



# Definition & Legal Background – Freedom of Association (Peninsular Malaysia)

***Freedom of association and the right to collective bargaining is respected for all workers***

*There is constructive and effective dialogue between workers and management. All workers, regardless of rank or job grade, have the right to form and join trade unions of their choice, and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, parallel means of association and bargaining are in place for all workers.”*

*- EF Respect for Workers Principle, Principle 9*

## LEGAL BACKGROUND

Employment laws in Peninsular Malaysia allow all workers, local and foreign, to join a trade union or federation.

This provision is covered by Section 8 of the Employment Act 1955 states that:

**“nothing in any contract of service shall in any manner restrict the right of any employee who is a party to such contract – (a) to join a registered trade union; (b) to participate in the activities of a registered trade union, whether as an officer of such union or otherwise; or (c) to associate with any other persons for the purpose of organizing a trade union in accordance with the Trade Unions Act 1959”.**

A copy of the Employment Act 1955 is available at:

[http://myhos.mohr.gov.my/eAkta/akta\\_perburuhan/akta\\_kerja1955.pdf](http://myhos.mohr.gov.my/eAkta/akta_perburuhan/akta_kerja1955.pdf)

However, there are certain restrictions for non-citizens in respect to holding positions as member of the executive of a trade union, as prescribed under Section 28(1) of the **Trade Unions Act 1959**,

**“A person shall not act as a member of the executive of a trade union or any branch thereof, or of any federation of trade unions, and shall be disqualified for election as such member if, - (a) if he is not a citizen of the Federation;...”**

A copy of the Trades Union Act 1959 is available at:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/10327/99503/F626669980/MYS10327.pdf>

Trade Unions in Malaysia include, among others, the following:-

- National Union of Plantation Workers (NUPW);
- All Malayan Estates Staff Union (AMESU);
- Malaysian Trades Union Congress (MTUC) - Federation of trade unions;
- Malayan Agricultural Producers Association (MAPA)- Employers association



## Earthworm Foundation Factsheet

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