

Ratification of International Labour Convention and the Reformation of Trade Union Recognition Process in Malaysia

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ABSTRACT

The decline in the density of trade unions and the decreasing number of collective agreements had resulted in a deplorable situation in Malaysia. It is difficult to resolve the problems because the trade unions' recognition process is often complex and legislatively restrictive. Nonetheless, the ratification of the International Labour Convention and ILO Convention No.87 could be a stepping stone in the reformation of the recognition process's legal framework. Therefore, the present paper analysed the role of the ILO convention in reforming the trade union recognition process in Malaysia. Additionally, a qualitative method was employed to examine the role of the convention and its mechanism in the reformation of trade union recognition. Next, pure legalistic analysis and semi-structured interviews were conducted with the industrial relations key player to obtain their perspectives on the effect of ratification on industrial relations. Based on the generated outcomes, there were mixed views on the ratification of the stated convention. Additionally, this paper analysed the impact of the ratification of the convention by the member states of the ILO and how these countries benefitted from the ratification. Finally, this paper

concluded that despite the challenges, the ratification of the convention improved the trade union recognition process in Malaysia. Therefore, the Malaysian government should immediately ratify ILO Convention No.87.

ARTICLE INFO

Article history:

Received: 29 May 2020

Accepted: 21 October 2020

Published: 26 March 2021

DOI: <https://doi.org/10.47836/pjssh.29.1.11>

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Keywords: Collective bargaining, ILO Convention No. 87, Industrial Relations Act 1967, recognition process, trade union

INTRODUCTION

Trade union plays an important role to protect the rights and interests of the workers at the workplace. It represents workers in collective bargaining actions with the employers for better working conditions. At present, Article 10(1) of the Federal Constitution of Malaysia protects workers' freedom to form and join trade unions. On the other hand, the *Industrial Relations Act* [IRA 1967] (1967) protects the right to collective bargaining. However, before the trade union can represent the workers at the collective bargaining stage, the trade union is obliged to undergo a recognition process under Section 9 of the IRA 1967 to prove their competency to represent the workers. Nonetheless, the recognition process of trade unions in Malaysia is tedious because it requires the trade union to fulfill conditions under IRA 1967. These conditions include: to obtain employers' recognition and proving workers' support to join the trade union.

Table 1 depicts the statistics of trade union density between 2006 and 2016 (International Labour Organization, 2020). The trade union density was at its peak in 2006 with 10.5% and declined continuously until 2011 with the lowest density rate at 8.5%. However, the density had steadily increased to 9.4% in 2014. Thereafter, the Malaysian trade union density decreased to 8.8% and remained stagnant until 2016. This revealed an uneven pattern in the growth of trade unions in Malaysia. Additionally, the growth of trade union density in a state is influenced by various factors such as

structural changes in the economy and labour force, unemployment caused by new technologies, demographic changes in the labor market, and the aging population (Krašenkienė et al., 2014). On the other hand, Kuruvilla et al. (2002) confirmed that economic changes, political ideology, and legislation obstructed the movement of the union in certain countries. This had eventually caused a direct impact on the country's trade union density. Additionally, an unfavourable political climate had inhibited membership growth (Fatimah et al., 2002). Ramasamy mentioned that the political and legal environment had also caused a decline in union density (Ramasamy, 2015). Meanwhile, Hamidah and Roshidi (2020) concluded that the trade union density was induced by a tougher economic condition abetted by a more pro-employer legal environment. The non-ratification of ILO Convention No.87 had

Table 1

Trade union density in Malaysia

Year	Union Density (%)
2006	10.5
2007	10.3
2008	10.1
2009	9.9
2010	9.1
2011	8.5
2012	9.3
2013	9.4
2014	9.2
2015	8.8
2016	8.8

resulted in a decline in the Malaysian trade union density.

Currently, Malaysia had ratified the ILO Convention No.98 Right to Organise and Collective Bargain. However, Malaysia did not ratify the ILO Convention No. 87 Freedom of Association and Protection of the Right to Organise Convention ('the convention'). Hence, the failure to ratify the convention resulted in a restrictive trade union recognition process and caused a direct slump of the trade union of movement in Malaysia. Based on these issues, the present paper drew a relevant research question; does the ratification of the convention assist the reformation of the recognition process in Malaysia.

This paper analysed the role of the International Labour Convention to reform the trade union recognition process in Malaysia. This paper had, therefore, described the recognition process of trade unions in Malaysia and the challenges it faced as a result of the non-ratification and background of the convention. Next, the paper discussed the challenges and prospects of the ratification of the convention that was faced by the Malaysian government in the event of the ratification. This paper also examined the reasons given by the Malaysian government in its decision to not ratify the convention. Besides, the present paper also examined the ratification of the convention in Indonesia, Canada, and Australia, and its impact on the countries' trade union framework.

METHODS

The present study employed the legal research method via a qualitative approach. Besides, the study had examined ILO Convention No.87 and the impact of ratifying the convention on the recognition of trade union, descriptively. Additionally, the research carried out interviews with officers from the Department of Industrial Relations, the Malaysian Trade Union Congress, Malaysian Employers Federation, trade union members, and legal practitioners in the industrial relations area based on the ratification of the convention to reform the process of trade union recognition in Malaysia. Finally, the study had critically analysed the issues of the recognition process in Malaysia based on the findings.

RESULTS AND DISCUSSION

The Recognition Process of Trade Union in Malaysia

In Malaysia, the IRA 1967 is a legal framework, which governs the recognition of trade unions. An employer's recognition needs to be obtained before the commencement of the collective bargaining action between an employer and the trade union. Therefore, this procedure would determine the competency and the majority of support contributed to the trade union. On the other hand, automatic recognition is not applicable in Malaysia because the employer is given the prerogative right to determine the competency of the trade union to represent its workers. Furthermore, the employer can exclude their workers in

managerial, executive, confidential, and security capacity from participating in the secret ballot process. A trade union must be within similar trades, occupations, or industries of the trade union under the previous regime. However, the latest amendment made to the IRA 1967 in 2019 stated that this requirement was no longer relevant. In the latest procedure, the scope of membership of the trade union will be determined by the Department of Industrial Relations where they will conduct the secret ballot in order to determine the support of the workers to the trade union. In addition, sole bargaining rights are given to the trade union that successfully gains a majority in the secret ballot in the case where more than one union of workers recognised by the employer. Secret ballot to determine sole bargaining rights will only be conducted in a situation where agreement between unions cannot be reached Industrial Relations (Amendment) Act (2020).

The density and trade union membership in Malaysia declined as a result of the employers' hostility towards the trade unions and unattractive industrial relations' (Ramasamy, 2010). The negative attitude of the employers towards the unions is due to the perception that unions are superfluous and a threat to their business (Rose et al., 2010). The trade unions faced various anti-union practices from the employers in their recognition claims. Nonetheless, these claims were made to prevent a collective bargain with the trade union. These anti-union practices stemmed from the lacunae of the recognition procedures based on

the IRA 1967. Besides, the workers were deprived off from being represented by a trade union of their choice because it was deemed incompetent in the case of *Kesatuan Kebangsaan Pekerja-Pekerja Perusahaan Alat-Alat Pengangkutan dan Sekutu v. Menteri Sumber Manusia & Anor* (2016). The Director-General justified that the trade union was disqualified as a result of the manufacturing of car audio components fitted into motor vehicles was not part of the membership defined by the trade union's constitution. Although the motor vehicles possess manufacturing accessories as part and parcel of the membership, the Director-General argued that the manufacturing of car audio components did not affect the running and operation of motor vehicles. Therefore, the court had referred to the judgment in the landmark case of *Electrical Industry Workers Union v. Registrar of Trade Unions* (1976) whereby the workers in the electrical and electronic industry were separated into two different areas. As such the absence of a clear guideline in these cases to determine competency and from these cases, it can be observed that the absence of clear guidelines in determining competency coupled with the wide discretion of the Director-General in this process has caused segregation in the trade union.

Besides, the recognition process faced another obstacle as a result of the exclusion of workers in managerial, executive, confidential, and security ('MECS') departments during balloting. The absence of workers under the MECS categories caused discrepancies in the decision to

determine workers' voting eligibility. For instance, in the case of *South Pacific Textile Industries Ltd v. Kesatuan Pekerja-Pekerja South Pacific Textile Industries Ltd*. (1965-1967), the court defined 'managerial' as "workers whose duties of having authority in the interests of the employer to engage, transfer, suspend, recall, promote, discharge, assign, reward or discipline other workers, or responsibility to direct them, to adjust their grievances or effectively recommend such action, the exercise of such authority not being merely routine or of a clerical nature but the use of independent judgment". However, in the case of the *Non-Metallic Mineral Products Manufacturing Employees Union v. United Asbestos Cement Bhd* (1968-1969) the concept of managerial was defined as "workers [who] involved in [the] planning of work organising and utilizing the workforce efficiently, direction and control of staff in their respective departments and sections with power to issue orders and instructions, and the training and performance rating of such staff with the power to recommend their promotion, demotion, dismissal, transfer, and also to hear and settle their complaints and grievances". The inconsistent definition of MECS workers became a challenge for the trade union to represent workers because employers often took lacunae as an opportunity to re-categorise the workers to disqualify them from voting in the secret ballot.

The complex process of recognition resulted in the delay of recognition claims. Abdul and Mahmud (2018b) reported that

the trade unions waited for a long period before they were declared competent. These untenable situations resulted in the drop of collective agreements for trade unions in recent years (Department of Industrial Relations, 2018). The ILO Freedom of Association reported seven out of seventeen cases on violation of association freedom against the Malaysian government based on the unfair recognition process of trade union practices (International Labour Organization, 2019). The Malaysian government had several restrictions on the freedom of association (Shatsari & Hassan, 2006).

The ILO Convention No. 87

The ILO was established in 1919 to end the grave exploitation of workers by the capitalists during the industrial revolution. The workers were mistreated, forced to work overtime, and under dangerous environments in the industry. Furthermore, the workers were deprived of their rights to the formation of trade unions after its banning by the government. This is because the trade union was deemed as a threat to the employers and the government. Therefore, the ILO was introduced to put an end to the unfair practices of the state capitalists. The ILO then became part of the United Nations' agencies in 1946. It is ILO's fundamental goal that all workers should have the right to pursue their material well-being and establish freedom, dignity, economic security, and equal opportunity in the workplace. The ILO's role is to set out international labour standards, develop

policies, and devise programmes that promote a decent work environment for the workers.

The ILO develops international standards via conventions. Conventions are also known as legally binding international treaties. The ratification of the ILO conventions is not compulsory but options are given to the member states on whether to ratify or not ratify the conventions. Additionally, the ILO formed the Committee of Freedom of Association (CFA) to monitor any complaints on violations of association freedom by the member states. Four Core Labour Standards were delineated in eight conventions. First, the elimination of all forms of forced or compulsory labour (Conventions Nos. 29 and 105). Second, the abolition of child labour (Conventions Nos. 138 and 182). Third, freedom of association and the effective recognition of the right to collective bargaining (Conventions Nos. 87 and 98). Fourth, the elimination of any discrimination in employment and the recognition of equal remuneration for work of equal value (Conventions Nos. 100 and 111). Hence, the present study analysed the mechanisms of the ILO Convention No.87, which outlined the international standards of association freedom and the guidelines for effective recognition of the state members' rights to collective bargaining.

In 1948, the introduction of the ILO Convention gained international support. The international community recognised the convention as a medium, which ensured effective general principles of association freedom as well as one of the primary

safeguards of peace and social justice at the international platform. The aspects of freedom of association can be viewed via the ILO supervision. For example, the urge to compel member states to permit the establishment of organisations without previous authorisation, to preserve the rights to establish and join desired organisations, and the right to implement federation and confederations (Lee, 1998).

Therefore, the convention consists of 21 articles and is divided into four parts. The convention predominantly aims to safeguard the interests of the workers to form and join trade unions for collective bargaining. It also prohibits anti-union practice between the employer and government to the trade union.

Additionally, several articles in the convention would ease the recognition process of a trade union. For example, Article 2 of the convention preserves workers' rights to establish and join organisations that they choose without the inference of previous authorisation. Hence, this article demands member states to permit workers to form trade unions and become a member of their favourite trade union without the approval from any parties. Besides, Article 11 of the convention requires the member states to adopt necessary and appropriate legal measures to guarantee workers and employers the right to organise, freely. The obligation has, therefore, compelled the member state to abolish unnecessary procedures that slow down the trade union's recognition process. Furthermore, Article 12 of the convention urges member states

to submit periodic reports related to the implementation and improvements of labour framework. Then, the ILO Committee of Experts examines these reports and designed a proposal for the member states to actionise social dialogues between them. The ILO Committee of Experts also provides technical assistance to the member states that required assistance to reform their legal framework. Additionally, the Commission of Inquiry would conduct an investigation and prepare a report if there was a complaint on violation of convention obligations by a member state. As a result, the Commission would recommend the member state to abide by the recommendations and failure to comply with the given recommendations would cause diplomatic and trade pressures to the member states.

Challenges and Prospects

The Malaysian government is a member state of the ILO and had ratified five out of eight of the ILO Core Labour Standards. Therefore, the workers in Malaysia can exercise their rights to form a trade union and join the trade union via the provisions of TUA 1959 and the IRA 1967. Additionally, the ratification of the ILO Convention No.98 made a possible collective bargain between the trade unions and employers. Although the convention is yet to be ratified by the Malaysian government, restrictive regulations were imposed on the trade union to exercise their freedom of association. The collective bargaining process of trade unions in Malaysia had been struggling with various obstacles of recognition before

they managed to participate in a collective bargain with the employer.

The Malaysian government had imposed limitations on the labour movement to guard national security and interests. Additionally, Article 10(1) (Clause 2) of the Federal Constitution stated that the government can impose limitations for education or labour to maintain the security of the federation. The Malaysian government replied to the ILO on the case of violation of association freedom and stated that they were reluctant to ratify the convention because the ratification would result in the formation of omnibus unions that might be led by those who have activities or interests not related to the unions and pursue political and subversive aims (International Labour Organization, 2004). Whereas another report clearly stated that the Malaysian government aimed to produce a disciplined and responsible trade union movement for the sake of national security (International Labour Organization, 2019).

Based on the above statement, the Malaysian government is still skeptical of having an omnibus trade union led by a group of individuals with political agenda. This is because the ratification of the convention will compel the government to permit the formation of omnibus unions without segregations such as occupations, trade, or industry. Nonetheless, the present government policy must restrict workers' movement because the trade union had once been a medium for the communist ruckus in Malaysia (Abdul & Mahmud, 2018a). The ratification of the convention,

which required the member states to fully recognise limitless freedom of association was, therefore, against the government's policy and Malaysian history. This situation is similar to the United States where the current legal framework permits major gaps to protect the existing workers. The United States government refused to ratify the convention as a result of inconsistent labour law and principles promoted via the convention (Steve, 2008). Although the Malaysian government is still reluctant to follow the recommendations of the committee to ratify the convention, they considered changing the recognition process of the trade union. Therefore, in 2009 the IRA 1967 was amended several times in response to the current needs of Malaysian industrial relations.

Several respondents believe that the ratification of the convention by the Malaysian government would assist workers to exercise their rights to collective bargaining. A representative from the National Union of Workers in Support and Allied Services and the National Union of Electronic Workers (South) in Malaysia championed the ratification of the convention because it will compel the government to eliminate complex rules and regulations of the trade union recognition process. Furthermore, he stated that both the convention and the ILO Convention No.98 must be ratified for an effective trade union. Hence, he stated:

"It is strange that our country had ratified ILO Convention No. 98 that allows collective

bargaining but then we haven't ratified the convention on freedom of association. It is like the door to collective bargaining is being closed."

On the other hand, the ratification of the convention is deemed to bring negative repercussions to the country. A respondent from the Department of Industrial Relations Malaysia stated:

"If there are too many trade unions representing the same workers, there will be an inter-union rivalry. This is the effect of the ratification of ILO Convention No. 87."

Additionally, a legal practitioner who specialises in the industrial relations stated:

"The ILO Convention No. 87 serves a solid aspirational goal for industrial relations in Malaysia. However, it may not in truth be practicable nor desirable for trade unions to be given unrestricted free rein for all employees to be treated without distinction. Oftentimes in-house unions are better able to engage with employers constructively and to the greatest positive effect, as compare to large-scale national unions, as in-house unions give a voice to the actual employees of the company rather than the body of employees in the industry as a whole."

The above respondents stated that the inter-union rivalry could occur because the ratification of the convention would compel the Malaysian government to permit the establishment of an omnibus union.

Previously, the practice in Malaysia required the formation of a trade union based on Section 2(a) of the TUA 1959, which stated that the trade union must be within any similar trades, occupations, or industries. Hence, this definition would be deleted and consequently, the omnibus union could be formed based on the vision of ratifying the convention.

Besides, the workers would also struggle to exhibit their support of the trade union via the secret ballot. The competency of the trade union represented the workers in the collective bargaining action with the employers via a secret ballot in the previous practice of the recognition process. a trade union must prove that it obtained the majority of workers' support to be competent. the formation of a general trade union and the in-house union will segregate the support of the workers to the trade union based on the ratification of the convention. nonetheless, this will delay the whole process of trade union recognition. Therefore, the respondent from the Malaysian Trade Union Congress shared this view:

“The convention No. 87, the scope is too broad for our country. For example, in Indonesia, before Pak Habibi’s governance, they only used the rule known as Pancasila, it covers everything on government and authority, people have more rights. But, when Pak Habibi took over, he was advised to recognise total convention. In ASEAN, the only country that ratifies ILO Convention No. 87 in Indonesia, the main five core of the convention and the first is 87, if we ratified

the convention of 87, freedom of trade union. If we ratified the convention, in one company, we will have more than one union. We can have a union without a trade. It will cause difficulty in the secret ballot as they will struggle to prove the majority of 50%.”

The representative of the Malaysian Employer’s Federation stated that the ratification of the convention is a double-edged sword to the state. Hence, the ratification of the convention will benefit Malaysian workers because it will be easier for the trade union to negotiate with the employers and create an unattractive environment for foreign investors in Malaysia. He stated that:

“Do we need to ratify 87 to show the world we have freedom of association? Indonesia was forced to ratify 87 during the economic crisis, since that, union starting to mushroom. The convention is a double edge sword, it can work and against the trade union. There will be a lot of labour centers in Malaysia. Even without convention no. 87, the trade unions can still be active. Certain guiding principles were important in managing the relationship. I don’t agree with the adoption of ILO Convention No. 87.”

In general, the Malaysian Employers Federation, the legal practitioner, and the Department of Industrial Relations are against the ratification of the convention. The negative perspective of the convention results from the impact of multiple trade unions and

inter-union rivalry that represented workers in the collective bargaining process. The Indonesian government was also concerned over these issues in its early stages of the ratification and national law framework reformation. Nevertheless, the Indonesian ratification of the convention under the governance of B. J. Habibie in June 1988 depicted an increase in the number of trade unions, formation of federations and confederations, and company-based unions, and thousands of independent unions in Indonesia. It was still a challenge to determine the representative of workers in the collective bargaining actions because the existing unions had to compete with the federations and confederations. Indonesia handled the situation and provided a formula to determine the rate of competency between the unions (Patrick, 2003). The trade union membership determined the competency of the trade union to represent the workers in a multi-union situation. The trade union membership, which exceeded 50% of the total number of workers would be competent. In the case where there is no one trade union that has more than 50% workers in membership, the trade unions may form a coalition. If the coalition secures more than 50% of the total number of workers, then the coalition will be competent. The coalition would then form a negotiation team to negotiate with the employer for collective bargaining. The negotiation team consists of the proportion of members to the number of members that each trade union has. If Malaysia applied this method in the case of ratification of the convention, then

the Malaysian government should clarify the laws that cover bargaining rights in multi-union situations similar to Indonesia. Nonetheless, the future growth of trade unions, federations, and confederations in Malaysia should not stop the collective bargaining rights of trade unions. On the other hand, it should enhance the opportunity for workers to obtain justice in the workplace.

The ratification of the convention guaranteed the freedom of the trade union to exercise collective bargaining in the state. This is because the ILOs provided mechanisms that assisted the Malaysian government to reform the national labour law framework and achieve international standards of association freedom and the right to organise based on the ILO (Gernigon et al., 2000). This resulted from the member state's obligation to comply with the provisions that compelled the government to transform to the present legal framework based on the recommendations and advice from the ILO committee. Nonetheless, the ILO encouraged the freedom of association via a collective bargain between the trade union and employer. Hence, the Malaysian government took the initiative to reform the law on the recognition process of a trade union.

Based on this vision, if there was a ratification of the convention by the Malaysian government, the ILO committee would require the government to transform their labour law to fit the principles under Article 11 of the convention. Article 11 stated that the government must take necessary and

appropriate measures in their legal system to ensure that workers and employers can exercise their right to organise. This situation brought about positive impacts on the trade union recognition process. First, the employer's recognition was abolished as a pre-requisite to the recognition claims. Second, workers were allowed to form and join trade union confederations and federations that represent these workers in collective bargaining. Third, it closed all doors for employers to exercise anti-union, and finally, it created an efficient process of trade union recognition. This attractive environment of industrial relations had eventually increased the density and efficiency of trade union in Malaysia.

The Malaysian government's commitment to the convention is another positive light, which can be observed with the ratification of the convention. Furthermore, the legal framework of the trade union movement would be supervised by the Committee on Freedom of Association (CFA). Hence, the Malaysian government is obliged to submit periodic reports to the CFA for examination. Next, the CFA would examine the member states' compliance in implementing the standards for freedom of association based on the promoted convention to the state's legal framework. Additionally, the Malaysian government must highlight the improvements that had been made in the legal framework to the CFA. Besides, the CFA would also offer advice and technical assistance to assess the necessary measures taken by the government to establish complete

compliance of labour legislation based on the convention. Furthermore, economic factors play a pivotal role in developing the Malaysian government's policy. Hence the government would avoid any diplomatic or trade pressure that develops against them as a result of violated ratified conventions.

A simple and efficient recognition process is a product of countries that are aware of their responsibility to adhere to the core labour conventions set up by the ILO. This can be seen in highly developed nations such as Australia and Canada. The ratification of the convention by these countries, the technical assistance, and the mechanism offered by the ILO Governing Body had induced positive outcomes. Moreover, the inception of the Fair Works Acts 2009 reformed Australia's arbitration practices into a good faith bargaining approach instead of the collective bargaining process. Australia is a member state, which had ratified the convention in 1973. Hence, the reformation process of the labour law framework in Australia was assisted by the ILO Committee. The collectivist values in Australia's labour system were revived under the supervision of ILO (Cooper et al., 2012). The impact was observed in the Australian labour law framework via the introduction of good faith bargaining principles. The principle initiated that the employer must refrain from any misconduct, which would undermine the freedom of the association. This principle does not require an employer's recognition for a trade union in Australia before they can represent the workers in the collective bargaining process.

Besides, the independent industrial relations board was also established under the Fair Works Act 2009 to ensure that the collective bargaining action is conducted fairly.

Additionally, Canada is an ILO member state, which had ratified the convention in 1972. Canada had also benefited from the ratification of the convention because the process helped enhance the capacity of the Canadian government, trade unions, and employers to develop skills for the new industrial relations. Besides, the application of the card-check method in the recognition process in Canada is efficient (Kris, 2013). The card-check method is utilised to assess the competency of the trade union and assure that in its recognition claims provision the trade union should be free from the employer's influence and domination (Kris, 2013).

Furthermore, the ILO in Indonesia had assisted in the process of labour framework reformation. The ILO commission had contributed to the development of new labour laws in Indonesia. They provided suggestions for the follow-up process, information regarding labour law and its system in other countries, assisted with the general policy of work development based on the necessary reforms, ensured compliance with international labour standards based on the content and nature of different bills, and commented on legislation drafts. Therefore, with the assistance of the ILO, the reformation of labour law in Indonesia had experienced tremendous change (Teri, 2006).

CONCLUSION

The trade union represents the workers via a collective bargaining process with the employer. Although the Federal Constitution protects the freedom of association, the freedom of the workers in the trade union movement is restricted because of the national security policy. Besides, collective bargaining is a recognised right of the trade union. Nonetheless, there is limited access to the actions of collective bargaining. Additionally, the complex trade union recognition process, which was imposed under the IRA 1967 became a barrier to the workers and trade unions. Therefore, the present paper examined the mechanism of convention and the importance of convention ratification to reform the trade union recognition process. This had ultimately created a novel perspective on the study of industrial relations law. Moreover, this study unravelled how the imposition of obligations based on the convention eased the recognition of trade unions in Malaysia. Therefore, the study analysed the mechanisms of the convention and agreed to the ratification of the convention to reform the recognition process of the trade union. The data collected in the present study had also revealed that the convention posed a variety of challenges for the government in terms of its application and the implication on the movements of a trade union. The main challenge was the formation of multi-unions and omnibus unions in Malaysia, which caused inter-rivalry between the trade unions during the collective bargaining process. However,

the Indonesian government had solved the issue and Malaysia should learn from this experience and develop a framework to deal with this issue. This situation would benefit the workers because they would have the freedom to choose the trade unions to represent them in the collective bargaining process. The convention has also assisted the ILO members such as Canada and Australia to ensure that their labour law framework is fair. Despite the challenges, the ratification of ILO Convention No. 87 will improve the process of trade union recognition in Malaysia. Nonetheless, the government must take proactive steps to reform the trade union recognition process because it is access to the collective bargaining arrangements between employers and workers. Hence, trade union plays a pivotal role in improving the terms and conditions of the employment to resolve any conflicts that exist within the employment relationship via the collective bargaining process (Hassan & Wahab, 2018). Additionally, a stable industrial relation would create a good economic climate for foreign investors and probably contribute to the government's goal to increase the number of union members by a million in 2020 (Rahimy, 2019). Therefore, the Malaysian government should ratify the convention comprehensively for the future of the trade union movement in Malaysia.

ACKNOWLEDGEMENT

This research received no specific grants from any funding agency.

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