

Awards by unqualified chairmen still valid

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AWARDS handed down by former Industrial Court chairmen N. Rajasegaran and P. Hariraman when they held the post cannot be challenged, despite them being deemed as unqualified to hold their positions.

Human Resources Minister Datuk Seri Dr Fong Chan Onn explained that although the Federal Court had ruled that Rajasegaran was not qualified to be Industrial Court chairman, awards that were handed down when he was in office for more than two years were valid.

"The awards remain valid. This is to protect the public interest," he said when winding up the debate on Budget 2007.

He was responding to Datuk Raja Ahmad Zainuddin Raja Omar (BN -Larut), who wanted to know whether decisions on awards relating to industrial disputes could be challenged.

To M. Kulasegaran (DAP - Ipoh Barat), who enquired about the status of the 200 awards handed down by Rajasegaran and those decided by Hariraman, whose contract

was not renewed on Aug 31, Dr Fong said: "Decisions made by them can still be enforced."

Asked why the ministry had appointed the duo, the minister replied that it was to overcome the backlog of cases in the court, adding that the Attorney-General's advice had also been sought.

"There is no clear law on the condition. Section 23 (A) (1) (of the Industrial Court Act) merely states that one is qualified if he is a solicitor or advocate seven years prior to the appointment," said Dr Fong.

He said there were three

vacancies for the post of Industrial Court chairman.

"We will ensure that the vacancies are filled by practising lawyers," he said, adding that the Bar Council would be consulted on the matter.

Of 381 awards handed down by the Industrial Court in 2005, he said 229 or 60% were in favour of employees while the remainder were in favour of employers.

As of the 240 awards handed down till June this year, he said 133 were in favour of workers while the remainder favoured employers.

He also told Datuk Chor Chee Heung (BN - Alor Star) that since the programme to encourage Malaysian professionals working overseas to return to the country was introduced in 2001, 432 of the 931 applications received had been approved.

He said 140 of the applications approved involved health and medical professionals, 101 for IT professionals, financial and accounting (69), industrial (66) and the remainder in other fields such as education and technology.