

INDUSTRIAL COURT MALAYSIA

CASE NO. 5/1-2243/07

BETWEEN

SARAWAK BANK EMPLOYEES' UNION

AND

SARAWAK COMMERCIAL BANKS ASSOCIATION

AWARD NO: 705 OF 2008

BEFORE : Y.A. Tuan Chew Soo Ho - Chairman

Panel Members:

- Mr. Padan Pengiran
for the Employees

- Mr. Pau Yew Kiong
for the Employers

DATE OF MENTION : 16.1.2008

VENUE : Industrial Court Malaysia, Kuching

DATE OF COMPLAINT : 10.12.2007

DATE OF HEARING : 23.04.2008

REPRESENTATION : Mr. Andrew Lo Kian Nyan
Secretary,
Malaysian Trades Union Congress,
Sarawak Division
for the Complainant

Mr. Sivagnanam
Representative of the Respondent

AWARD

This is a Complaint lodged by the Sarawak Bank Employees' Union (hereinafter referred to as "the Union") against Sarawak Commercial Banks Association (hereinafter referred to as "the Association") under Section 56(1) of the Industrial Relations Act 1967 for the non-compliance of Article 40 (1) and (2) of the Collective Agreement entered into between the Union and the Association for the period effective from 1 January 2006 to 31 December 2008 which had been taken cognizance by the Industrial Court and registered as Cognizance No: VC: 28-14/07-07 (hereinafter referred to as "the said Collective Agreement") by the Standard Chartered Bank which is a member of the Association and which is bound by the said Collective Agreement.

This Complaint is called upon for hearing on the 23 April 2008 in the presence of Mr. Andrew Lo Kian Nyan of Malaysian Trade Union Congress, the representative appearing for the Union and Mr. Sivagnanam representing the Association. Mr. Andrew Lo Kian Nyan informed the Court that as of today, 23 April 2008, the Standard Chartered Bank through its representative Encik Mohd. Ravi Abdullah has confirmed that the Standard Chartered Bank has complied in full the said Article 40 (1) and (2) of the said Collective Agreement. Under the circumstances, Mr. Andrew Lo Kian Nyan prayed to withdraw this Complaint on ground that it has been amicably settled.

On the other matters raised in paragraphs 11 to 19 in the Statement of Case of the Union filed herein this case, Mr. Andrew Lo Kian Nyan informed the Court that they are not in relation to Article 40 (1) and (2) of the said Collective Agreement and hence are not relevant in this Complaint for which he will take them up in different proceedings; there is nevertheless an assurance from the Standard Chartered Bank that these other matters raised will be looked into expeditiously.

Mr. Sivagnanam confirmed what had been stated by Mr. Andrew Lo Kian Nyan and accordingly applied for this Complaint to be struck out.

In view of the full compliance with Article 40 (1) and (2) of the said Collective Agreement by the Standard Chartered Bank which is a member of the Association and upon the application by the Union to withdraw this Complaint as it has been amicably settled, this Court hands down this Award to strike out this Complaint without liberty to reapply or file afresh on this issue of non-compliance of Article 40 (1) and (2) of the said Collective Agreement.

HANDED DOWN AND DATED THIS 23rd DAY OF APRIL 2008.

[CHEW SOO HO]
Chairman
Industrial Court Malaysia
Kuala Lumpur