

**INDUSTRIAL COURT OF MALAYSIA**

**CASE NO. 1(5)/3-349/14**

**BETWEEN**

**KESATUAN PEKERJA-PEKERJA CONTINENTAL  
TYRE PJ MALAYSIA SDN. BHD.**

**AND**

**CONTINENTAL TYRE PJ MALAYSIA SDN. BHD.**

**AWARD NO : 727 OF 2015**

**Coram : Y.A. PUAN SUSILA SITHAMPARAM - PRESIDENT  
ENCIK DZULKERNAIN BIN HASSAN - EMPLOYEES' PANEL  
PUAN SALINA BINTI YUSOF - EMPLOYERS' PANEL**

**Venue : Industrial Court, Kuala Lumpur.**

**Date of order of reference : 16 May 2014.**

**Date of receipt of order of reference : 22 May 2014.**

**Dates of hearing : 4 and 25 March 2015.**

**Representation : Mr. V.K. Raj  
Messrs P. Kuppusamy & Co.  
Counsel for the union.**

**Ms. Suganthi Singam  
Messrs Shearn Delamore & Co.  
Counsel for the respondent/company.**

## **AWARD**

This is an order of reference dated 16 May 2014 by the Honourable Minister of Human Resources of a trade dispute between Kesatuan Pekerja-Pekerja Continental Tyre PJ Malaysia Sdn Bhd (hereinafter referred to as “the union”) and Continental Tyre PJ Malaysia Sdn Bhd (hereinafter referred to as “the respondent”) pursuant to section 26(2), Industrial Relations Act 1967.

The trade dispute arose when the respondent deducted two days from the annual leave entitlement of the workmen on 3 and 4 November 2013. The respondent had shut down the plant from 2 to 5 November 2013. The 2 and 5 November 2013 fell on public holidays which were Deepavali and Awal Muharram respectively.

The 16<sup>th</sup> collective agreement dated 4 July 2012 between the parties, cognizance number 165/2012 governed the terms and conditions of employment of the workmen who fell within the scope of representation (hereinafter referred to as “the said collective agreement”). The workmen were employed at the plant in Petaling Jaya. The respondent manufactured Off The Road (hereinafter referred to “OTR”)

