

"RESTRICTIONS ON TRADE UNIONISM IN MALAYSIA. A CRITICAL STUDY."

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## PREFACE

The right of workmen to organise themselves into associations is a basic human right. This has been recognised by the United Nations Organisations. The standards for freedom of association are spelt out in the International Labour Organisation Conventions.

In many areas trade Unionism in this country is very much controlled. This paper will attempt at identifying the areas where trade Unionism is being assaulted. By identifying those areas it is hoped that this paper will highlight the need to lift some of the restrictions on trade Unionism in this country.

The major source of information for writing this paper was obtained through library research, while the rest were obtained from interviews and from attending a talk by a prominent trade Union leader.

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## INTRODUCTION

A Trade Union is generally understood to be an association of workers with the principle object of protecting themselves against exploitation by their employers and negotiating for better terms and conditions of employment. If an employee deals with his employer on an individual basis he rarely gets what he wants. Thus workmen organised themselves into group in order to put them in a position of strength. They are then more able to deal with their employers, to get the employers to improve their working conditions and to provide for agreements pertaining to the relationship between the employers and the workmen.

In response the employers also organise themselves into associations. But for the purpose of this paper the writer will treat trade unionism as that of the workmen alone.

Trade Unionism is workers' movement which sought to improve their working conditions and terms of employment. It originated about two centuries ago as a result of the Industrial Revolution in England and the inhuman working conditions imposed on the English working class at that time by the powerful and selfish employers.

In this Country Trade Unionism has its roots from the time of the opening up of Malaya by the British. Special legislations were enacted to prevent the Chinese tin miners and the Indian workers from being exploited by their employers. There was however no trade union law yet. Mean while Trade Unions Act was enacted in England in 1871 and culminated in the Trade Unions Act of 1913 and the Trade Dispute Act, 1906.

In the absence of the trade union legislation the Chinese formed their own associations for their mutual help and benefit. However such associations were registered under the law relating to societies. These associations were heavily infiltrated by Chinese nationalism and Communism and not unnaturally they were manipulated for political purposes.

Due to pressures from the International Labour Office, the Colonial Office dispatched a circular inviting Colonial government to review their laws on Trade Unions and to provide for proper laws for the formation and recognition of Trade Unions.

Thus in 1940 the Trade Union Enactments were passed in the Federal Malay States (F.M.S) and the Straits Settlement (S.S) but the Japanese invasion rendered them in operative.