

Labour Bulletin

Abdullah Badawi Sidelined and ignored the needs of 7 million workers

Since ascending to the post of Prime Minister on 31st October 2003, Dato' Seri Abdullah Ahmad Badawi sidelined the MTUC and ignored the needs of seven millions 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 newer believed in any of them.

During his tenure he raised the price of petrol 7 times -a whopping 97% increase which led to all round increase including food and most essential goods. Realizing his blunder he declared that all public sector employees will be given a cost of living allowance ; but glaringly refused to offer any relief to the millions of workers in the private sector. He did not make any attempt to direct or even advise the private sector employers to seriously consider the example set by the government.

In the 60 years since MTUC was established, Abdullah has created history as the only Prime Minister to have ignored the national centre of trade unions. He leaves as the Prime Minister who did more harm to the workers.

G.Rajasekaran
Secretary General

Datanglah beramai-ramai

**Perhimpunan
Hari Buruh
1 Mei 2009
8.30pagi-11.00pagi
Kompleks Sukan
MPSJ
USJ Subang Jaya**

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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



Pembuangan Kerja bukan asas untuk tindakan disiplin

Pembuangan kerja: Salahlaku jenayah-Yang Menuntut (YM) ditahan polis bagi penyalahgunaan dadah semasa waktu bekerja-Syarikat mengambil tindakan tatatertib terhadap YM dan YM dibuang kerja-mahkamah seksyen kemudiannya membebaskan YM – Sama ada tindakan syarikat membuang kerja YM diambil secara terburu-buru- kesannya sama ada syarikat sepatutnya menunggu keputusan Mahkamah Seksyen sebelum membuang kerja YM – Asas pertuduhan syarikat terhadap YM.

Isu: YM berkhidmat sebagai posman dan beliau ditangkap oleh polis dirumahnya kerana terlibat dengan kes penyalahgunaan dadah.

Syarikat telah mengeluarkan surat tunjuk sebab kepada YM dan YM telah membaliasurat tersebut dengan memberitahu syarikat bahawa beliau telah dibebaskan dari ikat jamin. Syarikat telah mengeluarkan satu notis untuk suatu sesi Siasatan Dalam terhadap YM. YM telah menghadirinya bersama wakil kesatuan. Hasil Siasatan Dalam mendapati YM bersalah dan lembaga tatatertib syarikat memutuskan untuk membuang kerja YM.

Keputusan dan Keadilan:

1) *tindakan syarikat menjatuhkan hukuman buang kerja tanpa menunggu keputusan mahkamah seksyen adalah tidak adil dan tidak munasabah.-terburu-buru.*

2) syarikat gagal membuktikan kesnya terhadap YM atas dasar imbalan kebarangkalian. Asas bagi tindakan syarikat terhadap YM adalah laporan Polis Diraja Malaysia tetapi mahkamah seksyen telah membuat keputusan untuk membebaskan YM dan ini tidak diambil kira oleh Lembaga tatatertib(LTT). LTT mempunyai hak untuk mengambil **tin-dakan disiplin** terhadap YM.

3)tindakan membuang kerja adalah suatu hukuman paling berat dan serius. Berdasarkan kegagalan LTT memberi pertimbangan kepada keputusan mahkamah seksyen yang membebaskan YM, syarikat gagal untuk membuktikan kesnya atas imbalan kebarangkalian.

Pengerusi : Tuan Sulaiman Ismail, Award No: 2013 tahun 2008
Syarikat : Pos Malaysia

Kesan dari pindaan akta buruh:
menghadkan bayaran pampasan gaji setakat 24 bulan sahaja.

Mahkamah memutuskan pampasan gaji kebelakangan, ianya dihadkan setakat 24 bulan dan memandangkan YM

tidak cuba mencari kerja selepas melahirkan bayi sehingga bayinya berumur setahun lebih, maka potongan 50% dari jumlah pampasan dilakukan.

Pembuangan kerja: Salahlaku- Saksi responden tidak mempunyai pengetahuan peribadi tentangnya – saksi responden bergantung kepada kata pekerja-pekerja dan pelanggannya. Pelanggan-pelanggan dan pekerja-pekerja tersebut tidak dipanggil untuk memberi keterangan-Tiada alasan diberikan-Kesannya-YM menyangkal melakukan salahlaku tersebut.

- Remedi-Gaji kebelakangan-YM mengandung semasa dibuang kerja-YM tidak mendapat kerja selama 2 tahun selepas dibuang kerja-sebabnya-peratusan yang harus ditolak dari jumlah pampasan yang diawardkan-faktor yang diambil kira.

Isu:

YM menuntut didakwa telah:

- Memburukkan nama responden(pegawai) di kalangan pekerja;
- Mengoyakkan label pada tong-tong alat ganti dan mengantikan dengan label baru yang salah;
- Memasukkan alat-alat ganti ke dalam tong-tong yang salah.

Keputusan dan keadilan:

- YM tidak dipanggil untuk menghadiri siasatan dalam-hanya mengetahui dakwaan-dakwaan terhadap dirinya sehingga di beri keterangan di mahkamah.
- YM-yang berkhidmat sebagai kerani(jawab panggilan telefon) diarahkan oleh responden untuk melakukan penyemakkan stok selama 16 hari yang memerlukan YM(mengandung 3--4 bulan) untuk memanjat dengan menggunakan tangga kecil sebab alat-alat ganti ditempatkan dirak-rak yang tingginya 8 kaki.
- YM-Selepas dibuang kerja YM telah cuba mendapatkan kerja tetapi gagal kerana ketika itu beliau mengandung 3-4 bulan. Selepas melahirkan bayi, beliau tidak cuba mencari kerja kerana beliau perlu jaga bayi sehingga setahun lebih.
- Mengikut testimoni, kesemua salahlaku YM diberitahu oleh pekerja-pekerja responden namun mereka tidak dipanggil untuk memberi keterangan langsung.

Oleh yang demikian mahkamah memutuskan untuk membayar pampasan dengan potongan 50%.

Pengerusi Mahkamah: Tuan Abd Rahman Abdol
Award No : 2045 tahun 2008 / [2009] 1 ILR 233-464
Syarikat : Alico Diesel & Turbo Part Sdn. Bhd

Pakej Peransang Ekonomi

Pakej Kedua: **RM60 billion** –9% dari pada KDNK) dan yang terbesar dalam sejarah ekonomi negara akan dilaksanakan dalam tempoh dua tahun. 4 Teras utama ialah:

1. Mengurangkan pengangguran & menambahkan peluang pekerjaan.-
2. Meringankan beban rakyat
3. Membantu sektor swasta menghadapi krisis ekonomi semasa.
4. Membina keupayaan masa depan.

Dengan perbelanjaan tersebut maka defisit Bajet Kerajaan Persekutuan dianggarkan akan meningkat kepada 7.6% daripada 4.8% sebelum ini.

Beberapa isu dari pakej ini:

☞ Kenaikan harga barang

Kerajaan menyediakan peruntukan tambahan RM674 juta sebagai subsidi untuk mengelakkan kenaikan harga bahan makanan keperluan harian seperti gula, roti dan tepung gandum bagi memastikan kesejahteraan rakyat, khususnya yang berpendapatan rendah.

☞ Pekerja yang diberhentikan(VSS)

Syarikat swasta yang mengajikan pekerja-pekerja yang telah diberhentikan termasuk di bawah Skim Pemisahan Sukarela (VSS) akan diberikan pemoton-

gan cukai dua kali terhadap jumlah gaji yang dibayar. "Jumlah potongan yang layak adalah tidak melebihi RM10,000 sebulan dan terhad kepada 12 bulan gaji untuk setiap pekerja. Galakan ini berkuasa bagi pekerja yang dilantik mulai 10 Mac 2009 sehingga 31 Disember 2010.

☞ Mengurangkan pergantungan kepada pekerja asing

Kerajaan akan menaikkan bayaran levi kepada pekerja asing sebanyak dua kali ganda bagi semua bidang kecuali yang berkhidmat dalam sektor pembinaan, perladangan dan pembantu rumah dan ia dibayar oleh majikan.

Hai!! dengan pakej baru ini saya boleh menjual kereta proton lama saya dan dapatkan kereta proton baru dengan diskaun RM5000



THE MINI-BUDGET

"The government is confident that the strategies and measures outlined in this stimulus package are comprehensive to prevent our economy from slipping into deep recession. We cannot depend on orthodox economic recovery policies. We must be bold in formulating innovative approaches to deal with the crisis."

Datuk Seri Najib Razak

RM 60 billion

NEW STRAITS TIMES WEDNESDAY, MARCH 11, 2009

TRANSFUSION!

Massive infusion of funds to keep the economy ticking

RM25 billion guarantee funds

RM15 billion fiscal injection

RM3 billion tax incentives

RM7 billion private finance initiative, off-Budget projects

RM10 billion equity investments

4 THRUSTS OF THE PACKAGE:

- FIRST: RM2 billion to reduce unemployment and increase job opportunities.
- SECOND: RM10 billion to ease the burden of the rakyat, in particular, the vulnerable groups.
- THIRD: RM29 billion to assist the private sector.
- FOURTH: RM19 billion to build capacity for the future.

> REPORTS: P2>11, B1>B6 <

NEW STRAITS TIMES WEDNESDAY, MARCH 11, 2009

WHAT'S IN THE PACKAGE

Workers

- 163,000 training and job placements in the public and private sectors
- RM700 million incentive to train / recruit local workers
- On-the-job training for 1,000 unemployed graduates in the financial sector by Securities Commission and Bank Negara Malaysia for 2 years
- Creation of 22 JobsMalaysia Centres and upgrade 109 existing centres to help people find jobs
- Double tax deduction for firms hiring retrenched workers
- Government to hire 63,000 employees
- Create 13,000 more jobs for officers on a contract basis in government agencies



Education

- Tuition fees and research grants up to RM20,000 for every student pursuing PhDs locally (500 students)
- RM10,000 per master's student (10,000 students)



Home ownership

- RM200 million more to build rumah mesra rakyat
- Housebuyers to be given tax relief on interest paid on housing loans up to RM10,000 a year for 3 years

PROSPER graduate programme

- To help 400 Bumiputera graduates in retail or distributive business
- Programme expanded to include those with skills and technical certificates

RM2 million to start fishermen's welfare fund

- RM20 million to improve daycare centres for the elderly, strengthen management of women shelter homes and increase facilities for childcare centres

Efforts to reduce foreign workers

- Levy on foreign workers to be doubled for all sectors except construction, plantation and for domestic maids
- Refund of levy if services of foreign workers terminated early
- Affected employers' bank guarantees will be returned; and,
- Freeze issuance of licences to foreign labour recruitment agencies and tighten conditions for recruitment of foreign workers by existing agencies



Incentives for banks to defer repayments of housing loans

- Banks have agreed to defer repayment of housing loans by retrenched workers for one year
- Interest income related to the deferment to be taxed only when such interest is received

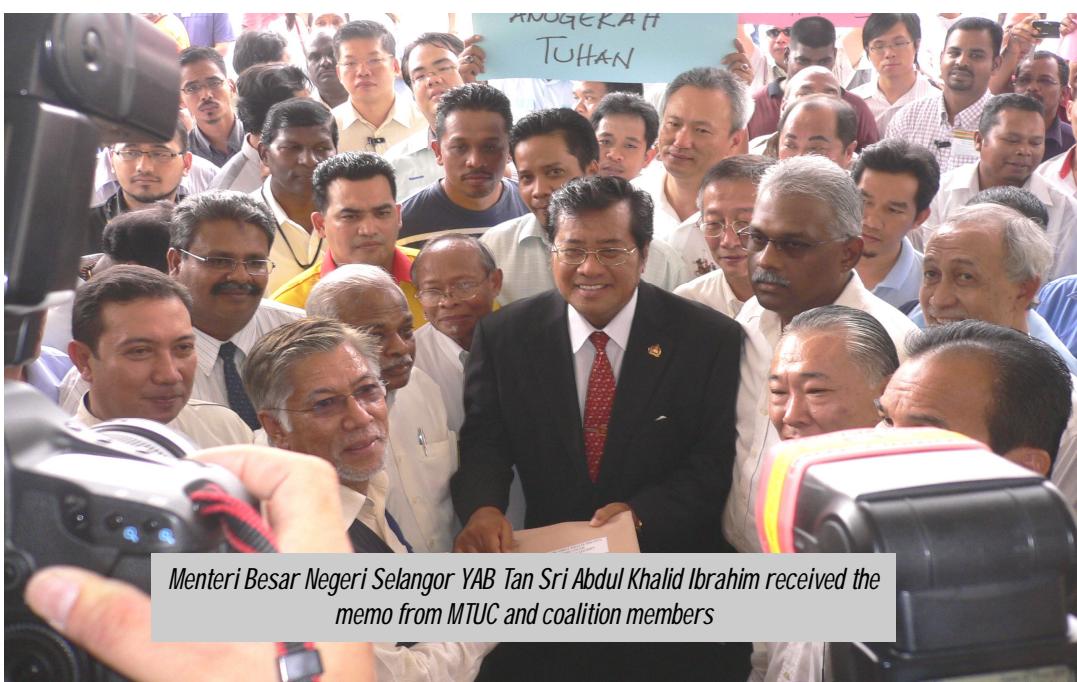


Kempen membantah penyerahan Pengurusan Bekalan Air kepada Syabas

19 March 2009, Selangor



MTUC bersama-sama dengan gabungan membantah penswataan air membantah tindakan pengambil alihan pengurusan air negeri Selangor oleh kerajaan Persekutuan. Seramai 200 orang warga prihatin bersama-sama pemimpin kesatuan sekerja telah berhimpun diperkarangan pejabat KSU Menteri Besar Selangor Shah Alam pada 11hb Mac 2009 pukul 10.30 pagi bagi menyerahkan memorandum bantahan tersebut kepada Menteri Besar Selangor YAB Tan Sri Abdul Khalid Ibrahim. Turut hadir dalam perhimpunan tersebut ialah YAB Charles Santiago, MP Klang, Presiden MTUC saudara Syed Shahir, Setiausaha Agung MTUC saudara G.Rajasekaran dan wakil-wakil penduduk dari Negeri Selangor.



Mengapa kerajaan Selangor membantah?



Sekiranya bekalan air kekal dengan kerajaan negeri Selangor maka rakyat negeri Selangor akan mendapat menurunan tarif air sebanyak 10% (2009) dan 20% (2011) masing-masing malahan sekiranya ia diambil alih oleh kerajaan persekutuan maka tarif air akan naik sebanyak 31% dan air percuma sebanyak 20 meter padu setiap bulan akan ditarikbalik...

Kami mahu bekalan air Selangor diuruskan oleh kerajaan negeri Selangor. Kenapa rakyat negeri Selangor perlu tanggung hutang-hutang kroni???



1) Kadar bil akan naik

- Tiada lagi pemberian air percuma sehingga 20 meter padu setiap bulan.
- Kenaikan tariff air sehingga 31%
- Kualiti(mutu)air bertambah buruk dalam pengendalian syabas.

2) Lainnya usaha menyelamatkan kroni:

- Hutang Punyak niaga: RM1.3 billion
- Hutang Syabas: RM2.9 billion
- Hutang Splash: RM1.6 billion
- Hutang Abbas: RM640 juta

3) Syabas paling banyak mengaut keuntungan:

- Kualiti air dijangka terus buruk dan layanan buruk terhadap aduan pengguna.
- Tiada tender terbuka kepada lebih 72% kontrak berkaitan industri air yang bernilai RM600juta.
- Pengguna perlu bayar MR50 bagi bayaran penyambungan semula, berbanding RM10 sebelum industri air diswasta-

kan.

- Sebanyak RM51.2 juta dibelanjakan bagi membaik pulih pejabat Syabas, padahal Jab Kawalan Air Selangor hanya meluluskan peruntukan RM23.2juta pada tahun 2005
- Menurut perjanjian syabas, kenaikan tariff adalah Tahun 2012-25% tariff dijadualkan

Tahun 2015-10% tariff

Tahun 2019-10% tariff

Tahun 2021/2024/2027/2030 -5% tariff

- Penggerusi Eksekutif Puncak Niaga Holdings Berhad, menerima bayaran gaji selaku Pengarah sebanyak RM5.1 juta pada tahun 2007(sebulan RM425,000)antara gaji pengarah yang paling tertinggi di Malaysia.
- Kerajaan Persekutuan hendak memberi lesen tunggal pengoperasian air kepada Syabas.
- Dari 2005-2007, Syabas melebihi had nilai kontrak sebanyak RM200juta. Dan mengapa Kerajaan Persekutuan masih memberi RM2.09 billion dalam bentuk geran dan pinjaman, sedangkan Syabas diswastakan?

Kempen membantah penswastaan hospital kerajaan

Pada 27 Feb 2009, tepat jam pukul 12.00 tengahari bersamaan hari Jumaat, Gabungan membantah Penswastaan Perkhidmatan Hospital Kerajaan(GMPPK) bersama-sama MTUC telah menyertai pengedaran Risalah Membantah tindakan kerajaan yang men-swastakan secara beransur-ansur perkhidmatan kesihatan hospital kerajaan diseluruh negara. Presiden MTUC Tuan Syed Shahir bersama-sama wakil Pas dan wakil-wakil MTUC telah melakukannya pengedaran risalah di Jalan Duta, Komplek Kerajaan. Pengedaran risalah pada masa ini difokuskan kepada kakitangan awam yang bakal menerima kesan signifikan

sekiranya semua perkhidmatan hospital diswastakan.

- Kerajaan harus memastikan pembekalan rawatan kesihatan yang berkualiti untuk semua rakyat.



GMPPK menuntut supaya:

- Membekukan pembinaan hospital swasta baru.
- Menambahkan peruntukan untuk kementerian Kesihatan.
- Wujudkan skim gaji IJN untuk semua kakitangan kesihatan kerajaan

- Dapatkan maklumbalas rakyat sebelum melakukan sebarang sebarang pembaharuan dalam sistem kesihatan di negara kita.

Mengapakah IJN perlu dijual kepada Sime Darby?

Mengapakah Promosi Pelancongan Kesihatan perlu diutamakan sedangkan rakyat kita sendiri menanti bertahun-tahun untuk mendapatkan rawatan.

Five days training on Basic Trade Union Rights and Laws

38 participants from all the sectors participated in the 5 days training course from 2nd-6th March 2009 at Subang Jaya Selangor. Participants were exposed on how to handle issues professionally by understanding the laws and their rights properly. Also highlighted the important building alliances with international trade union such as GUF's ILO, ACIL and etc.



38 peserta menyertai kursus Asas Hak Ke-satuhan Sekerja dan Undang-undang selama lima hari pada Mac 2009



Current issues

No plans yet for retrenchment fund

KUALA LUMPUR, Mar 16 - Despite the increasing urgency of the global economic crisis, the federal government is not planning to set up a retrenchment fund, Human Resources Minister Datuk Dr S Subramaniam said in the Dewan Rakyat.

Rembau MP Khairy Jamaluddin wanted to know if the federal government planned to start an unemployment insurance scheme soon to cushion the blow on the working class who have recently lost their jobs.

In his reply, Subramaniam likened the unemployment insurance scheme to a retrenchment fund. He added the government had no plans to carry it out now.

The Segamat MP said the government is studying how a retrenchment fund can be implemented and the advantages and disadvantages of setting up one, with the aid of the International Labour Organisation.

"After a study is carried out and we receive a report from them on what is the best system, the most suitable system to be implemented in our country, then we will, with an open mind implement the retrenchment fund," Subramaniam said.

"But right now, this matter cannot be used because we do not have a fund like that and it cannot be set up immediately," he added.

Earlier, Sungai Siput MP Dr Michael Je-yakumar Devaraj asked the minister how retrenched workers who are interested in the government's skills retraining programme will be able to feed their daily expenses while undergoing training.

Subramaniam told him each retrenched worker who takes up training will be given a monthly allowance of between RM500 to RM800. He noted that they will also get extra money under the second stimulus package, but did not elaborate on the amount. Subramaniam said the government's main aim with the retraining programme is to help retrenched workers register on job-seeking websites and find new jobs. Source: *The Malaysian Insider by Debra Chong, 17 March*

90 days maternity leave for Selangor civil servants

SHAH ALAM: Female civil servants with the Selangor Government are now entitled to 90 days maternity leave starting this year.

Announcing this yesterday, Mentri Besar Tan Sri Khalid Ibrahim said the extra days of leave was part of the state's economic welfare programme.

"Husbands whose wives gave birth will also enjoy a 14-day paternity leave, up from a week previously. Female staff whose husbands pass away, will also get 30 days' leave, compared to three days emergency leave in the past," he told reporters after presenting appointment letters to more than 6,000 village committee members here yesterday.

The Pakatan Rakyat state government had proposed the extra days after it came into power last year. Source: *The Star, 9 March 2009*

Time to act on exploitation of foreign workers

Home Ministry officials are working in cohorts with several unscrupulous agents in giving work permits to foreign workers, especially from Bangladesh, for non-existent jobs here.

The agents, from bogus companies established locally, have brought in about 5,000 Bangladeshi workers legally via this channel since May 2007 and then left them stranded in Malaysia, says Malaysian Trades Union Congress secretary-general G Rajasekaran at the press conference. "It is very a profitable business," he added, explaining that the local foreign employee recruitment system only punished the foreign worker instead of the employer.

He added that from the money paid by the Bangladeshi workers, the local companies stand to gain RM1,000 to RM2,000 in commission from each worker. The rest of the payment goes to the agents in Bangladesh.
Mar 19, 09

International news

WTO Predicts Global Trade Will Slide 9% This Year

Trading Down

Amid the downturn, global exports, which had been growing, are expected to fall in 2009



Source: World Trade Organization

Brussels: The World Trade Organization issued the most pessimistic report on global trade in its 62-year history, forecasting a drop of 9% or more in 2009.

The report is based on recently available trade figures showing steep drops in the first two months of 2009, as well as on broader economic projections.

Mr. Lamy's economists listed four reasons for gloom. First, all regions of the globe are hurting, and consumer demand is shrinking, especially for imported goods -- from cars to stereos. There aren't any "decoupled" areas that aren't affected, the WTO said.

Second, the trade crisis will mostly affect the richest countries, whose citizens borrowed and bought beyond their means, the WTO said. Trade in developed countries will decline 10% this year, compared with a drop of 2% to 3% for developing nations.

Third, companies big and small have globalized their supply chains, so goods that cross the world on their way from factory to shelf add to trade statistics in several countries. As a result, global trade now grows or declines more than global economic growth. The global economy is expected to shrink 1% or 2% in 2009.

Finally, there's been a flurry of protectionist measures, as countries from Mexico to Russia imposed new tariffs on imports. The World Bank estimates that 17 of the 20 countries coming to London on April 2 have already broken free-trade promises.

Source: *the Wall Street Journal*, 24 Mac 2009

G20: Support on Regulation but stimulus package unclear

Brussels, 23 March 2009 (ITUC OnLine): As trade unions across the world begin their coordinated lobbying of governments in the lead-up to next week's G20 Summit in London, responses from governments show that there are prospects of progress on several of the union proposals for greater financial regulation, however the possibility of agreement on other key issues such as the size of the economic support package for global recovery remains uncertain.

National union centres in a wide range of countries, have already handed over to their governments the "London Declaration", which sets out a comprehensive package of actions which the G20 Summit needs to agree. The package was also discussed in a specially-convened meeting of the ITUC and the European Trade Union Confederation with European Commission President José Manuel Barroso in Brussels.

"There seems to be movement towards effective regulation of financial markets and banking, as well as tackling the destructive effect of tax havens on government revenues and the need for determined action on climate change, however agreement on needed economic stimulus is not yet in reach. It is also still unclear whether the International Labour Organisation will be accorded a central role along with the international financial and trade bodies in shaping the new global economy," said ITUC General Secretary Guy Ryder. Ryder addressed a special High Level Tripartite Meeting on the crisis at the ILO's Governing Body in Geneva.

As part of trade union policy recommendations for the G20, the international union movement is pressing for a strong focus on maintaining and creating decent jobs. Employment is the key to building a new global system which is sustainable and stable, and which ensures that the benefits of economic activity are shared equitably and in ways which maintain economic demand. Source: *ITUC press release 23 March 2009*