

Malaysia - TPPA, Free Trade and Labour: "Will workers' rights be further adulterated and ripped apart to please investors and corporations?"

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AMENDMENTS TO TRADE UNION ACT TO PLEASE TPPA WORRYING!

PSM is deeply concerned of the Deputy Human Resource Ministers, Datuk Seri Ismail Abdul Muttalib announcement that the government will review the draft of the proposed amendments to the Trade Unions Act 1959 before it is tabled in Parliament to ensure it will be in tandem to the TPPA trade agreement.

Why does Malaysia plan to amend the Trade Union Act when we have not agreed to sign the TPPA yet. The TPPA has yet to be passed in parliament as agreed by the the Select Committee. Is this an indication that Malaysia is going to sign the TPPA in spite of the massive opposition to it?

The Trans Pacific Partnership Agreement is currently being negotiated among 12 countries including Malaysia and it's believed to be in its final stages. The US led Trade pact which will tie governments of 12 nations to a single coherent pro-business environment has been heavily criticized by civil society and workers union for concerns of having long term disastrous effects on public healthcare, employment, environment and many more.

The underlining agenda of the TPPA is to ensure;

1. Dismantling all trade barriers , from tariffs , domestic protectionist policies to safeguards to employment , accessibility to medicines and protecting the environment
2. To prioritize investor interest against the public interest
3. Ability of private corporations to sue governments of sovereign nations , when policies and laws enacted to protect citizens thwart corporations profitability
4. Extend intellectual property rights for profit maximisation.

The Trade Union Act, 1959 is already withered down in terms of ensuring basic workers right such as the right of association to form a union, collective bargaining and the right to strike. In a recent report by the International Trade Union Confederation Malaysia has been classified as the Worst Country for Workers, simply because our current Trade Union Act 1959 and Industrial Relations Act 1967 has failed terribly in ensuring the above basic rights.

Now, PSM is very concerned that the Trade Union Act 1959 and the Industrial Relations Act 1967 will be further adulterated and remaining workers' rights ripped apart to please investors and corporations that are expected to bring in foreign direct investment when the TPPA agreement is signed.

Even now it is so difficult for workers to organise to form a union, where they are required to gain recognition from the employer before they can officially negotiate a collective agreement. The bureaucracy often exposes worker leaders to victimisation and termination even before the union can operate.

Obviously transnational corporations would seek minimal interference from workers or even prevent any form of union in their factories. Amendments to the Trade Union Act in tandem with the TPPA would mean further obstructions and limitations for workers to organise themselves.

Although the Minister might argue that the TPPA has a labour chapter and the requirement for Malaysian labour laws to comply with the international labour standards, (ILO) the reality is that such requirements would be overridden by provisions contained in other chapters. The labour chapter would thus appear to be toothless given the overriding priority given, for example, to the Investment Chapter.

A clear example of such trade agreement superiority is in the case of Veolia group, a French multinational, is suing the Egyptian government because of a rise in the monthly minimum wage. The company is using the Investor -State Dispute Settlement (ISDS) provisions in an investment treaty between France and Egypt.

We are informed that the TPPA has provisions to exercise the ISDS and Malaysia negotiators have agreed for its implementation if the TPPA is signed.

Since investor right is supreme in the TPPA, how will the government react if the foreign investor insists that there will be no unions in their establishment? Will the Human Resource Minister stand up for the workers or remain silent in fear of being sued by the investor?

PSM is disappointed that the Deputy Human Resource Minister, whom should have been ensuring workers' rights is in fact proposing to amend our labour laws in coherence to business interest.

Malaysian Labour laws need to strengthen further, giving unions their due capability to freely unionise, negotiate and strike in event of dispute. Only then will workers rights be ensured when multinational corporations enter our country in search of cheap and unorganised workforce to maximise their profits.

PSM in coalition with workers unions and civil society will oppose any attempt to rip apart workers safeguards in order to comply with the Trans Pacific Partnership Agreement.

No to TPPA!

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