

URGENT ACTION

UNION MEMBERS DEMANDING PPE CHARGED

On 2 June 2020, Malaysian police dispersed a peaceful protest against a hospital cleaning services company. The protesters' complaints included alleged unfair treatment of union members by the company and insufficient personal protective equipment for cleaners. Police arrested, detained and charged five protestors for "unauthorised gathering", violating their rights to freedom of association and assembly. Their next court appearance is 9 July 2020. We call on the Minister of Home Affairs to drop all charges against them. No one should be arrested and detained for peaceful protest.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Dato' Seri Hamzah Zainudin
Minister of Home Affairs

Kementerian Pertanian dan Industri Makanan,
Aras 17, Wisma Tani, No.28,
Persiaran Perdana, Presint 4,
62624 Putrajaya, Malaysia
Email: dhamzah11@gmail.com

Dear Dato' Seri Hamzah Zainudin,

I am writing to oppose the arrest, detention, and charges faced by five protestors – M. Sarasvathy, L. Danaletchumy V. Santhiran, P. Jothi, and C Subramaniam Raja – who participated in a peaceful protest on 2 June 2020 outside Raja Permaisuri Bainun Hospital in Ipoh. Some of the protestors are hospital workers. The protest denounced the alleged mistreatment of cleaners in the hospital including: inadequate supply of protective equipment for COVID-19, intimidation of workers active in the union, the cancellation of a Collective Agreement accepted by the previous sub-contractor, and the lack of annual increase in wages and paid holidays or sick leave – by a company sub-contracted for hospital cleaning services. The company denies these allegations.

The five protestors were arrested, remanded overnight, and chained in court, which is concerning as it is a form of inhuman or degrading treatment that may amount to torture. They face a fine of up to RM 1,000 (USD 234) each or up to six months' imprisonment or both, for allegedly violating the Prevention and Control of Infectious Diseases (Measures within the Infected Local Areas) Regulations 2020 that outlaws mass gatherings. Their next court appearance is 9 July 2020. Amnesty International calls on the government not to imprison people for breaching public health restrictions, which is a disproportionate measure given the high transmission risks in places of detention. The charges also carry a fine that may disproportionately affect the group, especially as they were protesting poor wages by the company.

The COVID-19 crisis should not be used as a pretext to unnecessarily and disproportionately suppress rights to freedom of peaceful assembly and association. Healthcare workers are the backbone of society especially during the COVID-19 pandemic, continuing to deliver services despite the risks. The government should protect the rights of hospital workers on the frontlines of the pandemic, instead of subjecting them to prosecution.

Therefore, I call on your office to:

- **Drop all charges against the five members, as the charges are either contrary to international human rights law or carry penalties that will disproportionately affect this group;**
- **Ensure that all hospital workers are provided with adequate and quality personal protective equipment, information, training, and psychosocial support; and**
- **Investigate allegations against the company and ensure that all labour laws are respected and enforced.**

Thank you for your kind attention,

Yours sincerely,

ADDITIONAL INFORMATION

Hospital cleaners in Malaysia are contract workers, hired by private companies who have been sub-contracted by concessionaires that were awarded government contracts for hospital support services. As contract workers, cleaners are often paid the minimum wage of RM1,100 (USD 258), and do not receive annual pay rises and other benefits, including permanent contracts, 15 days of paid public holidays, annual leave, bonuses, and compensation in the event of retrenchment.

In 2016, the National Union of Workers in Hospital Support and Allied Services (NUWHSAS) was revived by a group of hospital cleaners in the northern region to negotiate a collective agreement of 43 demands including increased starting wages and a yearly increment. NUWHSAS report that they negotiated a new collective agreement of 38 demands in October 2019 setting out the terms and conditions of the contract cleaners' employment. Before the agreement was supposed to take effect in January 2020, however, the sub-contract was sold off to a different company – a subsidiary of a public listed and government-linked company owned by the Malaysian government's sovereign wealth fund. According to [media reports](#), the company now refuses to recognise the union, and the collective agreement was null and void. The company has neither confirmed nor denied that it refuses to recognise the union but [said](#) the claim of union busting is the subject of a pending trade dispute case under the Industrial Relations Act Section 18, but court proceedings have been postponed due the COVID-19 pandemic.

According to NUWHSAS, since the start of the COVID-19 pandemic, cleaners do not have access to adequate personal protective equipment when they clean COVID-19 wards and facilities, and Edgenta UEMS has provided them with an inadequate supply of masks and gloves. The union has also accused Edgenta UEMS of particularly targeting cleaners active in the union by:

- Changing the working hours and shifts of workers active in the union;
- Arbitrarily transferring union members to hospitals far from their residence;
- Forbidding union-related discussion between union worksite committees and workers, even during break times;
- Disallowing union members from working overtime to increase their earnings;
- Intimidating and threatening union members with disciplinary action.

On June 3, the company released [a statement denying the allegations](#) put forth by the union, including the deliberate changing of hours and shifts, arbitrary transfer to hospitals, forbidding union activities, verbal harassment, the denial of PPE, and the lack of increment in wages and paid holidays. However, legal representatives of the union stand by their original allegations.

In a letter to Amnesty International Malaysia on June 19, UEM Edgenta once again denied the allegations. They also stated that they had taken multiple actions since the incident. These include forming an internal taskforce to review the allegations by the union; a roadshow at selected hospitals in Northern Peninsular Malaysia that included an audit of PPE and engagement sessions with healthcare support services employees; and the development of PrihatinLine, an online channel for HSS employees to share feedback and concerns with top management and the new taskforce.

Prior to this incident, on 26 March 2020, the union stated that workers at Teluk Intan Hospital were barred by the same company from being screened for COVID-19—despite 39 health staff at the hospital having tested positive. The union claimed that the company's reasoning for refusing testing was that there would be no replacements for the cleaners if they were asked to go on leave following the screening³. On 27 March, the Ministry of Health ordered all workers at the hospital to undergo COVID-19 tests.

PREFERRED LANGUAGE TO ADDRESS TARGET: English, Bahasa Malaysia

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 21 August 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: M. Sarasvathy (She/her); L. Danaletchumy (She/her); V. Santhiran ; (She/her); P. Jothi (He/him); C Subramaniam Raja (He/him)