

**LAPORAN SESI *TOWN HALL*
BERSAMA KEMENTERIAN SUMBER MANUSIA**

5 DISEMBER 2019, HOTEL RENAISSANCE, KUALA LUMPUR

Kementerian Sumber Manusia telah mengadakan sesi *town hall* dengan pemegang-pemegang taruh di Kuala Lumpur pada 5 Disember 2019 (Khamis). Seramai 276 orang pemegang taruh yang terdiri daripada wakil agensi Kerajaan, pekerja dan kesatuan sekerja, majikan dan persatuan majikan serta organisasi masyarakat sivil telah menghadiri sesi *town hall* ini seperti di **Lampiran 1**.

LATAR BELAKANG

Sesi *town hall* ini diadakan bertujuan mendapatkan pandangan, maklum balas dan cadangan daripada pemegang taruh berhubung empat dokumen yang sedang disediakan oleh Kementerian Sumber Manusia iaitu:

- (i) **Rancangan Malaysia Kedua Belas;**
- (ii) **Kajian Semula Tatacara Keharmonian Perusahaan,**
- (iii) **Dasar Sumber Manusia Negara; dan**
- (iv) **Perlembagaan Majlis Penasihat Buruh Kebangsaan**

Sesi *town hall* dimulakan pada jam 9.00 pagi dengan pembentangan ringkas oleh YBhg. Dato' Amir bin Omar, Ketua Setiausaha Kementerian Sumber Manusia. Pembentangan ini menyentuh empat tajuk yang akan dibincangkan dalam sesi *town hall* ini seperti di **Lampiran 2**. Setiap peserta telah dipecahkan mengikut empat kumpulan fokus bagi membincangkan setiap tajuk dengan lebih terperinci.

HASIL PERBINCANGAN KUMPULAN FOKUS

Antara maklum balas dan cadangan yang dikemukakan dalam sesi perbincangan kumpulan fokus adalah seperti berikut:

(i) Rancangan Malaysia Kedua Belas

Bil.	Perkara	Maklum Balas/ Cadangan
1.	<i>Management of foreign workers</i>	<ul style="list-style-type: none"> • <i>Malaysian attitude who shuns so-called 3D jobs and high level of turnover among them due to lower wages</i> • <i>Closer collaboration among ministries in charge of foreign workers</i> • <i>Independent committee report on foreign workers should be made public for the sake of transparency</i> • <i>Collection of multi-tier levy should be used to upskill and retrain workers</i> • <i>Ensure foreign workers' rights under the labour laws be enforced</i>
2.	<i>Social compliance audit</i>	<ul style="list-style-type: none"> • <i>Responsible Business Alliance should NOT be involved with social compliance audit</i> • <i>The cost is too high for employers to bear</i>
3.	<i>Forced labour issues</i>	<ul style="list-style-type: none"> • <i>Awareness should be increased among the public on forced labour issues</i> • <i>More efforts should be made to look into the various aspects of human rights for foreign workers which includes expatriates, skilled and semi-skilled worker along with domestic workers.</i>
4.	<i>Maternity and paternity leave and women participation</i>	<ul style="list-style-type: none"> • <i>Agreeable with the Government's proposal</i> • <i>Address of gender wage gap and facilitate employment of women in critical jobs</i>
5.	<i>Minimum wages rates</i>	<ul style="list-style-type: none"> • <i>Government should not make decision unilaterally without consulting the council</i> • <i>Should be based on living wages</i>
6.	<i>Transparency</i>	<ul style="list-style-type: none"> • <i>The report of the town hall session should be made public</i>

Bil.	Perkara	Maklum Balas/ Cadangan
7.	<i>Discrimination issue of LGBT</i>	<ul style="list-style-type: none"> • <i>There should not be discrimination towards the LGBT community (in particular transgender individuals) in employment and training prospects</i>
8.	<i>Enforcement of legislations</i>	<ul style="list-style-type: none"> • <i>Government should ensure compliance to labour legislations</i> • <i>Government should increase the enforcement capacity</i>
9.	<i>Returnee Experts to be involved in Local Training</i>	<ul style="list-style-type: none"> • <i>Malaysian expatriates who return as subject matter or skills expert should be involved in training locals as a transfer of knowledge initiative.</i> • <i>This will make our labour force more competitive.</i>

(ii) Kajian Semula Tatacara Keharmonian Perusahaan

Bil.	Perkara	Maklum Balas/ Cadangan
1.	<i>GIG economy</i>	<ul style="list-style-type: none"> • <i>To regulate laws or guidelines for GIG workers where social protection is required for workers in this industry.</i>
2.	<i>COC in court</i>	<ul style="list-style-type: none"> • <i>The Industrial Court should follow COC as a guide.</i>
3.	<i>Foreign workers</i>	<ul style="list-style-type: none"> • <i>It is important to address foreign workers, casual workers, maids in COC</i>
4.	<i>Training</i>	<ul style="list-style-type: none"> • <i>As the nation is moving toward IR4.0, it is utmost important to enhance training needs of the employees.</i> • <i>Attention should also be given to counselling as employees' mental health is becoming an important issue.</i>
5.	<i>Welfare for the employees</i>	<ul style="list-style-type: none"> • <i>Welfare for the employees including anti-discrimination, dress code, surau, health benefits etc.</i>
6.	<i>Performance management</i>	<ul style="list-style-type: none"> • <i>The need to have a Guidelines on performance management that is comprehensive but flexible.</i>
7.	<i>Guideline on social media</i>	<ul style="list-style-type: none"> • <i>Guidelines on usage of social media - especially the responsibility of employers and employees in using social media.</i>

8.	<i>Road shows and help desk</i>	<ul style="list-style-type: none"> • <i>It is important to educate and create awareness among employers and employees through road shows of COC.</i> • <i>Government was advised to create help desk for the public.</i>
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(iii) **Dasar Sumber Manusia Negara**

Bil.	Perkara	Maklum Balas/ Cadangan
1.	Gaji	<ul style="list-style-type: none"> • Gaji yang rendah di Malaysia menyebabkan pekerja tempatan kurang berminat bekerja di Malaysia • Majikan menjadikan gaji minimum sebagai gaji maksimum • Kerajaan perlu mempertimbangkan untuk melaksanakan <i>living wage</i> • Pekerja tempatan sanggup bekerja dalam sektor 3D di Singapura kerana gaji yang tinggi
2.	Pekerja tempatan	<ul style="list-style-type: none"> • Mencadangkan supaya 9 sektor berikut menggajikan pekerja tempatan sahaja: • (elektronik, automasi, automatif, robotik, aeroangkasa, perubatan, penjagaan kesihatan, hospitaliti dan <i>renewable energy</i>) • Penjenamaan semula nama perjawatan supaya lebih menarik
3.	Pekerja asing	<ul style="list-style-type: none"> • <i>System Maid Online</i> disalah guna • Pengurusan perumahan yang lebih baik kerana terdapat kes yang mana satu rumah menempatkan 20 pekerja • GLC tidak dibenarkan untuk mengambil pekerja asing • Tingkatkan kesedaran pekerja asing mengenai hak mereka melalui <i>post arrival orientation programme</i>. • Akta Pekerja Domestik perlu diwujudkan. • MoU yang tidak selari dengan kontrak perkhidmatan

Bil.	Perkara	Maklum Balas/ Cadangan
		<ul style="list-style-type: none"> • MoU dengan negara-negara sumber perlu disemak semula. • Kerajaan hendaklah mengambil kira semua artikel dalam C189 bagi melindungi pekerja asing
4.	<i>Refugee</i>	<ul style="list-style-type: none"> • Perlindungan undang-undang perburuhan kepada pelarian yang bekerja.
5.	<i>Agencies coordination</i>	<ul style="list-style-type: none"> • Satu Kementerian tunggal untuk menguruskan: <ul style="list-style-type: none"> ▪ isu pekerja asing ▪ isu TVET • Kerajaan memberikan geran kepada industri supaya industri boleh menjalankan kajian dengan kerjasama pihak universiti • KSM bekerjasama dengan KPM untuk menambah baik kurikulum sedia ada di institusi pengajian tinggi
6.	Penguatkuasaan dan perundingan	<ul style="list-style-type: none"> • Penguatkuasaan bagi keselamatan dan kesihatan di tempat kerja dipertingkatkan • Perundingan (<i>negotiation</i>) antara majikan dan pekerja tidak mengambil masa terlalu lama
7.	Perlindungan sosial	<ul style="list-style-type: none"> • Perlindungan 24 jam kepada pekerja berbanding perlindungan semasa • Syarat yang terlalu banyak untuk memohon SIP • Ekspatriat tidak perlu dilindungi di bawah PERKESO kerana mempunyai pelan kesihatan peribadi • Tingkatkan kesedaran mengenai tatacara tuntutan dan mempermudah proses tuntutan tersebut • Pekerja domestik turut diliputi di bawah caruman PERKESO • KSM disarankan untuk mengkaji keperluan mewujudkan skim pencen kepada pekerja sekor swasta • Mewujudkan dasar kualiti hidup bagi sektor pertanian

Bil.	Perkara	Maklum Balas/ Cadangan
8.	Kemahiran	<ul style="list-style-type: none"> • Kurikulum dan kemahiran di institut pengajian tinggi perlu selari dengan keperluan industri dan ekonomi negara • HRDF kurang menawarkan peningkatan kemahiran dalam bidang teknikal seperti robotic • HRDF perlu juga menawarkan kursus berkaitan softskill • HRDF hanya menyediakan latihan bagi kumpulan eksekutif ke atas dan tidak kepada pekerja berkemahiran rendah • Meningkatkan dana PTPK bagi memperkasakan latihan TVET • Meningkatkan kesedaran bahawa TVET bukan pilihan terakhir • Perbincangan dengan industri perlu diadakan semasa penyediaan kurikulum
9.	Kesatuan sekerja	<ul style="list-style-type: none"> • Penubuhan pelbagai kesatuan sekerja dalam satu tempat pekerjaan akan menimbulkan ketidakharmonian di tempat kerja • Memansuhkan larangan ke atas 4 kategori pekerjaan dalam Seksyen 9 Akta Perhubungan Perusahaan bagi menganggotai kesatuan sekerja • Kebebasan yang terhad dalam menubuhkan kesatuan sekerja
10.	Akta untuk majikan	<ul style="list-style-type: none"> • Mewujudkan satu akta khusus untuk melindungi majikan daripada pekerja yang tidak bertanggungjawab

(iv) Perlembagaan Majlis Penasihat Buruh Kebangsaan

Fasal	Perkara	Maklum Balas/Cadangan
4.	<i>The objective of this Council is to provide a well-organized machinery for the Minister of Human Resources to obtain, through discussion, advice, view or agreement on matters relating to labor and human resources.</i>	<ul style="list-style-type: none"> • <i>Establish an Operation Department (Jabatan Operasi) to deal with workers issues and take to the field to investigate employees' matter.</i> • <i>Employers who bully workers need to be prosecuted and serious action should be taken.</i>
5.	<i>The Council is responsible for discussing and advising the Government on all matters relating to employment policies, laws and practices. Its functions include delivering on the ideas and experiences of workers, employers and the Government in addressing labor issues for the purpose of improving employment conditions and practices and increasing productivity.</i>	<ul style="list-style-type: none"> • <i>Establish a special commit to address workers to handle issues on the workers compensation such as the absence of SOCSO contribution, EPF and others.</i>
6.	<p><i>(1) The Council shall consist of the following members:</i></p> <p><i>(a) the Minister of Human Resources as the Chairman;</i></p>	<ul style="list-style-type: none"> • <i>Where the Chairman or deputy Chairman is not available at the meeting, members of the meeting may elect among them self a Chairman for the purposes the meeting</i> • <i>To include the Secretary General as the Chairman</i> • <i>Agreed (where the Chairman and Deputy Chairman is not available at the meeting, members of the meeting may elect among themselves a Chairman for the propose of the meeting.</i>
	<i>(a) the Deputy Minister of Human Resources as the Deputy Chairman; in the</i>	<ul style="list-style-type: none"> • <i>To have more women representation (30%)</i>

Fasal	Perkara	Maklum Balas/Cadangan
	<i>absence of the Minister, the Deputy Minister of Human Resources shall act as the Chairman of the Meeting;</i>	
	<i>(a) Sixteen (16) representatives of the Government</i>	<ul style="list-style-type: none"> • <i>To include NCOSH representative in NLAC</i>
	<i>(c) Sixteen (16) representatives of the employer</i>	<ul style="list-style-type: none"> • <i>Status quo</i> • <i>Open up to other employer's association</i> • <i>Most representative according to sector</i> • <i>Representation to be determined via quota</i> • <i>Both representation from Sabah and Sarawak to be included</i> • <i>Current constitution adequate and therefore it should be presented except minor amendments involving members of technical committee to invite experts/professional bodies.</i>
	<i>(d) Sixteen (16) workers' representatives</i>	<ul style="list-style-type: none"> • <i>Inclusiveness and represents the workers.</i> • <i>Open up to other employees association</i> • <i>Most representative according to sector</i> • <i>Representation to be determined via quota</i> • <i>Both representation from Sabah and Sarawak to be included</i>

Fasal	Perkara	Maklum Balas/Cadangan
	- <i>New suggestion</i>	<ul style="list-style-type: none"> • <i>Business chamber to be included</i>
7.	<p>(1) <i>The members of the Council, other than the Chairman and the Deputy Chairman, shall be appointed by the Minister.</i></p> <p>2) <i>For the appointment of members under subparagraphs 6 (1) (d) and (e), the Minister shall appoint after consultation with: -</i></p> <p>(a) <i>any association representing the employer, as it thinks fit for the appointment of a representative of the employer; and</i></p> <p>(a) <i>any association representing the employee, as it thinks fit for the appointment of a representative of the employee.</i></p>	<ul style="list-style-type: none"> • <i>Trade Union proposed to open up to other employee's association.</i> • <i>Representative from MLC suggested to take part in NLAC</i> • <i>Media sector endorse by their respective Constitution.</i> • <i>Endorse by their respective constitution</i>
8.	<i>A member of the Council when appointed, shall hold the office for a period of two (2) years and may be reappointed.</i>	<ul style="list-style-type: none"> • <i>Duration extend once every 3 years</i>
11.	<i>The Minister may, at any time, revoke the appointment of a member or successor without assigning any reason whatsoever.</i>	<ul style="list-style-type: none"> • <i>To mention the reason of termination</i>
12.	<i>A member or alternate may at any time resign his office by giving written notice to the Minister.</i>	<ul style="list-style-type: none"> • <i>There must be a reason for giving written notice from the Minister</i>

Fasal	Perkara	Maklum Balas/Cadangan
13.	<p>(5) he fails to attend three consecutive meetings of the Council without reasonable cause and consent from the Chairman;</p> <p>(6) it resigns in accordance with paragraph 12; or</p> <p>(7) his appointment is revoked in accordance with paragraph 11.</p>	<ul style="list-style-type: none"> • 6 consecutive times without reasonable excuse and consent from the chairman. • The appointment of a member shall cease when he no longer represents the organization that he was supported for.
14.	<p>Members of the Council appointed under subparagraphs 6 (1) (d) and (e) and members of the Technical Committee appointed under sub-sections 17 (1) (c) and (d) who are invited to attend Council meetings or Technical Committee Meetings may be paid any form of allowance at any rate determined by the Minister after consultation with the Minister of Finance.</p>	<ul style="list-style-type: none"> • Raise allowance from RM300 – RM400 due to economics condition.
15.	<p>(1) The Council shall meet as often as necessary, at least two (2) times a year, at such time and place as the Chairman may specify</p> <p>(3) The Chairman may convene such extraordinary meetings as may be deemed necessary by giving only short notice.</p> <p>(4) The quorum for a meeting of the Council shall be twelve (12) members consisting of four (4) members of each party for the Government, employers and employees, excluding the Chairman.</p>	<ul style="list-style-type: none"> • Minimum four (4) times a year • At least 7 working days. • At least half of the members are sufficient to hold a quorum.

Fasal	Perkara	Maklum Balas/Cadangan
	<i>(a) At least three (3) Government representatives. Government representatives may be added by the Chairman according to circumstances and requirements;</i>	<ul style="list-style-type: none"> • <i>To have a fixed number of members from the NLAC and the balance would be independent experts in the subject matter where they will form the majority</i>
	<p><i>(2) The Technical Committee may invite -</i></p> <p><i>(a) A representative of the employer or trade union represented on the Council with expertise in the matter or issue being discussed; and</i></p>	<ul style="list-style-type: none"> • <i>Experts must be independent, limited to five (5) person.</i> • <i>UNI-MLC must also have members appointed because of its large unions today.</i>
	<i>(a) Individuals with expertise and experience in matters or issues discussed at the invitation of the Chairman of the Technical Committee.</i>	<ul style="list-style-type: none"> • <i>The media sector should be invited</i>
	<i>(3) The Secretary-General may elect the Deputy Secretary-General to act as the Chairman.</i>	<ul style="list-style-type: none"> • <i>HOD can be appointed as Chairman of Technical Committee</i>
18.	<p><i>The Council is served by the Labor Policy Division, the Ministry of Human Resources as Secretariat and the Secretary General of the Ministry of Human Resources is –</i></p> <p><i>(1) Become the Secretary of the Council;</i></p>	<ul style="list-style-type: none"> • <i>Deputy Secretary General may be appointed as Secretary in the absence of the Secretary General</i>

Pada sesi petang, YB Tuan M. Kula Segaran, Menteri Sumber Manusia telah meluangkan masa bersama pemegang-pemegang taruh dan menyampaikan ucap-tama. Sesi *town hall* diteruskan dengan pembentangan hasil perbincangan kumpulan fokus oleh wakil setiap kumpulan fokus kepada YB Dato' Mahfuz bin Haji Omar, Timbalan Menteri Sumber Manusia. Beliau turut mempengerusikan sesi dialog bersama pemegang-pemegang taruh selama hampir 1 jam. Sesi *town hall* ini berakhir pada jam 4.30 petang.

PENUTUP

Secara keseluruhannya, sesi *town hall* ini telah mencapai objektif penganjurannya melalui penglibatan aktif setiap peserta dan maklum balas yang telah diterima berkaitan tajuk-tajuk yang ditetapkan. Kementerian Sumber Manusia akan meneliti dan memperhalusi cadangan-cadangan yang diterima dalam menghasilkan empat dokumen berkaitan.

Disediakan oleh:

Bahagian Dasar
Kementerian Sumber Manusia
6 Disember 2019