

MTUC
January 2007

Violation of Trade union rights

No : 1

Union: National Union of Petroleum and Chemical Industry Workers Peninsular Malaysia(NUPCIW)

Company: Kaneka Eperan (M) Sdn. Bhd.
Kaneka Malaysia Sdn. Bhd.
Kaneka Paste Polymers Sdn. Bhd.
Kaneka Electec Sdn. Bhd

Complaint: Recognition

Unions and the workers are seeking for recognition since 2001 and yet facing too much of difficulties.

Here is chronology of the recognition process:

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| 17 May 2001 | The Union-NUPCIW sends an application letter to request for recognition for those companies. |
| 5 Jun 2001 | Respond from the companies-to extend the recognition process to NUPCIW from the Director General of Industrial Relation Department (DGIR). |
| 15 Jun 2001 | Letter from the companies- refuse to accord the recognition to NUPCIW |
| 9 July 2001 | The union send complaint letter under section 9(4)C to DGIR after all those companies fail to give recognition. |
| 7 September 2001 | Letter from DGIR to DG of Trade Union Department(DGTU) reported under section 9(4B) (b) against Kaneka (M) Sdn Bhd. |
| 19 September 2001 | Letter from DG IRD to the Secretary general of NUPCIW instructed the union to make a report under section 9(4) Industrial Relation Acts 1967 if the company-Kaneka Eperan(M) Sdn. Bhd. fail to give recognition. |
| 20 September 2001 | Letter from DGIR to the Secretary general of NUPCIW instructed the union to make a report under section 9(4) Industrial Relation Acts 1967 if the company-Kaneka (M) Sdn Bhd. fail to give recognition. |

- 3 October 2001 Letter from DGIR to DGTU with regard to competent issues reported under section 9(4B)(b) against Kaneka Electec Sdn.Bhd
- 3 October 2001 Letter from DGIR to DGTU with regard to competent issues reported under section 9(4B)(b) against Kaneka Polymers Sdn. Bhd.
- 27 October 2001 Letter from DGIR to the Secretary general of NUPCIW instructed the union to make a report under section 9(4) Industrial Relation Acts 1967 if the company-Kaneka Electec Sdn. Bhd fail to give recognition.
- 6 November 2001 Letter from Trade Union Department to visit and investigate at Kaneka(M) Sdn. Bhd. On 20 Nov 2001.
- 7November 2001 Letter from Trade Union Department to visit and investigate at Kaneka Electec Sdn. Bhd. On 7 Dec 2001.
- 8 November 2001 Letter from DGIR to DGTU with regard to competent issues reported under section 9(4B)(b) against Kaneka Eperan (M) Sdn. Bhd
- 15 November 2001 Letter from Trade Union Department to visit and investigate at Kaneka Paste Polymers Sdn. Bhd on 10 December 2001.
- 8 December 2001 Letter from Trade Union Department to visit and investigate at Kaneka Eperan (M) Sdn.Bhd. on 24 January 2002
- 4 December 2001 Letter from Kaneka Paste Polymers Sdn. Bhd-refuse the visit of officer from Trade union Department
- 7 January 2002 Letter from Kaneka Eperan Sdn. Bhd-refuse the visit of officer from Trade union Department
- 4 April 2002 Letter from DGIR stated that NUPCIW is **not competent** to represent the workers in Kaneka Electec Sdn. Bhd after investigation had been made by Trade Union Department on membership competency.
- 29 March 2003 Letter from DGIR stated that NUPCIW is **eligible and competent** to represent the workers in Kaneka Paste Ploymers Sdn. Bhd after investigation had been made by Trade Union Department on membership competency.
- 8 May 2003 NUPCIW made a compliant under section 8(1) to DGIR with regard to the pressure given by the company to their members especially to the technical working committee.

- 13 Jun 2003 Letter from DGIR stated that NUPCIW is **eligible and competent** to represent the workers in Kaneka (M) Sdn. Bhd after investigation had been made by Trade Union Department on membership competency.
- 13 Jun 2003 Letter from DGIR to DGTU reported the application of Kaneka (M) Sdn.Bhd company to review the membership competency result.
- 1 July 2003 Letter from DGIR stated that NUPCIW is **eligible and competent** to represent the workers in Kaneka Eperan (M) Sdn. Bhd after investigation had been made by Trade Union Department on membership competency.
- 8 August 2005 Letter from DGIR to NUPCIW asking for name list of all the members in Kaneka (M) Sdn. Bhd through form C.
- 11 August 2005 Letter from DGIR to NUPCIW asking for new Identity Card(I.C) number of member in Kaneka Paste Polymers Sdn. Bhd., Kaneka (M) Sdn. Bhd. and Kaneka Eperan (M) Sdn. Bhd.
- 30 November 2005 Letter from DGIR stated that the competent issues will be remain and no further appeal will be granted to the Ministry with relate to this matter. Kaneka Paste Polymers Sdn. Bhd & Kaneka (M) Sdn. Bhd were requested to summit their workers list through form B
- 3 October 2006 Letter from NUPCIW to Ministry of Human Resource – Dato Fong Chan Onn to seek for remedy after the failure of the DGTU in processing the secret bailout with justice to check the membership. Union is opposing the DGTU’s decision to conduct balloting to determine the membership status. Union says that a balloting carried out now which is after 5 years lapse. Many members have left employment and are no longer available to participate in the balloting.
- Despite unions complaints to the Minister the DGTU carried out balloting and the result as expected was against the union. No recognition given the employers, with the help of the DGTU has succeeded in busting the union.

No. 2

Union : British American Tobacco Employees Union
Company : British American Tobaccoo
Disputes : **Union Busting**

All the production workers had been promoted to a new job title which, explicitly remove them from being a union member and they also been classified as out of union membership scope. The company introduces a job title as ***Process Specialist*** to all the ***Process Technician*** from 25th of August 2006. This promotion also denied 38 union members rights to be union member. With regard to this practice, another 15 members were discriminated and were removed from their work place.

Consequently this would be the first stage of action by British American Tobacco and union will loose about 60 percent of their membership due to the reclassification from Process Technician to Process Specialist.

Union action : Reported to DGIR under the section 5 and section 8 Industrial Relations Acts 1967 seeking his ruling on the status of these workers. Union feels that based on the duties they can be members of the union. The workers were given very little choice-if they don't accept the reclassification they will be retrenched.