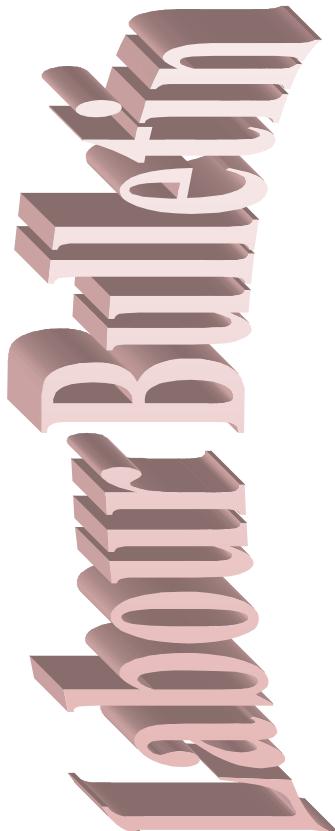


PEKERJA BERSATU RAKYAT MAJU



PERUTUSAN SETIAUSAHA

MALAYSIA : MTUC blames Putrajaya for poor control over large migrant worker population

MTUC merasakan ketiadaan koordinasi di antara Menteri Sumber Manusia dan Menteri Dalam Negeri menyebabkan perlambakan pekerja asing di negara ini.



Pernyataan Menteri Sumber Manusia (KSM), Datuk Seri Richard Riot Jaem baru-baru ini bahawa dari 5.8 juta pekerja asing di Malaysia, hanya 2.9 juta mempunyai dokumen yang sah dan pekerja Malaysia perlu mengubah sikap mereka dengan tidak memilih pekerjaan dan hanya mahu bekerja dalam sektor tertentu sahaja. Beliau berkata rakyat Malaysia perlu merebut peluang pekerjaan yang disediakan oleh 600,000 perusahaan kecil dan sederhana (PKS) yang kini diisi oleh orang asing.

MTUC percaya sekurang-kurangnya 35% daripada tenaga kerja dalam sektor PKS adalah pekerja asing, terutama dari Nepal dan Bangladesh.

Kementerian Sumber Manusia memberi alasan bahawa kelulusan untuk membawa masuk warga asing adalah di bawah kuasa Kementerian Dalam Negeri dan KSM tidak mempunyai kawalan ke atas bilangan yang diperlukan di negara ini.

Siasatan MTUC mendedahkan bahawa hampir semua pekerja asing memasuki negara ini secara sah tetapi menjadi pekerja tanpa izin kerana dieksplorasi oleh majikan mereka.

"Apa yang dijanjikan di negara asal tidak dihormati apabila mereka tiba di sini. Ada yang dibayar rendah.". Jadi dimanakah undang-undang dan amalannya?

N. GOPAL KISHNAM, Setiausaha Agung





Kemalangan di Tempat kerja-Tanggungjawab siapa?

Tahap keselamatan dan kesihatan di tempat kerja yang masih rendah merupakan faktor utama menyumbang kepada peningkatan kemalangan di tempat kerja.

Presiden Kongres Kesatuan Sekerja Malaysia, Mohd Khalid Atan berkata, berdasarkan aduan diterima daripada pekerja tempatan dan asing menunjukkan segelintir majikan tidak menitikberatkan dua aspek terbabit.

"Kalau lihat secara menyeluruh, kedua-dua aspek keselamatan dan kesihatan di tempat kerja masih belum mencapai tahap membanggakan.

"Setiap aduan pekerja berkaitan antaranya aspek keselamatan diri, penggunaan mesin atau bahan kimia di tempat kerja tidak diambil serius majikan, malah mereka bersikap sambil lewa," katanya.

Menurutnya, lebih menyedihkan, pekerja pula terpaksa bekerja dalam keadaan yang tidak selamat kerana bimbang diambil tindakan atau diberhentikan kerja.

"Sepatutnya setiap aduan perlu diambil tindakan segera oleh majikan bagi mengelakkan pekerja terdedah kepada bahaya. Kita tak boleh berkompromi dalam isu keselamatan dan kesihatan pekerja," katanya.

Mohd Khalid berkata, mengikut Akta Keselamatan dan Kesihatan Pekerjaan 1994, tanggungjawab keselamatan dan kesihatan adalah tanggungjawab bersama tidak kira pembuat kilang, pekerja, majikan atau perekat jentera.

Katanya, akta itu merangkumi tanggungjawab menyeluruh dan semua pihak perlu mainkan peranan supaya

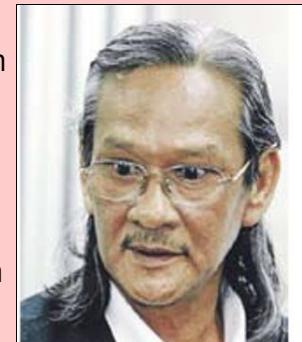
kemalangan di tempat kerja dapat dikurangkan.

"Jabatan Keselamatan dan Kesihatan Pekerjaan (DOSH) tidak boleh hanya jalankan siasatan tetapi perlu menambah kakitangan serta buat pemeriksaan berkala sekurang-kurangnya tiga bulan sekali di semua kilang bagi pastikan keadaan tempat kerja dan pekerja selamat.

"Jabatan Tenaga Kerja di bawah Kementerian Sumber Manusia juga perlu mengadakan lawatan ke tempat kerja untuk melihat keadaan persekitaran tempat kerja selamat atau tidak, memberi nasihat kepada majikan dan pekerja berkaitan aspek keselamatan," katanya.

Akhbar melaporkan, Timbalan Menteri Sumber Manusia, Datuk Seri Ismail Abd Mutalib berkata, bagi 2014, sebanyak 20,859 kes kemalangan tempat kerja dilaporkan berlaku sehingga Jun tahun ini dan bilangan itu dijangka meningkat.

Katanya, 282 kes daripada jumlah itu membabitkan kemalangan maut dan tiga sektor iaitu pembuatan, perkhidmatan serta perdagangan borong dan runcit dikenal pasti penyumbang utama kes kemalangan di tempat kerja tahun ini. sumber:<http://www.sinarharian.com.my>, Shah Alam



10,000 majikan swasta gagal laksana Skim Gaji Minimum

Kira-kira 10,000 majikan swasta masih gagal melaksanakan Skim Gaji Minimum yang dikuatkuasakan pada 1 Januari tahun lepas, kata Timbalan Menteri Sumber Manusia, Datuk Seri Ismail Abd Mutalib. Beliau berkata kerajaan memandang serius tentang perkara itu walaupun bilangannya hanya 5% daripada 200,000 majikan berdaftar dengan Jabatan Tenaga Kerja (JTK) Kementerian Sumber Manusia. "Pekerja berhak membuat aduan kepada JTK dan kementerian jika majikan masih gagal melaksanakan dasar tersebut. "Mengikut rekod kementerian sehingga kini, tiga majikan dihadapkan ke mahkamah kerana gagal berbuat demikian," katanya. Sementara itu Ismail berkata se-

hingga Jun lepas kadar pengangguran negara mencatatkan penurunan iaitu hanya 2.8% berbanding 3.1% pada tahun lalu. Katanya kadar itu antara yang rendah berbanding negara maju lain.

Ahli Parlimen Maran itu berkata antara faktor dikenal pasti berlakunya pengangguran adalah disebabkan mereka yang terlibat mencari pekerjaan yang lebih baik berdasarkan kelayakan dan kemahiran yang ada. Beliau memberitahu, pencari kerja aktif berdaftar sehingga 1 September lalu berjumlah 403,897 orang dengan 231,169 daripadanya merupakan siswazah untuk mengisi 115,672 peluang pekerjaan.

Ismail berkata, mulai tahun hadapan Program Karnival Azam Kerja akan menjelajah kesetiap kawasan parlimen seluruh negara bagi membolehkan lebih ramai rakyat mendapat pekerjaan. – Bernama, 20 September, 2014.



Penyerahan Memorandum RUM

"Mengikut Seksyen 4 Akta 177 Akta Perhubungan Perusahaan 1967, secara jelas menyatakan tidak ada sesiapa boleh masuk campur atau menghalang pekerja menyertai aktiviti kesatuan.",

Kongres Kesatuan Sekerja Malaysia (MTUC) bersama-sama dengan ahli RUM dan ahli MTUC telah mengadakan perhimpunan pada 3hb Oktober 2014 sekitar jam 3.00 petang bagi menyerahkan memorandum kepada CEO KTMB Ir Nawawi Ahmad kerana tindakan KTMB memecat 40 ahli RUM dan 100 diberi surat tanpa notis kerana terlibat dalam aktiviti piket pada 5 Mei 2014 lalu. MTUC merasa amat kecewa dengan tindakan Keretapi Tanah Melayu Berhad(KTMB) ini.

- ⇒ Tindakan pihak KTMB adalah satu kesalahan dan bertentangan dengan Perjanjian Bersama dan Akta Perhubungan Perusahaan(Akta177) dengan mengambil tindakan tatatertib terhadap pemimpin dan ahli kesatuan yang melakukan aktiviti kesatuan sekjera. Oleh yang demikian hari ini 3hb Oktober 2014, MTUC terpaksa bersama-sama RUM dan ahlinya menyerahkan Memo kepada CEO KTMB menyeru agar beliau akan campurtangan dalam urusan ini bagi mengembalikan kerja semua pemimpin dan ahli RUM ke jawatan mereka. Turut dipecat ialah presiden RUM Sdra Abdul Razak.
- ⇒ Tindakan yang bertentangan dengan Perjanjian Bersama.
- ⇒ Tindakan yang bertentangan dengan Akta Perhubungan Perusahaan (Akta 177).
- ⇒ Mendahului Jabatan Perhubungan Perusahaan dan Perusahaan mengenai aduan kesatuan terhadap pelanggaran Seksyen 5(1) dan (ii), Akta Perhubungan Perusahaan dengan tidak menjalankan siasatan Dalaman seterusnya mengambil tindakan pembuangan kerja tanpa notis terhadap pemimpin kesatuan.
- ⇒ Bercanggah dengan perundangan Perburuhan Antarabangsa-ILO Konvensyen yang diperakui oleh kerajaan Malaysia.





ISSUES CONCERN

Landmark victory for NUBE:

Court of Appeal ordered that the registration of Mayneu is set aside.

On 17 September 2014 the Court of Appeal quashed the decision of the Director General of Trade Unions (DGTU) dated 3 January 2011 pursuant to Section 12(1) of the Trade Unions Act 1959 and set aside the registering of Mayneu as a Trade Union - an in-house union in Maybank. The Director General of Trade Unions had registered Mayneu without any consultation with NUBE.

The effect of this decision is DGTU was wrong in registering Mayneu and his decision is quashed. In allowing the appeal for NUBE, the Court of Appeal, amongst others have said that both the Industrial Relations Act 1967 and Trade Union Act 1959 must be seen to be social legislation to promote, preserve and protect the employees as well as the employers' right to create what we often term as 'Industrial Harmony' for successful 'Nation Building'.

The Honourable Court has also reminded that arbitrariness in decision making process or asserting that there is right to be arbitrary in dealing with a complaint or appeal and asserting no requirement to act or to act expeditiously by the public decision maker is a curse to Industrial Jurisprudence and/or Industrial Harmony.

The Court of Appeal allowed NUBE's appeal with costs of RM20, 000 to be paid by the DGTU and Mayneu each respectively. This much waited decision is a gift to all members of NUBE who has been grossly discriminated since 2011 and this decision is an excellent blessing for all non-executive bank workers to unite so that we could protect our interest at work and contribute towards the 'Nation Building'.

NUBE invites those non-executives who have been mislead or influenced to break up the unity in NUBE are now welcome to join NUBE so that One United Union could serve its members effectively and it is no other than NUBE which has a proven track record.

Those non-executives in Maybank who may have left NUBE upon being wrongly advised can now approach the nearest Branch Officials or NUBE Branches to make the necessary arrangement to be recruited as members of NUBE. NUBE advises all Non-Clericals, Clericals, Special Grade Clericals and others to come together so that the future of the employees and their children will be more protected and secured in the banking industry.

J SOLOMON General Secretary 21 Sept, Kuala Lumpur

Fuel subsidy cut increases burden on workers, says trade union group

Gopal hopes the government will force employers to provide a cost of living allowance and increase the minimum wage to help Malaysians cope with the increase in fuel price and potential inflation it will bring

Although Putrajaya has described the fuel price hike of 20 sen per litre as "minimal" and "not a burden", MTUC thinks otherwise, saying the increase is steep and will have an impact on the disposable income of private sector workers.

N. Gopal Krishnam, secretary general said the 10% upward revision in the fuel prices would have a snowball effect on other goods and services. "About 40% of the 13 million workers who earn less than RM2,000 a month will be further affected," he said in response to Putrajaya's move to raise prices 13 months after the last increase. RON95 will now cost RM2.30 per litre, up from RM2.10, while diesel will be RM2.20, an increase from RM2 previously. Although the government has reduced the fuel subsidy, it is estimated that it still needs to spend over RM21 billion to subsidise RON95, diesel and liquid petroleum gas for 2014.

Gopal said over the past year workers and their families have had to adjust their lifestyle due to the rise in living cost. "Now this increase will further force them to make adjustments and then there is the Goods and Service Tax of 6% waiting for them next year," he said. He said it was pointless for the government to give a one-off payment of RM500 under the Bantuan Rakyat 1Malaysia programme because it was not sustainable. Gopal also said wages of private sector employees were suppressed because employers could rely on cheap foreign labour.

"MTUC hopes the government will, in the 2015 Budget, persuade private sector employers to give cost of living allowance of about RM300 a month to employees and revise the minimum wage from RM900 to RM1,200," he added. Source: *Insider*, Oct 2, 2014



Aktiviti Bahagian MTUC

Kursus Kesedaran Keselamatan dan Kesihatan Pekerjaan 18-19 Sept 2014 Dewan BUTP Melaka. Seramai 24 peserta telah menyertai kursus ini. Penceramah utama dari PERKESO, Mohd Dauzkaply Nor bin Ghazali, Sdra Bruno Periera Naib President MTUC dan pegawai JKJR.



Majlis Dialog Bersama Tim Pres. MTUC

Majlis Dialog Sdra Abdullah Sani, Timbalan Presiden MTUC bersama ahli-ahli kesatuan di Kota Bharu. Dialog ini memberi fokus kepada isu-isu semasa pekerja seperti gagal mendapat pengiktirafan majikan walaupun sudah mendapat undi majoriti dan juga kesefahaman mengenai GST.

MTUC Selangor telah menganjurkan seminar kesedaran Keselamatan dan kesihatan pekerjaan untuk bahagian Kuala Lumpur pada 10-11 Sept 2014 di Puteri Park di Selangor Shah Alam.

Sdra Gopal Krishnam selaku Setiausaha Agung MTUC telah merasmikan dan seterusnya memberi input berkongsi isu-isu semasa yang berlaku dalam kesatuan sekarang kepada peserta.

Penyertaan dari ahli gabungan MTUC seramai 30 orang peserta yang hadir. Penceramah jemputan terdiri dari



Perkeso, JKJR, JKKP dan pegawai MTUC iaitu Sdra. Soma, Sdra Azhar dan Sdra Hamdan. Seminar yang berlangsung selama 2 hari ini turut memberi kesan kepada kesatuan dari Kuala

Lumpur yang berkesempatan menyertai seminar ini.

Sesi penutup telah dihadiri oleh Sdra Abdullah Sani selaku Tim Presiden dan memberi suntikan semangat kepada peserta mengenai tanggungjawab dan peranan mereka terhadap isu-isu keselamatan pekerjaan. Dilaporkan oleh, MOHD KHAIRI B MAN Setiausaha Selangor dan Wilayah





Malaysia among the worst for rights of workers

ITUC Global Rights Index	
Country	Ranking
Uruguay Germany France Italy	1
Japan Switzerland Spain New Zealand	2
Australia Singapore Israel United Kingdom	3
United States Thailand Iraq Indonesia	4
Malaysia China India UAE	5
Syria Sudan Somalia Palestine	5+

International Trade Union Confederation (ITUC)
Global Rights Index assigns country ratings based
on their violation of worker rights for the past year
(April 2013 to March 2014).
Norman Goh / Malaysiakini

Malaysia is ranked among the worst countries in the world to work in, according to the recently released International Trade Union Confederation (ITUC) Global Rights Index.

Among the 139 countries that were studied for a period of a year, Malaysia was placed 22nd from the bottom which ranked lower than Asean neighbours Myanmar, Indonesia and Singapore in exercising worker rights.

The countries which were categorised using a rating scale from 1 to 5+, where 1 is for countries that have guaranteed labour rights like Uruguay, Germany and France.

Malaysia, was categorised as 5 where workers have very minimal rights and are subjected to unfair labour practices, with 5+ being for war-torn countries without any law for worker rights at all, like Syria, Somalia and Palestine.

Civil liberties, rights to establish or join unions, trade union activities, rights to collective bargaining and rights to strike were among the indicators taken to determine the countries index ratings.

Source: Malaysiakini

Childcare centres

The Malaysian Trades Union Congress (MTUC) has urged the government to continue encouraging private companies to set up childcare centres or nursery at their workplace.

N. Gopal Kishnam, said the government should maintain the incentives that were pledged in Budget 2013, including a RM10,000 grant and 10% tax deduction. According to him "Admittedly, the response has not been consistent but in the long run, it will enable female employees to continue working rather than resign after getting married and having children".

Budget 2015 will be tabled by Prime Minister Datuk Seri Najib Razak on Friday.

Gopal said female employees could also save as they would not have to send their children to expensive childcare cen-

tres elsewhere or employ a maid.

Meanwhile, Federation of Malaysian Consumers Associations (Fomca) president Datuk Dr Marimuthu Nadason suggested the introduction of a food scheme for urban low-income earners or the needy. "For example, the government could provide RM5 daily lunch vouchers for the target group to have their meal at selected food outlets. This will ease their financial burden, even if only minimally," he said.

He said the 1Malaysia People's Aid (BR1M) should be continued but channelled to genuine recipients.

The government should also improve and expand public transport.

source::<http://www.themalaysianinsider.com>



Project report of Migrant workers

Labour Attaché' Consultation: Enhancing policy and protection of Migrant Workers through adequate access to the legal and judicial system.

On 30th May 2014 ILO in collaboration with Bar Council Malaysia organised half day consultation with an objective to explore and exchange areas of protection available for migrant workers and to identify areas of improving access to support services. Migrant Resource Centre Coordinator Ms Florida Sandanasamy presented how Migrant Resource Centre reach out to migrant workers thru MRC centres located in Penang, Selangor/Kuala Lumpur and Johor. Areas of collaboration between MTUC and Labour Attaché' in assisting migrant workers was identified in the consultation.

Myanmar Trade Union and Civil Society Study Trip to Malaysia: 25th -28th August 2014

As part of an effort to understand the realities faced by Myanmar Migrant workers in Malaysia, a study trip was organised for Trade Unions and Civil society organization from Myanmar to meet several stakeholders among which are civil society's organisation, Employer's Association, Embassies representatives and Government Agencies. This cross country cooperation was facilitated by ILO national office and MTUC.

Myanmar Delegation comprises of 8 delegates representing civil society organization and trade union.

Among the objective of the tour were:-

- ◆ to identify challenges faced by migrant workers in seeking redress;
- ◆ to enhance cooperation between MTUC and Federation of Trade Unions in Myanmar;
- ◆ to dialogue with various stakeholders such as various Department within the Ministry of Human Resource,
- ◆ Myanmar Embassy and Malaysian Employers Federation of their role in upholding the rights of migrant workers;
- ◆ to develop a referral system and to identify areas of collaboration between civil society organization and trade union in Malaysia .



To Enhance Bilateral Cooperation and Signing Of MOU With Vietnam General Confederation Of Labour and MTUC

On 25th August 2014, President and Sectary General of Malaysian Trades Union Congress welcomed Bro Tran Van Ly, Vice President of Vietnam General Confederation of Labour (VGCL) who was accompanied by Mr Tran Quang Huy, First Secretary of Embassy of the Socialist Republic of Vietnam to discuss and deliberate future collaboration with MTUC. Bro Khalid Atan, President of MTUC and Bro Gopal Krisham (Sec Gen) welcomed partnership alliance with VGCL. It was agreed that both parties will review the contact of the Memorandum of Understanding and once it is finalised, the signing ceremony will be held in Vietnam.



Reported by : Ms S. Florida, Migrant Resource Centre Coordinator



Modern slavery' in Malaysia electronics factories: survey

Nearly one-third of the 350,000 workers in Malaysia's electronics manufacturing sector - a major supplier for leading global brands - suffer labour conditions akin to "modern slavery", a report released on Sep 17, 2014

Nearly one-third of the 350,000 workers in Malaysia's electronics manufacturing sector - a major supplier for leading global brands - suffer labour conditions akin to "modern slavery", a report released Wednesday (Sep 17) said.

The study by US-based fair-labour organisation Verite said at least 28 percent of workers toiling in Malaysian electronics factories - particularly foreign migrants from impoverished nearby countries - were stuck in a spiral of indentured servitude, unable to pay off excessive recruitment fees. Verite said the study was commissioned by the US government, which bans the import of goods made with forced labour.

Forced labour was found "in significant numbers across all major producing regions, electronics products, foreign worker nationalities, and among both female and male workers", said the report, based on interviews with 501 electronics workers across the country.

"These results suggest that forced labour is present in the Malaysian electronics industry in more than isolated incidents, and can indeed be characterised as widespread."

Malaysia's electronics manufacturing sector is a linchpin of the economy, and a key global supplier, producing semiconductors, computer peripherals, consumer electronics, communications equipment and a vast array of other products and components. It supplies major global brands such as Apple, Samsung, Sony and a host of others. The report did not single out any companies.

But the sector's success rests in part on the backs of foreign workers from countries led by Indone-

sia, Nepal, India, Vietnam, Bangladesh and Myanmar, the Verite report said. It said its assessment of the problem was likely "conservative" and "should be understood as a minimum estimate".

Verite said a key factor in the exploitation was the prevalence of recruitment fees paid by workers, who typically go into debt to pay them. The fees, charged both in workers' home countries and in Malaysia, "often exceeded legal and industry standards equivalent to one month's wage", it said.

Recruits were often deceived about working conditions, salary levels, and terms for opting out of jobs. They often struggled to repay debts and faced new charges for leaving jobs early, the report added. Many said they felt pressured to work overtime, and 38 percent of foreign workers reported being forced to sleep in cramped rooms with more than eight people, their movements restricted.

Ninety-four percent of foreign workers said they had to surrender their passports, and 71 percent of those said they found it impossible to get them back. "Keeping our passports shows nothing more or less than modern slavery," the report quoted a male interviewee from Myanmar as saying. Officials with Malaysia's government and main manufacturers' association were not immediately available for comment.

-Kuala Lumpur , 17 Sept, 2014: AFP/xq

WORKERS WALK
PROTEST AGAINST UNION BUSTING

TARIKH & LOKASI
10.00AM - 20 OKTOBER 2014 (ISNIN)
Berjalan kaki secara teribit bermula dari depan bangunan KTMB KL ke Majlis Peguam & SUHAKAM

TUJUAN
Menghantar memorandum bantahan tindakan Union Busting melibatkan pemimpin-pemimpin & ahli-ahli kesatuan di Malaysia ke Majlis Peguam dan SUHAKAM.

PENYERTAAN
SEMUA dijemput hadir sebagai sokongan SOLIDARITY.

PENGANJUR
Local Unionist Networks (LUN)

BERMULA DI DEPAN BANGUNAN KTMB KE BAR COUNCIL & SUHAKAM

20 OKTOBER 2014 - 10.00 AM