

## MEF: IRA amendments will affect industrial relations



Malaysian Employers Federation executive director, Datuk Shamsuddin Bardan, said the unresolved issues included the exclusion of several sectors under the Essential Services in the First Schedule of the Act. - NSTP/KHAIRUL AZHAR AHMAD



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KUALA LUMPUR: An employers' group is worried that the proposed amendments to the Industrial Relations Act 1967 (IRA), which was passed at the Dewan Rakyat early this month will seriously affect industrial relations in the country.

Instead of strengthening industrial harmony, the Malaysian Employers Federation (MEF) said the proposed amendments contained several unresolved issues that would have detrimental effects on the nation's economic stability.

Its executive director, Datuk Shamsuddin Bardan, said the unresolved issues included the exclusion of several sectors under the Essential Services in the First Schedule of the Act.

"A lot of important sectors have been taken off in the list of Essential Services (as outlined in the First Schedule of the Act).

"Among the sectors included the banking industry, postal as well as the land and air transport services.

"Just imagine the consequences towards the country's economy if workers from these sectors abruptly decided to go on strike without informing their respective employers," Shamsuddin told the New Straits Times.

Under Section 43 of the Act, workers in any essential service intending to strike must give a 42-day notice to their respective employer, besides adhering to other procedures.

Such a requirement would allow a cooling-off period and the minister to take appropriate action, including referring the trade dispute to the Industrial Court rendering illegal any strike carried out even after the expiry of the notice.

Shamsuddin said the tabling of the proposed amendments to the Act by Human Resources Minister M. Kulasegaran flagrantly violated the agreed principles of tripartism under Convention 144 of the International Labour Organisation (ILO).

According to the agreed procedure, Shamsuddin said, matters related to the proposed amendments in the Industrial Relations Act would be discussed at the technical committee set up by the National Labour Advisory Council (NLAC).

He said the results of the discussions were supposed to be discussed at NLAC with the views of MEF and Malaysian Trades Union Congress (MTUC) to be clearly stated on unresolved issues.

"The discussions at the technical committee (however) were not tabled for further deliberation by NLAC.

"The last thing we learnt was that the Bill (on the proposed amendments to the Act) was tabled in Dewan Rakyat.

"And, the Dewan Rakyat adopted the bill after about slightly more than an hour's debate," he said.

Shamsuddin said it was unfortunate that the ministry bulldozed and tabled the proposed amendments of the Act without support from both employers' and workers' groups such as the MEF and the MTUC.

MTUC, in a hard-hitting statement, slammed Kulasegaran and accused him of tabling labour laws which were unsuitable in Parliament.

The congress was also upset that the minister had taken an aggressive approach in dealing with private sector worker representatives by refusing to allow the NLAC to discuss and reach a joint solution on the proposed amendments to IRA before tabling them in the Dewan Rakyat.

"He did not allow the NLAC to discuss and reach a joint solution to the amendments of the IRA, hence his claim that his ministry had effectively engaged the MTUC and MEF, the two main constituents of the NLAC, is false and misleading.

"Kulasegaran's stand is that the ministry is not duty-bound to get any form of endorsement from the NLAC as the International Labour Organisation Convention 144 on Tripartite Consultation (C144) only speaks about consultation.

"However, a bit of effort by the minister and/or his officers would have revealed that the ILO National Tripartite Social Dialogue Guide to improve governance clearly states that social dialogue must be effective and meaningful.

"The ILO Thesaurus defines Tripartite Consultation as the interaction of the government, employers and workers (through their representatives) as equal and independent partners to seek solutions to issues of common concern.

"In other words, it is the involvement of the social partners alongside the government on equal footing in decision-making," MTUC said, adding that the tripartite consultation means the three parties have to discuss and reach a joint solution.

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