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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

A CRITICAL LEGAL ANALYSIS OF  
INDUSTRIAL DISPUTE RESOLUTION  
MECHANISM IN MALAYSIA

BY

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BY

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## **ABSTRACT**

Industrial disputes occur in all countries irrespective of their economic systems. In order to resolve such disputes, various resolution mechanisms are put into place. In Malaysia, the main mechanism is the Industrial Court which was established as an adjudication body to hear cases related to trade disputes, dismissals and collective agreements. Besides adjudication of industrial cases by the Industrial Court, the Department of Industrial Relations conducts conciliation to resolve disputes between parties. This study is designed to achieve several aims: to analyze and criticize the law of industrial dispute resolution mechanism in Malaysia; to examine the workings of the Industrial Court and its current problems; and to propose reforms on the industrial resolution system in Malaysia that would include Alternative Dispute Resolution (ADR). In conducting this research, the qualitative method was adopted. A critical analysis of the law relating both to the substantive and procedural aspects has been carried out with reference to cases and statutes. For ease of interpretation of data, statistical analysis is also provided, for instance, those pertaining to the backlog of cases. Its was the finding of this research that the backlog of cases was quite serious where thousands of cases were still pending resolution, either at the conciliation or adjudication stage. There were several reasons for the delay in the resolution system such as frequent postponement of cases and the manner the hearing was conducted. Although the Industrial Court was intended to be a court of arbitration with less legality and rigidity, arguably in practice it was not so. This research also proposed some alternatives to the current system, such as the establishment of the ADR system with emphasis on mediation and voluntary arbitration. The Industrial Appellate Court was also suggested to form as another tier to the Industrial Court system.

## ملخص البحث

إن النزاع في القضايا الإدارية في مجال الصناعة موجود في بلدان العالم بصرف النظر عن نظمها الاقتصادية. وثمة طرق متنوعة وضعت أساسا لحل ذلك النزاع. ففي ماليزيا، أهم الطرق لحل النزاع هو المحكمة الصناعية التي أسست لتكون هيئة قضائية للاستماع إلى القضايا الصناعية المتنازع عليها، وقضايا إقالة العمال، وقضية الاتفاق الجماعي. وبجانب المحاكم الصناعية أنشئت معها "قسم العلاقات الصناعية" لمعالجة الخلافات بين الأطراف المتنازع بينها. والهدف من هذا البحث هو الوصول إلى أغراض منها: تحليل ونقد القانون المتعلق بطرق معالجة وحل النزاع في ميدان الصناعة بماليزيا، ودراسة عن العملية القضائية للمحاكم الصناعية ومشكلاتها وقضاياها الراهنة، وتقديم الاقتراحات التجديدية في نظام حل النزاع الاقتصادي الحالي بما فيها "الطرق البديلة لحل النزاع". واتخذ البحث المنهج النقوي في إجراء التحليل والنقد للقوانين المتعلقة بجانب الحق الأساسي والجانب الإجرائي بالرجوع إلى القضايا القضائية. وقدم البحث بعض الاحصاءات منها ما يتعلق بالقضايا المؤجلة، فنجد أن عدد القضايا المؤجلة قد بلغ الآلاف التي تنتظر المعالجة سواء كانت في مرحلة المصالحة أو المحاكمة القضائية. ويظهر البحث عددا من العوامل التي تسبب التأخير في نظام حل النزاع القضائي منها؛ تكرار تأجيل محاكمة القضايا عدة مرات وكيفية تنفيذ محاكمة القضايا نفسها. وإن كان الهدف من إنشاء المحاكم الصناعية هو القيام بمعالجة القضايا الصناعية وأن يكون ارتباطها بالأمور القانونية ارتباطا غير جدي وأن تكون هذه المحاكم مرنة، إلا أن واقعها العملي خلاف ذلك. واقترح البحث عدة اختيارات بديلة مثل إيجاد نظام بديل لحل النزاع الذي يؤكد التوسط والمعادلة عن تراض بين الأطراف المتنازعة، كما اقترح إيجاد "محكمة الاستئناف الصناعية" التي تقوم مقام محكمة قضائية للمرحلة الثانية في نظام المحاكم الصناعية.

## **APPROVAL PAGE**

The thesis of Kamal Halili bin Hassan has been examined and is approved by the following:

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(Chairperson)

## DECLARATION

I hereby declare that this thesis is the result of my investigations, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a bibliography is appended

Kamal Halili bin Hassan

Date

.....

.....

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**A CRITICAL LEGAL STUDY OF INDUSTRIAL DISPUTE RESOLUTION  
MECHANISM IN MALAYSIA**

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Dedicated to:

Roslin Baharudin, wife

Qamal Fiqri, son

Dura Diyana, daughter

Lan Hasnah, mother

Hassan Taib, my late father

Robiah Jinin, my late grand mother

&

My students of Labour Law class

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- Alan Noor bin Kamat v Inspector General of Police & Anor [1987] 1 CLJ 51
- Allianz Golfcar (Mfg) Sdn Bhd v Chan Siew Foon & Anor [2002] 5 MLJ 130
- Amanah Butler (M) Sdn Bhd v Yik Chee Wah [1997] 2 CLJ 79
- American International Assurance Co Ltd v Dato' Lam Peng Chong & Ors [1999] 2 CLJ 771
- Anisminic Ltd v Foreign Compensation Commission [1969] 2 AC 147
- Anwar Abdul Rahim v. Bayer (M) Sdn Bhd [1998] 2 CLJ 197
- Asia Motor Co Sdn Bhd v Cho Mai Sum (Award 198 of 1986) and (Award 185 of 1980)
- Asian Ceramic Sdn Bhd v. Dharmaraja v Abd Malik Wahab 1997] 3 ILR 1091
- Associated Provincial Pictures Houses Ltd v Wednesbury Corporation [1948] 1 KB 223
- Association Of Bank Officers v United Asian Bank Bhd (Award 182 of 1981)
- Association of Bank Officers v Malayan Commercial Banks Association [1990] 3 MLJ 228
- Attorney-General for N.S.W. v Perpetual Trustee Co. Ltd and Ors (1952) 93 C.L.R. 561
- Bache v Essex County Council [2000] IRLR 251
- Baker v Yorkshire Fire and Life Assurance Co [1892] 1 QB 44
- Balasingam v PP [1959] MLJ 193
- Bank Utama (M) Sdn Bhd v. Mohd Rasidi Saparunan [1992] 2 ILR 185
- BC Mitra v Balmer Lawrie & Co AIR 1953 Cal 613
- Behari Lal Baldeo Prasad v Commissioner Jhansi Division (1967) 63 ITR 555
- Bharat Singh v New Delhi Tuberculosis Centre [1986] 25 SC 614
- Bina Jati Sdn Bhd v Sum-Projects (Bros) Sdn Bhd [2002] 2 MLJ 71

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Dusun Durian Plantations Bhd v Mohd Noh Jilah [2001] 1 ILR 961  
Dwarka Nath v Income Tax Officer AIR 1966 SC 81  
Earl v Slater and Wheeler (Airline) Ltd [1973] 1 WLR 51  
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Esso Production Malaysia Inc v Aladdin bin Mohd Hashim [2000] 3 MLJ 270

Establishments & Anor (1973) 11 LLJ 495

Federal Hotel Sdn Bhd v National Union of Hotel, Bar & Restaurant Workers [1983]  
1 MLJ 175

George John v Goh Eng Wah Bros Film Sdn Bhd [1988] 1 MLJ 319

Gould v Minister of National Insurance [1951] 1 KB 731

Government of Malaysia & Ors v Loh Wai Kong [1979] 2 MLJ 33

Greenal Whitley v Carr [1985] I.C.R. 451

Hagemeyer Industries Sdn Bhd v NUCW (Award 75 of 1983)

Han Chiang High School v. National Union of Teachers in Independent Schools  
(NUTIS) [2001] 1 ILR 312

Harpers Trading (M) Sdn Bhd v National Union of Commercial Workers [1991] 1  
MLJ 417

Harris Solid State (M) Sdn Bhd v. Bruno Gentil Pereira [1996] 4 CLJ 747

**Harrisons Malaysian Plantations Bhd v  
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Henessy v Craigmyle v Co Ltd [1985] IRLR 446

Hereford & Worcester County Council v Neale [1986] IRLR 168

Hickman v Kent [1915] 1 Ch 881

Hindustan Steel Ltd Rourkela v Roy ASK AIR 1970 SC 1401

HM Shah Enterprises Sdn Bhd v National Union of Hotel Bar & Restaurant Workers  
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Honda New Zealand Ltd v New Zealand Boil Makers' etc Union (1991) 1 NZLR  
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Hong Leong Equipment Sdn Bhd v LiewFook Chuan [1996] 1 MLJ 481

Hong Leong Lurssen Shipyards Bhd, S Prai v. Kesatuan Pekerja-pekerja Limbongan  
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Hotel Equatorial (M) Sdn Bhd v National Union of Hotel & Restaurant Workers  
[1984] 1 MLJ 363

Hotel Equatorial v National Union of Hotel, Bar & Restaurant Workers, [1984] 1  
MLJ 363

Hotel Jaya Puri Bhd v National Union of Hotel, Bar & Restaurant Workers & Anor  
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Hotel Merlin Kuala Lumpur v National Union of Hotel Bar & Restaurant Workers  
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Hotel Merlin Kuantan Sdn Bhd v National Union of Hotel, Bar & Restaurant Workers  
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ICI Paints Sdn Bhd v National Union of Petroleum & Chemical Industry Workers  
(Award 288 of 1986)

Inchape Malaysia Holdings Bhd v RB Gray & Anor [1985] 1 MLJ 174

Inchape Malaysia Holdings Bhd v RB Gray [1985] 2 MLJ 297 SC

Insajaya Trading Sdn Bhd v Orjit Kumar (Award 170 of 1986)

Inspector General of Police & Anor v Alan Noor bin Kamat [1988] 1 MLJ 260

Jak Kwang Builders & Developers Sdn Bhd v Ng Chee Keong & Ors [2001] 4 MLJ  
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Jennico Associates Sdn Bhd v Lilian Thresa De Costa [1998] 3 CLJ 583

JG Containers Sdn Bhd v Nonmetallic Products Manufacturing Employees Union  
(Award 196 of 1989)

Joseph Puspam v Menteri Sumber Manusia, Malaysia & Anor [2001] 4 AMR 4181

Kareem a/l Mohamed v Ketua Polis Negeri Perlis dan satu lagi [2002] 7 MLJ 58  
Kathiravelu Ganesan v. Kojasa Holdings Bhd [1997] 2 MLJ 685  
Kesatuan Kebangsaan Wartawan Malaysia & Anor v Syarikat Pemandangan Sinar  
Sdn Bhd & Anor [2001] 2 ILR li  
Kesatuan Pekerja-pekerja. Pengangkutan v Lori Malaysia Bhd (Award 155 of 1980)  
Kilang Gula Felda Perlis Sdn Bhd v Aman Shah bin Abdul Khalid [1998] 5 MLJ 700  
KJJ Cleetus v. Unipalmol (Award 66 of 1975)  
KOBENA v. Mohd Zahari Hj Mokhtar [1995] 1ILR 1  
Koh Hee Meng v Menteri Sumbe Manusia & Anor [1999] 5 MLJ 103  
Koperasi Serbaguna Bukit Mertajam v TWU (Award No 581 of 1988)  
KPMG Consulting (ASPAC) Sdn Bhd v Menteri Sumber Manusia Malaysia & Ors  
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Kuasatek (M) Sdn Bhd v Rahman Uda Itam [1997] 1 ILR 192  
Kulim Club v Gobinath Vassu [2003] 1 ILR 207  
Kumpulan Perangsang Selangor Bhd v Zaid b Hj Mohd Noh [1997] 1 MLJ 789  
Lam Soon Bhd v. Chong Siew Yoon (Award 340 of 1986)  
Lee Ah Tee v Ong Tiow Pheng & Ors [1984] 1 MLJ 107  
Lee Gee Lam v Menteri Hal Ehwal Dalam Negeri & Anor [1993] 3 MLJ 265.

***Lee Ting-Sang v Chung Chi-Keung, [1990] ICR 409***

Lee Wah Bank v National Union of Bank Employees [1981] 1 MLJ 169  
Lembaga Tatatertib Perkhidmatan Awam Hospital Besar Pulau Pinang & Anor. v  
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Lim Construction Sdn Bhd v Cleveland Development Sdn Bhd [2002] 3 MLJ 516  
Lim Guan v Pamol Plantation Sdn Bhd [1998] 1 ILR 410  
Lynus & Co v HK Samanta (1956) 2 LLJ 89  
M Daramaraja & Ng Tian Seng v. Master Engineering and Construction Sdn Bhd  
(Award 2 of 1980)  
Majlis Perbandaran Pulau Pinang v Syarikat Berkerjasama Serbaguna Sungai Gelugur  
Dengan Tanggungan [1999] 3 MLJ 204

Malayan Agriculture Producers Association v National Union of Plantation Workers [1992] 2 MLJ 57.

Malayan Banking Bhd v Association of Bank Officers, Peninsular Malaysia & Anor [1988] 3 MLJ 204

Malayawata Steel Bhd v. Kesatuan Pekerja-pekerja Malayawata Steel Bhd [2001] 1 ILR 982

Malaysian Ventures (Timber Products) Sdn Bhd v. Long Nik bin Long Musa [1992] 1 ILR 37

Marathaei Sangupullai & Anor v. Syarikat JG Containers (M) Sdn Bhd & Anor [1998] 8 CLJ 356

Market Investigations Ltd v Minister of Social Security [1969] 2 WLR 1

Martin v. Glynwed Distribution Ltd [1983] ICR 511

***McLeod v Hellyer Brothers Ltd [1987] IRLR 232 CA***

Meek v City of Birmingham District Council [1987] IRLR 250

Melewar Corporation Bhd v Abu Osman [1994] 2 ILR 807

Menara Pan Global Sdn Bhd v Arokianathan Sivapiragasam [2000] 1 ILR 401 Metro Pacific Sdn Bhd (Award 211 of 2004)

MG Panse v S.K. Sanyal [1980] Lab IC 534 GP

Michael Lee Fook Wah v Minister of Human Resources Malaysia & Anor [1998] 1 MLJ 305

Milan Auto Sdn Bhd v Wong Seh Yen [1995] 3 MLJ 537

Ming Court Beach Hotel v National Union of Hotel, Bar & Restaurant Workers Union (Award 219 of 1987)

Minister of Labour and Manpower v Wix Corporation South East Asia Sdn. Bhd [1980] 2 MLJ 248

Minister of Labour v Lie Seng Fatt [1990] 4 MLJ 9

Minister of Labour, Malaysia v Chan Meng Yuan and anor appeal [1992] 2 MLJ 337

Minister of Labour, Malaysia v National Union of Journalists, Malaysia [1991] 1 MLJ 24;

Mitel Sdn Bhd v R. Surendran (Award 220 of 1987)

Mohamed bin Ismail v Tan Sri Haji Othman Saat [1982] 2 MLJ 85  
Mohd Fadli Ayob v Samsung Electron Devices (M) Sdn Bhd [2003] 3 ILR 1  
Mohd Noor bin Abdullah v Nordin bin Haji Zakaria [2001] 2 MLJ 257  
Morris v London Iron and Steel Co Ltd [1987] ICR 855  
Mostek Malaysia Sdn Bhd v Aniza Yaacob & Ors (Award 298 of 1986)  
Motor Industries Co. Ltd. v Govt. of Karnataka, 1989 –I LLJ (Karn)  
Multistone Electronics Sdn Bhd v Tan Soo Pin [2000] 1 ILR 547  
Mundell v Mellor [1929] SSLR 152  
Nadarajah & Anor v Golf Resort (M) Bhd [1992] 1 MLJ 506  
Nagai Metal Traders Sdn Bhd Johor v. Ramanaidoo Mallanaido [1997] 2 ILR 887  
National Union of Commercial Workers v Societe des Matieres Premieres Tropicales  
(Award 128 of 1981)  
National Union of Hotel Bar & Restaurant Workers v Hyatt Kuantan Hotel Supreme  
Court Civil Appeal No 442 of 1987  
National Union of Hotel, Bar and Restaurant Workers v Industrial Court & Anor  
[1981] 1 MLJ 256  
National Union of Plantation Workers v Cheroh Estate (Award 78 of 1980)  
Nelson v B.B.C. No.(2) [1980] ICR 110  
Netthermere (St Neots) Ltd v Gardiner [1984] IRLR 240 CA  
New Straits Times Press (Malaysia) Sdn Bhd v Simon Menedic [1996] 2 ILR 17  
Non-Metallic Mineral Products Manufacturing Employees Union v South East Asia  
Fire Bricks Sdn Bhd [1976] 2 MLJ 67  
Non-Metallic Mineral Products Manufacturing Employees' Union v Malaya Glass  
Factory Bhd [1985] 1 MLJ 304  
Nordin Hamid & Co v Pathmarajah & Anor [1990] 2 MLJ 308  
Nothman v Barnet London Borough Council [1978] 1WLR 220  
New Delhi Assurance Co v Industrial Tribunal AIR 1953 Pat 321  
O'Reily v Mackman [1980] 2 All ER 634  
Ong Ah Chuan v PP [1981] 1 MLJ 64  
Pacific Centre Sdn Bhd v United Engineers (M) Bhd [1984] 2 MLJ 14  
Padfield v Minister of Agriculture, Fisheries and Food [1968] AC 997

Pahang South Omnibus Co Bhd v Minister of Labour and Manpower & Anor [1981]  
2 MLJ 199

Pakar Industries v. Beatrice OL The (Award 292 of 1988)

Pan Global Textiles Pulau Pinang v Ang Beng Teik [2002] 2 MLJ 27

Peach Grey & Co v Sommers [1995] IRLR 363

Pearlman v Keepers and Governors of Harrow School [1979] 1 All ER 365

Penang Mutiara Beach Resort & Anor v Mohd Main Mahmud Haldar [2003] 3 MLJ

Pengangkutan dan Pembinaan Timur Barat (M) Sdn Bhd v. Mesah Yahya & Anor.  
[2002] 1 ILR 136

Pengarah Tanah dan Galian, WP v Sri Lempah Enterprise [1979] 1 MLJ 135

Perak River Hydro Electric Power Co & Kinta Electrical Distribution Co Ltd v Wong  
Award 223 of 1987)

Perangasng Pacific Sdn Bhd v National Mining Workers Union (Award 242 of 1985)

Performing Rights Society Ltd v. Mitchell and Booker Ltd. [1924] 1 KB 762

Perkom Sdn Bhd v. Bennet Asan Gindi [2003] 1 ILR 4331

Petroeum Nasional v Nik Ramli [2003] 4 CLJ 625

Pharm Malaysia Sdn Bhd v Wilson Dass KC Joseph [1999] 1 ILR 225

Philips Electronic Supplies (M) Sdn Bhd & Anor. v. Ahmad Murtad & Anor [2001] 1  
ILR 438

Pihak Berkuasa Negeri Sabah v. Sugumar Balakrishnan [2002] 3 MLJ 72

Pilecon Industrial Engineering Sdn Bhd v Maxson Resources Ltd [2002] 1 MLJ 21

Prestige Ceramics Sdn Bhd v. Kesatuan Pekerja Pembuatan Barangan Bukan Logam  
& Anor [2001] 5 CLJ Supp 354

Projek Lebuhraya Utara Selatan Bhd v Azahar Ahmad [1998] 2 ILR 51

Projek Lebuhraya Utara-Selatan v Ahmad Nazir Hussein [2000] 1ILR 189

Quah Swee Koon v Sime Darby Bhd [2000] 2 MLJ 600

R Rama Chandran v The Industrial Court of Malaysia & Anor [1997] 1 MLJ 145

R v Hillindon, ex parte Puhlhofer [1986] AC 484

R v Hillingdon LBC ex parte Islam (Tafassul) [1983] 1 AC 688

R v. Knightsbridge Crown Court, ex p. International Sporting Club (London) Ltd. &  
Anor [1982] QB 304