

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Malaysia - 2022

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING

REPORTING

Fulfilment of Government's reporting obligations

87 Fulfilment of Government's reporting obligations

yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, the Government consulted [10.1]

a) The most representative employers organizations. b) The most representative workers organizations) The competent authorities

94. Please describe the consultation process(es). [10.2]

Engagement and meetings.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

95. Did employers organizations comment on the report? [11a]

Yes

Workers' organizations

96. Did workers organizations comment on the report? [11b]	Yes
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	
Ratification	
Ratification status	
87	c 87 unratified
Ratification intention	
6. What are the prospects for ratification of Convention No. 87?	Likely
8. What, if any, are the impediments to the ratification of Convention No. 87 and/or Convention No. 98?	Malaysia has yet to ratify Convention 87 based on MOHR's current policy and direction.
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	
9. Have there been changes in law and practice in your country as regards freedom of association and the effective recognition of the right to collective bargaining?	Yes
10.b.	The Industrial Relations (Amendment) Act 2020 ("Amendment Act") was gazetted on 20th February 2020, and came into partial effect on 1 January 2021. In addition, the Ministry is currently in the midst of amending the Trade Unions Act 1959 (Act 262). The second reading has been tabled in the last Parliament session in October 2022.
Exercise of the principle and right	
At national level (enterprise, sector/ industry) and international level	

For Employers and Workers

12.1. Please specify and indicate the involvement of social partners.

The Ministry through the Department of Trade Unions Affairs had conducted several engagement sessions with the employers and workers organizations to further explain on the proposed amendments.

Special initiatives/Progress

13. Have any initiatives resulted in successful examples or good practice in promoting freedom of association and the effective recognition of the right to collective bargaining?

Yes

13.1. Please Specify

The Industrial Relations (Amendment) Act 2020 ("Amendment Act") has introduced the concept of multiplicity, where workers have been given the option to join unions.

TECHNICAL COOPERATION

Request

Study visit to other countries and regions to observe best practices for benchmarking.

To increase knowledge, awareness and competency of the workers' organization.

Capacity building to increase the knowledge, awareness and competency of the Government official related who involved directly in implementing the convention.

17. What are the technical cooperation needs in your country to promote freedom of association and the effective recognition of the right to collective bargaining?

d) Sharing of experiences across countries/regions,f) Capacity building of responsible government institutions,h) Strengthening capacity of employers' organizations,i) Strengthening capacity of workers' organizations