

Add labour reforms in your agenda, PM told
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While the federal government embarks on reforms to various government instruments and laws, it has conveniently neglected a crucial component for nation building - the labour laws and rights.
MCPX

The Malaysian Trade Union Congress (MTUC) now wants the government to initiate urgent labour reforms to loosen its control on labour movements and allow more freedom to the country's estimated seven million-workforce to seek wage increase and other benefits from their employers.

The biggest workers' organisation, with some 300 affiliated unions comprising nearly 700,000 workers, wants the government to make several long overdue crucial amendments to the Employment Act 1955 to enable it to provide cover to all employment issues affecting each worker regardless of their positions and salary scales.

At present the Employment Act only covered issues related to workers earning RM1,500 and below, while those earning RM1,501 and above are covered by the Industrial Relations Act (IRA) 1967, and that too only if they are unionised.

Non-unionised workers are left in cold at the mercy of employers, and they are allowed for an industrial court redress under Section 20 of IRA only on constructive or unlawful dismissal.

Unionised workers were not worse off since they are being protected by their respective collective agreements with their employers.

"Without law protection, non-unionised workers can easily be denied overtime payments, bonuses, public holidays and annual leaves according to the whims and fancies of employers," said MTUC vice-president Abdul Razak Abdul Hamid.

Allow unionists-cum-politicians

Employees in electronic industrial sector, estimated to be 150,000 in the country, are the largest group hit hard by the non-coverage of the 1955 Act.

The Abdul Razak called on the government to relax the Trade Union Act 1959 which prohibited the formation of a national union for electronic-based workers in the country, estimated to be 150,000.

He also wanted the government to lift the ban on union leaders from holding positions in political parties, noting that "it deprived rights of the voters, majority of them workers, to elect unionist-parliamentarians to struggle for their just cause at the highest legislative body in the country".

He pointed out that denying these workers the basic rights to have a national union and elected representatives was a gross violation against international labour laws and human

rights.

"The ultimate intention of labour laws is to provide fair and impartial remedies to issues, problems and unjust treatment suffered by employees.

"However, we are still seeking minimum wage, labour protection and rights to form unions in this millennium when all these should have long been settled, dead and buried.

"Urgent reforms must be carried out, especially on colonial laws of the Employment and Trade Union Acts, to keep up with rapidly improving international labour laws and rights," said Abdul Razak, also the Penang MTUC chairperson.

Unprecedented court action

He took a swipe at the government's plan to give half-monthly wage for civil service without consulting Cuepacs, the union representing an estimated 800,000 public servants in the country.

"Instead of consulting its workers union on such as important employment issue, the government, being the nation's biggest employer, showed disrespect and disregard to Cuepacs existence," he told Malaysiakini.

Baffled by the premier's lukewarm attitude towards union demands to have better life for workers, MTUC is finalising an unprecedented court action to compel the government to either repeal or re-amend labour laws amendments passed by the last parliament.

The MTUC court application would be based on the workers' rights that already exist in the country's human rights and constitution laws.

Among the key amendments, which were gazetted last February, was one that put a ceiling of 24-month back payment of wages plus deduction on post-earnings as the maximum amount of compensation that an industrial court could award a worker for wrongful and unlawful dismissal.

Previously, the Industrial Court has the discretion to award compensation as much as it deemed appropriate.

Another crucial amendment that MTUC will seek to re-amend is the balloting process required among workers for the recognition of their unions in their respective workplaces.