



PARLIMEN MALAYSIA

A large, semi-transparent image of the Parliament building in Kuala Lumpur serves as the background for the central text area.

RANG UNDANG-UNDANG
Kesatuan Sekerja (Pindaan) 1971
DR.79/1971

D. K. No.

79 71

RANG UNDANG²

bernama

Suatu Akta bagi meminda Ordinan Kesatuan Sekerja, 1959.

MAKA INI-LAH DI-PERBUAT UNDANG² oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Ra'ayat yang bersidang dalam Parlimen, dan dengan kuasa daripada-nya, saperti berikut :

1. Akta ini boleh-lah di-namakan Akta Kesatuan Sekerja (Pindaan), 1971.

Tajok ringkas.

2. Ordinan Kesatuan Sekerja, 1959, ada-lah dengan ini di-pinda sa-bagaimana di-nyatakan dalam Jadual bersama ini.

Pindaan.
23/59.

3. Peratoran² Perlu (Kesatuan Sekerja), 1969, Peratoran² Perlu (Kesatuan Sekerja), 1970 dan Peratoran² Perlu (Kesatuan Sekerja), 1971 ada-lah dengan ini di-mansokhkan.

Peman-sokhan.
P.U. (A)
408/69.
P.U. (A)
202/70.
P.U. (A)
34/71.

JADUAL

(Pindaan² kapada Ordinan Kesatuan Sekerja, 1959)

1. Sekshen 11—

Pindaan bagi
sekshen 11.

(a) potong daripada sekshen-kechil (1) perkataan "without the permission of, and subject to such conditions as may be specified by, the Registrar"; dan

(b) potong sekshen-kechil (2) dan (3).

2. Sekshen 12—

Pindaan bagi
sekshen 12.

(a) gantikan perkataan "shall" dalam sekshen-kechil (1) dengan perkataan "may"; dan

(b) potong perenggan (c) sekshen-kechil (3).

Pindaan bagi
sekshen 15.

3. Sekshen 15—

- (a) masokkan sa-lepas sahaja perkataan “be cancelled” dalam sekshen-kechil (1) perkataan “or withdrawn”.
- (b) masokkan sa-lepas sahaja perkataan “to cancel” dalam sekshen-kechil (2) perkataan “or withdraw”; dan
- (c) masokkan sa-lepas sahaja sekshen-kechil (5) sekshen-kechil (6) baharu yang berikut:

“(6) (a) The Registrar may, if he is satisfied that a branch of a trade union has contravened the provisions of this Ordinance or the rules of the union, by order direct the suspension of such branch.

(b) The order of suspension made under paragraph (a)—

(i) may contain such direction as the Registrar may consider expedient; and

(ii) shall be deemed to be duly served if it is delivered at the registered office of the trade union or if it is served personally on any officer of the branch.

(c) Any person aggrieved by the order of suspension may, within fourteen days, appeal to the Minister who may after hearing representations from the trade union and the Registrar confirm, vary, modify or quash the order of suspension; and the Minister's decision shall be final and conclusive and shall not be questioned in any Court.

(d) The order of suspension may at any time be revoked by the Registrar.

(e) Until the order of suspension is revoked by the Registrar or quashed by the Minister, the branch of the trade union in respect of which the order of suspension is made, shall be prohibited from carrying on such activities as may be specified in the order of suspension.”.

Pindaan bagi
sekshen 17.

4. Sekshen 17—

- (a) gantikan sekshen-kechil (1) dengan sekshen-kechil baharu yang berikut—

“(1) Any person dissatisfied with any opinion of the Registrar given under subsection (2) of section 2 or any person aggrieved by the refusal of the Registrar to register a trade union under section 12 or by an order made by the Registrar under section 15 may within thirty days appeal to the Minister against the opinion, refusal or order.”; and

- (b) gantikan sekshen-kechil (4) dengan sekshen-kechil baharu yang berikut—

“(4) The decision of the Minister under this section shall be final and shall not be called into question in any court.”.

Pemansokhan
sekshen 18.

5. Sekshen 18—

Potong kesemua sekshen 18.

6. Sekshen 19—

Pindaan bagi
sekshen 19.

(a) gantikan perenggan (d) dengan yang berikut—

“(d) no person shall, except for the purpose of dissolving the union and disposing of its funds in accordance with the rules or for the purpose of an appeal under the provisions of section 17, take any part in its management or organisation, or act or purport to act on behalf of the union or as an officer of the union.”; and

(b) potong syarat kepada sekshen ini.

7. Sekshen 25—

Pindaan bagi
sekshen 25.

Masokkan sa-lepas sahaja perkataan “cancelled” dalam sekshen-kecil (3) perkataan “or withdrawn”.

8. Sekshen 26—

Pindaan bagi
sekshen 26.

Masokkan sa-lepas sahaja sekshen-kecil (2) sekshen-kecil (3) baharu yang berikut—

“(3) Any group of employees being members of a trade union, who take any form of industrial action in contravention of this Ordinance or the rules of such union, shall cease to be members of the union and thereafter such members shall not be eligible from becoming members of a trade union unless approved by the Registrar.”.

9. Sekshen 27—

Pindaan bagi
sekshen 27.

Masokkan sekshen-kecil (3), (4) and (5) baharu yang berikut sa-lepas sahaja sekshen-kecil (2)—

“(3) (a) No person employed by a statutory authority shall join or be a member of, or be accepted as a member by any trade union unless the membership of that trade union is confined exclusively to persons employed by that particular statutory authority.

(b) Any trade union whose membership is confined to persons employed by a statutory authority shall not be affiliated to any other trade union or any federation of trade unions whose membership is not otherwise so confined.

(c) For the purpose of this subsection the persons appointed to serve and serving in an institution or at a place or under a body or person specified in the first column of the Third Schedule shall be deemed to be persons employed by the authority or body specified in relation to such institution, place or person in the second column of that Schedule, and such authority or body shall be deemed to be a statutory authority.

(d) The Minister may by order add to, delete from or amend the Third Schedule to this Ordinance.

(4) Notwithstanding the provisions of subsection (3)—

(a) employees of a financially autonomous local authority may join or be members of a trade union whose membership is confined exclusively to employees of one or more such financially autonomous local authorities;

(b) employees of statutory authorities other than employees of local authorities may with the approval of the Minister join or be members of a trade union whose membership is confined exclusively to employees of one or more financially autonomous local authorities.

(5) For the purposes of this section the expression 'statutory authority' shall mean an authority or body established, appointed or constituted by Federal or State law."

Pindaan bagi
sekshen 28.

10. Sekshen 28 (1)—

(a) gantikan perenggan (b) dan (c) dengan yang berikut—

"(b) he has not been engaged or employed for a period of at least three years in any trade, occupation or industry with which the trade union or federation is connected; or

(c) he has been a member of the executive of any trade union the registration of which has been cancelled or withdrawn under the provisions of paragraph (b) (iv) or (vi) or subsection (1) of section 15 or under any law repealed by this Ordinance; or";

(b) masokkan yang berikut sa-lepas sahaja perenggan (c)—

"(c1) he is an officer or employee of a political party; or";

(c) gantikan perkataan "paragraph (a)" dalam syarat itu dengan perkataan "paragraphs (a) and (b)";

(d) potong daripada syarat itu perkataan yang berikut "which has not for the time being constituted a political fund in accordance with the provisions of section 52 and"; dan

(e) potong sekshen-kecil (2).

Pindaan bagi
sekshen 29.

11. Sekshen 29—

(a) Gantikan sekshen-kecil (1) dengan yang berikut—

"(1) A registered trade union may, subject to the provisions of subsection (2) and of the rules of such union, employ and pay a secretary, treasurer and such other persons as may be necessary for the purposes of such union:

Provided that no employee of such union other than a secretary or treasurer who has been employed as such for a period of not less than three years immediately preceding 9th day of October, 1969 and possessing no power of voting in respect the affairs of such union or of any of its committees shall be a member of the executive of such union."

(b) masokkan yang berikut sa-lepas sahaja perenggan (c) sekshen-kecil (2)—

"(c1) or if he is an officer or employee of a political party;"; dan

(c) potong daripada syarat kepada sekshen-kecil (2) perkataan "which has not for the time being constituted a political fund in accordance with the provisions of section 52 and".

12. Sekshen 52—

Pemansokhan
sekshen 52.

Potong kesemua sekshen 52.

13. Sekshen 54—

Pindaan bagi
sekshen 54.

Gantikan sekshen 54 dengan sekshen baharu yang berikut—

“54. (1) Where a notice has been given by the Registrar to a trade union under the provisions of subsection (2) of section 15, the Registrar may, where he is satisfied that it is likely that the funds of the union may be misused, by order direct any bank in Malaysia not to pay any money out of nor to pay cheques drawn on the account of such union for a specified period not exceeding three months.

(2) Any officer of the bank who complies with an order of the Registrar under subsection (1) shall be relieved of any liability to any other person in respect of the payment prohibited by such order.

(3) The manager of any bank which fails to comply with an order of the Registrar under subsection (1) shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(4) The Registrar shall cause to be published in the *Gazette* the name of any trade union in respect of which any order is made under subsection (1) of this section.

(5) Any person aggrieved by an order made under subsection (1) of this section may within thirty days of the gazetting of such order appeal to the Minister.

(6) The Minister may, after considering any appeal made under subsection (5), confirm, reverse or vary the order of the Registrar, or give such direction as to him seems just and necessary.

(7) Any decision of the Minister under subsection (6) shall be final.”.

14. Jadual Pertama—

Pindaan bagi
Jadual
Pertama.

Masokkan yang berikut sa-lepas sahaja perenggan 11—

“12. Cessation of membership if members take industrial action in contravention of any provision of the Ordinance or the rules of the union.”.

15. Jadual Ketiga—

Pindaan bagi
Jadual Ketiga.

Gantikan Jadual Ketiga dengan yang berikut—

“THIRD SCHEDULE

(Section 27 (3) (c))

Name of institution, place,
body or person

Name of body or authority

University Hospital referred to in Statute XXVIII made under the Constitution of the University of Malaya.

Hospital Board on Management constituted under Statute XXVIII made under the Constitution of the University of Malaya.”.

P.U. 225/67.

HURAIAN

Menurut kuasa² dharurat di-bawah sekshen 2 Ordinan No. 1 (Kuasa² Perlu) Dharurat, 1969, Pengarah Gerakan telah membuat peratoran² yang di-namakan Peratoran² Perlu (Kesatuan Sekerja), 1969, Peratoran² Perlu (Kesatuan Sekerja), 1970 dan Peratoran² Perlu (Kesatuan Sekerja), 1971 dengan membuat beberapa pindaan kapada Ordinan Kesatuan Sekerja, 1959. Rang Undang² ini sa-mata² bertujuan untok memasokkan sa-mula peruntokan² yang terkandung dalam-nya dengan beberapa ubahsuaian.

2. Dengan ringkas-nya maksud pindaan² sa-bagaimana yang di-nyatakan dalam Rang Undang² ini ada-lah saperti berikut:

- (1) *Pindaan kapada sekshen 11*—antara lain, mengadakan peruntokan bagi menghapuskan peruntokan untok mengeluarkan perakuan² pendaftaran sementara;
- (2) *Pindaan kapada sekshen 12*—membenarkan Pendaftar memutuskan perkara² berkenaan dengan pendaftaran menurut budi-bichara-nya;
- (3) *Pindaan kapada sekshen 15*—antara lain, membolehkan Pendaftar mengambil tindakan menggantung chawangan sa-suatu kesatuan apabila chawangan itu melakukan sa-suatu perbuatan melanggar undang² atau Kaedah² kesatuan itu;
- (4) *Pindaan kapada sekshen 17*—mengadakan peruntokan supaya rayuan boleh di-buat kapada Menteri terhadap sa-suatu perintah Pendaftar, keengganan Pendaftar mendaftar atau pendapat Pendaftar dan keputusan Menteri mengenai rayuan itu ada-lah yang akhir dan muktamad;
- (5) *Pemotongan sekshen 18*—ada-lah berbangkit daripada (4) di-atas;
- (6) *Pindaan kapada sekshen 19*—untok menyekat sa-lanjut-nya kegiatan² kesatuan apabila pendaftaran-nya tidak di-luluskan;
- (7) *Pindaan kapada sekshen 25*—berbangkit daripada pindaan kapada sekshen 15 di-atas;
- (8) *Pindaan kapada sekshen 26*—mengadakan perlindungan daripada "mogok liar";
- (9) *Pindaan kapada sekshen 27*—untok membolehkan pekerja² pehak-berkuasa berkanun menjadi ahli kesatuan tertaklok kapada beberapa sekatan;
- (10) *Pindaan kapada sekshen 28 dan 29*—kelayakan² tambahan bagi ahli² jawatankuasa kerja sa-suatu kesatuan;
- (11) *Pemotongan sekshen 52*—penghapusan kumpulanwang politik;
- (12) *Pindaan kapada sekshen 54*—peruntokan² berhubung dengan memelihara wang kesatuan;
- (13) *Pindaan kapada Jadual Pertama*—peruntokan² tambahan di-kehendaki di-buat dalam kaedah² sa-suatu kesatuan;
- (14) *Pindaan kapada Jadual Kedua*—berbangkit daripada sekshen 27 di-atas.

[P.N. (U²) 210.]