

# **End discrimination against women - Industrial Court has to show the way**

Thursday 24 April 2008, by [SIVARAJAN A.](#) (Date first published: 18 April 2008).

Kuala Lumpur ,

It was another interesting session at the Kuala Lumpur Industrial Court today in Chairman Rajandran Nayagan's Court . The court heard submissions on the case against Guppy Plastic Industries Sdn.Bhd. for dismissal of nine production operators of the company on reason that they have attained retirement age at 50.

The Company was represented by Ms.Wong Kit Chen of Zul Rafique and Partners, while Comrade V.Selvam and A.Sivarajan of Parti Sosialis Malaysia (PSM) represented the production operators. Among the issues before the court were, whether the Company could introduce a new retirement clause in the employment contract unilaterally and without the consent of the workers.

Despite various case references put forward by the Wong KC to persuade the Chairman, the court held that unilateral imposition of the retirement clause ,when the workers initial contract was silent on the issue , is not acceptable .

The key issue, that was discussed was if the company could have a policy that retires women at the age of 50 while men were retired at 55 years . Wong argued that, the company arrived at the conclusion of having different retirement ages for men and women, was done after evaluating the various policies of employers in the plastic industry. The court Chairman stood firm and questioned "as court of good equity and conscience, how could this court at this time and age, accept such discriminative policy. Why should women and men have different retirement ages?", Rajandran explained " lifespan of Malaysians has increased, and just yesterday , the government has consented to the CUEPACS demands to increase the retirement age of civil servants to 60 years ."

In an attempt to salvage the company's position, their counsel then argued that women workers were found to be unfit to do production work because of their age, thus have to be retired at 50 years. Comrade V.Selvam pointed out to the court that the majority of workers employed on contract after they were retired were women and all given work in the production. " Some were even as old as 62 years and 59 years old, but they were still working as production operators after retirement on contract . " said Selvam .

" Goh Boon King (Managing Director) is no medical expert ! how could he determine if women workers beyond 50 years were no longer fit for work" ,queried Rajandran N. The court also queried , why the collective agreements made between some national unions and employers, too, have such discriminative clause of retiring women at 50 years , and men at 55 years . " Why are the unions agreeing to this? " he asked.

" The unions are no angels ! " answered Selvam . "Such practices by even unions cannot be accepted, the industrial court must correct this blatant discrimination against women" stressed Selvam.

The Chairman convinced to put an end to such policies, assured that the Industrial court will not close its eyes, just because it has been an industry practise among plastic companies. “ The Industrial Court will show the way and make a ruling which will be useful to society “

“ Do you know how a civilized society is gauged? It is gauged by how it treats women in society . Sorry to say , Ms. Wong , it is unfortunate that you have to argue for such discriminative policies of the company “ added Chairman Rajandran .

PSM and the dismissed workers hope that Industrial Court will rule in their favor. Beyond the back wages and compensation in lieu requested by the nine claimants, the judgement will certainly serve as benchmark for future industrial practice to put and end to discrimination against women .

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