

TRADE UNION ORDINANCE 1959: THE STUDY OF THE
POWER OF THE MINISTER OF LABOUR AND
MANPOWER UNDER THE ACT

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ABSTRAK

It has been often said that freedom to associate is one of the pillars of a democratic society. Only by associating with one another, through trade unions, can the ordinary workers expect to have their views duly respected by the employers well as to secured from caprивous actions on the part of the employer.

The Trade Union Ordinance, 1959 is the statute which provides for the regulation of trade unions. There can be no denying that regulation necessarily entails restrictions on the freedom in question.

The project paper is concerned with the Trade Unions Ordinance, 1959 and the powers imposed upon the Minister, which powers are intended to ensure proper regulation of trade unions in the country. The rationale behind the powers conferred to this authority and the limitations on the powers are also discussed in this paper.

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CHAPTER I

THE AIMS OF THIS PAPER

A. The Scope of This Paper

This paper will consist of a thorough study of the powers conferred on the Minister of Labour and Manpower (hereinafter referred as the Minister) under the Trade Union Ordinance, 1959 (hereinafter referred as the TUO).

This paper will deal with the nature of the power, its origin and to what extent is this power exercised by the Minister as regards to the TUO in this country.

It cannot be denied that the Minister in fact possesses enormous powers by virtue of the TUO.

This powers conferred by the TUO and later through its amendments is met by the disapproval of the trade unions.

Furthermore as regards to these powers, it will also be discussed in this paper, the limitation, statutorily or judicially imposed on the Minister.

B. Research Methodology

Materials and informations gathered for the completion of this paper were obtained mainly from (i) library research,

- (ii) lecture notes (iii) newspaper reports and
- (iv) interviews.

i. Library Research

The research for the writing of this paper focussed mainly on the TUO itself. The relevant law journals, articles, magazines, textbooks and other relevant materials were referred to. As a supplement, a few reports from the Ministry of Labour and Manpower were also resorted to.

ii. Lecture Notes

The main source of writing this paper were obtained from the notes given by the lecturers particularly as regards to the subject - matter taught in the final year of the Diploma in Law course in ITM. (Institute Technology Mara). The notes given during these respective lectures can be relied upon as it formed the basis of the study of the subject-matter of this paper.

iii. Newspaper Reports

The newspaper reports collected pertaining to the informations of the state of existing trade unions legislation in the country and also provides an illustration of its compatibility with the presence circumstances.