



PARLIMEN MALAYSIA



RANG UNDANG-UNDANG
Perhubungan Perusahaan (Pindaan) 1980
DR.8/1980

D.R. No. 8/80

Naskah sah—Bahasa Inggeris

RANG UNDANG-UNDANG

bernama

Suatu Akta untuk meminda Akta Perhubungan
Perusahaan 1967.

[]

MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut:

1. (1) Akta ini bolehlah dinamakan Akta Perhubungan Perusahaan (Pindaan) 1980.

Tajuk
ringkas
dan mula
berkuat-
kuasa.

(2) Akta ini hendaklah mula berkuatkuasa pada tarikh selepas sahaja tarikh ia disiarkan dalam *Warta*, kecuali bagi seksyen 9, yang hendaklah mula berkuatkuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahu dalam *Warta*.

2. Seksyen 2 Akta Perhubungan Perusahaan 1967, yang dalam Akta ini disebut “Akta ibu”, adalah dipinda—

Pindaan
bagi
seksyen 2.
Akta 177.

(a) dengan menggantikan takrif “employer” yang terdapat dalamnya dengan yang berikut—

““employer” means any person or body of persons, whether corporate or unincorporate, who employs a workman under a contract of

employment, and includes the Government and any statutory authority, unless otherwise expressly stated in this Act;”

- (b) dengan memasukkan selepas sahaja takrif “employer” yang terdapat dalamnya takrif baru yang berikut—

““essential service” means any service specified in the Schedule;”

- (c) dengan menggantikan takrif “lock-out” yang terdapat dalamnya dengan yang berikut—

““lock-out” means—

(a) the temporary closing of a place of employment; or

(b) the suspension of work; or

(c) the refusal by an employer to continue to employ any number of workmen employed by him,

in furtherance of a trade dispute, done with a view to compelling those workmen to accept terms or conditions of or affecting employment;”

- (d) dengan memasukkan selepas sahaja takrif “maliciously” yang terdapat dalamnya takrif baru yang berikut—

““officer of a trade union” means “officer” as defined under any written law relating to the registration of trade unions;”

- (e) dengan menggantikan takrif “party” yang terdapat dalamnya dengan takrif baru yang berikut—

““party”, with reference to a trade dispute, means a trade union of workmen acting for all or any number of its members in the trade dispute, or an employer acting for himself in the trade dispute, or a trade union of employers acting for all or any number of its members in the trade dispute;”

- (f) dengan memasukkan selepas sahaja takrif “party” yang terdapat dalamnya takrif baru yang berikut—

“prescribed” means prescribed by regulations made under this Act;;

- (g) dengan memotong takrif “public utility service” yang terdapat dalamnya;

- (h) dengan memasukkan selepas sahaja takrif “Registrar” yang terdapat dalamnya takrif-takrif baru yang berikut—

“Registrar of Trade Unions” means “Registrar” as defined under any written law relating to the registration of trade unions;

“statutory authority” means an authority or body established, appointed or constituted by any written law, and includes any local authority;;

- (i) dengan menggantikan takrif “strike” yang terdapat dalamnya dengan yang berikut—

“strike” means the cessation of work by a body of workmen acting in combination, or a concerted refusal or a refusal under a common understanding of a number of workmen to continue to work or to accept employment, and includes any act or omission by a body of workmen acting in combination or under a common understanding, which is intended to or does result in any limitation, restriction, reduction or cessation of or dilatoriness in the performance or execution of the whole or any part of the duties connected with their employment; dan

- (j) dengan menggantikan takrif “trade dispute” yang terdapat dalamnya dengan yang berikut—

“trade dispute” means any dispute between an employer and his workmen which is connected with the employment or non-employment or the terms of employment or the conditions of work of any such workmen.’

Seksyen
baru 2A.

3. Akta ibu adalah dipinda dengan memasukkan selepas sahaja seksyen 2, seksyen baru 2A seperti berikut—

"Appoint-
ment of
Director
General
for
Industrial
Relations.

2A. (1) The Yang di-Pertuan Agong shall appoint a Director General for Industrial Relations who shall have the general direction, control, and supervision of all matters relating to industrial relations.

(2) The Yang di-Pertuan Agong may appoint a Deputy Director General for Industrial Relations, and such number of Directors of Industrial Relations, Assistant Directors of Industrial Relations, and Industrial Relations Officers as he considers necessary or expedient for the purposes of carrying out and giving effect to the provisions of this Act.

(3) The Director General shall, in addition to the powers, duties and functions conferred on him under this Act, exercise such other powers, discharge such other duties and perform such other functions as may be necessary or expedient for the purposes of carrying out and giving effect to the provisions of this Act."

Pindaan
bagi kepala
Bahagian
II.

4. Kepala Bahagian II Akta ibu adalah dipinda dengan memasukkan perkataan-perkataan "PROTECTION OF" sebelum sahaja perkataan "RIGHTS" yang terdapat dalamnya.

Pindaan
bagi
seksyen 5.

5. Seksyen 5 Akta ibu adalah dipinda dengan menggantikan perkataan-perkataan "requiring that a person upon his appointment or promotion" yang terdapat dalam perenggan (b) seksyen-kecil (2) dengan perkataan-perkataan "requiring at any time that a person who is or has been appointed or promoted".

Pindaan
bagi
seksyen 8.

6. Seksyen 8 Akta ibu adalah dipinda—

(a) dengan menggantikan perkataan "Minister" yang terdapat dalam seksyen-kecil (1) dengan perkataan-perkataan "Director General";

(b) dengan menggantikan seksyen-kecil (2) dengan yang berikut—

“(2) The Director General upon receiving any complaint under subsection (1) may take such steps or make such enquiries as he considers necessary or expedient to resolve the complaint; where the complaint is not resolved the Director General shall notify the Minister.”; dan

(c) dengan memasukkan selepas sahaja seksyen-kecil (2), seksyen-kecil baru (2A) yang berikut—

“(2A) Upon receipt of a notification under subsection (2), the Minister may, if he thinks fit, refer the complaint to the Court for hearing.”.

7. Akta ibu adalah dipinda dengan menambah dalam Bahagian II selepas sahaja seksyen 8 dalamnya seksyen baru 8A seperti berikut—

Seksyen baru 8A.

“Employer may provide information on collective bargaining and trade disputes to his workmen.

8A. Nothing in this Act shall be construed as preventing an employer from conveying to his workmen, in such manner as he may deem appropriate, any information on any matter pertaining to any collective bargaining or trade dispute involving such workmen and the trade union acting for them.”.

8. Kepala Bahagian III Akta ibu adalah dipinda dengan memasukkan perkataan-perkataan “AND SCOPE OF REPRESENTATION” selepas sahaja perkataan “RECOGNITION” yang terdapat dalamnya.

Pindaan bagi kepala Bahagian III.

9. Seksyen 9 Akta ibu adalah dipinda—

Pindaan bagi seksyen 9.

(a) dengan memasukkan selepas sahaja seksyen-kecil (1), seksyen-kecil baru (1A) yang berikut—

“(1A) Any dispute arising at any time, whether before or after recognition has been accorded, as to whether any workman or workmen are employed in a managerial, executive, confidential or security capacity may be referred to the Director General by a trade union of workmen or by an employer or by a trade union of employers.”;

(b) dengan memasukkan perkataan-perkataan "in the prescribed form" selepas sahaja perkataan-perkataan "in writing" yang terdapat dalam seksyen-kecil (2);

(c) dengan menggantikan seksyen-seksyen-kecil (3) dan (4) dengan yang berikut—

"(3) An employer or a trade union of employers upon whom a claim for recognition has been served shall, within twenty-one days after the service of the claim—

(a) accord recognition; or

(b) if recognition is not accorded, notify the trade union of workmen concerned in writing the grounds for not according recognition; or

(c) apply to the Director General to ascertain whether the workmen in respect of whom recognition is being sought are members of the trade union of workmen concerned and give a written notice of such application to such trade union of workmen.

(4) Where the trade union of workmen concerned receives a notification under subsection (3) (b), or where the employer or trade union of employers concerned fails to comply with subsection (3), the trade union of workmen may report the matter in writing to the Director General.";

(d) dengan memasukkan selepas sahaja seksyen-kecil (4), seksyen-seksyen-kecil baru (4A), (4B) dan (4C) yang berikut—

"(4A) The Director General, upon receipt of a reference under subsection (1A), or an application under subsection (3) (c), or a report under subsection (4) may take such steps or make such enquiries as he may consider necessary or expedient to resolve the matter.

(4B) For the purpose of carrying out his functions under subsection (4A) the Director General—

(a) shall have the power to require the trade union of workmen, the employer, or the trade union of employers concerned to furnish such information as he may consider necessary or relevant; and

(b) may refer to the Registrar of Trade Unions for his decision any question on the competence of the trade union of workmen concerned to represent any workmen or class of workmen in respect of whom recognition is sought to be accorded.

(4c) Where the matter is not resolved under subsection (4A) the Director General shall notify the Minister.”; dan

(e) dengan menggantikan seksyen-seksyen-kecil (5) dan (6) dengan yang berikut—

“(5) Upon receipt of a notification under subsection (4c) the Minister shall give his decision thereon; where the Minister decides that recognition is to be accorded, such recognition shall be deemed to be accorded by the employer or trade union of employers concerned, as the case may be, as from such date as the Minister may specify; a decision of the Minister under this subsection may include a decision as to who are workmen employed in a managerial, executive, confidential or security capacity.

(6) A decision of the Minister under subsection (5) shall be final and conclusive, and no such decision shall be challenged, appealed against, reviewed, quashed, or called in question in any court and shall not be subject to certiorari, prohibition, mandamus or injunction (whether interim, interlocutory or final) in any court on any account, and no court shall have jurisdiction to entertain any question, on any ground, regarding the validity or propriety

of any such decision, or of the continued operation of any such decision, or otherwise in any manner relating to any such decision.”.

Pindaan
bagi
seksyen 10.

10. Seksyen 10 Akta ibu adalah dipinda dengan mengantikannya dengan yang berikut—

“Prohibition of strike, lock-out, picketting and dismissal pending recognition of a trade union.

10. (1) No workmen shall go on strike or do anything which is rendered lawful by virtue of the proviso to section 40 (1) for whatever reason during the pendency of proceedings under section 9, or after the decision of the Minister thereunder by reason of any dissatisfaction with such decision.

(2) No employer shall declare a lock-out or dismiss a workman once a trade union of workmen has served on the employer or a trade union of employers to which the employer belongs a claim for recognition under section 9 (2) in respect of workmen or a class of workmen:

Provided that this restriction shall not apply—

(a) where a dismissal is effected on disciplinary grounds; or

(b) where the claim for recognition has been resolved under section 9 (4A) or where a decision thereon has been made by the Minister under section 9 (5).

(3) For the purpose of subsection (2) “lock-out” includes—

(a) the temporary closing of a place of employment; or

(b) the suspension of work; or

(c) the refusal by an employer to continue to employ any number of workmen employed by him,

effected during the pendency of proceedings under section 9.”.

Pindaan
bagi
seksyen 11.

11. Seksyen 11 Akta ibu adalah dipinda dengan menggantikan perkataan “two” yang terdapat dalamnya dengan perkataan “three”.

12. Seksyen 12 Akta ibu adalah dipinda dengan meng-gantikannya dengan yang berikut—

Pindaan
bagi
seksyen 12.

“Trade
unions not
accorded
recognition.

12. Where a claim for recognition under section 9 (2) is resolved under section 9 (4A), or where a decision thereon has been made by the Minister under section 9 (5), resulting in the trade union of workmen concerned not being accorded recognition, such trade union shall not make any further claim for recognition until three months have elapsed from the date of such resolution or decision.”.

13. Seksyen 13 Akta ibu adalah dipinda dengan meng-gantikan perkataan “Minister” di mana jua terdapat dalam seksyen-kecil (6) dengan perkataan-perkataan “Director General”.

Pindaan
bagi
seksyen 13.

14. Seksyen 14 Akta ibu adalah dipinda dengan meng-gantikan perkataan “two” yang terdapat dalam seksyen-kecil (2) (b) dengan perkataan “three”.

Pindaan
bagi
seksyen 14.

15. Seksyen 18 Akta ibu adalah dipinda—

Pindaan
bagi
seksyen 18.

(a) dengan menggantikan perenggan (b) seksyen-kecil (1) dengan yang berikut—

“(b) a trade union of workmen which is a party to the dispute.”; dan

(b) dengan menggantikan perkataan “Minister” di mana juga terdapat dalamnya dengan perkataan-perkataan “Director General”.

16. Seksyen 19 Akta ibu adalah dipinda dengan meng-gantikan perkataan “Minister” di mana jua terdapat dalamnya dengan perkataan-perkataan “Director General”.

Pindaan
bagi
seksyen 19.

17. Akta ibu adalah dipinda dengan menambah dalam Bahagian V selepas sahaja seksyen 19 dalamnya seksyen-seksyen baru 19A dan 19B yang berikut—

Seksyen-
seksyen
baru 19A
dan 19B.

“The
Minister
may
conciliate
in any
trade
dispute.

19A. Notwithstanding the provisions of this Part, the Minister may, at anytime, if he considers it necessary or expedient, take such steps as may be necessary to conciliate in any trade dispute.

Represent-
ation in
conciliation
proceedings.

19B. (1) In any conciliation proceedings under this Part—

(a) an employer who is a party to the trade dispute may represent himself or be represented by his duly authorised employee, or, where he is a member of a trade union of employers be represented by an officer or employee of such trade union of employers, or, notwithstanding anything to the contrary contained in any written law relating to the registration of trade unions, by any official of an organisation of employers registered in Malaysia (not being a trade union of employers);

(b) a trade union of workmen which is a party to the trade dispute may be represented by an officer or employee of such trade union, or, notwithstanding anything to the contrary contained in any written law relating to the registration of trade unions, by any official of an organisation of workmen registered in Malaysia (not being a trade union of workmen).

(2) Subject to subsection (1), in any conciliation proceedings under this Part no party to a trade dispute may be represented by an advocate, adviser, consultant or any other person by whatever name called.”.

Pindaan
bagi
seksyen 20.

18. Seksyen 20 Akta ibu adalah dipinda—

(a) dengan menggantikan perkataan-perkataan “one month” yang terdapat dalam seksyen-kecil (1) dengan perkataan-perkataan “thirty days”; dan

(b) dengan menggantikan seksyen-kecil (2) dengan yang berikut—

“(2) Upon receipt of the representations the Director General shall take such steps as he may consider necessary or expedient so that an expeditious settlement thereof is arrived at;

where the Director General is satisfied that there is no likelihood of the representations being settled, he shall notify the Minister accordingly.”.

19. Seksyen 21 Akta ibu adalah dipinda dengan menambah selepas sahaja seksyen-kecil (3) seksyen-kecil baru (4) yang berikut— Pindaan bagi seksyen 21.

“(4) The Minister shall remove from a panel referred to in subsection (1) (b) a person who has declined to constitute the Court when selected to do so, or has absented himself, when selected, from the proceedings of the Court, unless he has shown reasonable cause for so declining or absenting himself; and the Minister may at any time without assigning any reason therefor revoke the appointment of any person to such panel.”.

20. Seksyen 25 Akta ibu adalah dipinda dengan menggantikannya dengan yang berikut— Pindaan bagi seksyen 25.

“Registrar and officers. 25. (1) There shall be appointed a Registrar of the Court, and such number of Assistant Registrars of the Court and other officers and staff as may from time to time be considered necessary or expedient for the purposes of the Act.

(2) The duties of the Registrar, Assistant Registrars, and other officers and staff of the Court shall, subject to this Act and the rules made thereunder, be as the President directs.”.

21. Seksyen 26 Akta ibu adalah dipinda—

Pindaan bagi seksyen 26.

- (a) dengan menggantikan perkataan-perkataan “representing the workmen who are parties” yang terdapat dalam seksyen-kecil (1) dengan perkataan-perkataan “of workmen which is a party”;
- (b) dengan menggantikan perkataan-perkataan “representing the employer” yang terdapat dalam seksyen-kecil (1) dengan perkataan-perkataan “of employers which is a party to the dispute”; dan
- (c) dengan memotong perkataan-perkataan “For the purpose of this section and section 44 (c), the expression “statutory authority” shall mean an

authority or body established, appointed or constituted under a Federal or State Law." yang terdapat dalam seksyen-kecil (2).

Pindaan
bagi
seksyen 27.

22. Seksyen 27 Akta ibu adalah dipinda dengan menggantikannya dengan yang berikut—

"Appear-
ance and
represen-
tation at
proceedings
before the
Court.

27. (1) A party to a trade dispute, or to a reference to the Court under section 20 (3), may at proceedings before the Court—

- (a) where the party is a trade union, be represented by an officer or employee of the trade union;
- (b) where the party is an employer, appear himself personally or be represented by his duly authorised employee, or by an officer or employee of a trade union of employers of which he is a member;
- (c) where the party is a workmen (in proceedings under section 20 (3)), appear himself personally;
- (d) where the party is a trade union, or an employer, or a workman (in proceedings under section 20 (3)), be represented with the permission of the President or the Chairman, by an advocate, or, not withstanding anything to the contrary contained in any written law relating to the registration of trade unions, by any official of an organisation (not being a trade union) of employers or of workmen, as the case may be, registered in Malaysia.

(2) If any question arises before the Court as to whether the person representing a party under subsection (1) is—

- (a) an officer or employee of the trade union which he represents;
- (b) a duly authorised employee of the employer whom he represents; or
- (c) an official of a registered organisation mentioned in subsection (1) (d),

the question shall be determined by the President or the Chairman, whose decision thereon shall be final.”.

23. Seksyen 30 Akta ibu adalah dipinda—

Pindaan
bagi
seksyen 30.

- (a) dengan memasukkan selepas sahaja seksyen-kecil (5), seksyen-kecil baru (5A) yang berikut—

“(5A) In making its award, the Court may take into consideration any agreement or code relating to employment practices between organisations representative of employers and workmen respectively where such agreement or code has been approved by the Minister.”; dan

- (b) dengan menggantikan proviso kepada seksyen-kecil (7) dengan yang berikut—

“Provided that the retrospective date of the award may not, except in the case of a decision of the Court under section 33 or an order of the Court under section 56 (2) (c) or an award of the Court for the reinstatement of a workman on a reference to it in respect of the dismissal of a workman, be earlier than six months from the date on which the dispute was referred to the Court.”.

24. Seksyen 31 Akta ibu adalah dipinda dengan menggantikan noktah yang terdapat di akhirnya dengan koma bernoktah, dan memasukkan selepasnya yang berikut—

Pindaan
bagi
seksyen 31.

“and in the event of an agreement being reached before the Court commences its proceedings, the Court may be constituted by the President or Chairman sitting alone for the purpose of recording the terms of such agreement.”.

25. Seksyen 32 Akta ibu adalah dipinda—

Pindaan
bagi
seksyen 32.

- (a) dengan menggantikan perkataan-perkataan “who are parties” yang terdapat dalam perenggan (b) seksyen-kecil (1) dengan perkataan-perkataan “which is a party”; dan

- (b) dengan memotong seksyen-kecil (3).

Seksyen-
seksyen
baru 33A
dan 33B.

26. Akta ibu adalah dipinda dengan menambah dalam Bahagian VII selepas sahaja seksyen 33 dalamnya seksyen-seksyen baru 33A dan 33B yang berikut—

“Reference
to the High
Court on
a question
of law.

33A. (1) Where the Court has made an award under section 30 (1) it may, in its discretion, on the application of any party to the proceedings in which the award was made, refer to the High Court a question of law—

(a) which arose in the course of the proceedings;

(b) the determination of which by the Court has affected the award;

(c) which, in the opinion of the Court, is of sufficient importance to merit such reference; and

(d) the determination of which by the Court raises, in the opinion of the Court, sufficient doubt to merit such reference.

(2) Where an application under subsection (1) has been granted by the Court, compliance with the award in respect of which the application has been granted shall be stayed pending the disposal of the reference by the High Court, unless the Court otherwise directs in respect of the whole or a part of the award.

(3) An application under this section shall be made within thirty days of the date on which the award was made.

(4) Where a question has been referred to the High Court under this section, the Court shall forward the record of its proceedings to the Registrar of the High Court who shall thereupon appoint and notify to the parties to the proceedings the time and place for its hearing.

(5) The High Court shall hear and determine the question referred to it under this section as if the reference were an appeal to the High Court against the award of the

Court, and may, consequently, confirm, vary, substitute or quash the award, or make such other order as it considers just or necessary.

(6) A decision of the High Court under subsection (5) shall have the same force and effect as an award of the Court has under section 32, and may be enforced as if it were an award of the Court.

(7) A decision of the High Court under subsection (5) shall be final and conclusive, and no such decision shall be challenged, appealed against, reviewed, quashed or called in question in any other court or before any other authority, judicial or otherwise, whatsoever.

Award, decision or order of the Court to be final and conclusive.

33B. Subject to this Act and the provisions of section 33A, an award, decision or order of the Court under this Act (including the decision of the Court whether to grant or not to grant an application under subsection (1) of section 33A) shall be final and conclusive, and no such award, decision or order shall be challenged, appealed against, reviewed, quashed or called in question in any court and shall not be subject to certiorari, prohibition, mandamus or injunction (whether interim, interlocutory or final) in any court on any account, and no court shall have jurisdiction to entertain any question, on any ground, regarding the validity or propriety of any such award, order or decision, or of the continued operation of any such award, order or decision, or otherwise in any manner relating to any such award, order or decision.”.

27. Seksyen 36 Akta ibu adalah dipinda—

(a) dengan menggantikan perkataan “Chairman” yang terdapat dalam seksyen-kecil (1) dengan perkataan “chairman”; dan

Pindaan
bagi
seksyen 36.

(b) dengan menggantikan seksyen-kecil (4) dengan yang berikut—

“(4) A person may be represented in proceedings before a Board, with the permission of the chairman, by any officer or employee of a trade union of employers or workmen, or notwithstanding anything to the contrary contained in any written law relating to the registration of trade unions, by any official of an organisation (not being a trade union) of employers or of workmen registered in Malaysia, or by an advocate.”.

Pindaan
bagi
seksyen 37.

28. Seksyen 37 Akta ibu adalah dipinda dengan menggantikan perkataan-perkataan “without the consent of the trade union, disclose any such information” yang terdapat dalam seksyen-kecil (4) dengan perkataan-perkataan “disclose any such information without such consent”.

Pindaan
bagi
seksyen 40.

29. Seksyen 40 Akta ibu adalah dipinda dengan menggantikannya dengan yang berikut—

“Picketing. 40. (1) Without prejudice to section 39, it shall be unlawful for one or more persons acting on his or their behalf or on behalf of a trade union or of an employer in furtherance of a trade dispute to attend at or near any place:

Provided that it shall not be unlawful for one or more workmen to attend at or near the place where the workmen works and where a trade dispute involving such workmen exists only for the purpose of peacefully—

(i) obtaining or communicating information; or

(ii) persuading or inducing any workman to work or abstain from working,

and subject to such attendance being not in such numbers or otherwise in such manner as to be calculated—

(a) to intimidate any person;

(b) to obstruct the approach thereto or egress therefrom; or

(c) to lead to a breach of the peace.

(2) Any officer or employee of the trade union to which the workmen referred to in the proviso to subsection (1) belong, may be present with such workmen solely for the purpose of maintaining good order and discipline and ensuring that such workmen comply with the requirements of the said proviso.

(3) Any person who acts in contravention of subsection (1) shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding one thousand ringgit, or to both.”.

30. Seksyen 43 Akta ibu adalah dipinda dengan menggantikannya dengan yang berikut—

Pindaan
bagi
seksyen 43.

“Restrictions on strikes and lock-outs in essential services.

43. (1) No workman in any essential service shall go on strike—

(a) without giving to the employer notice of strike, within forty two days before striking;

(b) within twenty one days of giving such notice; or

(c) before the expiry of the date of strike specified in any such notice aforesaid.

(2) No employer carrying on any essential service shall lock-out any of his workmen—

(a) without giving him notice of lock-out, within forty two days before locking out;

(b) within twenty one days of giving such notice; or

(c) before the expiry of the date of lock-out specified in any such notice aforesaid.

(3) The notice referred to in subsection (1) and subsection (2) shall be given in such manner as may be prescribed.

(4) Any employer who receives from any person employed by him any notice referred to in subsection (1) or gives to any person

employed by him any notice referred to in subsection (2), shall forthwith report to the Director General the particulars of the notice received or given.”.

Pindaan
bagi
seksyen 44.

31. Seksyen 44 Akta ibu adalah dipinda—

- (a) dengan memasukkan perkataan-perkataan “and the parties concerned have been notified thereof” selepas sahaja perkataan-perkataan “section 26 (2)” yang terdapat dalam perenggan (c); dan
- (b) dengan memotong perenggan (e), dan menggantikan “; or” yang terdapat di akhir perenggan (d) dengan noktah.

Seksyen
baru 44A.

32. Akta ibu adalah dipinda dengan memasukkan selepas sahaja seksyen 44, seksyen baru 44A yang berikut—

“Prohibition of strikes and picketting in respect of certain matters.

44A. No workman shall, in any circumstance, go on strike or do anything which is rendered lawful by virtue of the proviso to section 40 (1) in respect of the following matters—

- (i) the promotion or demotion of any person;
- (ii) the transfer of any person;
- (iii) the employment or engagement of any person;
- (iv) the termination of the services of any person;
- (v) the dismissal or reinstatement of any person; and
- (vi) the assignment or allocation of duties of any person.”.

Pindaan
bagi
seksyen 45.

33. Seksyen 45 Akta ibu adalah dipinda—

- (a) dengan memasukkan perkataan-perkataan “or section 44A” selepas sahaja perkataan-perkataan “section 44” yang terdapat dalam perenggan (a) seksyen-kecil (1); dan

(b) dengan menggantikan perenggan (b) seksyen-kecil (1) dengan yang berikut—

“(b) it has any object other than the furtherance of a trade dispute—

(i) between the workmen on strike and their employer; or

(ii) between the employer who declared the lock-out and his workmen.”.

34. Seksyen 50 Akta ibu adalah dipinda dengan mengantikannya dengan yang berikut—

Pindaan
bagi
seksyen 50.

“Offences
seizable,
and no
bail to be
granted.” 50. (1) Every offence under this Part shall be a seizable offence for the purposes of any written law relating to criminal procedure.

(2) Notwithstanding any other written law, bail shall not be granted to an accused person arrested for or charged with an offence under this Part and in respect of whom the Public Prosecutor certifies in writing that it is not in the public interest to grant bail to such accused person.”.

35. Seksyen 52 Akta ibu adalah dipinda dengan menggantikan seksyen-kecil (1) dengan yang berikut—

Pindaan
bagi
seksyen 52.

“Applica-
tion.” 52. (1) Parts II, III, IV, V and VI shall not apply to any Government service or to any service of any statutory authority or to any workman employed by Government or by any statutory authority.”.

36. Seksyen 56 Akta ibu adalah dipinda dengan menambah selepas sahaja seksyen-kecil (2) seksyen-seksyen-kecil baru (3), (4) dan (5) yang berikut—

Pindaan
bagi
seksyen 56.

“(3) Any person who fails to comply with an order of the Court under subsection (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit, or to imprisonment for a term not exceeding one year, or to both, and a further fine of five hundred ringgit for every day during which such offence continues.

(4) Where any sum of money is payable by any person by virtue of an order made by the Court under subsection (2), and such sum has not been paid, and the person to whom the order is directed has been convicted under subsection (3), the court before which the conviction was had may order that such sum or any part thereof remaining unpaid be recovered as if it were a fine, notwithstanding that the said sum may be in excess of the ordinary jurisdiction of such court.

(5) Where anything, other than the payment of a sum of money, is required to be done or not to be done by any person by virtue of any order made under subsection (2), and the person to whom the order is directed has been convicted under subsection (3), the High Court or a Sessions Court may on the application of any person having an interest in the thing which is so required to be done or not to be done enforce compliance with the order in respect thereof as if it were an order of the High Court or the Sessions Court, as the case may be, in accordance with such rules of court as may be applicable or in such manner as it may deem just or expedient.”.

Seksyen 57
dipotong.

37. Seksyen 57 Akta ibu adalah dipotong.

Pindaan
bagi
seksyen 59.

38. Seksyen 59 Akta ibu adalah dipinda—

- (a) dengan memasukkan perkataan-perkataan “, notwithstanding that the said amount may be in excess of the ordinary jurisdiction of the court,” selepas sahaja perkataan-perkataan “as if it were a fine” yang terdapat dalam seksyen-kecil (4); dan
- (b) dengan menggantikan perkataan-perkataan “one year” dan “two thousand” yang terdapat dalam seksyen-kecil (5) masing-masing dengan perkataan-perkataan “two years” dan “five thousand”.

Pindaan
bagi
seksyen 60.

39. Seksyen-kecil (1) seksyen 60 Akta ibu adalah dipinda dengan menggantikan perkataan-perkataan “period not exceeding one year” dan “one thousand” yang terdapat dalamnya masing-masing dengan perkataan-perkataan “term not exceeding two years” dan “five thousand”.

40. Jadual kepada Akta ibu adalah diganti dengan yang berikut— Pindaan
bagi
Jadual.

“SCHEDULE

ESSENTIAL SERVICES

(Section 2)

1. Banking services.
2. Electricity services.
3. Fire services.
4. Port, dock, harbour and airport services and undertakings, including stevedoring, lighterage, cargo handling and pilotage.
5. Postal services.
6. Prison services.
7. Production, refining, storage, supply and distribution of fuel and lubricants.
8. Public health services.
9. Radiocommunication services, including broadcasting and television services.
10. Telegraph, telephone and telecommunication services.
11. Transport services by land, water or air.
12. Water services.
13. Any service provided by any of the following Departments of Government:
 - (i) Chemistry.
 - (ii) Civil Aviation.
 - (iii) Customs and Excise.
 - (iv) Immigration.
 - (v) Marine.
 - (vi) Meteorology.
 - (vii) Printing.
14. Services which are connected with, or related to, or which assist towards, the maintenance and functioning of the armed forces and the Royal Malaysia Police Force.
15. Businesses and industries which are connected with the defence and security of Malaysia.
16. Any section of any service, on the working of which the safety of the employees therein or of the establishment relating thereto depends.”

HURAIAN

1. Rang Undang-undang ini bertujuan meminda Akta Perhubungan Perusahaan, 1967.
2. *Fasal 2* Rang Undang-undang bertujuan meminda seksyen 2 Akta dengan—
 - (a) menggantikan takrif bagi perkataan-perkataan “employer”, “lock-out”, “party”, “strike” dan “trade dispute”;
 - (b) memasukkan takrif bagi perkataan-perkataan “essential service”, “officer of a trade union”, “prescribe”, “Registrar of Trade Unions”, dan “statutory authority”; dan
 - (c) memotong takrif “public utility service” oleh kerana perbahasaannya ini adalah diganti dengan perbahasaannya “essential service”.
3. *Fasal 3* bertujuan memasukkan seksyen baru 2A ke dalam Akta bagi membuat peruntukan mengenai perlantikan Ketua Pengarah Perhubungan Perusahaan dan pegawai-pegawai lain yang bertanggungjawab menjalankan peruntukan-peruntukan Akta. Seksyen ini juga bertujuan menerangkan kuasa, tugas dan fungsi Ketua Pengarah dan pegawai-pegawai tersebut.
4. *Fasal 5* bertujuan meminda seksyen 5 (2) (b) Akta untuk menjelaskan bahawa seseorang yang dilantik atau dinaikkan pangkat atau yang telah dilantik atau dinaikkan pangkat ke jawatan pengurusan boleh pada bila-bila masa pada waktu atau selepas perlantikan atau kenaikan pangkatnya dikehendaki oleh majikan supaya berhenti daripada menjadi atau tidak menjadi ahli atau pegawai sesuatu kesatuan sekerja melainkan kesatuan sekerja bagi pekerja-pekerja yang memegang jawatan pengurusan.
5. *Fasal 6* bertujuan meminda seksyen 8 Akta untuk membolehkan aduan-aduan tentang pelanggaran terhadap seksyen 4, 5, atau 7 Akta dibuat mula-mula sekali kepada Ketua Pengarah yang boleh pula merujuk aduan itu kepada Menteri jika ia tidak dapat menyelesaikan aduan itu sendiri.
6. *Fasal 9* bertujuan meminda seksyen 9 Akta yang berkaitan dengan perkara-perkara mengenai pengiktirafan kesatuan-kesatuan sekerja. Pertikaian berkaitan dengan tuntutan-tuntutan bagi pengiktirafan yang sedemikian itu dikehendaki supaya dirujuk mula-mula sekali kepada Ketua Pengarah, dan pindaan-pindaan itu juga menyatakan acara yang hendak diikuti dalam perkara itu. Jika Ketua Pengarah tidak dapat menyelesaikan pertikaian itu ia hendaklah memberitahu Menteri. Menteri hendaklah dengan itu memberi keputusannya yang mana adalah muktamad, dan keputusan itu tidaklah tertakluk kepada apa-apa hukuman mahkamah lagi.
7. *Fasal 10* menggantikan seksyen 10 Akta dengan suatu seksyen yang melarang mogok, tutup-pintu, dan berpiket semasa menanti keputusan pembicaraan berkaitan dengan pengiktirafan sesuatu kesatuan sekerja di bawah seksyen 9 atau selepas keputusan Menteri mengenainya, disebabkan tidak puas hati dengan

keputusan yang sedemikian itu. Seksyen itu juga melarang pembuangan pekerja semasa menanti keputusan tuntutan bagi pengiktirafan sesuatu kesatuan sekerja bagi pekerja-pekerja atau golongan pekerja-pekerja.

8. *Fasal 13* bertujuan meminda seksyen 13 Akta dengan membuat peruntukan-peruntukan mengenai perkara-perkara berkenaan dengan perundingan majikan-pekerja supaya dikendalikan oleh Ketua Pengarah di bawah seksyen-kecil (6) seksyen itu dan bukan oleh Menteri.

9. *Fasal-fasal 15, 16 dan 17* bertujuan meminda seksyen-seksyen 18 dan 19 Akta dan memasukkan seksyen baru 19A untuk memperuntukkan supaya perkara-perkara berkenaan dengan pendamaian pertikaian sekerja dikendalikan oleh Ketua Pengarah, manakala Menteri mempunyai budibicara, pada bila-bila masa jua untuk mengambil apa-apa jua langkah yang perlu untuk mendamaikan sesuatu pertikaian sekerja. *Fasal 17* juga bertujuan mengadakan seksyen baru 19B ke dalam Akta untuk memperuntukkan dengan jelas perwakilan pihak-pihak dalam pembicaraan pendamaian.

10. *Fasal 18* bertujuan menggantikan seksyen-kecil (2) seksyen 20 Akta untuk menghapuskan had tempoh tiga puluh hari yang terkandung dalam seksyen-kecil yang ada sekarang bagi Ketua Pengarah menyelesaikan hal-hal yang dirayukan berhubung dengan pembuangan pekerja yang ianya bukan seorang ahli kesatuan sekerja.

11. *Fasal 19* bertujuan menambah seksyen-kecil baru (4) kepada seksyen 21 Akta untuk memberi kuasa kepada Menteri memecat seseorang dari panel orang-orang yang dilantik untuk menjadi ahli Mahkamah Perusahaan jika orang itu enggan menganggotai sesuatu sidang Mahkamah itu atau tak hadirkan diri dalam pembicaraan Mahkamah itu. Seksyen-kecil ini juga bertujuan memberi kuasa kepada Menteri untuk membatalkan perlantikan seseorang ke panel yang sedemikian itu.

12. *Fasal 20* menggantikan seksyen 25 Akta dengan suatu seksyen yang mengadakan peruntukan mengenai perlantikan Pendaftar Mahkamah Perusahaan dan juga Penolong-penolong Pendaftar serta pegawai-pegawai dan kakitangan-kakitangan lain.

13. *Fasal 21* bertujuan meminda seksyen 26 Akta yang berbangkit dari pindaan-pindaan yang dibuat melalui *Fasal 2* kepada takrif "party", dan juga yang berbangkit dari mengadakan takrif "statutory authority" melalui *Fasal 2* tersebut itu.

14. *Fasal 22* menggantikan seksyen 27 Akta untuk membuat peruntukan dengan sejelasnya mengenai kehadiran dan perwakilan pihak-pihak dalam pembicaraan di hadapan Mahkamah Perusahaan.

15. *Fasal 23 (a)* bertujuan meminda seksyen 30 Akta dengan memasukkan ke dalam seksyen itu seksyen-kecil baru (5A) untuk membolehkan Mahkamah Perusahaan memberi pertimbangan tentang apa-apa perjanjian atau tata amalan kerja yang diluluskan oleh Menteri.

16. *Fasal 26* bertujuan memasukkan seksyen-seksyen baru 33A dan 33B ke dalam Akta. Seksyen 33A mengadakan peruntukan bagi Mahkamah Perusahaan merujukkan kepada Mahkamah Tinggi, atas permohonan sesuatu pihak, sesuatu perkara mengenai undang-undang. Rujukan di bawah seksyen ini dikelolakan sama seperti rayuan kepada Mahkamah Tinggi terhadap award Mahkamah Perusahaan, dan keputusan Mahkamah Tinggi mengenainya adalah muktamad. Seksyen baru 33B bertujuan selain daripada peruntukan-peruntukan seksyen 33A, memperuntukkan bahawa segala award, keputusan dan perintah Mahkamah Perusahaan adalah muktamad, dan tidak boleh dipersoalkan dalam mana-mana Mahkamah.

17. *Fasal 27 (b)* menggantikan seksyen-kecil (4) seksyen 36 Akta untuk membuat peruntukan dengan se jelasnya mengenai perwakilan dalam pembicaraan di hadapan Lembaga Penyiasat berkenaan dengan sesuatu pertikaian sekerja.

18. *Fasal 29* menggantikan seksyen 40 Akta yang berkaitan dengan piket.

19. *Fasal 32* bertujuan memasukkan seksyen baru 44A ke dalam Akta yang membuat peruntukan mengenai larangan bermogok dan berpiket berkenaan dengan perkara-perkara tertentu yang ditetapkan dalamnya.

20. *Fasal 33 (b)* menggantikan perenggan (b) seksyen-kecil (1) seksyen 45 Akta dengan perenggan yang memperuntukkan bahawa sesuatu mogok atau tutup-pintu hendaklah disifatkan sebagai menyalahi undang-undang jika ia mempunyai tujuan lain selain daripada memajukan pertikaian sekerja antara pekerja-pekerja yang sedang mogok dan majikan mereka atau antara majikan yang telah mengumumkan tutup-pintu dan pekerja-pekerjanya.

21. *Fasal 34* menggantikan seksyen 50 Akta dengan suatu seksyen yang menjadikan semua kesalahan di bawah Bahagian IX Akta, yang berkaitan dengan pertikaian sekerja, mogok dan tutup-pintu, sebagai kesalahan-kesalahan yang boleh ditangkap. Seksyen ini juga melarang diberi jamin kepada seseorang yang ditangkap atau dipertuduh melakukan kesalahan di bawah Bahagian IX, jika Pendakwa Raya memperakui bahawa bukanlah untuk kepentingan awam memberi jamin kepada orang yang sedemikian itu.

22. *Fasal 35* menggantikan seksyen 52 Akta dengan suatu seksyen yang menyatakan bahawa Bahagian-bahagian II, III, IV, V dan VI Akta tidak terpakai bukan sahaja kepada mana-mana perkhidmatan Kerajaan dan mana-mana pekerja yang diambil bekerja oleh Kerajaan, seperti sekarang ini, tetapi juga kepada mana-mana perkhidmatan bagi mana-mana pihak berkuasa berkanun dan mana-mana pekerja yang diambil bekerja oleh mana-mana pihak berkuasa berkanun.

23. *Fasal 36* bertujuan menambah seksyen-seksyen-kecil baru (3), (4) dan (5) seksyen 56 Akta untuk membuat peruntukan mengenai pendakwaan terhadap seseorang yang tidak mematuhi perintah Mahkamah Perusahaan yang menghendaki supaya awardnya atau

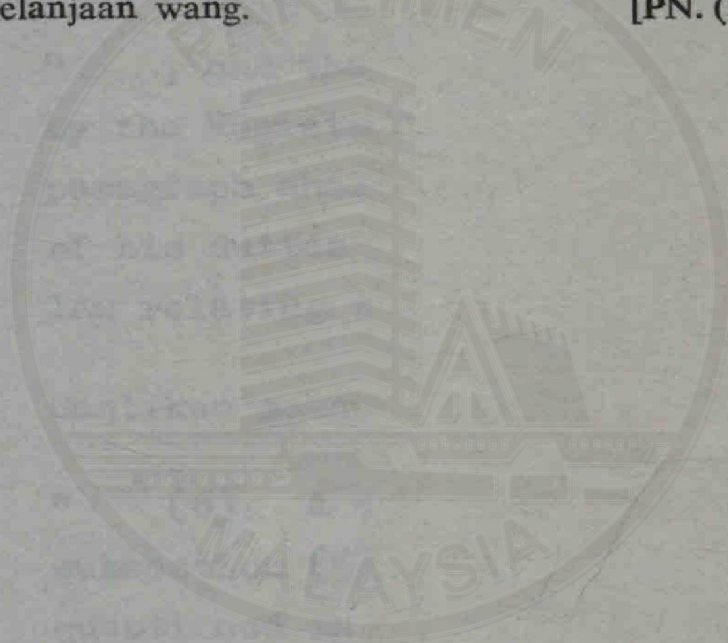
syarat-syarat perjanjian majikan-pekerja dipatuhi. Peruntukan ada juga dibuat untuk menguatkuasakan perintah Mahkamah Perusahaan yang sedemikian itu jika seseorang telah disabitkan kerana tidak mematuhi perintah itu.

24. *Fasal 40* bertujuan menggantikan Jadual Akta yang ada sekarang berkenaan dengan perkhidmatan-perkhidmatan kegunaan awam dengan suatu Jadual berkenaan dengan perkhidmatan-perkhidmatan perlu.

25. Berbagai *Fasal* dan *Fasal Kecil* yang lain dalam Rang Undang-undang ini bertujuan membuat pindaan-pindaan yang perlu dan berbangkit, dan juga lain-lain peruntukan kecil.

IMPLIKASI KEWANGAN

Rang Undang-undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang. [PN. (U²) 1027.]



RANG UNDANG-UNDANG PERHUBUNGAN PERUSAHAAN (PINDAAN) 1980

Teks Bahasa Malaysia

Pindaan-pindaan yang akan dikemukakan dalam Jawatankuasa
oleh Y.B. Menteri Buruh dan Tenaga Rakyat

1. Fasal 2(c): Potong perkataan "temporary" yang terdapat dalam perenggan (a) takrif "lock-out".
2. Fasal 9(d): Masukkan yang berikut selepas sahaja perkataan "accorded" yang terdapat dalam seksyen-kecil (4B)(b) -

" , and the performance of duties and functions by the Registrar of Trade Unions under this paragraph shall be deemed to be a performance of his duties and functions under the written law relating to the registration of trade unions".
3. Fasal 9(e): Gantikan seksyen-kecil (6) dengan yang berikut -

" (6) A decision of the Minister under subsection (5) shall be final and shall not be questioned in any court.".
4. Fasal 10: (a) Gantikan perkataan "dismiss" yang terdapat dalam seksyen-kecil (2) dengan perkataan-perkataan "terminate the services of"; dan

(b) Potong perkataan "temporary" yang terdapat dalam perenggan (a) seksyen-kecil (3).
5. Fasal 17: Gantikan seksyen-kecil (2) seksyen 19B dengan yang berikut -

" (2) Save as provided in subsection (1), a party to a trade dispute shall not, in any conciliation proceedings under this Part, be represented by an advocate, adviser, consultant or by any other person whatsoever.".

6. Fasal 26: Gantikan seksyen 33B dengan yang berikut -

"Award,
decision
or order
of the
Court to
be final
and
conclusive.

33B. (1) Subject to this Act
and the provisions of section 33A,
an award, decision or order of the
Court under this Act (including
the decision of the Court whether
to grant or not to grant an
application under section 33A(1))
shall be final and conclusive,
and shall not be challenged,
appealed against, reviewed, quashed
or called in question in any court.

(2) Subject to the provisions
of section 33A, no award of the
Court for the reinstatement or
re-employment of a workman shall
be subject to any stay of proceedings
by any court."

7. Fasal 31: Gantikan Fasal 31 dengan yang berikut -

"Pindaan
bagi
seksyen
44.

31. Seksyen 44 Akta ibu adalah dipinda
dengan memasukkan perkataan-perkataan
"and the parties concerned have been
notified thereof" selepas sahaja
perkataan-perkataan "section 26(2)"
yang terdapat dalam perenggan (c)."

8. Fasal 32: Potong Fasal 32.

9. Fasal 33: Gantikan Fasal 33 dengan yang berikut -

"Pindaan
bagi
seksyen
45.

33. Seksyen 45 Akta ibu adalah dipinda
dengan menggantikan perenggan (b)
seksyen-kecil (1) dengan yang berikut -

"(b) it has any other object than
the furtherance of a trade
dispute -

(i) between the workmen on
strike and their employer; or

(ii) between the employer who
declared the lock-out and
his workmen,".

Butiran 1 bertujuan meminda Fasal 2(c) Rang Undang-Undang dengan memotong perkataan "temporary" yang terdapat dalam takrif "lock-out".

2. Butiran 2 bertujuan meminda seksyen-kecil (4B)(b) yang terdapat di bawah Fasal 9(d) Rang Undang-undang bagi maksud memperuntukkan bahawa perlaksanaan tugas-tugas dan fungsi-fungsi oleh Pendaftar Kesatuan Sekerja di bawah seksyen-kecil tersebut hendaklah disifatkan sebagai perlaksanaan tugas-tugas dan fungsi-fungsinya di bawah undang-undang bertulis berhubung dengan pendaftaran kesatuan sekerja.

3. Butiran 3 bertujuan menggantikan seksyen-kecil (6) yang terdapat di bawah Fasal 9(e) bagi mengekalkan peruntukan yang sedia ada mengenai perkara yang terdapat di bawah seksyen-kecil (5) seksyen 9 sebelum ianya dipinda oleh Fasal 9(e).

4. Butiran 4(a) bertujuan meminda Fasal 10 Rang Undang-undang bagi menggantikan perkataan "dismiss" yang terdapat dalam seksyen-kecil (2) seksyen 10 yang dicadangkan itu dengan perkataan-perkataan "terminate the services of".

5. Butiran 5 bertujuan meminda Fasal 17 Rang Undang-undang dengan menggantikan seksyen-kecil (2) seksyen 19B yang baru itu bagi maksud memberi erti yang lebih jelas.

6. Butiran 6 bertujuan meminda Fasal 26 Rang Undang-undang dengan menggantikan seksyen 33B.

7. Butiran 7 bertujuan meminda Fasal 31 Rang Undang-undang bagi memotong perenggan (b).

8. Butiran 8 bertujuan memotong Fasal 32 Rang Undang-undang.

9. Butiran-butiran 4(b) dan 9 bertujuan membuat pindaan-pindaan kecil dan berbangkit.

Kementerian Undang-Undang
dan Peguam Negara,
Kuala Lumpur.

2hb. April, 1980.

[P.N.(U2) 1027.]