprecedented possibility of large-scale redistribution of wealth on a world-wide scale; if badly directed, however, they can lead to an increase in poverty and inequality, and could even lead to a global crisis. It is necessary to *correct its malfunctions*, some of them serious, that cause new divisions between peoples and within peoples, and also to ensure that the redistribution of wealth does not come about through the redistribution or increase of poverty..."

### **Inequalities**

"*The world's wealth is growing in absolute terms, but inequalities are on the increase.* In rich countries, new sectors of society are succumbing to poverty and new forms of poverty are emerging. In poorer areas, some groups enjoy a sort of 'superdevelopment' of a wasteful and consumerist kind which forms an unacceptable contrast with the ongoing situations of dehumanizing deprivation."

### **Unemployment**

"Unemployment today provokes new forms of economic marginalization, and the current crisis can only make that situation worse. Being out of work or dependent on public or private assistance for a prolonged period undermines the freedom and creativity of the person and his family and social relationships, causing great psychological and spiritual suffering. I would like to remind everyone, especially governments engaged in boosting the world's economic and social assets, that the *primary capital to be safeguarded is man, the human person in his or her integrity.*"

### **Role of government**

"The integrated economy of the present day does not make the role of States redundant, but rather it commits governments to greater collaboration with one another. Both wisdom and prudence suggest not being too precipitous in declaring the demise of the State. In terms of the resolution of the present crisis, the State's role seems destined to grow, as it regains many of its competences."

### **Unions**

"Through the combination of social and economic change, trade union organizations experience greater difficulty in carrying out their task in representing the interests of workers, partly because Governments, for reasons of economic utility, often limit the freedom or the negotiating capacity of labor unions. Hence traditional networks of solidarity have more and more obstacles to overcome. The repeated calls issued within the Church's social doctrine... for the promotion of workers' associations that can defend their rights must therefore be honoured today even more than in the past."

Source: Robert A.Senser, *Human Rights for Workers*, 7 July, 2009

## **Call for nuclear disarmament**

Brussels, 10 July 2009 (ITUC OnLine): The ITUC is launching an international campaign for nuclear disarmament. The campaign is being run in cooperation with the worldwide "Mayors for Peace" group, which covers more than 2,000 cities in over 130 countries.

There are currently almost 24,000 nuclear warheads in existence, with a destructive power equivalent to 400,000 times the power of the bomb dropped on Hiroshima in 1945. Nuclear arms account for a significant portion of global arms expenditure, which reached an all-time high of US\$1.4 trillion in 2008, an increase of 45% over the preceding decade.

The ITUC is also calling for international momentum on other agreements to curb nuclear proliferation and the spread of other weapons of mass destruction, and for effective regulation of the global trade in conventional weapons including light arms, which are responsible for at least 500,000 deaths worldwide each year. "Success in achieving major cuts in arms spending would free up resources for urgent economic and social spending needs, to help the global economy pull out of the deep worldwide recession which is costing tens of millions of jobs. Dealing with the root social and economic causes of conflict to avoid further wars would be far more feasible if the sufficient development aid funds were available," said Ryder.