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THE ORIGINS OF TRADE UNIONISM IN MALAYA

A Study in Colonial Labour Unrest

CHARLES GAMBA
M. A., D. Litt.

With a Foreword
by

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**KAPADA
AHMAD, RAMASAMY DAN
AH CHONG
PERKERJA² MALAYA
YANG BERKAWAN DENGAN-KU**





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FOREWORD

Before the Second World War, there were no trade unions in Malaya in the Western sense of the term. This was due, not to the opposition of the governments, but to the special organization of Malay, Chinese and Indian society. (The Chinese, for example, had trade 'guilds' to which both employers and employees belonged.) Early in the War, trade union legislation was passed to facilitate the organization of unions and contained remarkably liberal clauses which permitted the inclusion of persons unconnected with the trade in question to share in the management of the union. Before the new legislation could be made use of to any extent, however, the Japanese occupation of Malaya supervened, and it was not until the restoration of the civil government in 1946 that trade unionism began to germinate and develop.

Trade unionism in Malaya has suffered from almost crippling handicaps, the most serious of all being the Communist rebellion from 1948 onwards. But now that Malaya is self-governing and the governments are responsible to a democratic electorate, it is not too much to say that the future of the democratic system in this country depends primarily on the development of the trade unions to give labour its proper place in the system.

We of the pre-war Malayan Civil Service were naturally concerned with conditions as they were, and the system of government was paternalistic. In the age of independence and self-government, the conditions and the emphases have changed and upon the University of Malaya in particular devolves the responsibility of adapting political, social and economic studies to meet present-day needs in order to give guidance to Malayan government and trade union officials, etc., in the discharge of their duties and to help the government and trade unions to shape their policy.

Dr. Gamba's work, to which he has asked me to write a Foreword, is in my view an important study of administrative conditions in a self-governing Malaya and is oriented to labour and to communal custom as a basis for Malayan democracy. I wish it a favourable reception.

VICTOR PURCELL

Trinity College,
Cambridge.

September 1959





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PREFACE

Previous to its publication, this work was accepted by the University of Western Australia, as fulfilling the requirements for the degree of Doctor of Letters.

In preparing the material, I obtained the help of many persons—more than I can remember. There were my own students at the University of Malaya; Labour Department officials; government officers; estate managers; ordinary workers; European and Asian executive personnel in Government Departments; rubber tappers; tin miners; farmers; Chinese, Indian and European managers of trading and commercial concerns; bankers; Malay policemen; Chinese detectives; lawyers, magistrates and judges. To all I am sincerely grateful.

However, I recall in particular: the late J. D. Hodgkinson, MCS, at one time the Member for Industrial and Social Relations, Government of the Federation of Malaya, later British Adviser, Johore, who encouraged me during the initial stages of the research, and opened for me many official doors and archives; and the first Trade Union Adviser, Malaya, John Alfred Brazier—the father of contemporary Malayan trade unionism—whose understanding of the Malayan labour problem was only transcended by his deep affection for the Malayan worker.

Trade unionists and trade union leaders were of course my more direct contacts, and all contributed to my understanding of the character of trade unionism in Malaya. There were also other persons who, at various times, explained to me particular aspects of Labour-Capital relations in Colonial Malaya, such as Alex Simpson, former Trade Union Adviser, Singapore; P. P. Narayanan, the General Secretary of the National Union of Plantation Workers; members of the Malayan Trade Unions Council (later Congress) in Kuala Lumpur; Yong Pung How, Lee Moke Seng, Osman Siru and others through whom I came to view the less obvious aspects of trade union and political trends; S. Jaganathan, formerly of the Singapore Trades Union Congress, G. Kandasamy, now the Deputy Speaker, Legislative Assembly, Singapore, and other labour leaders on the Island, and Professor A. A. Sandosham of the University of Malaya in Singapore, who was able to recall for me past events in Civil Service history.

There were those friends who read sections of the various drafts and offered constructive criticisms, such as K. M. Byrne and



S. Rajaratnam—both now Ministers of the State of Singapore—whose acute and informed analysis of Civil Service history and labour and political trends on the mainland and in Singapore, was most invaluable to me, and S. R. Nathan, one of my former students, who gave me much of his spare time discussing the background of Indian nationalist aspirations among Indian labourers in Malaya.

Other persons I plagued to read the last draft and patiently to advise me on a variety of points, and my thanks go to Dr. Mary Mostyn and Nan Eliot. Needless to say, my former colleagues in the Department of Economics contributed to this work in the many conversations and arguments we had on the Malayan labour problem, so important to us all, and here Ungku A. Aziz, now Head of the Department of Economics, University of Malaya in Kuala Lumpur and Siew Nim Chee, the Economist attached to the Central Bank of Malaya, were of great help. The authorities of the University of Malaya granted me time to follow the research, and Professor T. H. Silcock, formerly Head of the Department of Economics, University of Malaya in Singapore, saw to it that I should obtain financial help to have one of the earlier drafts typed. Although the help of these persons and institutions was willingly given, the views expressed in this book—unless otherwise stated—are entirely my own. I must acknowledge also the kind permission granted to me by the Editor, the *Straits Times*, Singapore, to publish the cartoon: 'No wonder the patient is confused'; and to Mr. Tan Bah Chee for his cartoon: 'The good employer'.

Lastly, but so all-important, I benefited by the understanding, the patience and the spiritual collaboration of Ina, my wife.

When I first embarked upon the relevant research, I had hoped to cover also some of the post-1950 developments, and to present the thesis early in 1954. However, after having sat as Assessor for Labour on the 1952 Third Rubber Industry Arbitration Board in Kuala Lumpur, I found that all official and quasi-official sources of information were, somehow, no longer available. It was obvious to me, and to my Asian friends, some of whom were University Councillors, now senior officials in the Government of the State of Singapore, that the support I had given to the workers in their bona fide case presented before the Board and, later, my public criticisms in the Malayan Press, and other publications, of unfair practices towards Malayan labour in government and private enterprise employment, had made of me *persona non grata* in Colonial circles, both in Malaya and in London. Under such circumstances it was impossible for me, at the time, to continue writing with an open, unbiased mind as I believed was demanded by my calling as a social scientist. My family and I were placed under continuous and most unpleasant

emotional strain, and I therefore decided to drop entirely the idea of ever writing the thesis.

However, early in 1955, after my return from a Visiting Lectureship at the Johns Hopkins School of Advanced International Studies, Washington, D.C., where I found a great deal of understanding and interest, I gathered new courage and, once again, I set to work. Immediately afterwards my services were called upon in a number of involved labour cases, beginning with the Hock Lee strike and the labour situation following the tragic 'May 13' Singapore riots. The writing of the thesis had to be left in abeyance and could not be resumed until 1957. The thesis was eventually presented to the University of Western Australia during April 1958. It is for all these reasons that the period covered in this book appears to end rather abruptly at 1950.

In any case, the history of Malayan trade unionism after that year can only be examined under two separate headings, and with a different approach from that used in this book. The basic economic datum is still poverty, but the more purely political element acquires greater weight. On the mainland, the tendency seems for large Chinese groups still to remain outside the movement. In Singapore, elements of the pre-1948 General Labour Union now seek to repeat a similar organizational structure in the Factory and Shop Workers' Union. There too, by 1953, some of the former members of the Malayan Democratic Union, and a new group of socialist-minded intelligentsia, gave life to the People's Action Party. From then on, the growth of the PAP and the history of the labour movement in Singapore have many links in common. The attitude of the two Labour Departments in the Federation and Singapore towards labour problems, the political character of their senior expatriate personnel in each case, and the presence or absence of strong employer pressure over such Departments, also helps in shaping the labour movement differently in Singapore from the Federation. Lastly, the political direction towards certain forms of extreme conservatism in the Federation, and towards more socialism in Singapore, have their own effect—often interacting upon each other—and communalism, springing from above, is another factor preventing greater labour cohesion in the region. The entire canvas is then circumscribed by the Emergency—an event with dissimilar socio-political and political-psychological effects in the Federation and in Singapore. Today, it may be said that there are in Malaya two clearly separate trade union movements—one on the mainland and the other in Singapore. Strangely enough, neither have to any observable extent been affected by trade union developments in the closer neighbouring areas. Some



of the present trends have been described by me elsewhere*, and in a study of plantation labour and plantation unions in Malaya.** Some time in the near future, I may be able to paint the happenings between 1950 and 1959 "with a thicker brush and on a wider canvas", as suggested by one of the examiners of my thesis***. I do hope, however, that in the meanwhile others also will enter this field as yet so little explored.

My intention was always to write a work that would review the events from within. I also wanted it to provide sufficient referential material for the scholar—if he felt so inclined—to pick up my story and to expand on many of the points which I only covered in passing. Therefore, I made my quotations fuller than would otherwise have been necessary, and added a documentary section. On the other hand, I included in the footnotes material which could well have been presented in the text, but which I felt advisable to leave out so as not to load the main story too heavily with side issues.

But, far more important, I wanted to explain how the Malayan worker himself felt, once he became the *dramatis persona* in the various events. I wanted to bring into focus the essence of Colonialism as practised in post-war Malaya, for I believe that the events that are taking place in Malaya today can in no way be separated from the after-effects of such a past. Much of the political friction and uneasiness, and most of the economic and labour problems in present-day Malaya, are the aftermath of Colonialism. Colonialism is in the past, but its effects are still in the present, and will linger on into the future.

I was not concerned, therefore, with a didactical comparison of the local labour movement with other movements in neighbouring areas—of which, in any case, little has been written that can be taken as reliable, or as giving the full interaction of *all relevant* forces and factors. This is in itself another avenue of study still to be thoroughly covered by the labour specialist. The story I have to tell deals with human beings whom Colonialism and its supporters treated, mistakenly, as puppets and as factors of production—never as individuals. By so doing, Malayan Colonialism was committing an error later to be repeated by the Malayan Communist Party. *Merdeka*, a cry heard in other languages elsewhere in Colonial areas, was merely another way by which Man expressed his perennial desire that

* E.g., 'Labour and Labour Parties in Malaya,' *Pacific Affairs*; 'Malayan Labour, Merdeka and After.' *India Quarterly*, Vol. XIV, No. 3, July-September 1958.

** *The National Union of Plantation Workers*, Eastern Universities Press Ltd., Singapore, 1960, where I give greater attention to some economic aspects related to wages in the plantations industry.

*** F. G. Carnell, B. Litt., M.A., Institute of Commonwealth Studies, Oxford.

he should not be treated as the herd but that, with all his yearnings and all his hopes, with his wife and offspring, on his own soil and under his own sky, whether he be Malay, Indian or Chinese, as a Malayan he should have the right to be recognized as a human being.

Singapore, 1961

Charles Gamba





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ABBREVIATIONS

A	Assistant, Also A/t.
ACSU	Army Civil Service Union.
AMCJA	All-Malayan Council of Joint Action (sometimes, referred to as Pan-Malayan Council of Joint Action or PMCJA).
AMEASA	All-Malayan Estate Asiatic Staffs' Association.
BMA	British Military Administration.
British TUC	British Trades Union Congress.
CCAO	Chief Civil Affairs Officer.
CCP	Chinese Communist Party.
CIAM	Central Indian Association of Malaya.
C for L	Commissioner for Labour.
CLAC	Colonial Labour Advisory Council.
CPI	Communist Party of India.
CS	Colonial Secretary (in Singapore). Chief Secretary (on the mainland).
C.S.O.	Colonial Secretary's Office or Chief Secretary's Office.
D and Dy	Deputy.
FMSP	Federated Malay States, Federal Council Proceedings.
GEUM	Government Employees' Union, Malaya.
GJCSA	Government Junior Civil Service Association.
GLU	General Labour Union (sometimes called General Labourers' Union).
GMLU	Government and Municipal Labourers' Union.
HBLU	Harbour Board Labour Union.
ICFTU	International Confederation of Free Trade Unions.
IIA	Indian Independence Army.
IIL	Indian Independence League.
ILO	International Labour Organization.
ISP	Incorporated Society of Planters.
JSP	Japanese Surrendered Personnel.
KFTU	Kedah Federation of Trade Unions.
KL	Kuala Lumpur.
KMT	Kuomintang, The Chinese Nationalist Party.
LRS	Report of the Labour Department, Singapore.
MCP	Malayan Communist Party.
MCS	Malayan Civil Service.
MDU	Malayan Democratic Union.
MIC	Malayan Indian Congress.
MLAB	Malayan Labour Advisory Board.



MPAJA	Malayan People's Anti-Japanese Army.
MPIEA	Malayan Planting Industries Employers' Association.
MTUC	Malayan Trade Unions Council.
MU	Malayan Union.
NS and M	Negri Sembilan and Malacca.
NUPW	National Union of Plantation Workers.
PEEU	Perak Estate Employees' Union.
PILA	Perak Indian Labourers' Association.
PLC	Permanent Labour Committee.
PMDA	Penang Motor Drivers' Association.
PMFTU	Pan-Malayan Federation of Trade Unions.
PMGLU	Pan-Malayan General Labour Union.
PMGWU	Pan-Malayan Government Workers' Union.
PMRWU	Pan-Malayan Rubber Workers' Union.
PRO	Public Relations Officer (Public Relations Department).
PS	Private Secretary.
PUTERA	People's United Front (Pusat Tenaga Ra-ayat).
RGA	Rubber Growers' Association.
RTU	Registrar of Trade Unions.
RTUM	Registrar of Trade Unions, Malaya.
SCAO	Senior Civil Affairs Officer.
SEAC	South-East Asian Command.
SFTU	Singapore Federation of Trade Unions.
SHB	Singapore Harbour Board.
SHBLU	Singapore Harbour Board Labour Union.
SHBSA	Singapore Harbour Board Staff Association.
SHEU	Singapore Harbour Employees' Union.
S of S	Secretary of State.
SSLCP	Straits Settlements Legislative Council, Proceedings.
STUC	Singapore Trade Unions Congress.
TECSAM	The European Civil Servants' Association of Malaya.
TUAM	Trade Union Adviser, Malaya.
TUO	Trade Union Officer (Trade Union Advisers' Department. In some cases, Trade Unions Ordinance).
UPAM	United Planting Association of Malaya.
WFTU	World Federation of Trade Unions.
WSLU	Wharf and Ship Labour Union.

NOTE: The spelling of romanized Chinese names is always most difficult notwithstanding the acceptance of certain official forms. Chinese name-spelling in this book has followed the easiest possible



method, but it may be that sometimes the romanized word represents Cantonese or Hokkien pronunciation rather than the Mandarin sound.

Other non-English words such as *amah*, *mandore* and *kangani*, when used in the English plural have been left unaltered, that is, without the addition of an 's'.

CHAPTER I

THE BACKGROUND

It is not difficult to discover a link between the history of Chinese and Indian immigration to Malaya^{1*} and the history of a Malayan labour movement. Chinese contacts with Malacca, a well-known trading centre for Far Eastern merchants, became closer from the beginning of the fifteenth century. The flow of Chinese immigration increased steadily after the foundation of Penang in 1786 and of Singapore in 1819, and more so after the opening of the Perak tin-mining fields in 1850. Indian migrants, already employed extensively in the Straits Settlements, entered Malaya in larger numbers towards the end of the century, with the development of a plantation economy. The two migrant groups, together with the indigenous Malays, eventually formed the permanent population which expanded with the economic growth of the mainland and Singapore.²

The Chinese came mostly from the south-eastern provinces of Kwangtung, Fukien, Kwangsi and the island of Hainan; the Indians came from the Madras Presidency and the Malabar coast. The number of Chinese arrivals greatly exceeded that of the Indian. The pre-World War II maximum was reached in 1937, when there was a surplus of Chinese arrivals over departures of 180,502 persons. The highest surplus for the Indian group for that period was also reached in 1937 with 89,645 persons.³ The introduction of immigrants to serve the interests of a Colonial economy⁴ and the use made of this migrant labour created its own characteristic labour problem.⁵

The Chinese who originally came as contract labour spread over the mainland, and by 1950 they were found in every industrial and professional section of the community. The Indians came at first as convicts, indentured labour under the *kangani*⁶ system and, later, as free immigrants. They became the majority of the semi-skilled and unskilled labourers. The Malays—the largest racial group on the mainland—remained primary producers; their numbers being augmented over a period of years by Indonesian immigrants. Rubber tapping and tin mining, and the most important primary occupations, rice growing and fishing, acquired also racial significance. The mainland Indians were generally estate workers; the Chinese, tin miners; and the Malays, *padri*⁷ farmers, small-

* The number in each case refers to the notes at the end of each chapter.



holders and fishermen. In Singapore the overwhelming Chinese labouring population could be found in every occupation and skill.⁸

The Chinese were the first to form labour organizations. The Associations Ordinance for the Straits Settlements was enacted in 1895, but Chinese *hong*—gilds—had already been functioning in Singapore and the main towns of the Malay peninsula for more than a century. Therefore, the Malayan labour associations, when established in the years following World War I, were not something altogether new. The Chinese gilds included both workers and employers and were subdivided into *Tong Ka*, associations of employers, and *Sai Ka*, associations of workers. The *Tong Ka* had immense powers and controlled the economic life of the Chinese community. They issued directives on quantity and quality of goods to be produced, prices to be charged and wages to be paid. The gild members usually came from the same village or town in South China; in Malaya they lived and worked together and had common interests. If labour disputes arose, they were settled within the gild. Such efficient organization must have had more than an indirect effect on the economic life of the non-Chinese community on the mainland and in Singapore.

R. H. de S. Onraet, a former Inspector-General of Police in Singapore, notes that:

“These gilds maintained themselves not only by strict business integrity and good quality craftsmanship, but trained fighting men to protect their interests.”⁹

The development, in the early years of this century, of industries where individuals from different villages and different provinces worked side by side, became one of the forces for disruption within the old gild system and an element towards the creation of new types of non-provincial labour organizations.¹⁰ The gild was quite easily maintained in the days when manufacture by hand rather than by machine supplied the variety of goods required by the consuming public. It attempted to maintain the monopoly of a particular trade or craft for the members, and restricted competition within its ranks.¹¹ It was particularly common in Malaya among the older established trades and crafts such as tailoring, shoemaking, goldsmithing, carpentering and building. The gild was customarily administered by a committee of employers and employees which decided on wage rates, hours of work, holidays and terms of apprenticeship. In addition, the gild frequently fulfilled the role of a friendly society, providing funeral benefits for all members and accommodation for its unemployed. When the modern factory brought together different types of labour, a complete break-away from Chinese tradition was inevitable.¹² The old framework crumbled, and by the nineteen-twenties the gild had become quite

weak and ineffective leaving the ground clear for a new form of labour organization.

The Chinese secret societies—*Aung Hoay*, *Toh Peh Kong*, *Hai San* and others—often formed part of the gilds. Originally these societies were political in character, the overthrow of the Manchu dynasty being one of their aims. But in Malaya they became closely identified with the *hong*. The *Ghee Him* or *Hung Hoay* was probably one of the branches of the *Tien Ti Hui*—Heaven-and-Earth League—which had preserved the greatest degree of continuity in tradition and ceremonial. Introduced into Malaya in the eighteenth century, it was interested in commerce and trade; most of its members were also members of gilds. With the development of its Hokkien rivals, the *Toh Peh Kong* and *Hai San*, it was presented with strong competition. Frequent armed clashes between these societies eventually forced the British to intervene to restore law and order.¹³ In 1854, in Singapore, a fight between Cantonese and Hokkien secret societies lasted ten days during which approximately four hundred persons were killed and an equal number injured.¹⁴

The first Protector of Chinese, W. A. Pickering, was originally of the opinion that the secret societies in Malaya were largely friendly societies without political objectives. They became dangerous only to the extent that they were infiltrated by lawless elements.¹⁵ The authorities decided to recognize the existence of the secret societies and their influence upon the Chinese. The *Pi-ki-ling*,¹⁶ the Chinese Protectorate, compiled registers of secret societies, examined their rules and regulations, filed them, and required that it should be given notice of all meetings. It was believed that once the element of secrecy had gone, these societies far from being a danger would become convenient instruments for the interpretation of government policy to the Chinese population.¹⁷ However, by the end of the century the secret societies had become sufficiently dangerous to be declared illegal. By 1930 they had become entirely lawless and were providing the Malayan Communist Party—the MCP—with the bulk of its strike pickets and strong-arm forces.¹⁸

The *hong* broke away from the *Hoay* to become associations of workers and employers, or solely of workers or employers. They were properly registered under the Straits Settlements Societies Ordinance of 1909 and many of them carried on as gilds and followed certain ceremonial practices.¹⁹ Legislation for the registration of societies had been introduced in 1889 in Singapore and in 1895 on the mainland. It was in 1890 that the first employees' gild was registered in Singapore.²⁰ The right of groups of individuals to form associations was accorded fuller recognition by the Singapore Societies Ordinance of 1909.²¹ However, apart from rare exceptions, the organization of employees was not recognized until after 1920.

Many of the events in Malayan labour history, from 1920 on-



wards, can better be understood when viewed against the background of Chinese politics during that period. The years 1924-1927 saw the rise of a militant labour movement in China. The stronghold of the movement was in Kwangtung province whence came many of the Chinese immigrants to Malaya. It is significant, therefore, that during the same period there was in Malaya a marked movement towards the establishment of societies with trade union functions. Because the rise of trade unionism in China had been followed by grave political disturbances,²² the Malayan Governments were cautious about permitting the registration of associations with trade union aims. However, after 1928 when this policy was revised, there was an increase in the number of societies some of which were definitely trade unions in fact though not in name. Of the ninety employees' guilds registered under the Societies Ordinance before World War II, twenty-two were established during the four years preceding May 1941, and were known under the title of Mutual Aid Societies.²³ Nevertheless, the formation of associations with trade union functions, permissible under certain conditions, was discreetly discouraged by regulations which treated them as suspect of Russian Communist practices; the societies which were recognized were more in the nature of company or *yellow* unions.²⁴ When in the thirties violent strikes took place in the coal mines of Batu Arang and in the transport industry in Singapore, Government introduced special legislation to deal with this unrest, particularly in the public utilities.²⁵ Years later, in 1947, it was said that it was not even twenty-five years since high government officials and merchants in Singapore had privately boasted that if any association which looked like a trade union was to apply for registration under the Societies Ordinance, registration would be denied. The policy had been, 'of course under the punkah, to strangle trade unionism at birth'²⁶ with the result that the labour movement had then gone underground and not until 1940, in a burst of generosity 'which smacked of wartime propaganda', had the Trade Unions Ordinance and the Industrial Courts Ordinance been passed.

Skilled tradesmen, such as mechanics, were the first to reorganize their associations along trade union lines. The Selangor Engineering Mechanics' Association was linked with similar organizations in Canton and Hong Kong. It developed into a useful and sound body exercising trade union functions. More than once it made use of collective bargaining. The history of this Association is of interest; in 1875 the Chinese mechanics employed at the Kong Siew Dock, Bagam Dalam, in Province Wellesley, built a temple near the docks and used it also as a meeting place to discuss matters related to their work. By 1891 the number of mechanics in the area had greatly increased, and it was decided to form an association



which eventually was registered under the name of *Kee Hee Hong*. The membership was confined to fitters, turners, blacksmiths, coppersmiths, pattern-makers, plumbers, welders, draughtsmen and qualified engineers. With the establishment of branches of the association in many of the Malay States, the need for overall co-ordination became obvious. In 1930 a central committee was formed with representatives from each branch; this committee functioned in certain respects like the executive of a large trade union.

After the 1927 secession of the Kuomintang left-wing, Chinese Communists who had escaped to Singapore instructed local labour on the organization of unions on the Western pattern. These men also exercised influence through cells set up in the old guilds. The *Tong Ka* practically disappeared while the *Sai Ka* became strong enough to help in the formation of new organizations.²⁷ However, the British Administration, realizing the economic threat presented by the growing power of the workers, ordered the Police to treat these organizations, if necessary, as secret societies. It is true that some of the associations had links with secret societies, but it was not always clear whether their members were deported for breaking the law, or because they were leaders of a rising labour movement. Between 1936 and 1941, the MCP, wholly Chinese in composition, was strenuously attacked and an attempt was made to break its power. But there were also non-Communist Indians and Malays sentenced to long periods of imprisonment for distributing trade union pamphlets in their respective languages. Meanwhile the labour societies were seeking legal recognition, which they did not get until 1940. The banishment weapon was used to quell incipient unrest and frighten would-be trade union organizers. At the end of 1929 it was alleged that according to news from China, a number of Chinese who had been banished from Singapore were shot on arrival in Chinese territory. Eleven Hainanese who had acted as teachers in Singapore and had then been banished, had also been executed.²⁸

When the first Trade Unions legislation was introduced in 1940, the Government hoped that there would be a gradual change-over from associations to trade unions. In March, 1939, as a result of a survey, it was estimated that there were forty-three associations on the mainland, with functions similar to those of a trade union as defined in the Draft Trade Unions Bill. These associations were for employees only.²⁹ At the same time it was estimated that there were ninety-six associations of employers and one hundred and thirteen of combined employers and employees. The Singapore guilds, together with the Workers' Mutual Aid Societies, disappeared or became completely inactive during the Japanese occupation.³⁰

The desirability of trade unions and the problems arising out of



their formation in the British Colonies was pointed out by Lord Passfield in a Circular Despatch³¹ in which he asked Colonial Governments to consider the introduction in the Colonies of the provisions of labour legislation already enacted in the United Kingdom. In the Despatch, Lord Passfield expressed the view that legislation should be passed, declaring that trade unions were not criminal or unlawful for civil purposes, and providing for their compulsory registration³². The suggested draft legislation was introduced in Malaya at the end of 1939.³³ It included two bills, the Industrial Courts Bill and the Trade Unions Bill. Both were enacted in 1940 and followed by the Trade Disputes Ordinance passed during December 1941. These measures were condemned, but for different reasons, by both employers and labour. The employers resented the legal recognition of unions. They also thought that the Bills did not go far enough in controlling them.

On the other hand, labour claimed that the bills were mere copies of the English legislation emasculated of its best features, and unsuited to Malayan conditions. The Industrial Courts Bill, if enacted, would have created narrowly-constituted Courts of little use to non-English-speaking labour who had no knowledge of legal procedure. The unions' leaders claimed that the recognition of unions by Government, which the bills implied, did not mean automatic recognition of unions by the employers. It was all well and good to say: 'it is so in England', but this was Malaya where in the past, and still now in the forties, suspicion against actual and potential labour leaders had prevented the growth of a solid labour movement. Let both, employers and Government, labour said, recognize the unions; other anomalies could then be removed, such as the attempt at legalistic distinction made in the Trade Disputes Bill, between a lawful and unlawful strike and legitimate and illegitimate trade union functions. When would trade union functions be the one and not the other? It was clear, labour leaders concluded, that legislation of the type under consideration would lead to arbitrary decisions at official levels, with the unions never certain of their position before the law.³⁴

The bills were in fact inadequate for three reasons. They were based on the 'English' pattern and were therefore unsuited to Malayan conditions and to a labour force composed of three different racial groups with three different concepts of law, due to three different cultural backgrounds. The bills took for granted a developed English industrial environment, which did not exist in Malaya. Lastly, the proposed laws were insufficiently clear, so that unions operating under them could unwittingly commit an illegal act if their interpretation of the law differed from that of Government. The labour leaders believed that by forcing 'compulsory' registration upon the unions, the Government intended to restrict

the activities of Malayan labour. Later observers were of the opinion that the failure of the Malayan Governments to implement with speed even such restricted draft legislation as the three bills, gave substance to the fundamental charge that they, as the single largest employers of labour in Malaya, had a common interest with the private employers in keeping wages low and labour weak and disunited.³⁵ The three bills, labour maintained, were not genuine labour law. The MCP also made clear its opposition to the bills in a number of documents. In *Concrete Measures for the Development of Mass Organization*, a pamphlet in Chinese, it stated:

“In view of the present favourable labour situation in Malaya and of the various successful labour struggles in Singapore, Kuala Lumpur and Penang, and other places, this is the most opportune moment for our Party to organize the workers of all classes together because of their high revolutionary feeling and of their gradual distrust of ‘yellow’ organizational leadership.

We should ask the workers not to have faith in the so-called Trade Union Legislation, which is only another deceitful method of the British Imperialists in securing a firmer control of the labourers in time of emergency.”³⁶

The successful labour struggles probably referred to strikes at the Batu Arang Collieries in 1937 and 1938, and at Sungei Besi tin mines in 1939 and 1940. However, in 1941, despite the imminence of the spread of the war to Malaya, the Government of the Straits Settlements decided to implement the order for the enforcement of the Trade Unions Ordinance published on July 1st of that year.³⁷ Under a Gazette Notification³⁸ the Secretary for Chinese Affairs and the Assistant Secretary, all Deputy Controllers and Assistant Controllers of Labour,³⁹ were respectively appointed as Registrar and Assistant Registrars of Trade Unions. Steps were also taken by the Government to have the Trade Unions Regulations, 1941, with the various forms, translated into the vernacular languages but this work had to be stopped when the Japanese overran Malaya. Before the Japanese occupation not a single trade union was registered in Malaya under the 1940 Trade Unions Ordinance. However, by 1941, there were already in existence in Singapore, either registered or exempted from registration under the Societies Ordinance,⁴⁰ two hundred and sixty-three societies, mostly Chinese trade guilds, each of which had among its declared objects one or more of the functions of a trade union. One hundred and thirty of these associations catered for employers, ninety for employees and forty-three for both employers and employees.⁴¹

Onraet suggests that the growth and development of the Malayan labour movement could be considered as part of the process of industrialization. The development of a labour movement was also



