

Changing Employment Structures and their Effects on Industrial Relations in Malaysia

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Abstract

This paper describes the various stages of industrialisation through which Malaysia has passed, beginning with import substitution in the 1960s, export-oriented industries of the 1970s to heavy industries in the 1980s. The public sector, which used to employ a substantial percentage of the labour force and a high percentage of ethnic Malays, has been reduced as a result of the government's decision to corporatise and privatise many of its agencies. However, as more Malays have begun working in the industrial sector, a new phenomena of an emerging Malay proletariat alongside the non-Malays has become evident. They now form more than half of the union leadership and are strongly represented among skilled workers. Whether the government will become more liberal with its laws and policies towards unions in the future is uncertain, as the democratic process in Malaysia has yet to gain a firm hold.

Introduction

After Malaysia attained independence in 1957, its early stage of industrialisation was devoted predominantly to import-substitution industries. This continued throughout the 1960s. Before this, Malaysia had been an agricultural economy relying heavily on primary products of rubber and tin. Over 70 per cent of the workforce was engaged in agriculture and agriculture-re-

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lated services. At the beginning of the 1960s Foreign Direct Investment (FDI) was still predominantly in the agricultural sector. To attract FDI into manufacturing, legislation was passed, such as the Industries Ordinance Act 1958, which provided tax relief and tariff protection for selected industries. Sizable hectares of land were opened up by the government, with supporting infrastructure, to encourage the opening up of factories. Free Trade Zones, located in five states of Malaysia, were also the location for more industries from the 1970s onwards. In the early stages, European, American and Japanese capital were the main sources of capital. The 1970s, however, marked a shift towards export oriented industries. This was motivated by several reasons which included the New Economic Policy (following a racial clash in 1969) and the unemployment rate, which rose to almost 9 per cent. The Investment Incentives Act 1968 and the Promotion of Investment Act 1986 were efforts in this direction. In the 1980s, an Industrial Master Plan (IMP) was introduced to foster future industrial development from 1986 until 1995.

Between 1982 and 1990, the source of FDI changed with the Asia-Pacific region surpassing Europe as the greatest source of investment capital in Malaysia, rising from 64.5 per cent in 1982 to 81.3 per cent in 1990. Singapore, Taiwan, South Korea, Hong Kong and Japan became the principal investors in Malaysia. In terms of new investments, Taiwan accounted for 36 per cent, Singapore for 30 per cent and Japan 25.7 per cent (Macpherson, 1992). The majority of these investments were in electronics, textiles, chemical and food products. An important trend in the changing face of FDI is the emergence of small and medium scale enterprises which many believed reflects the influence of Taiwan, where the industrial structure is conspicuously devoid of conglomerates. These small scale industries include the manufacturing of polyglass, fibre, edible oil, ice cream, electrical goods, garments and retreaded tyres. In many states of Malaysia, such as Penang, small industries (with a capitalisation below \$750,000) form about 35 per cent of the manufacturing operations (PDC, 1990). During the 1970s, the role of the manufacturing sector expanded rapidly and accounted for more than 24 per cent of the GNP and by 1988, more than 48 per cent of total exports. The number of jobs created by the manufacturing sector exceeded 1.5 million and continued to expand rapidly after the economic recession of the mid-1980s. Manufacturing has continued to be the main source of employment creation. However, the agricultural sector continues to play an important though decreasing role and accounts for over 32 per cent of employment. Manufacturing has increased from 15 per cent of total employment in 1970 to 22 per cent in the 1990. The electronics industry is

the largest single employer in manufacturing, followed by wood products and food manufacturing.

Employment

The Malaysian labour force comprises approximately 7.1 million of the total population of 19 million. Labour legislation governing trade unions and workers' rights have been circumscribed to ensure a secure industrial environment for investors. Table 1 indicates the percentage of workers in various sectors from 1975 to 1990.

Table 1: Distribution of Economically Active Population by Industry, Peninsular Malaysia, 1975-92

Industry	Years/Number employed ('000)						
	1975	1982	1984	1985	1986	1988	1990
Agriculture, forestry, hunting and fishing	1512.5 (42.4)	1224.9 (28.0)	1211.6 (26.5)	1230.6 (26.4)	1260.1 (26.7)	1357.3 (26.7)	1229.2 (22.2)
Mining and Quarrying	35.7 (1.0)	41.9 (1.0)	38.5 (0.9)	37.1 (0.8)	35.3 (0.7)	25.8 (0.5)	29.6 (0.5)
Manufacturing	535.1 (15.0)	752.9 (17.2)	792.9 (17.3)	783.8 (16.9)	797.1 (16.9)	903.4 (17.8)	1233.6 (22.3)
Electricity, gas and water	35.7 (1.0)	28.4 (0.6)	26.1 (0.6)	25.5 (0.5)	25.1 (0.5)	34.3 (0.7)	37.4 (0.7)
Construction	164.1 (4.6)	320.2 (7.3)	359.1 (7.8)	349.2 (7.5)	307.0 (6.5)	283.8 (5.6)	356.7 (6.4)
Wholesale and Retail Trade, Restaurants and Hotels	492.3 (13.8)	759.1 (17.3)	824.8 (18.0)	859.3 (18.5)	896.9 (19.0)	966.7 (19.0)	1049.0 (19.0)
Transport, Storage and Communications	146.3 (4.1)	194.7 (4.4)	210.0 (4.6)	209.9 (4.5)	205.4 (4.3)	226.7 (4.5)	257.4 (4.7)
Services	645.5 (18.1)	1058.7 (24.2)	1112.2 (24.3)	1152.1 (24.8)	1199.8 (25.4)	1285.1 (25.2)	1341.5 (24.2)
Total	3567.2	4380.7	4575.2	4647.4	4726.7	5083.1	5534.4

Figures in () denotes percentage

Source: Labour Force Surveys – various years

The manufacturing sector increased from 15 per cent in 1975 to 22 per cent in 1990. Employment in the construction sector also expanded from 4.6 per cent in 1975 to 6.4 per cent in 1990. Two other sectors where jobs

were created were the retail and service sectors, the latter expanding from 18 per cent in 1975 to 24 per cent in 1990.

In terms of gender distribution, about 70 per cent of women were in agricultural jobs in 1970 but their participation declined to 28 per cent by 1990. The proportion of women increased in the manufacturing sector from 8 per cent in 1970 to over 24 per cent in 1990. This is similarly reflected in the service sector, which accounted for 21 per cent of female workers in 1990. Most women workers were confined to lower levels of the hierarchy in both the public and private sectors. This accounted for a rapid increase of employment in clerical and production sectors. In the nursing and teaching jobs, which are categorised as 'professionals' women are predominant, although only a small percentage are found in the higher professions such as medical, engineering, administrative and managerial posts.

Unemployment has been steadily decreasing since the 1980s, from 8 per cent to 4 per cent by 1990 and is continuing to decline. Many states in Malaysia have a higher rate of economic growth than the national average, such as Penang with 12-14 per cent per annum (see PDC Reports). This has caused a severe shortage of labour in many factories, construction, and service sectors such as food catering, petrol kiosk attendants and building cleaners. More than a decade has passed since foreign labour was introduced to help fill the gap of unskilled labour. It is estimated that more than 700,000 foreign workers are currently in Malaysia.

There is no minimum wage in Malaysia and wages at most unionised workplaces are negotiated through a three year contract. Employers are advocating a more flexible wage system, with no minimum wage nor fixed annual wage increment, based loosely on profit-sharing and a bonus system. However, such a system has not been widely implemented due to resistance from trade unions. The move to upgrade workers from unskilled to skilled began in the 1970s, when the government realised that in order to foster technological development and increase Malaysia's competitiveness in the world market, workers had to be trained.

There has been concerted effort towards human resource development (Zainal Abidin, 1989; Jamilah, 1991). Efforts towards this direction were carried out in both the private and public sectors with the establishment of technical institutions and the restructuring of the educational system (e.g. MARA, and Skills Training Centres). To increase incentives, certain tax exemptions are given for companies which trained their employees. Retraining, pre-employment training and customised courses are provided by the Ministry of Manpower Department (under the Ministry of Human Resources) through its Industrial Training Institutes (ITIs) which are located in almost all states of Malaysia. In recent years, the Entrepreneur

Development Ministry has proposed six more advanced skills training centres in addition to the 3 existing ones (*Star*, 9 September 1995). In addition to skills for workers, the transfer of foreign technology has been of primary importance for the government. Between 1981-85, for instance, at least 601 technological transfer agreements were signed between the government and the MNCs (Beaumont, 1989).

Nature of Industrial Relations

The nature of current industrial relations in Malaysia has, to some extent, been influenced by the antagonistic relations between the workers' movement with the colonial government from 1945. After the surrender of the Japanese in 1945, British attempts to win back control of the country were fraught by difficulties and resistance by the labour movement which was spearheaded by Chinese leaders, most of whom were considered as left-leaning. The Communist Party of Malaysia (CPM) also sought to influence the labour movement (*Political Intelligence Journal*, no. 11). The militancy of the labour movement crystallised with the formation of the Pan Malayan Federation of Trade Unions (PMFTU) in 1947. Until 1957, when Malaysia gained independence, the struggle was a history of constant attempts by the colonial government to control the PMFTU and other unions.

After the establishment of the Malaysian Trade Union Congress (MTUC) in 1950 and CUEPACS, a public sector union centre in 1957, both of which were led by 'moderate' leaders and unions, the labour movement suffered a decline in militancy and union membership. The cooption of union centres and many unions occurred while strict legislation governed labour organisations and other spheres of civil society. The imposition of strict laws governing unions and workers rights was intensified from the 1960s as the government embarked on its industrialisation programme, with heavy reliance on foreign capital and investors (Rohanna, 1992). Such restrictions were also partly due to the increased militancy of some unions such as the United Malayan Estate Workers Union, the National Union of Employees in the Printing Industry, Pineapple Industry Workers' Union and the Electrical Industry Workers' Union (Todd and Jomo, 1988: 104). Unions were not allowed in most 'pioneer' industries and many different forms of deterrence were used by the employers (and government) towards union formation among workers especially those in the electronic industry. In addition, new unions were permitted only as 'enterprise' unions (Ministry of Human Resource Reports 1970-1990; Wad, 1988, 1996). Hence, over the years, unions have become increasingly 'economistic' with their atten-

tion focussed mainly on 'bread and butter issues', attempting to build up their financial base through investment and cooperatives.

The Major Participants in Industrial Relations

The government has been the major partner which determined the industrialisation process of the country and allowed only those forms of industrial relations that did not destabilise the political and economic stability. The Prime Minister turned his back on Western European countries while strongly advocating for a Look East Policy in the 1970s, praising the Japanese style of management and work ethic and the formation of enterprise unions. Economic inequality between the various ethnic groups in Malaysia, before 1969, led to the concerted effort of the government to rectify the ownership of capital, by creating several trust funds for the Malays. By 1990, however, the Chinese were still economically predominate owning about 44 per cent of the total share of capital, while Malays owned 20 per cent, Indians owned 2 per cent and foreigners owned 35 per cent.

The Government

The government has continued to exert considerable influence on industrial relations in Malaysia. It has done this via legislation that incorporates structures to determine all forms of relations between employers and employees, the rights of employers, the Department of Labour and its officers, the inviolable rights of the Minister of Human Resources, terms of employment and termination of workers as well as social security, settlement of industrial disputes, and other guidelines governing the workplace. Hence, the context of industrial relations is dominated by the state. Direct government intervention into industrial relations began with the Essential Regulations Act 1965, followed by two further amendments in 1971 and 1975, which spelt out compulsory arbitration for all industrial disputes and granted sweeping powers given to the Minister of Human Resource. Under these changes, all normal functions of unions such as holding strikes, go slows etc, were either denied or controlled to such an extent that it rendered unions almost ineffective. Even workers' grievances against management were directed to the Office of the Director General of Industrial Relations, thereby further minimising the role of unions. Management prerogatives were defined, giving them rights to promote, demote, transfer and retrench workers.

In order to permit unions some form of participation, the National Joint Labour Advisory Council (NJLAC) included representation from the MTUC, CUEPACS as well as representation from employers bodies to discuss issues affecting labour policies. However, this Council now rarely meets and decisions made at these meetings are non binding. Final decisions, made at a later stage, could be without any inclusion of these earlier views. Under the recent Health and Safety Act (1994) union representation was included in the National Council of Health and Safety, but again this is advisory in nature and the Council has met only once or twice since that year. Another strategy for controlling unions was to disallow the formation of a national union after 1985. All new unions were registered as enterprise unions. In this way, unions and workers were fragmented further from other unions and workers. Ethnic sentiments have also been used for divisive purposes, to destroy solidarity in pursuing union objectives and to break up strikes. Often these enterprise unions are small and rather weak. There are some exceptions, such as the auto workers union, which has a membership exceeding a thousand. Since 1988, enterprise unions have accounted for 58 per cent of all unions and 19 per cent of all union members (Ministry of Human Resource Reports; Wad, 1996). As most women workers have started work in the factories since the 1970s, the majority are either non union members or belong to enterprise union.

The Employers

There are more than 9 employers associations in Malaysia. Two of the most influential employers groupings are the Malayan Employers Federation (MEF) and the National Chamber of Commerce and Industry of Malaysia (NCCIM). The former has a membership of approximately 1522 (MEF Report 1990: 4). Many of those who hold important positions in these organisations also hold various important posts in other agencies that have important input into government strategies and planning. There has been close collaboration between these organisations and the government on many levels from consultation at pre-Budget meetings, dialogues, seminars and representation and various government agencies and boards. Employers, therefore, have representation on more bodies than trade unions. Since many of these boards discuss economic development and productivity, employers have a strong advantage in constructing national and industrial development.

There have been instances when the MEF has not been happy with some of the government's decisions and constraints. One example is the condition set by the government on night shift (a three shift system) for women

workers. However, this matter was taken by the MEF and 'the government agreed to relax a number of conditions...' (MEF Report 1989: 14). Another example is judgements by the Industrial Court. In 1990, of 183 dismissal cases, only 19 cases were won by the employers (MEF Report 1990). These decisions by the Court may make it difficult for employers to dismiss workers in the future.

Investors and employers can exert a good deal of pressure on the government. In the past, for example, when the government refused to allow for an increase of petrol prices, there was a shortage of petrol in many stations overnight. This was a tactic used by the petroleum companies to pressure the government. In providing basic infrastructure and needs, such as the supply of water and electricity, large companies are often given consideration by the state, both in terms of cost and supply compared with the ordinary consumers.

Employers often refuse to recognise newly registered unions that exist in their factories, which leads to complaints made by unions to the Industrial Relations Department of the Ministry of Human Resource. Various other tactics are also used such as intimidation on active unionists, anti-union clauses in employment contracts and formation of company unions.

It is not only the state that has effectively curbed the effectiveness of unions and workers consciousness. Since the 1970s, many foreign companies have implemented managerial strategies to curb and de-conscientise any need for unions, such as quality circles and the introduction of a paternalistic factory culture. Quality circles are used to give workers the feeling that they have a genuine input in determining the work process. In fact, however, they do not participate in wider processes such as determining the nature of technology, production levels and working hours. Paternalistic culture is encouraged in many factories to promote the idea that the factory resembles a happy family, with workers as children. Events are organised to create identification with the factory such as factory uniforms, inter-factory games and social contests. What is more crucial here is whether there is a genuine collective interest which includes a more equitable financial distribution of profits and wages between the employers and employees. Workers' input could be used to improve working hours and productivity so that such structures could enable workers to have a healthier work environment and an improved quality of life beyond the factory.

The Trade Unions

Only about 10 per cent of workers in Malaysia are union members. Of total union membership in 1990, women comprise approximately 25 per cent. Through the government's efforts in the 1970s, the ethnic composition of the labour force saw a marked increase of Malays, particularly of Malay women who have immigrated from the rural areas to work in the factories of the Free Trade Zone.

During the 1970s, the ethnic composition of the labour force was substantially altered as a result of government policy. Malay workers, who were previously mainly concentrated in agriculture and the public sector, were drawn into the industrial sector in large numbers during the 1970s by export-oriented industrialisation and the NEP. During the 1980s and 1990s, they moved increasingly into the service sector. The increasing number of Malay industrial workers, including Malay women, was something new for the government to consider because Malays for the first time became potential union members in the private sector. Indeed, the trend in the 1980s appears to have been towards a predominance of Malays in the membership of trade unions, and a decline in the percentage of membership of Indians and Chinese, as indicated in Table 2.

Table 2: Union Membership by Ethnicity, 1963-88

Year	Malays	Chinese	Indians	Others
1968	27.0	23.0	49.0	—
1978	38.2	27.2	33.3	1.3
1980	50.6	21.6	26.9	0.9
1981	51.6	21.6	26.0	0.8
1982	51.7	21.7	25.7	0.9
1983	53.1	18.7	27.5	0.7
1984	55.8	18.0	25.6	0.6
1985	56.6	17.7	25.0	0.7
1986	56.4	18.2	23.4	2.3
1987	57.7	17.8	22.6	1.9
1988	59.3	17.5	22.1	1.2

Sources: Registrar of Trade Unions, Ministry of Labour and Manpower Report 1987/88

The percentage of Malay union members increased substantially from 27 per cent in 1968 to more than 53 per cent in 1983. This increase has also taken place at the national leadership level. As Table 3 indicates, Malays occupied over 61 per cent of leadership positions in 1985. Malay members and leaders are expected to continue to increase in the future as more Malays join the industrial sector (Rohanna, 1992).

Table 3: Union Leadership and Membership by Ethnicity

Year and percentage	Malays	Race Chinese	Indians	Others
1982				
membership	51.7	21.7	25.7	0.9
leadership	56.5	23.4	18.8	1.3
1983				
membership	53.1	18.7	27.5	0.7
leadership	57.5	21.7	19.7	1.1
1984				
membership	55.8	18.0	25.6	0.6
leadership	60.4	23.0	15.6	1.0
1985				
membership	56.4	17.7	25.1	0.6
leadership	61.9	20.7	15.5	1.9
1986				
membership	56.4	18.2	23.4	2.3
leadership	63.0	19.6	16.9	0.6
1987				
membership	57.7	17.	22.6	1.9
leadership	62.28	20.0	16.9	0.9
1988				
membership	59.3	17.5	22.1	1.2
leadership	62.4	21.2	14.5	1.9

Sources: Ministry of Labour and Manpower Reports from 1983 to 1988

In the 1960s, the majority of Malay unionists were found in the public sector unions, but this was not considered problematic for the government as most public sector unions were relatively inactive and pro-government. But as more Malays became industrial workers, it posed an uncertainty as to whether they would be as 'loyal' and as acquiescent as their public sector counterparts. Furthermore, before the 1970s, it was easier for the government to accuse the predominantly non-Malay unions of being anti-government whenever trouble arose. Since the government was dominated by the Malays, and the unions by non-Malays (leadership positions being held particularly by Indians), the credibility of such a claim was generally unquestioned by the general public. Such arguments have less credibility now as the unions are no longer dominated by non-Malays. The proletarianization of the Malays is of concern to the government because common industrial experiences may unite Malays with their fellow workers. The government in the 1980s recognised this possibility and adopted new strategies. It has deliberately encouraged the formation of in-house unions as opposed to national unions, sometimes claiming that it wants to create a predominantly Malay leadership in such unions. It has also promoted Islamic associations for Malay workers, and labour bureaus in various

political parties in the ruling coalition. The government has also tried to undermine the functions of the existing unions, and encouraged workers to think along ethnic lines.

The 1980s also saw the emergence of a new style of government leadership. As stated previously, leaders previously sought to emulate the West, whereas the new leadership preferred the East, and Japan became its shining example of prosperity and success. 'Looking East' (to Japan) became its new modernization ideology, with corresponding policies on industrial relations, unionisation, management strategies and labour productivity. In-house unions were regarded as the best form of labour organisation to serve the interests of the industry. The Japanese industrial relations system of integrating labour and management along vertical lines sought to undermine workers' solidarity along horizontal lines (Wad, 1988). Although in-house unions have been in existence for a long time in Malaysia, such as the departmental unions in the public sector and some enterprise unions in the industrial sector, this new thrust indicates that other types of unions are no longer preferred. A government report started the following:

In-house unions are deemed to be predisposed to increase productivity in that they are particularly more appropriate for the establishment and operation of quality control circles (QCC) in industries, much needed in a rapidly industrialising economy like Malaysia's. Apparently, the prevalence of national unions in the Malaysian context is not conducive to sustain industrial growth and expansion. (*Labour and Manpower Report 1983-84*: 180)

This has encouraged the Registrar of Trade Unions (RTU) to favour registering in-house unions. From 1980 onwards, most of the new unions registered were in-house unions. How does this preference for in-house unions affect women workers and their entry into unions? As the manufacturing sector has provided the greatest number of jobs for women workers since the 1970s (see *Labour and Manpower Reports 1983/84, 1987/88*) most women workers in these new industries would be affected by such decisions if they are to become union members. An exception are workers in the electronic industry who were denied unionisation until 1988. If women choose to become members, they experience 'in-house unionism'. This is disadvantageous because many in-house or enterprise unions are small and can be intimidated by the factory management, as union office bearers and members are easily identifiable. Therefore, most women in these industries, who have no previous exposure to or experience with unionism, can be manipulated by management to comply to their wishes and become tools for controlling other workers. It is argued that in-house

unions are more democratic and can bring better benefits to workers (Wad, 1996: 57) but in Malaysia such contentions are difficult to accept. In-house unions have to be viewed within the context of a work environment that is plagued by the interplay of anti-union sentiments, ethnic consciousness and religious differences.

It cannot be denied that members and office bearers of national or industrial unions may be subjected to intimidation or manipulation by management, but they have a stronger network for support. Being members of a larger union, women members can tap into the longer union experience of some leaders, such as understanding better the mechanism of collective bargaining and in dealing with problems arising from management-employee relations.

In recent years the MTUC has voiced its desire to have a seat in the Senate so that workers' interest could be represented, but no favourable response has yet emerged from the government. One of the pro-government media stated that this is not necessary as workers' voice have been regularly reported in the local media (*Star*, 25 May 1996).

Future Issues and Industrial Relations

The ambition of the Malaysian government to attain an industrialised nation status in the year 2020 means continued reliance on foreign capital and technology, as well as government involvement in private investments. Trade unions will continue to be under strict control and surveillance. This means that unions cannot hope to regain the rights of workers and unions which have been eroded over the decades. As the government continues its privatization of state enterprises, thousands of workers whose job security was previously assured will now face uncertainty.

Many unions have remained oligarchic and unless they are restructured with better leaders and programmes, and realign themselves with NGOs in the country, they will remain weak and will not represent workers' interests. By becoming involved beyond the realm of 'bread and butter' issues, unions could be tackling matters that affect the nature of work, as well as inequalities in politics, economic and social spheres. These issues include, the widening wealth ownership between the small upper class and big lower class, gender issues such as discriminatory laws against women, the media's negative portrayal of unions and NGOs, the destruction of the ecological system, indiscriminate acquisition of agriculture land for building condominiums and the empowerment of citizens in the political process. The shift to a more skilled workforce and to the service sectors, within the present ideology of material pursuits, is unlikely to result in a strengthening of

unions in the near future. The history of Malaysia has shown that service sector workers (e.g. teachers, clerks) have always been strong supporters of the government. The percentage of women unionists is expected to remain the same or vary slightly. Within the existing cultural and political constraints women are not expected to achieve any change in the existing industrial relations at the workplace or at the national level. The government will continue to view unions as a nuisance and irritant more than a partner in its pursuit of accelerated industrialisation. The democratization of society will go a long way towards strengthening unions. Unions should not only contribute towards the economic well-being of workers but also be as a participant in the social construction of society in the future.

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