



# Labour Bulletin

## MTUC memo to Ministry of Human Resources

200 union leaders led by MTUC officials were at the **Kementerian Sumber Manusia**, at **9.30am on 21 October 2009** to present a memorandum to YB Datuk Dr S. Subramaniam, Menteri Sumber Manusia.

The seven page memorandum highlights the numerous problems faced by trade unions in the country. The Department of Industrial Relations has come under severe criticism for failing to effectively enforce the provisions of the Industrial Relations Act 1967.

The IR Act has laid down specific provisions to safeguard the rights of workers to join a trade union but these safeguards are rarely enforced. After protracted discussion at the National Labour Advisory Council, in February 2008, the Ministry introduced a series of amendments to the Industrial Relations Act 1967 to resolve unions' claim for recognition speedily. Unfortunately as a result of the Ministry's failure to put in place appropriate regulations, the new amendments are not enforceable.

MTUC blame the HR Minister for not acting on sectoral wages council recommendations to set a minimum wage. The Wages Council for Security Guards submitted their recommendation more than 4 years ago.

The Industrial Court also came under fire for inordinate delay in handing down award. MTUC stressed that industrial harmony cannot be maintained without an efficient disputes settlement machinery.

If the current trend persist trade unions will be compelled to resort to Industrial action.

**G.RAJASEKARAN**  
Secretary General

**MTUC**  
**Ulang**  
**Tahun**  
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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

# Right to organise and right to collective bargaining is essential to ensure decent work

*In conjunction with the world decent work day MTUC organized one day national conference in Petaling Jaya with the support of ILO. More than 100 trade union leaders participated in this important conference to stress the need to ratify and enforce convention 87 on freedom of association and convention 98 on right to collective bargaining.*

*The ILO senior specialist on workers activities Bro Pong Sulahn highlighted some key points on decent work:*

- A need for urgent **revision of labour legislation** towards the rights to organize and collective bargaining.
- A need to **strengthen the labour administration**, establish and ensure the effective functioning of labour courts.
- **Develop capacity building for trade unions through training programmes**; establish infrastructure and programmes for trade union education and development.
- **Having more dialogs** with the relevant stake holders.
- **Include freedom of association and collective bargaining in the decent work country programmes.**



Sambutan hari decent work day juga telah diadakan di Sarawak secara besar-besaran tahun ini. Seramai 300 ahli kesatuan dan orang awam telah menyertai perarakan dari hotel merdeka palace ke Waterfront Kuching Sarawak pada 6hb October 2009 jam 6.30 petang.

Ucapan pembukaan telah dilakukan oleh Sdra. Ibrahim selaku pengerusi cawangan MTUC Sarawak dan diikuti dengan Presiden MTUC Sdra Syed Shahir Mohamad. Beliau telah menegaskan kepentingan untuk gaji minima dijadikan perundangan bagi menjamin keselamatan dan menjamin taraf hidup kaum pekerja di negara ini.



# Memorandum to Human Resources Ministry

. 200 union leaders led by MTUC officials gathered at **Kementerian Sumber Manusia at 9.30am on 21 October 2009** to present a memorandum to YB Datuk Dr S. Subramaniam, Menteri Sumber Manusia. The memorandum was received by the Secretary General, KSM Y.Bhg Dato' Segarajah.

MTUC memorandum highlights the numerous problems faced by trade unions in the country. The Department of Industrial Relations has come under severe criticism for failing to effectively enforce the provisions of the Industrial Relations Act 1967.

After more than five years of intense dialogue at the National Labour Advisory Council (NLAC) and at sub-committee level YB Menteri Sumber Manusia pushed through the Parliament a series of amendments to the Industrial Relations Act 1967 and the Trade Unions Act 1959.

It is important to stress that the bill presented at the Parliament was contrary to the consensus reached at the NLAC. One of the amendments supported by the MTUC was Section 9 of the Industrial Relations Act relating to Recognition Claims. Unfortunately, instead of expediting settlement of recognition claims, all claims submitted after February 2008 are not being processed by the Director General of Industrial Relations (DGIR).

The DGIR says that he is unable to act on reports from unions, because the Kementerian has not put in place appropriate Regulations. MTUC raised this matter at the last NLAC on 23 July 2009 and YB Menteri assured us that the Regulations would come into force within one month. It is now almost three months and

there is no indication that the YB Menteri has fulfilled his promise.

There seem to be a serious lack of urgency in settling unions' claim for recognition. The Human Resources Ministry fails to comprehend the numerous problems faced by workers at workplaces.

The Human Resources Ministry must accept responsibility for perpetuating this sad state of affairs. We say this because 20 months ago suitable amendments were adopted by the Parliament. The amendments intended to empower the Director General of Industrial Relations and the Human Resource Minister to act against recalcitrant employers remain ineffective.



*Secretary General, KSM Y.Bhg Dato' Segarajah received the memorandum on behalf of the ministry*





# Universal Precaution



- Menyelamatkan nyawa
- Mengelakkan keadaan dari menjadi bertambah teruk
- Memberu kelegaan dan keselesaan
- Menggalakkan proses penyembuhan
- Persediaan untuk memindahkan pesakit ke hospital pemberi maklumat

Perkara-perkara seperti pengendalian pertolongan cemas di tempat kerja. Objektif utama kursus ini ialah memberi pengetahuan am kepada ahli bagaimana:

- Memberikan pertolongan awal bagi kecederaan ringan, mengawal suasana dan persediaan mangsa sebelum ketibaan bantuan perubatan.
- Memberi pertolongan awal bagi menyelamatkan nyawa termasuk memberi bantuan hidup asas apabila diperlukan sebelum ketibaan bantuan.

- Keselamatan sekitaran
- Keselamatan diri
- Keselamatan mangsa
- Keselamatan orang ketiga
- Mekanisma kecederaan
- Jumlah mangsa
- Keupayaan sumber
- Bantuan tambahan

# BAT's union busting tactics

Employees of British American Tobacco (BAT) picketed outside the BAT factory in Jalan University Petaling Jaya on 12<sup>th</sup> October 2009. The workers, who are members of the BAT Employee's Union are unhappy with the management's decision to eliminate another 48 employees.

In the last three years BAT Management in collaboration with the Director General of the Department of Trade Unions crippled the 45 year old company based trade union. Since July 2007 BAT has refused to meet with the union to negotiate a new collective agreement, and they have denied annual increment for 40% of the employees since January 2007.

BAT has refused to meet with the union to discuss their objections against the proposed retrenchment.

A part from that, On 29 October 2007, the Director General of Department of Trade Union Affairs, on the urging of the Company, arbitrarily ruled that the 46 year old union can no longer represent the employees of the wholly owned two subsidiary companies of BAT, namely

Tobacco Importers & Manufacturers Sdn Bhd  
Commercial Marketing & Distributors Sdn. Bhd

It is specifically stated under the registered rules of the Union:

*"That its membership is open to all employees of British American Tobacco (BAT) Mal. Bhd and its subsidiaries."*

The Union (BATEU) and the Company (British American Tobacco (Malaysia) Bhd) were due to commence collective bargaining on terms and conditions of employment. By aforementioned acts, the Union's right to collective bargaining is now restricted to a mere 17 employees which has undermined and effectively eliminated the Union's bargaining strength and rights. The said act, by the Company supported by the Department of Trade Unions is in breach of Convention No 98.





## ITUC-AP/ILO Regional Strategic Planning Workshop for migrant workers:

Organising is the best way to protect migrant workers

The ITUC-AP/ILO Regional Strategic Planning Workshop which brought together more than 30 trade unionist from the Asia Pacific region discussed the various aspect of growing phenomenon of migrant labour with emphasis on the tremendous tasks ahead of the trade union movement. The Regional Workshop on 2-4 Sept was held to:

- exchange information on the extent, conditions of migrant labour;
- discuss the extent of feminization of labour migration;
- discuss possibility of forming network;
- discuss ways of organizing migrant labour, promote and establish partnership agreements and setting up of migrant labour centres;

The regional workshop, after detailed deliberations agreed on the following conclusions and action plans:

### **Action plan needed:**

- Intensive campaign for ratification and implementation of the ILO conventions especially Conventions 97 and 143 and UN Convention 1990 on the protection of the rights of all migrant workers and members of their families and their effective implementation.
- Campaign for implementing ILO Multilateral Framework on Labour Migration.
- Migrant workers have been, by and large, outside the purview of trade unions. The best way to protect workers is for them to be organized.
- Organising is the key to improve working and living conditions of workers. It is an onerous duty of trade unions to enroll migrant workers, irrespective of their status, and seek protection of their rights.
- Legislations preventing migrants from joining unions should be repealed, as should provisions in trade union constitutions and rules which contain obstacles to membership of migrants.



## ITUC-AP's Strategies to Achieve Decent Work for Domestic Workers

In anticipation of the debate on the proposed International Labour Standards for Domestic Workers at the 2010 International Labour Conference, the International Trade Union Confederation – Asia-Pacific Regional Organisation organized a two-day Regional Conference on Domestic Workers on 14-15 October 2009 in Petaling Jaya.

Addressing the opening of the Conference, the Secretary General of the Human Resource Ministry, Dato K. Segarajah stated that the Human Resource Ministry is committed to introduce legislative changes to improve the wages and working conditions of the 300,000 domestic workers in the country. Segarajah said Malaysia will support ILO's efforts to draw up suitable international instrument to address the numerous problems faced by domestic workers who are predominantly foreign workers in Malaysia and in many developing countries in Asia.

Segarajah conceded that many migrant domestic workers in Malaysia are working under unacceptable working conditions and the Human Resource Ministry wants to bring changes by the year end. *"We are not waiting for the International Labour Conference until 2011"* he added.

A panel consisting of representatives of government, employers, diplomatic missions and NGOs also supported the initiative taken by the ILO to ensure that the domestic workers, excluded from the National Labour Laws are accorded necessary safeguards.

Thirty trade union representatives from ITUC-AP affiliates in India, Bangladesh, Hong Kong, Bahrain, Indonesia, Jordan, Nepal, Philippines, Sri Lanka, Thailand, Singapore and Malaysia participated. Seven representatives from NGOs and representatives from diplomatic missions of Sri Lanka, Indonesia, Philippines and Cambodia also participated.

The conference identified and highlighted domestic workers' problems, issues and concerns both from the standpoint of trade unions from countries of origin and destination. A proposed trade union action towards the adoption of international instruments was also drawn up.



Panelists from government, employers, Labour Department, NGO, trade union and diplomatic mission expressed support for the steps taken by the ILO.

## MTUC/ITUC-AP National Workshop on Promotion of Work-life Balance for Decent work living

A national workshop to emphasize the importance of promotion of work-life balance amongst Malaysian workers towards decent living was held in Kuching Sarawak from 5-6 October 2009. About 23 female and 12 male - from Peninsular, Sabah and Sarawak participated in this workshop.

The main aim of the workshop is to create awareness and sensitivity of workers towards achieving Gender Equality for both men and women through ratification of ILO Convention 156, 183 and CEDAW, implementation of policies and laws, negotiation to create 'family friendly' facilities and conditions of employment, as well as increased sharing of family/ household responsibilities between working men and women.

*Recommendations and conclusions out of the workshop:*

### Workplace Level:

Continuous and encompassing organizing of all workers into the union.

#### Education:-

- Orientation/Awareness programme for members and new leaders on trade unionism
- Dissemination of information – prompt and accurate
- To ensure there are women representatives at this level (minimum 2)

### Union Level:

Continuous and encompassing organizing of all workers especially women into the union

#### Education:-

- Orientation/Awareness programme for members and new leaders on trade unionism
- Capacity building/skills training for leaders – training either internally or nationally
- Dissemination of information – prompt and accurate, integrating of usage of IT
- To ensure there are women representatives – through quota system
- Ensure Collective Agreement encompasses women friendly clauses, e.g. sexual harassment policy, better maternity benefits, flexi hours, child care centres/allowance etc.
- Should conduct more social activities, e.g. Sport day, family day/gathering

### MTUC Level:

- Implement and enforce 40% women participation at all levels – decision making, programmestrainings/delegation to conferences etc. by amending the constitution.
- Promote the functions of one-stop centres for workers at Divisions/Hq.
- Must set goals on gender equality and monitor achievement.
- increase support and representation with various social partners on labour issues.

*Sdr. Ibrahim, Chairman of Sarawak division officiated the workshop*





# International News

## **Urgent advice for G20 summiteers: Jobless recovery is no recovery**

The world's top labor leaders are urging the world's top government leaders to make the global unemployment crisis the No. 1 priority on their agenda.

It is imperative, the labor leaders insist, that the government leaders turn their G20 summit next week into a jobs summit. "As regards unemployment, the worst is still to come," says labor's Pittsburgh Declaration, after the city in which the summit will be held September 24-25.

According to the OECD, the number of jobless people is likely to reach 57,000,000 people this year in its 30 member-countries. Counting the whole world, 200,000,000 may be pushed into extreme poverty this year.

And yet a New York Times headline announced on September 5, "*In Unemployment Report, Signs of a Jobless Recovery*," juxtaposing two opposing trends: a continuing decline in employment and a seeming improvement in some sectors of the economy.

"Many experts," the Times explained, "envision a jobless recovery, in which the economy grows and job losses persist."

*Source: Robert Senser, Human Rights For Workers, September 18, 2009*

## **Seeking better ways to evaluate a nation's well-being**

How to tell whether a country is making progress? Experts have been grappling with that question for years under the auspices of the Organization for Cooperation and Economic Development (OECD).

They have now come up with recommendations that will be discussed at the October 27-30 OECD World Forum on "Statistics, Knowledge, and Policy" to be held in Busan, Korea.

The goal is to reach an international consensus on indicators that transcend the traditional one, the Gross Domestic Product (GDP), which measures a nation's total flow of goods and services.

It's time to end "GDP fetishism," Joseph Stiglitz, the Nobel Prize-winning economist, told a Bloomberg reporter last week. "So many things that are important to individuals are not included in GDP. There needs to be an array of numbers, but we need to understand the role of each number. We may not be able to aggregate everything together."

In a September 14 announcement OECD Secretary-General Angel Gurría observed that there is a growing gap between what official statistics state and the conditions under which people live their daily lives. "This gap," he said, "can be clearly damaging both to the credibility of political debate and action and to the very functioning of democracy in our countries."

*Source: Robert Senser, Human Rights For Workers, September 14, 2009*