

From SFIEU to STIEU: The Struggle of Trade Union Collective Action in Sabah, Malaysia

Dari SFIEU Ke STIEU: Perjuangan Tindakan Kolektif Kesatuan Sekerja Di Sabah, Malaysia

Mahadirin Hj.Ahmad¹, Kee Y Sabariah Kee Mohd Yussof¹, Sharifah Nursyahidah Syed Annuar², Baszley Bee Basrah Bee¹, Norhuda Salleh¹, Nassiah Gaong¹, Roziana Ramle¹

¹ Faculty of Social Science and Humanities, University Malaysia Sabah. E-mail: muhadir@ums.edu.my

¹ Faculty of Social Science and Humanities, University Malaysia Sabah. E-mail: keesabariah@ums.edu.my

² Faculty of Social Science and Humanities, University Kebangsaan Malaysia. E-mail: shnursyahidah@ukm.edu.my

¹ Faculty of Social Science and Humanities, University Malaysia Sabah. E-mail: baszley@ums.edu.my

¹ Faculty of Social Science and Humanities, University Malaysia Sabah. E-mail: norhudasalleh@ums.edu.my

¹ Faculty of Social Science and Humanities, University Malaysia Sabah. E-mail: nassiahcya@gmail.com

¹ Faculty of Social Science and Humanities, University Malaysia Sabah. E-mail: roziana_ramle_ma22@iluv.ums.edu.my

Abstract: *This paper explains the research finding related to the struggle of SFIEU to STIEU and its relationship to the idea of Virtual Paper and Employment Museum in Sabah. The idea based on the fact related to collective action as a potential medium to balance the power possessed by capitalists especially to advance the interests of workers. The dynamic nature of collective action and its development in the state of Sabah will be explained through the formation of the SFI virtual museum which is the struggle of workers from the Sabah Forest Industries Employee Union (SFIEU) to the Sabah Timber Industries Employee Union (STIEU) since the 1990s. This study was developed by applying the combinations of interview and content analysis approach by relating the development of unions to the attitude of capitalists and the influence of state government policies. Despite various assistance given to workers by the union at the national level, efforts to establish a union and subsequently obtain recognition could not be implemented until finally SFI had to be closed. This fact is an extraordinary phenomenon that proves that the state of Sabah holds various forms of social phenomenon that can be used as a lesson for future generations. Further research in various other fields needs to be done to assess its impact on the state's development problem which is relatively late compared to other states in Malaysia even though Sabah has a variety of valuable resources.*



Keywords: Sabah Economic, Sabah Forest Industries, Trade Union, Forest and Agriculture Sectors, Collective Action

1. Introduction

The story of the trade union struggle is becoming less popular, and its influence is also decreasing. Recent studies show that the flow of research related to trade unions is related to several issues that can be summarized into several themes. First, the study related to the role of unions, secondly related to the challenges of seeker unions and thirdly related to the direction or future of trade unions (Sharifah, 2021). This diversity is reinforced by the characteristics of studies involving various disciplines in the Social Sciences and Humanities. Therefore, it can be stated that the same trend has occurred all over the world despite different rates of development. These phenomena and changes will be explained based on the reality involving the struggle of Sabah Forest Industries (SFI) workers.

The main theme tried to convey is related to the dynamic nature of collective action and its development in the state of Sabah. The idea is related to the ability of collective action to balance the power possessed

by the capitalist class to advance the interests of workers. This dynamic will be explained based on the idea of forming a SFI virtual museum based on the struggle of workers from the Sabah Forest Industries Employee Union (SFIEU) to the Sabah Timber Industries Employee Union (STIEU) since the 1990s. However, the limitation of this study is the lack of analysis on the aspect of solidarity which is one of the important foundations in making collective action successful.

2. The Dynamics of Collective Action

Research related to collective action continues to grow in accordance with the development of the world of work. Its dynamic nature proves that workers will continue to adjust their actions according to the environmental conditions (Nassiah, et.al 2022). It started with a theory by Manchur Olson (1971) then developed by Kelly (1998) and then by Atzeni (2010). In addition, the relationship between mobilization and collective action is also based on solidarity (Atzeni, 2010:26) which is the basis for the success of collective action. According to Atzeni:

“...Without the recognition of solidarity as the foundational moment of collective action, we cannot understand the real basis for the success of union activity, the need for workers to be organised, political calls for workers’ unity and, by the contrary, all the cases of spontaneous mobilization out of the union channel or in de-unionised workplaces...”

The mobilization process that makes collective action successful is a fundamental activity for trade unions. Among the main actions are in the collective bargaining process and industrial actions such as pickets and strikes. However, due to various control and environmental factors, this collective action has changed and is more closed (Hebdon, 2005). Among the changes that occur is traditional actions that change to online actions with the concept of 'Connective Action' (Akfirat et al., 2021). Studies in the Marxist trend focus more on "structure" and "agency" that connect between forms of control and forms of action (Atzeni, 2019). In relation to structure, various studies have proven that restrictions and controls by the government have limited the development of trade unions in Malaysia (Mahadirin et.al, 2019).

Some major studies related to collective action show that there has been a reduction in the form of collective action that involves the solidarity of workers in developed countries, especially involving strike action over the past 30 years (Akfirat et al., 2021:627). In other contexts, collective action also has similarities with the concept of mutual cooperation and is in accordance with the culture of society in Asia (Mahadirin & Kee Y Sabariah, 2022).

However, there are some changes in those actions to other forms, especially those involving "online" actions that are conceptualized as "connective actions". Its main nature is to involve individual actions in social media involving the same issue and subject. In general, some of the main issues related to this action show the influence of information and communication technology as explained:

“...Digital technologies, as a new tool of communication, organization, and mobilization have transformed collective actions (Bennett & Segerberg, 2012; Postmes et al., 2002; Thomas et al., 2015). Some scholars proposed that collective actions have undergone a qualitative transformation especially due to the widespread use of digital technologies (e.g., social media) that allow for user-generated content, and make possible for individuals to comment, share, and circulate the contents (e.g., Bennett et al., 2008; Leong et al., 2019; Vaast et al., 2017). Accordingly, digital technologies have

a huge impact on collective actions via making mass communication possible and the basic characteristic of collective actions, being a group-level phenomenon, has transformed into a new form (Bennett & Segerberg, 2012). This new form, connective action, has a distinct logic because it presumably operates at interpersonal or even at an individual level rather than working based on shared social identities (Bennett et al., 2008; Bennett & Segerberg, 2012; Earl & Kimport, 2011)..."

These changes also occurred in the SFIEU and STIEU case studies, but on a different scale and created different situations. The changes that occur will be explained based on STIEU's experience as a unit of analysis that starts at the organizational level (internal union) then to the national level union. This struggle shows that as long as workers have the will to act collectively, unions will continue to play their classic role of protecting workers.

3. Research Method

This study was developed by applications (using) an analytical approach to interview results and content analysis by linking the development of trade unions with the attitude of capitalists and the influence of state government policies. Despite various assistance given to workers by the union at the national level, efforts to establish a union and subsequently obtain recognition could not be implemented until finally SFI as a large company had to be closed. Several main themes will be discussed based on the factors that influence collective action as one of the trade union struggle processes. Among others, the factors are (Atzeni, 2010:29):

"Empirically, the combinations of many different factors, each important on its own, can contribute to explaining why workers have mobilized in a specific case. From favorable external socio-political conditions to internal organizational strength, from management violation of rules to workers' explicit confrontational strategy, from charismatic leadership to political parties guiding mobilization, from grass-roots to bureaucracy led mobilization, from mobilization under the banner of injustice to action in solidarity with other organizations, from planned to spontaneous mobilizations, all these are just examples of some of the factors that alone or in combination influence workers' decision to act collectively..."

All these factors have been identified in the case of SFIEU and STIEU which show some interesting phenomena. Among them are related to the involvement of investors from India, intervention from the Sabah State Government, and various obstacles faced by the union throughout the recognition process. Based on the findings, further explanation will focus on the SFIEU and STIEU entities as units of analysis, followed by the findings of the study and then the analysis of the study.

4. Findings of the Study

The results of this study were obtained through a field study that was held in a series of studies in 2022. The first series was in March followed by a study in September. In addition, the writer was also involved in organizing the SULAM program a success for the AH32403 Employment Law course organized by the Industrial Relations Club, Faculty of Social Sciences and Humanities, Universiti Malaysia Sabah. The program was held on 17 to 19 June 2022 (Appendix 1). Based on the interviews conducted, the process of changing SFIEU to STIEU will be explained involving two themes which are the establishment process and the challenges faced.

4.1. Sabah Forest Industries

Sabah Forest Industries (SFI) is a paper production company that has been operating since 1982 established by the Sabah State Government at that time. After that, the operation was taken over by Lion Group Berhad which then changed ownership to a company from India namely Ballapur Industries Limited. The good development has led SFI to become one of the leading paper producing companies in the world with its own concession or log area. Among the advantages of SFI are (Ainun, 2011):

“...Malaysia’s one and only integrated pulp and paper mill, Sabah Forest Industries Sdn. Bhd. (SFI), in Sipitang, East Malaysia, utilizes its own planted woody chips as raw materials. As reported by three Food and Agriculture Organization of the United Nations (2011), SFI acquires about 60,000 ha of industrial plantations area planted with fast-growing exotic plants, such as Acacia mangium, Eucalyptus camaldulensis, gmelina, and pine...”

This advantage has a positive effect on economic generation, especially job opportunities for the people of Sabah. In relation to that, SFI's contribution has directly developed Sipitang district. In 2004, SFI provided a profit of RM38.1 million to the company as reported in the annual report that:

"For the financial year under review, the revenue of Sabah Forest Industries Sdn Bhd ("SFI") has decreased by 4% from RM398 million last year to RM384 million mainly due to low paper sales. However, profit was only marginally affected as it was accommodated by the strengthening of sales prices of paper products which increased steadily on average from US\$670 metric ton ("MT") to US\$715 MT in the financial year. This allowed SFI to record a pre-tax profit of RM38.1 million in the financial year under review, despite falling 4% from RM39.5 million in the previous year. (Lion Forest Industries Berhad Annual Report, 2005: 20-21)

However, despite the success, SFI faced problems in the process of recognizing the existence of trade unions. Establishment efforts have been carried out since 1990 and have always met with obstacles. Since 2015 the performance of the SFI company has declined and caused BILT to plan to sell the company at a higher price. In October 2014, the International Finance Corporation (IFC) the investment arm of the World Bank) provided a total of US\$250 million to BILT and SFI to expand their operations. In 2015, BILT tried to sell SFI for US\$500 million to Pandawa Sakti Sdn Bhd, but the sale was unsuccessful. In October 2016, the Department of Occupational Safety and Health ordered that their factory be closed due to hazardous working conditions as in the Cao Investigation Report on IFC's Environmental and social performance in relation to BILT Paper B.V., Malaysia said that:

"In August 2014, the IFC board approved a US\$250 million debt and equity investment in BILT PAPER and its subsidiary in Malaysia together with Sabah Forest Industries (SFI). The investment consisted of US\$100 million equity in BILT PAPER and three loans to (SFI). Among them, loan A is worth US\$50 million, loan B amounts to US\$62.5 million and syndicated loans amounting to US\$37.5 million". (Neil, 2022)

This development also brought with it the development of trade unions which were first formed in 1989 as shown in Table 1

Table 1 Chronology of the Establishment of the SFI Trade Union

No	Year	Event
1	1982	The establishment of SFI by the Sabah State Government
2	1990	The workers established the Sabah Forest Industries Employee Union (SFIEU) and filed a demand for union recognition, but management refused on the grounds that the SFIEU did not represent the majority of SFI workers.
3	2009	Two decades later in 2009 (when BILT had acquired SFI) SFIEU was disbanded, and the workers decided to join the Sabah Timber Industry Employee Union (STIEU).
4	2010	A year later, the majority of SFI workers held a secret ballot to be represented by the STIEU
5	2011	By January 2011, the Ministry of Human Resources (KSM) approved STIEU's claim to register as a union at SFI, and sent a notice to management to recognize STIEU, effective from October 2009. However, two months later, SFI filed an application to judicially review KSM's decision. When this was rejected by the High Court Order, SFI appealed to the Court of Appeal. Pending the decision of the Court of Appeal, the High Court granted SFI permission for an interim order.
6	2012	In November 2012 the Court of Appeal ruled in favor of SFI, thus rejecting STIEU's second claim for recognition.
7	2013	In June 2013 SFI invited its staff to form a "Joint Consultative Committee" (JCC) as a platform for dialogue with workers. The STIEU stated that management was informed that it would not support the JCC as an alternative representation mechanism for workers rather than their own trade union of choice.
8	2014	In March 2014 a third demand for union recognition was filed, which was again rejected by the SFI management. A secret ballot was scheduled for September 2014, but SFI requested that the secret ballot be postponed, asking the Sabah Trade Union Department (TUD) to investigate STIEU's "competence" to represent SFI workers. In November 2014 SFI management distributed a memorandum to all its employees stating that the company would only support internal unions and encourage employee representatives to accept this "offer". However, STIEU rejected this call to have an in-house union"
9	2015	In January 2015 the SFI repeated this offer, but the STIEU continued to reject its demands for union independence. In April 2015 the KSM informed the SFI of the decision on the employees' secret ballot eligibility, whereas the SFI filed a third judicial review calling the MOHR's decision on the eligibility "irrational".
10	2016	In May 2016 the High Court rejected SFI's call for a judicial review. Once again, SFI refused to accept the High Court's decision and filed an appeal to the Court of Appeal. The case was then appealed by the SFI to the Federal Court, where it was again thrown out by the judge, but the decision was never given to the union, which also incorrectly informed that without a written decision the date of the secret ballot could not be set.

Source: Compiled and rearranged from SFI IFC UPDATE REPORT (2018)
<https://www.bwint.org/web/content/cms.media/1252/datas/SFI%20IFC%20Report%20update.pdf>

4.2. Establishment of SFIEU

Efforts to establish the Sabah Forest Industry Employee Union (SFIEU) have been started since 1989 with the efforts of several employees. The process follows the procedures established in the Trade Union Act, 1959 and the Industrial Relations Act 1967. However, this compliance cannot guarantee success in the recognition process because the employer has the power to grant or reject recognition applications. In the context of SFIEU, the employer has adopted an attitude of refusal and this process has been referred to a third party. This has been stated by the Malaysian Industrial Relations Officer as reported in a study by Siti Suraya and Nik Kamal (2020:28):

“...The lengthy and complicated procedures are a challenge for a trade union to efficiently function, as the employer's recognition is a prerequisite before the trade union can participate in the collective bargaining. Anti-union practices of employers in avoiding collective bargaining can further aggravate the situation. Evidence of such practice is the case of Sabah Forest Industries ('SFI') whereby the employer has consistently filed for judicial reviews since 2003 to deny recognition of the trade union. The DGIR contended that the employer was the cause of the delay in the recognition process, first, by rejecting the claim for recognition, issuing objections and making an application(s) to the High Court for judicial reviews. The grounds of complaints and the basis for judicial review application were technical matters such as spelling mistakes in the application form, the absence of the employer in the secret ballot meeting and the defective service of notices...”

To overcome the reluctance, the workers have taken a strategy to join the trade union at the national level. This process was stated by Respondent 1 who said that:

“...When it's like that, at SFI we also go through all kinds of challenges, because even though we are an in-house union, the company doesn't want to recognize our union, causing us to 3 times, I remember, file recognition claims against the company itself, imagine. .and finally he was the last one we did in 1999 how much did we file, he is not a problem. His problem is when the vote is difficult to conduct or before that TUA (law) we won, So when the Minister issues an order, SFI challenges the Minister's decision, he uses his power because his problem is SFI, right, he has political influence because the state government itself at the time that there is interference in this SFI issue, you really don't want it, so during that period we returned and were sent to court. Court games. Because he went back and forth to court. So our challenge is very big, because when we file a claim we challenge the minister's decision, he can continue to challenge it until the next one and he will play with the department, he will make small changes in that decision, that decision, causing that paper to be dismissed. ...”

The obstacles and challenges identified show the strategies used by trade unions to continue their commitment. The strategy is to dissolve the SFIEU and then join the SFIEU in 2009 as told by the respondents that:

“The case had to be dismissed, so that's one of the things we're struggling with because the legal department also has influence, right? Then when we think about it in-house, he thinks he says we're like family, but he doesn't even want to admit it, right? Lastly we thought of disbanding SFI's in-house union, we joined the National Union because to us, we are the employees

of the company and you don't want to recognize it? therefore what else do you want? It's better if we join the national one (which is already recognized, we only need to join) ahh yes, we joined in 2009, we disbanded the in-house union within a few months of the same year we joined and after the membership ran out, we refused to join STIEU."

In relation to the action, the SFI employer has given a response that was described as 'angry' by the respondent. With that being used as an excuse to continue not recognizing the workers who joined the trade union, he stated that:

"(what is the employer's reaction?) Hmm, angry.. Now you want to demand recognition, we used to remember when you were in-house union you were family. Because of you we have employees. The problem in the national union is not only you, you are not only our workers but all the timber workers throughout Sabah, so how do you want to be recognized.. (there is an answer ahh.. great) right."

This strategy is also due to an event involving the interests of SFI which is in the process of obtaining approval for FSC (Forest Stewardship Council). Once again, the union has successfully defended its decision to continue to join the national union despite receiving various offers from the employer. This offer is described as 'dirty play' as stated by the respondent that:

"So look at that, that's why we fought under STIEU, we fought because SFI at that time took advantage of the union because when he applied for SFC forestry certification hmm ahh, he needed inside he had criteria ahh that standard he had a workers' right section, Naa!! In workers right, there he mentions that if the company does not have a union, it must have a council body (JCC) if there is, then you have to recognize the union, right.. So from there he played dirty again.. He did this, a memo came out, he called again and said "this is how he wants to trap, his problem is you are the national union.. How about if you make an in-house union so that the in-house union is affiliated with your union.. Ahh he said that.. (affiliate with nationality) hmm yeah.."

The request was discussed by the union and found that the union members rejected the request. This rejection is based on previous experience, which is during the process of getting recognition as an in-house union, according to the respondent:

"Hehehehe, so all the workers don't want it, all the members don't want it, because we're from the in-house union, if you honestly recognize the union you should recognize him during the in-house union that you call as family.. Now you give it back again , so we don't want to."

Based on the rejection, the union's struggle then got another challenge when the employer gave a report that differed from the decision made by the union. According to another respondent:

"Therefore what did he do, he made a report contrary to the meeting we had.. Because he didn't give the minutes, ahh so but he forgot because our union cooperated with MTUC one and cooperated with Building and Wood Workers International (BWI). Ok so, we are also members, international members for FSC, I am one of the members of FSC, so I have access to see what SFI's application is to SFC because he wants to take the full set, when I look, I see that he has reports that are all contradictory, he says everything the workers agreed to do this."

This situation shows a contradiction of statements between the union and SFI management and involves international organizations. The respondent's involvement as a member of the SFC committee and the union's involvement as a member of the international union have indirectly helped the union. This statement was proven when, the SFC certificate was withdrawn when the union made a complaint related to incorrect reports. This was explained by the respondent that:

"It's like this, he made a report, so we took that report and made a complaint with the SFI. The report was all false, so the SFC group had a form one investigation community went to do a random iv, then he had to withdraw, he had a certificate, then he did it again what is the loan application for this Indian company, he applied for a loan to the World Bank, doesn't the World Bank have a performance standard for him, right? So he is the same, just like the SFC has a provision for workers right, so you can't.. Ahh, what is it that violates the ILO and what's the matter.. What happened he committed another fraud there, we file true channel so we have to send another investigation and loan he can't do.. because he committed fraud if he was honest with the employees he shouldn't have to face this problem , he didn't recognize it, it's okay but he made a fraud by forging the document which is the most serious.. I think so, that's the SFI issue.. which until now he's down to this point..

All the events narrated above are the reality that the workers have gone through in establishing a union at SFI. Despite going through various obstacles, the attitude and feedback from the management is the same, which is to use various tricks that are said to be 'dirty play'. At the last stage, the attitude did not change when finally the employer made the union one of the factors to the failure of SFI in continuing their operations. This event happened in a meeting as told by the respondent that:

"Hmm, his impact is very big because of his problem ahh he is the person now who uses the union as hmm what is the reason that the company, look because the union files like this the company can't get a certificate and can't get a loan to develop the company like that", but in fact he has already there is a performance standard of his own that he has to meet those conditions, right, but he made that lie at the same time he didn't hmm it's not very basic, even in one, if he admits it, he already got it all, but he did that during the public consultation, I remember he I forgot which hotel already in KL, ahh I objected I mentioned Sabah Timber Association when voice out, when someone said look you people are soo strict you people are so what's that hmm like this is too over what do you have this standard is causing look one example SFI what happen its is all because of only he is breaching of that one standard only he said.. Look who loose, is it the workers" he said that, then I got up."

This statement was objected to by the respondent by giving an explanation of the rejection for recognition that the union has been working on over the years, he stated that:

"I said it should be, as a company you already know you have to comply with that so why do you have to make a false report, if you don't make a false report it's obvious that the union already exists there which you can't deny where the department itself has issued the Minister's order direction to recognize the court's decision has confirmed that it is in favor of union workers."

Although the ministry has issued a decision to recognize the trade union, the employers are still with their stance. This action was carried out due to political interference from the Sabah state government. In relation to that, the respondents expressed how difficult (difficult) their struggle was at SFI. This statement was concluded by the respondent:

"So that already proves that he has to agree, that's what caused it to be a little difficult with SFI actually. But if SFI doesn't have a political mix, I think it will be ok.. Because we also have the issue of illegal logging, right? That's why you don't want the union to be recognized.. Hmm, but it's actually more political and if I want to talk about SFI"

The results of these findings show that the struggle of workers to establish a union and subsequently get recognition is something difficult. The difficulty stems from a combination of employer attitudes and political interference that causes cases to be repeatedly referred through judicial review.

4.2. SFI Actions and Responses

The SFI used the power of judicial review to question the decision given by the Ministry of Human Resources in the recognition process. This reluctance was explained directly in the ITUC (International Trade Union Congress) Global Index report in 2016 with the title Timber company continues to deny workers union recognition. The refusal by the employer since 2003 and 2010 and then the refusal in 2015. Although the union has changed to a national union, the employer remains with their stance of not recognizing STIEU. Among other passages in the report assert that:

"Sabah Forest Industries (SFI) filed a judicial review on 14 May 2015 seeking to quash a ministerial order on the eligibility of its employees to vote in a secret ballot on whether they wanted to be represented by the Sabah Timber Industry Employees Union (STIEU). SFI workers had been battling for 24 years for union recognition but had been thwarted at every turn by the company's legal manoeuvres. Two previous attempts to file for recognition, in 2003 under the now defunct Sabah Forest Industries Employees Union and in 2010 as STIEU, had ended with SFI management successfully filing for judicial review. Yet STIEU's 2010 secret ballot results following its claim for recognition revealed it had the support of 85.9 per cent of SFI workers. Sadly, a stark reminder of the need for a union to protect workers' welfare came on 12 July 2015 when Yiki Janing, aged 51, died at the chip mill division at the SFI's plant in Sipitang while operating machinery. SFI was accused of failing to install a fence on the conveyor machine, which caused the death of Mr. Yaning. In December 2015 the company was formally charged with failing to ensure its workers' safety, health and welfare." (ITUC, 2016)

The next report is related to the actions of the employer who tried to do various tricks including establishing a union and reporting to the union leader. This statement is written as follows:

"By the end of 2015 STIEU had still not achieved recognition. In the meantime, STIEU reported that SFI was trying to revive the defunct in-house union, and to urge some employees to file cases against STIEU leaders before the Trade Union Activities Department, in an effort to divide members and harass leaders. Meanwhile, further to complaints filed by the Building and Wood Workers International (BWI), the company is under investigation by the Forest Stewardship Council (FSC) and Compliance Advisory Ombudsman of the World Bank for its anti-union practices and failure to comply with ILO Conventions 87 and 98 as required in certification systems and Performance Standards. (ITUC, 2016)

Based on the above report, the reality of the difficulties faced by the union during the establishment of SFIEU and then STIEU has been identified. It shows the similarity of findings through interviews with

respondents as mentioned earlier. This change is shown in Table 2 which contains three elements which are the level of struggle, reality and the form of obstacles.

Table 2: Struggle of SFIEU

Stage of Struggle	Reality of Struggle	Obstacles
Organizational (SFI)	Establishment of a union	No support from the employer
	Recognition	Refuse to recognize
Federal	High Court	Judicial Review
	Legal Struggle	Sabah State Intervention
International	BWI dan ILO	Licence Application

Source: Compiled based on Interview findings

Table 2 shows a summary of the obstacles and challenges that have been faced by the union in the early stages of establishment. This challenge had a long-lasting effect when the company finally stopped operating in 2017 and had an impact on the survival and welfare of not only the employees but also all parties involving the employer and the government.

Based on the development, the next explanation will elaborate on the analysis of the struggle by focusing on the elements of collective action and the implications for the idea of establishing a job museum in Sabah.

5. Analysis and Discussion

The trade union struggle is a universal phenomenon and a manifestation of change in the development of a country. However, the process is different according to the level of acceptance from the actor in the employment relationship. Therefore, unions need solidarity and collective action to continue their struggle. This feature has been identified in the context of the struggle of the SFIEU which subsequently merged with the STIEU despite facing various forms of obstacles. Despite having fought for about 24 years, the union still did not get recognition until finally SFI suffered losses and had to stop operations in 2018.

This period is a long period of time and requires constant enthusiasm and support among members and leaders of trade unions. This kind of spirit has been shown by the Railwaymen Union of Malaya (RUM) which emphasizes the importance of awareness among workers. In a post via Social Pages (Face Book), the President of RUM asserted that:

"... As long as we are not aware, then we are not able to speak out, we still lose, we are easily boxed in, look at the success of RUM pioneered by Sdr Donald Uren President of RUM who organized the biggest STRIKE in the country, the result of the struggle "MONTHLY SALARY " was enjoyed by all KTM employees and even followed by all civil servants at that time, RUM under the leadership of Sdr Donald Uren raised the struggle of "MONTHLY SALARY" not only for KTM employees but for employees in this country..." (Razak Hassan, President RUM, FB, 2020)

The spirit proves that solidarity and togetherness in collective action need to be learned and continued to be practiced by trade unions and can be evaluated in the context of SFIEU and STIEU. Union leaders and members have moved collectively to face every obstacle especially in the recognition process. However, when compared in an international context, this STIEU experience is something extraordinary due to its prolonged occurrence until now, which is until the 2010s. The period in which collective action has changed form to various types of action including 'connective action' and various types of new jobs in the informal sector.

Union struggles in other countries have reached various levels, especially in the protection aspect. Various welfare themes have gone beyond issues related to 'bread and butter' for the sake of employee sustainability and balance in their careers. However, in the context of SFI, it still boils down to the basic

issue of getting trade union recognition. The issue of recognition still plagued SFIEU until finally this company stopped its operations in 2018.

Accordingly, union activity is limited and has influenced collective action among workers. The influence can mainly be assessed based on several things such as the fragile level of solidarity, low bargaining power, active employer opposition, lack of support from the community, and limited financial resources. This constraint in turn has various effects on the welfare of the workers themselves. First is the impact on the neglect of workers and the poor treatment of foreign workers. Irregular living conditions and long working hours also seem to be common practice in the timber sector. They are also not paid on time. These issues give an impression of capitalist exploitation of workers in this state and it indirectly shows the weakness of the state government which does not care about the interests of the workers.

In addition, the constraints of getting trade union recognition also reflect several things in Sabah. The first is related to the anti-union attitude of the employer. Some employers may have an anti-union attitude and they see collective action through unions as a threat to their power or profits. Second, weak laws. Laws related to trade union recognition may have loopholes or limitations that result in STIEU's trade union recognition process taking so long. Third, lack of awareness and support. The lack of awareness and support from the community causes the issues faced by STIEU to not get much attention from the public. As a result, the issue seems to be isolated from the knowledge of the masses and other workers in Sabah. It is this situation that gives the idea that there is a need for a museum, especially a virtual museum that can store and become a discourse on the issues of workers in this state.

Therefore, the government should play a role in forming a more democratic employment relationship in Sabah. The roles that can be performed include in laws or policies related to the recognition of trade unions, the establishment of unions, collective bargaining, union membership rights, as well as protection against anti-union practices by employers. This is because every government action will show the extent to which the government ensures a legal framework that provides facilities to trade unions, and it will reflect the political will of the government in supporting the rights of workers and trade unions. In fact, in addition to the law, the government should also be proactive by holding social dialogue, engagement sessions or providing provisions to support union activities.

At the same time, it cannot be denied that the political will of the government will also vary depending on who the government is in power, political ideology, economic considerations and the influence of other stakeholders such as employers, capitalists or industry players. In fact, local factors may also influence the political will of the government, which will ultimately affect the recognition of trade unions in this state. Thus, multi-faceted approaches need to be taken to deal with the challenges of trade unions in Sabah. This approach includes legal reforms, awareness and education campaigns about workers' and trade union rights, as well as fostering a culture of respect for trade unions among employers. It should also involve cooperation between trade unions, civil society organizations and government bodies in order to create a democratic environment for workers and trade unions.

Latest update

There are several further actions that have been taken by the actors in the employment relationship related to the issues mentioned earlier. The unions have played their role until the last moment which is the Movement Control Order (MCO) in 2020. The employer's share has changed its status to "Recipient" under the holding of Grant Thornton Consulting Sdn Bhd. Meanwhile, the Sabah state government has decided to establish a consortium to ensure that the role of SFI can be reactivated (Rafiqah, 2022).

Implications of the Study

Further research in various other fields needs to be done to assess its impact on the state's development problem which is relatively slow compared to other states in Malaysia even though Sabah has valuable resources. One of them is the idea of building a museum for trade unions in Sabah, especially SFI considering its role and contribution to the state of Sabah over the years. In relation to that, efforts to preserve the artifacts (plants and machines) have been initiated by the author but have encountered various obstacles due to security problems caused by the closure of the plant that has not been in operation for a long time. The next step is to continue the museum idea by creating a "virtual museum".

The idea of a museum for trade unions is important, whether physical or virtual, as a repository of labor history that stores the stories, struggles, and achievements of workers and unions like STIEU. In addition, this museum can also be an inspiration and motivation to the community to support workers' rights. Thus, the museum for trade unions can play an important role in "recognizing" trade unions - something that has been overlooked by some employers and some governments.

6. Conclusion

The struggle of SFIEU and then STIEU as explained in this paper is an initial effort to document the struggle of trade unions in Sabah. This effort is important considering that SFI as a company that used to be famous is now no longer operating. Changes in the entity in the future will certainly invite the same if all parties do not learn to accept and give for the benefit of the state of Sabah. Although the workers have the awareness to unionize, it is still not enough if there is no cooperation from the employer and the government. In relation to that, the job museum that will be created later will be able to be used as a learning ground for all parties about this extraordinary phenomenon. With that, it is expected that there will be a change in the pattern of employment relationships especially in the timber industry in Sabah even though forest resources are decreasing.

Acknowledgment

Thank you to the Universiti Malaysia Sabah Research and Innovation Management Center (UMS) for the FRGS Grant (Fundamental Research Grant Scheme) by the Malaysian Ministry of Higher Education (grant code FRGS/1/2019/SS03/UMS/03/1) with the research title Re-conceptualization of Collective action among Trade Unionists in Sabah Thank you also to Puan Engrit Liaw who is the Secretary General of STIEU for the cooperation and information during the interview conducted in conjunction with the field study on 14-16 March 2022.

References

- Ainun Zuriyati Mohamed @Asri. (2011) The pulp and paper Mills in Malaysia, *Intropica*, UPM. https://introp.upm.edu.my/upload/dokumen/201809141226506.4_Dr._Ainun.pdf
https://introp.upm.edu.my/penyelidikan/artikel_di_intropica/isu_6_forest_for_people-42409
- Abdul Razak Md Hassan, (2020) RUM Always RUM Ahli-ahli RUM patut bangga ada RUM, sentiasa kekal hebat, Kenyataan Rasmi Kesatuan Pekerja-Pekerja KTMB, *Railwayman Union Of Malaya RUM Youth Face Book*, 23 Januari <https://www.facebook.com/RumYouth/photos/rum-always-rumahli-ahli-rum-patut-bangga-ada-rum-sentiasa-kekal-hebat-rum-sebena/3183707448323940/>
- Akfirat, S., Uysal, M. S., Bayrak, F., Ergiyen, T., Üzümpçeker, E., Yurtbakan, T., & Özkan, Ö. S. (2021). Social identification and collective action participation in the internet age: A meta-analysis. *Cyberpsychology: Journal of Psychosocial Research on Cyberspace*, 15(4), Article 10. <https://doi.org/10.5817/CP2021-4-10>
- Atzeni, M., 2010. [Chapter 2]: A Marxist perspective on worker's collective action. IN: Atzeni, M. *Workplace conflict: mobilization and solidarity in Argentina*. Basingstoke: Palgrave Macmillan, pp.14-31.
- Charles Heckscher, C. and John McCarthy, J. (2014). Transient Solidarities: Commitment and Collective Action in Post-Industrial Societies, *British Journal of Industrial Relations*, 52:4. pp. 627–657 doi: 10.1111/bjir.12084
- Hebdon, R. (2005), "Toward a Theory of Workplace Conflict: The Case of U.S. Municipal Collective Bargaining, Lewin, D. and Kaufman, B.E. (Ed.) *Advances in Industrial & Labor Relations* (Advances in Industrial & Labor Relations, Vol. 14), pp. 33-65. [https://doi.org/10.1016/S0742-6186\(05\)14002-5](https://doi.org/10.1016/S0742-6186(05)14002-5)
- International Trade Union Confederation, 2016 ITUC Global Rights Index - Malaysia, 9 June 2016, available at: <https://www.refworld.org/docid/5799aa66c.html> [accessed 23 May 2023]
- Lion Forest Industries Sdn Bhd (2005). Laporan Tahunan 2005. <https://www.liongroup.com.my/images/company/Report20120403183227.pdf>
- Mahadirin Hj.Ahmad, Kee Y Sabariah & Noor Syakirah Zakaria (2019) Dasar Perburuhan

- dan Impaknya Terhadap Pergerakan Kesatuan Sekerja Di Malaysia: Satu Kajian Awal, *Journal of Borneo Social Transformation Studies (JOBSTS)* Vol. 5, No. 1, pp.86-113
<https://doi.org/10.51200/jobsts.v0i0.2170>
- Mahadirin Hj.Ahmad & Kee Y Sabariah. (2022). Collective Action in Employment Relationships: An Analysis of Cooperative Culture. *Politics and Humanism*, 1(2), 87-97.
<https://doi.org/10.31947/jph.v1i2.23711>
- Nassiah Gaong, Mahadirin Hj.Ahmad, & Kee Y. Sabariah. (2022). Tindakan Kolektif dan Kesatuan Sekerja: Analisis kajian lepas. *Jurnal Kinabalu*, 28(1), pp.51-65.
<https://doi.org/10.51200/ejk.v28i1.2507>
- Neil Brian (2022) Pekerja SFI masih tunggu pampasan RM 130 juta, *Harian Ekspres online*, December 22,2022 @ 5:5pm
<https://www.dailyexpress.com.my/news/204819/pekerja-sfi-masih-tunggu-pampasan-rm130-juta>
- Sharifah Nursyahidah Syed Annuar. (2021). Kesatuan sekerja dan hubungan pekerjaan: Artikel sorotan. *Jebat: Malaysian Journal of History, Politics and Strategic Studies*, 48 (3). pp. 68-104.
- Siti Suraya Abd Razak and Nik Ahmad Kamal Nik Mahmud (2020) Trade Union Recognition In Malaysia: Legal Issues, *UUM Journal of Legal Studies*, Vol.9, p23-37,<https://ejournal.uum.edu.my/index.php/uumjls/article/view/uumjls.9.2018.9103>
- Rafiqah Dahali (2022) Sabah bangunkan 400,000 hektar ladang hutan, *Berita Harian Online*, Mac 24, 2022 @ 2:58pm
<https://www.bharian.com.my/berita/nasional/2022/03/938080/sabah-bangunkan-400000-hektar-ladang-hutan> bhnews@bh.com.my