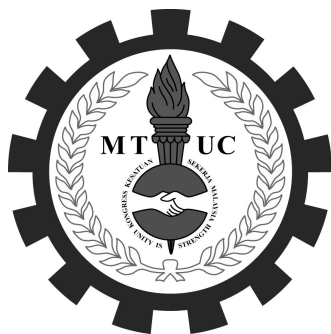




PEKERJA PENENTU ARAHTUJU NEGARA

MTUC MENGUCAPKAN SELAMAT HARI RAYA KEPADA SEMUA PENGANUT BERAGAMA ISLAM

MTUC MEMBANTAH PENGECUALIAN UMUR PERSARAAN MINIMA

Umur Persaraan Minima Swasta 60 tahun telah diperjuangkan dari tahun 1996 dalam Pertemuan Pegawai Utama MTUC bersama YAB PM Dr Mahathir ketika itu.

Terma Umur Persaraan telah menjadi Faedah dalam Perundingan Perjanjian Bersama yang dirundingkan setiap 3 tahun. Perjuangan untuk mendapat Umur Persaraan 60 tahun adalah dengan asas yang kukuh iaitu:-

- ◆ Jangka umur hidup bagi Rakyat Malaysia meningkat.
- ◆ Meningkatkan Simpanan KWSP.
- ◆ Menghapuskan kerja separa masa.
- ◆ Menyimpan untuk Menampung Umur Persaraan.
- ◆ Mendapat Perlindungan PERKESO sehingga Umur Persaraan.

MTUC membantah keputusan YB Menteri Sumber Manusia terhadap pengecualian Umur Persaraan Minima kepada 258 Syarikat yang dimohon dibawah Section 18, kuasa YB Menteri.

YB Menteri menyatakan ia dipersetujui oleh Badan Tripartite adalah tidak benar merujuk kepada minit mesyuarat yang ada bersama MTUC. Pengecualian yang diberikan kepada Syarikat Besar seperti Kumpulan Boustead dan BASF Petronas adalah amat mengecewakan kerana Syarikat bertaraf antarabangsa.

YB Menteri tidak mengkaji implikasi terhadap pekerja di sebab pengecualian:-

- ◆ Pekerja akan digaji sebagai Pekerja Kontrak.
- ◆ Caruman KWSP hanya 60%.
- ◆ Hilang Perlindungan Keilatan PERKESO.
- ◆ Faedah Kerja yang lebih rendah.
- ◆ Kontrak tahun ke tahun.

Tindakan mengeluarkan Warta Kerajaan untuk memberi pengecualian menunjukkan Kerajaan TIDAK PRIHATIN DENGAN MEMBELAKANGKAN PEKERJA DAN KESATUAN yang menjadi sumber penting Pembangunan Ekonomi Negara.

YAB Perdana Menteri dalam perjumpaan dengan Pekerja menyakinkan Kaum Pekerja Kerajaan akan bertanggungjawab melindungi Hak Pekerja Swasta tanpa tolak ansur demi Kemajuan Negara.

MTUC dengan ini menuntut YAB Perdana Menteri untuk campur tangan dalam menyelesaikan Bantahan MTUC.

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Abdul Halim Mansor, Setiausaha Agung



TPPA Forum- Its impact on Malaysian Workers

Satu Forum TPPA telah di adakan di MTUC pada 25hb Julai 2013 bagi membincangkan implikasi TPPA terhadap pekerja-pekerja di Malaysia. Forum telah dipengerusikan oleh Presiden MTUC Mohd Khalid Atan. Beliau menjelaskan bahawa sememangnya MTUC tidak pernah dijemput untuk majlis konsultasi terutamanya berkaitan dengan **Labour**

akan memberi risiko yang besar dan serius hak-hak pekerja, gaji, pencen, dan keadaan kerja.

- Tiada jaminan terhadap kerja, pekerja dan keluarga mereka.
- TPP tidak menjanjikan akan mematuhi standard piawaian teras ILO malah hanya memberi fokus kepada manfaat dari perdagangan.



Turut bersama dalam perbincangan ialah Mantan Presiden MTUC Senator Syed Shahir, Vice Presiden MTUC Mohd Roszeli bin Majid dan Robert Vijendran Henry

Chapter yang terkandung dalam perjanjian TPPA.

Beliau menegaskan bahawa MTUC sama sekali tidak bersetuju dengan TPPA dan tidak menyokong perjanjian perdagangan ini.

Turut hadir dan membentangkan kertas kerja ialah En. Mohd Nizam dari Badan Bertindak Bantah TPPA Malaysia(MTEM) dan En. Tsu Chong dari MSN mewakili YB Charles Santiago.

Isu-isu yang menjadi persoalan dalam perbincangan ialah

- ♦ TPP tidak menggunakan model perdagangan bagi meningkat dan melindungi hak untuk semua pekerja.
- TPP (yang terdiri daripada Amerika Syarikat, Australia, Brunei Darussalam, Kanada, Chile, Jepun, Malaysia, Mexico, New Zealand, Peru, Singapura, dan Vietnam,)



TPP ialah mengenai liberalisasi pasaran ekonomi dalam konsep globalisasi ekonomi hari ini. Ini bermakna negara ahli bebas berniaga dipasaran negara ahli secara terbuka berdasarkan perjanjian yang dipersetujui dan diterima bersama





Continuation from page 2...

Negotiations for the TPP remain closed to the public, and the text of the agreement remains classified. The press has largely ignored the negotiations, even when they have happened on American soil. The American public seems largely unaware and unengaged in the process. However, some information has been gained through the course of the negotiating rounds.

Labor Chapter: Indications are that the labor chapter will have modest improvements over the Bush-era labor chapter, but probably far less than U.S. and international unions have been advocating. It is likely the labor chapter will continue to refer only to the ILO Declaration on Fundamental Principles and Rights at Work, rather than the more binding conventions.

Government Procurement: Indications are that these provisions will be largely the same as in the past, meaning that they will undercut "Buy America" and reduce the U.S. Government's and states' abilities to stimulate our own economy.

Services: There are no indications that language to ensure that public services are sufficiently protected has been included.

State-Owned Enterprises (SOEs): There are concerns about the ability of the proposed approach to adequately protect against unfair competition by SOEs with respect to investments on American soil that would compete head-to-head with existing companies here at home.

Investment: The Administration has indicated it intends to maintain the investor-state dispute settlement provisions which provide extraordinary rights to foreign investors to bypass domestic courts and take governments to international arbitration panels to contest laws, regulations, and even judicial decisions they oppose. Labor unions and other civil society organizations would not have access to similar relief to enforce labor and environmental standards.

Financial Services The Administration has indicated the U.S. is not likely to propose changes to strengthen the right of countries to implement "capital controls" nor to clarify that countries have broad rights to regulate in order to stabilize their financial systems.



Regulatory Coherence/Convergence: Publicly available TPP documents reveal a possible trend toward a cost-focused, anti-regulatory agenda that discounts the benefits of health and safety regulations.

Medicines: These texts have been leaked and indicate the U.S. is pursuing provisions that would make it more difficult for developing countries to gain access to affordable life-saving medicines. Moreover, language has been proposed which could impair states' efforts under the health reform law to control health costs by creating approved medication lists or setting maximum medication prices.

Effect on States: The terms of the TPP will bind state action in many areas. Given the supremacy of both federal law and international treaties over state law, the rules the federal government agrees to in the TPP can limit the scope of a state's ability to legislate and regulate in the public interest. For example, a state's ability to enact some kinds of services regulations (e.g., on insurance or legal services providers) can be restricted, and state and local legislative, regulatory, and judicial actions will be subject to challenge by foreign investors under the investment provisions. While states have the option not to be bound by the "Government Procurement" provisions of the TPP, there is no other section of the agreement that gives states the option not to be bound.

Source: AFL-CIO, Celeste Drake



MTUC Piket-Umur Persaraan 60

PIKET MTUC 23 Julai 2013, di perkarangan Kementerian Sumber Manusia, Putrajaya bagi membantah pengecualian pelaksanaan umur persaraan 60 tahun (Akta Umur Persaraan Minimum 2012).

Seramai kira-kira 50 pemimpin Kesatuan Gabungan MTUC telah menyertai piket ini bagi melahirkan perasaan kecewa dan protest terhadap kegagalan kerajaan melalui Menteri Sumber Manusia melaksanakan sepenuhnya Akta Umur Persaraan Minimum 2012. Malahan tindakan Menteri Sumber Manusia menggunakan kuasanya melalui peruntukan section 18 akta tersebut bagi meluluskan permohonan penangguhan pelaksanaan dari 258 syarikat tanpa melalui proses konsultasi Jawatan kuasa tripartied yang dibentuk juga mendapat bantahan keras dari MTUC.

Antara pemimpin utama MTUC yang hadir dalam piket tersebut ialah Presiden - Sdr. Mohd Khalid Atan, Timbalan Presiden - Sdr. Jaafar Majid, Setiausaha Kewangan - Sdr. Awang Ibrahim, Naib Presiden (Sektor Swasta) - Sdr. Robert Vijandran, Sdr. Balasubramaniam, Sdr. Mohd Roszeli Majid, Pengerusi MTUC Selangor/ Wilayah-Sdr. Gopalkrishnam bersama Setiausaha-hanya - Sdr. Hamdan bersama-sama pemimpin dan ahli-ahli kesatuan gabungan.

Menteri Sumber Manusia Datuk Richard Riot Jaem telah menerima memorandum bantahan MTUC berkaitan isu ini. Beliau telah memberikan komitmen untuk menyediakan maklumbalas segera kepada MTUC setelah menyemak isi kandungan memorandum tersebut.

Di samping itu, pemimpin-pemimpin MTUC telah mengadakan perbincangan tertutup dengan Timbalan KSU,



Pengarah dan Timbalan Pengarah Perhubungan Perusahaan bagi membincangkan isi kandungan memorandum MTUC. Tim. KSU dalam kenyataannya telah menyangkal dakwaan pengecualian diberikan secara 'blanket approval' kepada 258 syarikat dibawah kuasa Menteri. Beliau mendakwa hanya jawatan tertentu dalam 258 syarikat tersebut yang diberi pengecualian untuk menangguhkan pelaksanaan usia persaraan 60 tahun. Pemimpin MTUC telah menggunakan ruang perbincangan itu untuk menegaskan pendirian MTUC yang tidak pernah bersetuju syarikat-syarikat tersebut diberikan pengecualian.

MTUC telah memohon pihak Kementerian menyediakan dokumen dan senarai sokongan bagi membuktikan kenyataan yang dibuat oleh Tim. KSU pada hari tersebut.

Presiden MTUC - Sdr Khalid Atan dalam ucapan ringkasnya kepada kumpulan pemimpin Kesatuan yang hadir selepas menyerahkan memorandum itu menyatakan ' Beliau bersyukur kerana Menteri sanggup meluangkan masa untuk mendengar rintihan MTUC dan mengharapkan Menteri dapat memberi jawapan yang positif dalam jangka masa segera.





DON'T ALLOW EMPLOYERS TO SHORT CHANGE AND EXPLOIT FOREIGN WORKERS

PRESS STATEMENT 30 July 2013

The Employers' call on the government to withdraw the circular issued on July 11 which stated that a probation period is not applicable to foreign employees holding temporary working permits is most inconsiderate and inappropriate. The government has rightly announced that *"a probation period is not applicable to foreign employees holding temporary working permits"*.

All contracts of foreign workers do not stipulate a probationary period. As such why put them on a probationary period when they have already been interviewed on their fitness and capability and with a clear understanding that he fulfils his job requirements to work here.

The Cabinet was kind enough to give a blanket approval to the SMEs to alter their established policy on payment of levy. For several years, payment of levy was the responsibility of the employer but this was shifted back to the workers. MTUC was critical of the government's decision to impose the levy obligation of the Employer onto the workmen.

Despite all concession given by the government, the employers' demand to make a further 30% reduction on the grounds that they are probationers is indeed unreasonable.

If we accept the employers' unreasonable demand that foreign workers should be paid less during their probationary period then they will only be getting a miserable RM 450/- after a deduction of the levy and accommodation. Employers demanding this should first check their conscience to see if one can survive with just RM 450.00. The employers should not be so inconsiderate.

Government should stand firm on their decision not to allow employers to mandatorily reduce the minimum wage of foreign workers during the period of probation. It is very clear that employers are only thinking of their profit and not the welfare of the employees.

ABDUL HALIM BIN MANSOR
Secretary General

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NATION

30/7/2013

15 groups upset over probation ruling on foreign workers

KUALA LUMPUR: Fifteen trade and industry organisations are upset with the Human Resources Ministry for not taking into account their consideration on a probation period involving foreign employees. They rejected a July 11 dated circular from the ministry which stated that a probation period is not applicable to foreign employees holding temporary working permits.

In a joint statement issued yesterday, the Associated Chinese Chambers of Commerce and Industry of Malaysia, Malaysian Associated Indian Chamber of Commerce and Industry, Malaysian Plastics Manufacturers Association are seeking a discussion on the matter with the ministry.

"The trade and industry associations do not agree that a probation period is not applicable to foreign workers, as probation is required for all workers, whether local or foreign. The wage for a probationer is 70 per cent of the minimum wage under the Minimum Wage Act. This probation should not be violated.

"We urge the government to withdraw the circular issued on July 11 and to organise further discussions with all stakeholders before a final decision is made and announced."

The other organisations who jointly issued the statement are: Malaysian Textile Manufacturers Association, Federation of Malaysian Foundry and Engineering Industries Association, Malaysian Knitting Manufacturers Association, Malaysian Rubber Glove Manufacturers Association, Malaysian Rubber Products Manufacturers Association, The Electrical and Electronics Association of Malaysia, Malaysian Printers Association, Malaysian Wood Industries Association, Malaysian Furniture Entrepreneurs Association, Malaysia Furniture Industry Council and; the Malaysian Iron and Steel Industry Federation.



Statistik

Bilangan Kesatuan Sekerja Mengikut Sektor Di Malaysia, 2005-Mei 2013

Sektor	2005	2006	2007	2008	2009	2010	2011	2013
Swasta	390	396	407	421	436	439	435	462
Kerajaan	127	130	130	132	137	139	144	142
Badan Berkanun Dan Penguasa Tempatan	91	92	92	92	93	98	99	100
Majikan	13	13	13	14	14	14	14	-
Jumlah	621	631	642	659	680	690	692	704

Bilangan Kesatuan Sekerja dan Keanggotaan Mengikut Industri Malaysia, 2012-Mei 2013

INDUSTRI	2012		2013	
	Bilangan	Keanggotaan	Bilangan	Keanggotaan
Pertanian, Pemburuan dan Perhutanan	49	77965	49	77968
Perikanan	3	1038	3	1038
Perlombongan dan Kuari	3	961	3	961
Pembuatan	158	97447	159	97197
Pembinaan	4	1387	4	1387
Elektrik, Gas dan Air	28	49374	30	49374
Perdagangan Jual Borong dan Runcit, Baiki Kenderaan Bermotor, Barangan Persendirian dan Isi Rumah	35	39831	35	39831
Hotel dan Restoran	18	16383	18	16383
Pengangkutan, Penyimpanan dan Komunikasi	97	58635	101	58635
Penghantaran Kewangan	41	43344	41	43344
Aktiviti Hartanah, Penyewaan dan Perniagaan	3	173	3	173
Pertahanan dan Pentadbiran Awam, Keselamatan Social Wajib	113	119158	114	119308
Pendidikan	57	316307	58	316276
Kesihatan dan Kerja Sosial	46	61082	47	61082
Aktiviti Perkhidmatan Komuniti, Sosial dan Persendirian Lain	39	6633	39	6633
Isirumah Persendirian dengan Pekerja Bergaji	0	0	0	0
Organisasi dan Badan di Luar Wilayah	0	0	0	0
Lain-Lain	0	0	0	0
Jumlah	694	889718	704	889569

Sumber : Portal rasmi Jabt. Hal Ehwal Kesatuan Sekerja 2013



MTUC Survey on Wages and Working Conditions For Migrant Domestic Workers in Penang and the Klang Valley.

Throughout 2012 MTUC carried out a survey to determine the status of wages and working conditions amongst domestic workers in the country. The survey involving 510 workers, mainly Indonesians and Filipinos revealed that there was a slight improvement compared with 2011. The survey concentrated on 14 issues which are detailed in the full report.

♦ Wages

A significant rise compared with 2011 where 57% of the workers were paid less than RM 550.00, in 2011 69% were paid between RM 600- RM 750.00. This was mainly due to Indonesian Government's policy and efforts. Filipino domestic workers' wages range from RM 1000 – RM 1400. Cambodian domestic workers receive RM 550.00 and Sri Lankan domestic workers receive RM 650.00 – 700.00 per month.

- ♦ **Payment of wages – 69.6%** their monthly wages paid into their bank account with their name as account holder.

♦ Unpaid wages:

30.4% - Unpaid wages for several months. An **increase by 4%** compared to 2010 and 2011.

Wage Deductions

- 58% deductions for 6 months.
- 11.6% deductions for 5 months.
- ♦ **Abuse – physical and verbal: 15.8% - higher than in 2011 (7.8%)**
- A very low number of sexually abused cases at the Shelters. (Out of the 98 girls at that time at the Shelter, 3 cases were reported of being sexually abused by the employer)
- ♦ **No rest day: 78.5% - were not given a weekly day off**
- 8.2% - one paid day off a week and allowed to go out on their off day.
- 10% - two paid days off in a month and allowed to go out.
- ♦ **“Run Away” cases at Embassy – 23.5%** (Shelter had 98 dws on 30.12.12)
- ♦ Accused of stealing; cheating, lying, badly treated, sexually and physically abused, food deprivation, humiliation.
 - **Condition of domestic workers when they arrive at the shelter :**
 - Deprived of sleep - 24% do not get any sufficient rest during the day.
 - Suffer from lack of sleep and rest resulting in poor health.
 - Not allowed communication with their family members and friends.
 - Not paid wages for several months
- ♦ Abused, demoralized (as stated above) **Working hours – 51.8%**
- An alarmingly **high number** work more than 14 hours a day.
- 17% work in two places and more. (with less than 6 hours of sleep)
- ♦ **Food and Accommodation – 89.3%** were getting 3-4 nutritious meals a day and 81% were given proper accommodation with good ventilation in their rooms.
- ♦ **Religious obligations** – There was a significant increase in the number of families giving due respect to domestic workers' religious obligations.
- ♦ 91% were allowed to pray and fast during the Ramadan month.

Reported by:

Parimala N. . Project Officer:

MTUC/FNV Mobilising Action for the Protection of Migrant Domestic Workers

MTUC Selangor

Kursus Kesedaran Keselamatan Dan Kesihatan Pekerja

1-2hb, Julai, 2013, Shah Alam dan 24-25 Julai 2013 di Kuala Lumpur. Kursus ini telah diadakan di Shah Alam dan Kuala Lumpur. Kursus ini telah memberi penekanan kepada subjek-subjek seperti kepentingan OSHA, Akta OSH, Akta PERKESO dan sebagainya ditempat kerja. Bagaimana kesatuan dan ahli-ahli dapat memainkan



peranan bagi menangani permasalahan yang berkaitan dengan keselamatan dan kesihatan pekerja. Kursus ini telah dihadiri oleh 30 ahli kesatuan dari pelbagai sektor dari Kuala Lumpur manakala seramai 26 ahli telah menyertai kursus ini di Shah Alam. Kursus ini telah diseliasa oleh Sdra. Hamdan dan Sdra. Gopal Krishnam yang mewakili bahagian Selangor.

Mekanisme KSM Pastikan Tiada Diskriminasi Tangga Gaji Pekerja Tempatan, Asing

Kerajaan komited memastikan tiada diskriminasi dalam kadar tangga gaji pekerja asing dan pekerja tempatan melalui mekanisme dilaksanakan Kementerian Sumber Manusia (KSM).

Menterinya Datuk Richard Riot Anak Jaem berkata mekanisme ini adalah mengikut undang-undang sedia ada yang memberi perlindungan dan menjaga kebajikan pekerja tempatan dan pekerja asing daripada sebarang diskriminasi.

"Mekanisme ini terdiri daripada langkah seperti penguatkuasaan Akta Kerja 1955 (Akta 265), penguatkuasaan Akta Majlis Perundingan Gaji Negara 2011 (Akta 732) dan tapisan permohonan pekerja asing oleh majikan," katanya. Tambahnya, aduan berhubung diskriminasi ini akan disiasat mengikut Seksyen 60L Akta Kerja 1955 yang memberi kuasa kepada Ketua Pengarah Jabatan Tenaga Kerja (JTK).

"Selain penyiasatan aduan, JTK turut menjalankan aktiviti pemeriksaan berkanun secara berkala bertujuan memastikan patuhan undang-undang serta bagi mengesan dan pencegahan awal penyelewengan undang-undang," katanya. Beliau berkata demikian semasa menjawab soalan lisan daripada Ahli Parlimen Ampang Zuraida Kamaruddin yang meminta KSM menyatakan apakah mekanisme pihak kerajaan bagi memastikan tidak permasalahan itu lagi.

Beliau turut menegaskan bahawa kegagalan majikan mematuhi arahan yang ditetapkan melalui undang-undang ini adalah suatu kesalahan dan jika disabit kesalahan boleh didenda tidak melebihi RM10,000.

Source : <http://www.malaysiandigest.com>