CHAPTER 9
PICKET AND DEMONSTRATION IN MALAYSIA

Fadillah Ismail ¹, Adnan Ali Hassan Humaid Alhosani ²,
Chan Shiau Wei ³, Nur Syereena Nojumuddin ⁴

¹,²,³,⁴ Faculty of Technology Management and Business, Universiti Tun Hussein Onn, 86400 Parit Raja, Johor, Malaysia
E-mail: imfadillah@gmail.com, adnanvip@hotmail.com, swchan@uthm.edu.my, syereena@uthm.edu.my

1.0 INTRODUCTION

Picket refers to a person or a group of people who assemble in front the entrance of the employer’s premises or other venue. It is an industrial action done by unionized workers as a protest. They are trying to persuade others such as co-workers, workers of other firms and customers from not entering the particular premise during a strike. Also, they are trying to persuade the customers from not conducting business with the premises. In a lawful way, picketing usually required the approval from union ballot (Business Dictionary, 2018).

According to Aminuddin (2016), the most likely industrial action adopted by workers is picketing. The Industrial Relations Act 1967 Section 40 states that workers are allowed to present at, or near the workplace when they have a trade dispute. This is to ensure they spread information to the public and other workers in a peaceful condition. It also includes the action of persuading other workers not to work when a strike is occurring.
There are some rules to abide by during picketing. One of it is that the picketers cannot coerce anyone. They must not block anyone from entering or leaving the organisation and conduct the picketing peacefully. Picket that is carried out according to the rules does not require a police permit (Aminuddin, 2016).

Demonstration refers to the express of something which is exists or true by conveying proof or evidence through an action. According to Cambridge Dictionary (2018), demonstration is an occasion which normally involve a group of people which called protesters. They march or gather in a group at the street for the purpose of disagree or support something or someone.

This topic is to explain the difference between picket and demonstration by the example cases in Malaysia.

2.0 DISCUSSION

There are some example of case related to picket and demonstration that happened in Malaysia. The protesters are normally leaded to express their dissatisfaction in a lawful way.

According to Patrick (2014), there was a case of picketing happen in Kuala Lumpur. More than 400 workers of Keretapi Tanah Melayu Berhad (KTMB) were gathered to show their dissatisfaction. They assembled in front of the KTMB’s head office which located in Jalan Hishammuddin with the lead by Railwaymen’s Union of Malaya (RUM) although there was heavy rain at that time. The purpose of the picket was to demand their president, Datuk Elias Kadir to resign due to his ineffective leadership. Also, the previous Prime Minister, Datuk Seri Najib Tun Razak, was called to intervene and replace the position. Some members of other unions such as the National Union of Bank Employees and the Malayan Trades Union Congress were involved in the picket. Besides that, the president of RUM, Abdul Razak Md Hassan withdrew his support on the KTMB’s president. He added that KTMB had been losing money and it will affect the workers in future. He menace to make adjustment in RUM and picket in front of the Finance Ministry if their demands were not fulfilled.
According to Lee (2014), eight employees were sacked and other 16 employees were suspended for participating in an illegal picket. At the same time, 86 employees out of the 110 employees who were participated in the picket are still waiting for the result of domestic inquiry. These employees are the union members of RUM and participated in the activity of RUM. Thus, they should not be sacked or suspended. This is because there is a statement in Industrial Relations Act 1967 shows that a worker should not be stopped from involving in union activities. Section 4 of Act 177 of the Industrial Relations Act 1967 shows the rights of workmen and employers. Section 4(1) stated that no one is allowed to intervene with, restrain or threaten an employee or an employer to form, assist or involve in the formation of trade union and any lawful activities conducted. Thus, the 110 employees from KTMB has their rights to participated in any lawful activities conducted by RUM. KTMB has eventually offered to reappoint the workers who were participated in picket by signing an agreement memorandum (Malay Mail, 2014).

On the other hand, one of the example cases of demonstration was occurred due to the anti-government protests. According to Jenkins (2016), an anti-government protests was arise and the street of Kuala Lumpur was filled with protestors during the time. A large number of them were wearing yellow colour shirt and it later becomes the symbol colour of democracy. The purpose of the demonstration is to request the previous Prime Minister, Dato’ Sri Haji Mohammad Najib Bin Tun Haji Abdul Razak, to resign. This is because there was a claim that he embezzled a huge amount of cash from 1Malaysia Development Berhad (1MDB) which also known as a suffering state-development fund (Latiff & Menon, 2016). However, he denied the claim. Thus, a protest is make up by a pro-democracy confederation and anticorruption activists which known as “Bersih”. It was one of the largest demonstrations in history. Many protesters were voice out their opinion through media in the demonstration.

After 15 months, the demonstration was reconvened among Malaysian communities, however, was to express their frustration of deferring the democratic spirit. This is because the previous Prime Minister is more powerful than ever. He even put his critics in jail and blocking the public from accessing the websites that contain controversial information. This reduced the enthusiastic of protesters who participated before. Some of them were looking
at the issue pessimistically while some of them are afraid to convey their political point of view in the escalating autocratic society.

The chairperson of the demonstration is a 60-year-old activist, Maria Chin Abdullah. Maria Chin Abdullah was arrested and detained under Malaysia’s Security Offences (Special Measures) Act 2012 (Latiff & Menon, 2016). According to Security Offences (Special Measures) Act 2012 Section 4(1), a police officer has the right to arrest and detain any person by having reason to believe that he or she has involved in security offences in the condition of without warrant. Maria Chin was being charged to involve in activities that destruct the parliamentary democracy (Jenkins, 2016).

Based on the two cases discussed above, we can draw that there are certain differences between picket and demonstration. Picket refers to the gathering or assembly in front of the organisation due to the dispute among employer and employees. While, demonstration is refers to the assembly of a group of people in the street to support something or someone. It is normally practice in a political issue. Next, picket does not require a police permit as long as they follow the law. It is normally driven under section 4 of Industrial Relations Act 1967. Whilst, demonstration is carried out with the assist of the Security Offences (Special Measures) Act 2012 in order to ensure the peaceful condition.

3.0 CONCLUSION

Industrial relations can be explained in variety ways. This includes the various personal interrelationships in an industry such as a conservation takes place among workers during a break or the appointment of job by the supervisor to the team. Also, it can be said as social relations in the industry as it may influence others’ work practice. Some of the examples are the decisions of opening and closing the workplace by the employer, type of production applied in the workplace, and determining the level of production in the organisation. It also intimately connected with trade union (Hyman, 1975).

Hence, both picketing and demonstration are example of industrial relations. Both of it are conducted to solve the dispute between two parties. Also, it is a
good stage for the picketers or protesters to voice out their dissatisfaction. They can even easily convey their message to the public through media. This is a proper way for them to solve the problem in a peaceful condition. Besides that, the Industrial Act 1967 and the Security Offences (Special Measures) Act 2012 that applied in both the cases discussed has solved the dispute and ensure the public secure.

REFERENCES


