

EMPOWER Malaysia PRESS RELEASE

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Drop charges against women human rights defender and four other unionists arrested for peaceful protest against union-busting

EMPOWER calls for the Malaysian police to immediately release and drop all charges against a women human rights defender and four other unionists who were arrested on 2 June 2020 for a peaceful protest on workers' rights. Their arrests highlight the restrictive environment for freedom of expression and assembly in Malaysia.

Women human rights defender M. Saraswathy and four others L. Danaletchumy, V. Santhiran, P. Jothi and C. Subramaniam are members of the National Union of Workers in Hospital Support and Allied Services (NUWHSAS) who were protesting against their union-busting employer Edgenta UEMS at the Ipoh Hospital. The union members are cleaners at the government hospitals in Malaysia's northern states.

The arrests appear as an attempt to silence the union from exercising their fundamental rights. Instead of persecuting and jailing a woman human rights defender and activists who are standing up against injustice, the police should immediately and unconditionally release all who have been detained for their peaceful activism and drop the charges against them.

The five are being investigated under Section 186 of the Penal Code for obstructing a public servant in discharge of his public functions as well as Section 269 of the Penal Code which covers unlawfully or negligently committing an act that is likely to spread the infection of any disease dangerous to life. They are also being investigated under Regulation 7(1) of the Prevention and Control of Infectious Diseases (Measures within the Infected Local Areas) Regulations 2020, which prohibits gatherings for various purposes.

According to the union, Edgenta UEMS has embarked on widespread union busting activities in all its hospitals, attacking union members and worksite committee members. Union members have been subjected to deliberate changing of their working hours and shifts unilaterally; been arbitrarily transferred out to hospitals far away from their residence.

The company has also disallowed union worksite committees to have discussions with workers even during their break time and threatening disciplinary action against union officials. Furthermore, Edgenta UEMS has denied proper PPE equipment when they clean Covid 19 wards and facilities, putting them at great risk of infection.

Edgenta is urged to immediately halt its efforts at union busting, address the legitimate concerns of the union and improve working conditions rather than using the police and courts to stifle workers' demands. EMPOWER is also concerned that despite the constitutional rights to freedom of association, unions and workers groups continue to face various forms of harassment and intimidation to organise in Malaysia. Women human rights defenders have also faced attacks and there has been a failure of the government to address this issue.

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