

backs are the result of defective educational methods, which they consider should be radically reformed.

- In connection with the development of the important forest resources of the country, the Commission makes special mention of the forest population of aboriginal Indians who, in view of their knowledge and aptitude in forestry, are, in the words of the report, not only "a real asset to the Colony as a natural source of labour for exploiting and preserving the forest, but, with regular employment and considerate treatment, may acquire more settled habits and develop into a valuable and productive section of the community, practising agriculture side by side with forestry."

## Labour Protection in Malaya<sup>1</sup>

### GENERAL

The Annual Report of the Straits Settlements Labour Department<sup>2</sup> records the arrival during 1926 of 174,795, and the repatriation of 65,786, Indian immigrants. During the same period the corresponding figures for Chinese immigrants were 348,593 and 120,308.<sup>3</sup> The immigration figures for both Indians and Chinese constitute records, partly explained by the prosperity of Malaya's major industries — rubber and tin — and their consequently increasing labour requirements.

This increased demand for labour is probably also responsible for the rise in wages to be noticed in various parts of Malaya. In the Settlement of Singapore, for example, the wages of Indian labourers on estates were as follows for 1925 and 1926<sup>4</sup>:

	1925	1926
	Cents	Cents
Male tappers	50-60	50-70
Female „	40-50	40-60
Male weeders	45-50	50-60
Female „	30-35	40-50
Male factory coolies	60-70	60-80
Female „ „	30-35	—

In Penang following a strike the labourers of the Harbour Board were granted an increase of 20 per cent. In the Federated Malay States a general rise in wages is stated to have occurred in the tin mining industry, which employed 116,216 labourers.<sup>5</sup>

<sup>1</sup> Cf. *Industrial and Labour Information*, Vol. XX, No. 13, 27 Dec. 1926, p. 587.

<sup>2</sup> STRAITS SETTLEMENTS: *Annual Report on the Working of the Labour Department for the year 1926*.

<sup>3</sup> *Colonial Reports. Annual. Straits Settlements. Report for 1926*. London, H.M. Stationery Office.

<sup>4</sup> STRAITS SETTLEMENTS: *Annual Reports on the Working of the Labour Department for the years 1925-1926*.

<sup>5</sup> *Colonial Reports. Annual. Federated Malay States. Report for 1926*. London, H.M. Stationery Office.

The standard rates of wages prescribed by the Indian Immigration Committee in October 1925 for the three coast districts of Selangor, which were previously paying the lowest rates in Malaya, came into force from 1 January 1926. The rates prescribed, 40 cents a day for adult males and 30 cents a day for adult females, were not satisfactory to the Government of India. After some correspondence between the Government of India and the Malayan Governments, the Indian Immigration Committee selected Province Wellesley as a key area for easily accessible and fairly healthy tracts and the inland districts of Pahang as typical of inaccessible and rather unhealthy areas, it having been decided to divide the country into these two categories for the purpose of the wage enquiry. The final enquiry by the Indian Immigration Committee for Province Wellesley was decided on 9 March 1927, the rates prescribed being 50 cents for adult males and 40 cents for adult females. The enquiry for Pahang had at that date not been completed.

At present the labour laws contain no provision for the fixation of standard wages for children, though child labour has become an important factor in Malaya. The Agent of the Government of India states that he has found that children were paid very low wages. Moreover, in some places children of less than ten years of age were employed, on the pretext that their parents had misrepresented the ages of such children. The Agent adds that the Federal Malay States Government has since agreed to the amendment of the law regarding the prohibition of the employment of children of less than ten years of age in response to representations made to them in this matter.<sup>1</sup>

The condition of public health during 1926 compares unfavourably with that in other recent years.<sup>2</sup> Exceptionally heavy rain at the end of 1925, followed by a prolonged drought, appears to have contributed to an increase notably in cases of malaria. In the Straits Settlements the death rate of the total population was 31.81 per thousand, the highest since 1920. In the Federated Malay States the death rate, excluding Pahang, was 29.22 per thousand, whereas in 1925 the rate was 23.60 for the whole of the Federated Malay States. The increased general mortality figures had their counterpart in increased mortality among labourers in certain districts. Thus, in Malacca the death rate of Indian labourers employed on estates was 17.2 per thousand, the highest figure recorded since 1923, and in Province Wellesley 13.56, as compared with 11.26 in 1925. Because of the peculiar age and sex distribution and the fact that the labour is largely composed of persons between twenty and forty-five years of age who have been medically examined before embarking for Malaya, these figures cannot be compared with those of countries where labour is indigenous, and where age and sex distribution are normal. It should, however, be noted that the death rates are considerably lower than those recorded for 1911, when

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<sup>1</sup> *Annual Report of the Agent of the Government of India in British Malaya for the year 1926.* Calcutta, Government of India Central Publication Branch.

<sup>2</sup> *Colonial Reports. Annual. Federated Malay States and Straits Settlements. Reports for 1926.* STRAITS SETTLEMENTS: *Annual Report on the Working of the Labour Department for the year 1926.*

the climatic conditions were somewhat similar, the general figures for the Straits Settlements for that year being 46.46 per thousand and for the Federated Malay States 39.11.

Nevertheless, the Agent of the Government of India points out that the conditions governing the training and recruitment of estate dressers are not satisfactory. He considers that the recruitment of qualified sub-assistant surgeons from the Madras Presidency deserves serious consideration from the health authorities.<sup>1</sup>

Regarding labour inspection during 1926, 218 visits to places of employment in the Straits Settlements were made by officers of the Labour Department and 922 complaints from labourers were registered and investigated. These complaints were classified as follows :

Late or non-payment of wages	594
Wrongful dismissal	44
Refusal to discharge after notice	12
Separation of families	23
Assault by <i>mandors</i> , conductors, etc.	54
Complaints in which legal proceedings were taken	14
Miscellaneous	181
<b>Total</b>	<b>922</b>

The Agent of the Government of India examined 156 complaints in the course of the year. In two cases where criminal proceedings had been taken against several labourers the Agent attended the magistrates' court to watch the proceedings on behalf of the labourers. The intercession of the Agency was frequently sought not only by the Indian labourers but also by other Indians and by employers of labour, including Government departments.<sup>2</sup>

#### DUTCH INDIAN LABOUR

In the Federated Malay States an Enactment dated 2 August 1927 has consolidated and amended the law relating to the employment of labourers from the Dutch Indies.<sup>3</sup>

Male labourers of the age of sixteen years and upwards and female labourers of the age of fifteen years and upwards may enter into contracts of service under the Enactment. Such contracts, which may not be for a longer period than 900 days' work, are executed by the labourer and by the employer or his agent before an official of the Government of Dutch India, and within fourteen days of the labourers' arrival are exhibited to the Malayan Superintendent of Netherlands Indian Immigrants and initialled by him.

No money may be recovered from a contract labourer by an employer or deducted from his wages, except on account of advances specified in

<sup>1</sup> *Annual Report of the Agent of the Government of India in British Malaya for the year 1926.*

<sup>2</sup> *Ibid.*

<sup>3</sup> *Federated Malay States Government Gazette*, 23 Sept. 1927.

the contract, of rations supplied in accordance with the enactment, and of deductions authorised by the Superintendent or Magistrate on certain specified conditions.

The Enactment provides that no labourer shall be bound to work more than nine hours a day of actual labour or more than six consecutive hours or on more than six days in one week. If a labourer works for and at the request of his employer more than nine hours in one day he is paid for his overtime at time-and-a-half rates. The employer may assign tasks to be performed as equivalent to work for a day of nine hours. Any such assignment of tasks is subject to revision by the Superintendent.

The provisions of the Federated Malay States general Labour Code relating to the health of assistants and labourers and to places unfit for the employment of labour are made applicable to places of employment under the Dutch Indian Labourers' Enactment.

The Enactment retains a system of penal sanctions for contract labourers. Any such labourer who, without reasonable excuse, neglects to perform twenty days' work in any one calendar month is liable to imprisonment for not exceeding seven days. Any labourer who has executed a contract to labour within the Federated Malay States for a period exceeding one month and who neglects or refuses to proceed to his place of employment is liable to a fine of not exceeding 75 dollars or to imprisonment for not exceeding three months. Any labourer who, without reasonable excuse, disobeys any lawful order given by the employer or wilfully and knowingly omits to do any duty necessary for the management, discipline, and good order of the place of employment is liable to a fine not exceeding 50 cents, and for a second or subsequent offence to imprisonment for not exceeding seven days, in addition to the fine. Any labourer who, without reasonable excuse, is absent from the place of employment during working hours is liable to a fine of 50 cents. Desertion is punishable by imprisonment for a maximum period of one month for the first offence, of two months for the second offence, and of three months for subsequent offences. If any labourer deserts or attempts to desert, his employer or any officer of the Superintendent's department may arrest him without warrant. Any labourer who wilfully disables himself is liable to imprisonment for not exceeding one month.

Regarding offences against labourers, any person separating or abetting the separation of a labourer from his wife or children under the age of fifteen years, without the consent of the labourer and his wife, is liable to a fine of not exceeding 100 dollars. Other offences for which employers are liable to prosecution are connected with the payment of wages, the submission of reports, and the maintenance of health.

The Enactment provides that any person who alone or in combination with others hinders or molests any contract labourer in the performance of his contract of service is liable to a fine of not exceeding 200 dollars or to imprisonment for not exceeding six months.

The Enactment also contains provisions regarding inspection, the right of labourers to complain to the Superintendent, and the procedure by the Superintendent on the receipt of such complaints.

## SARAWAK

The Government of Sarawak has issued the text of an Order to regulate the recruiting for and employment in Sarawak of labourers from the Dutch Indies.<sup>1</sup>

Many of the provisions of this Order are in substantial agreement with those of the Federated Malay States Enactment. Certain additional provisions, however, are of interest.

According to the Order, the Protector of Netherlands Indian Labour, whose duties correspond to those of the Federated Malay States Superintendent, may require any employer to construct and maintain at his own expense a nursery with accommodation for a stipulated number of infants under the age of three years and may require him to employ a stated number of nurses. The nurseries are to be opened for the accommodation of infants during all hours in which the mothers or guardians are at work, and the employers must supply, at their own expense, milk and rice for each infant accommodated. The Order also lays down that female labourers are entitled to abstain from work for two months before and two months after confinement, and provides for the payment of maternity allowances by the employer.<sup>2</sup>

Two further differences between the Federated Malay States and the Sarawak legislation may be noted. In Sarawak the labourer may request his employer to allow him to go before the Protector, who upon receiving a sum equal to that expended by the employer in respect of passage money and of cash advanced may give notice to the employer of the determination of the contract of service. This determination comes into force within one week from the Protector's notification, unless the employer can give some reason judged sufficient by the Protector for the non-determination of the contract. In the Federated Malay States, on the other hand, in the case of such determination of contract, the labourer is liable to pay not only his passage money and cash advances, but also a sum calculated as being equal to the value of the unexpired portion of the labourer's contract. Secondly, in Sarawak the employer may agree with the labourer for the latter's payment at piece-work rates, provided that the prices paid for such work are subject to revision by the Protector and provided that any labourer who has worked for nine hours on any one day without completing his task is entitled to full wages. In the Federated Malay States piece work is similarly permitted, but it is not provided that any labourer who has worked his nine hours without completing his task is entitled to full wages.

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<sup>1</sup> Order No. N.-3 (Netherlands Indian Labourers' Protection). *Sarawak Government Gazette*, 1 Sept. 1927.

<sup>2</sup> In the Federated Malay States the general Labour Code provides for the creation of estate nurseries and the payment of maternity allowances. It does not, however, appear that these provisions are applicable to contract Dutch Indian labour.