

DECLINING TRADE UNION MEMBERSHIP IN MALAYSIA: GIG ECONOMY CHALLENGES, LEGAL CONSTRAINTS AND IMPLICATIONS FOR LABOUR PROTECTION

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Abstract: *As the gig economy grows, the economy changes, and there is political resistance, this study looks at the trend of union membership and union power in Malaysia. As long as there have been workers in Malaysia, trade unions have been very important. They look out for the interests of factory workers in particular. Workers are spread out more now that the job economy and the shift toward a service-based economy have grown. This makes it harder for unions to get people to work together. The Trade Unions Act of 1959 and the political opposition make this situation even worse. The unions can't effectively represent the workers. This paper is aimed at discussing such factors, presenting recommendations through which unions could regain influence and, not least, considering the influence of legal and economic restrictions on workers' rights. This paper, through qualitative analysis, suggests that some of the major steps could be lobbying for legal reforms, adapting strategies of unions for the gig economy, and alliances with advocacy groups. These actions are crucial in reversing the decline in union membership and improvement in labor protection in Malaysia.*

Keywords: *Trade Unions; Gig Economy; Legislative Reforms.*

Introduction

Trade unions have been important since long in Malaysia's struggle for the rights of the working class, especially concerning industrial sectors. Malaysian trade unions have played a great role in seeing that manufacturing workers receive good pay, excellent working conditions, and security at work. These programs were important when mining and manufacturing, which made economies grow and ruled Malaysia's industrial sector and economy. This is because issues of long hours, unsafe conditions, and unfair labour practices during this period were what trade unions researched to aid and promote workers' welfare. Trade unions' collective bargaining rights provide for workers' views over negotiation issues on the companies or the government involved. There is an actual success of these years in major improvements made to workers' rights and protection. The Malaysian Trade Union Congress (MTUC) has been very instrumental in supporting workers in the industrial sector, where unions have usually been strong and well-organized (Wad, 2012; Shahiri et al., 2016). Today, however, fewer people join unions a trend seen worldwide (Wad, 2012; Shahiri et al., 2016).

However, when the Malaysian economy grew bigger so were the kind of employees who employed here. With the dissolution of the industrial-based economy and the emergence of a service-based economy, trade unions are now facing other challenges. The labour market is now comprised mainly of service industries that have gained strength over the years. Such sectors include retail, finance, health, and tourism. Most of these fields have several job types and are only sometimes as organized and stable as industrial work. Most of the temporary and part-time jobs in the service industry are very low paid and carry few benefits. For this reason, workers in these industries are unlikely to join a union, and membership has been steadily declining. Coupled with this structural change in the economy, the growth in the "gig economy" has further challenged trade unions. The gig economy, that includes freelance jobs which are usually unstable, has rapidly grown in recent years. This is particularly the case since digital platforms connecting workers to temporary jobs have become increasingly popular. Workers in the gig economy are usually understood as independent contractors and thus do not enjoy the same benefits or protection as full-time unionized workers. As a result, trade unions face difficulties in gaining and retaining members regarding gig workers since most of the gig workers are either not interested or can join unions for more traditional jobs (Kumar, R. R., 2024).

These changes have caused Malaysia's union membership to steadily decrease over time. This made trade unions weaker to struggle for workers' rights and huge changes in the law since the strength of membership made them strong. As the membership of unions declines, so too does their resources and negotiating power when dealing with either the government or businesses. This is even scarier, considering changes in the economy as a whole, since many workers, especially those in the gig economy or service sectors, don't have enough rights and representation. The increase in gig and contract work means that many workers need real job contracts. This makes it hard to enter unions or profit from union activities (Wad, 2012; Kumar et al., 2012). This becomes a problem since it makes it hard for unions to get better working conditions for their members since they always have (Wad, 2012; Kumar et al., 2012). There are limits to the trade unions in Malaysia because of the rules that control them. In this line, the Industrial Relations Act of 1967, together with the Trade Unions Act of 1959, makes it much more difficult for unions to organize and make a stand for workers' rights (Kumar et al., 2012; Jamaluddin et al., 2020).

Workers are only allowed to join unions with coworkers in similar industries. It becomes harder for individuals from different walks of life to work together, so they negotiate better (Kumar et al., 2012; Jamaluddin et al., 2020). Trade unions have played a big role in driving the case for decent pay, safe workplaces, and improving laws on work. Precisely because of this, it is a problem that trade unions have lost power and influence. If the decline continues, trade unions may barely perform their usual functions of protection of workers' rights. Where organized labor is silent about workers' rights, more of them could be exploited and treated unfairly without protection. In a shifting economy in Malaysia, the way forward in addressing these problems will be of essence to ensure that workers in all fields, including the gig economy that is on the rise, enjoy their rights and are represented.

Factors

According to the Department of Trade Union Affairs (JHEKS, 2024), the number of trade unions in Malaysia fluctuated between 747 and 770 from 2019 to 2023, while union membership increased overall from 948,772 to 1,008,371. This pattern suggests that although the number of unions did not expand consistently, worker participation in trade unions strengthened over time. This trend indicates that trade unions continue to play an important role in representing workers, and that union influence may increasingly depend on membership strength rather than the mere number of registered unions.

Malaysian trade unions have a glorious history of fighting for the workers' rights in the industrial areas in raising their wages, improving the working environment, and making jobs more secure. This was specifically observed during the industrials of Malaysia while the mining and manufacturing sectors were very vital for the country's economic boom. Trade unions were voice mechanisms for workers in various industries from which to voice concerns, such as bad working conditions or unfair treatment of labor. In most countries, however, these trade unions have weakened rapidly, along with their influence due to two major factors: first, economic, and secondly, political (Rusli et al., 2025). The most significant cause leading to the decline of trade unions in Malaysia is the transition of the country's economic structure from industrial to service-based. While the economy has shifted to a more service-based structure in Malaysia, with the growth of retail, hospitality, finance, and healthcare, jobs in these sectors tend to be fragmented and have less propensity to unionize. The job statuses are characterized by part-time, temporary, or contract jobs without job security or long-term employment. As a result, such job conditions inhibit the union from organizing employees through these industries (Wad, 2012). Moreover, various other service sector jobs are paid low wages, which will lower the probability of worker unionization or collective bargaining. Due to the lack of laws and rules protecting workers' rights, pay and hours pose the greatest risk of abuse (Loganathan, 2021).

The gig economy, too, has presented the emergence of fresh challenges for the trade unions. Gig workers, or those in short-term, freelance, or platform-based jobs such as ride-sharing, food delivery, and freelancing, already comprise a large chunk of Malaysia's workforce. According to the Malaysian Digital Economy Corporation, gig workers are expected to grow even faster. However, they are usually not given protection and benefits that are due to full-time employees regarding healthcare, paid leaves, and retirement plans. One of the primary challenges that the gig economy must contend with is the absence of job security and benefits for those who work in the gig economy (Abd Samad et al., 2023). The majority of the time, gig workers do not receive the same benefits as full-time employees. With the gig economy, since it is of an informal nature, unionization and proper representation of workers are even more difficult. With the increase in the number of gig workers, the decline in union membership is deeper, thus

weakening the power of trade unions in Malaysia. A study in 2020 indicated that about 26% of Malaysia's workforce, or four million freelancers out of a total of 15.1 million workers participate in the gig economy in Malaysia. Furthermore, based on DOSM data, there is a sharp rise in the contribution of the gig economy to Malaysia's GDP, from 18.5% in 2018 to 30% in 2020.

Other factors contributing to the decline of trade unions include political resistance and restrictive laws that impede the effective operation of unions. In Malaysia, for example, several restrictions have been placed by the Trade Unions Act of 1959 on the activities of unions, which include prior government approval before unions can declare a strike or enter into collective bargaining. These labor laws, however, affect union representation of workers and fights for reforms to a great level. In addition, a need for certain qualifications on official recognition complicates processes of new union formations even in sectors like the gig economy.

Moreover, a political resistance by the government and private companies plays a great role in weakening the strength of unions. For instance, the unions are mostly confronted with legal and bureaucratic obstacles, and sometimes outright ones, in the course of their struggle for labor reforms or improvement in the conditions at workplaces (Logan, 2013). Even union leaders have been threatened, harassed, and even faced legal threats for organizing workers to fight for their rights. For instance, the NUPW has been always opposed by the government and the companies owning the plantations when it demands an improvement in the conditions of workers. Most governments in the world treat labor laws as part of maintaining economic stability at the cost of the workers' rights. This kind of political opposition to labour laws has made it impossible in many cases for trade unions to do their job, with particular reference to growing sectors that need urgent intervention, such as the gig economy (Lawreniuk, 2022).

In other words, the main causes explaining the fall in trade union membership in Malaysia are economic variables, especially changes in employment from an industrial to service-based and gig economy. These changes have thus brought about fragmentation into the labor market, in which unions cannot effectively organize the workers. Furthermore, this political resistance, together with restrictive legislation, further limits the possibilities of unions to effectively organize on behalf of workers. With the further decline in union membership, trade unions find it extremely difficult to act effectively in their traditional roles of worker protection and policy changes. If current trends in membership and density continue, the Malaysian workforce will likely face further setbacks. Labour would be better protected with fewer rights in a broad economic context.

Challenges Faced by the Unions

Trade unions, besides political opposition, have to contend with the fast-changing nature of the working class, especially with the emerging gig economy. Gig economy, or the short-term, contract-based freelance work, is the most imposing challenge to trade unions today. Gig workers form the growing proportion of the working class, usually engaged in ride-sharing, food delivery, digital platforms, among others. These workers usually are not under any formal employment umbrella and do not have the kind of protection and benefits accruing to full-time and unionized employees. The nature of such jobs is informal, making it hard for unions to effectively organize workers (Mako, Illesy, & Borbely, 2026). Secondly, gig workers often either remain ignorant about their rights or are not motivated enough to join unions as most of them are employed casually. Given these conditions, unions must adopt new strategies to address the growing number of informal workers in the gig economy (Atzeni & Cini, 2023).

In these gigs, employees are generally without the kinds of protection and benefits full-time employees would have; their jobs are also a lot more precarious, making them even less likely to join a union or take part in any collective action. This recent transformation in the job market also threatens union abilities for sustaining relevance because their typical structure often is based on long-term, stable employments that cannot represent persons in gig economies. From the ones listed above, some of those challenges require evolution and create actionable strategies. Another way that unions have been able to respond to these new circumstances is to organize the informal workers, many of whom are finding jobs via digital platforms, themselves. Creating an online presence can provide unions the means for outreach, educating gig economy workers about their rights and supplying them with resources for support in advice over fair pay and working conditions. It simultaneously helps unions to overcome the gulf between the fragmentation of gig work and the strength of organized labor.

Another path through which unions may be able to achieve this is by coalition-building with organizations already doing advocacy with informal workers. Very often, such grassroots-level organizations have networks and resources for reaching workers whom unions cannot access by traditional means. Such partnerships will help the unions grow their voice for gig workers, mobilize them, and advance policies that would enhance their rights and working conditions (Morillo Santa Cruz & Ruppert, 2025). Additionally, there is a need for modern, more flexible membership models which may appeal to the workforce of the gig economy through such things as temporary membership or limited membership that allows gigs workers to participate without a commitment to full-time union engagement. The fact is that this flexibility could make unions more accessible and attractive to a wider range of workers, which can, in turn, improve their bargaining power. But these changes do not come without their own set of challenges, especially political resistance. Many policymakers view unions as hindrances to economic growth and believe that union demands for better labor protections could disrupt businesses and economies. In effect, trade unions more often than not face apparently insurmountable legal and political hurdles that have hindered their efforts at organizing and effectively pushing for the rights of workers. While this can be overcome provided unions rise to the challenge of changing the nature of work by organizing informal workers, forging strategic alliances, and offering flexible membership models in their struggle to continue playing a very important role in defending the rights of workers within Malaysia's evolving labor market Sum et al. (2025).

Impact of Decline on Union Influence Membership

These changes, within the context of falling membership and the influence of unions within Malaysia, have had a telling impact on labour representation, which is entirely contextual to evolving economic structures and political resistances. One important example involves the Malaysian Trades Union Congress, which has experienced erosion in terms of membership and influence, especially in industry. Legal restrictions have also been vital in Malaysia for the last few decades. The Trade Unions Act of 1959 imposed rigid conditions for union registration. It restricts unions from striking and engaging in other collective bargaining activities, making asserting workers' rights challenging. The result was a fall in union density and labour power (Taejoon, 2006). For example, the union density in Malaysia, which was around 10% in the 1980s, went even further down to roughly 5% in recent years - a situation reflective of the general decline of unions. This also occurred most strikingly in the manufacturing sector. As such, regions with earlier high concentrations of manufacturing activities, such as Selangor and Penang, have lost unionized workers, particularly those in the

electronic and textile sectors, due to neighbours relocating for better or cheaper labour and automating such industries (Wad, 2012)

These declines come with important lessons for Malaysia. First, there is a political and legislative environment that dictates union strength. If the motive of the Trade Unions Act was to attain order and stability, ironically, it only weakened the unions by inhibiting proper organization and collective action. Secondly, the shift in employment from the manufacturing category into service and gig requires changing the strategy of unions. This means that unionized job losses in state economies like Penang and Selangor to which so many multinational corporations have relocated, have meant that the unions have had to seriously reconsider how it represents workers in more fragmentized and informalized sectors (Ford, 20213). Thirdly, at a quantitative level, longer-term implications of union decline are observable through the union density as well as strike data. This corresponds to the decline in union membership levels seen in Malaysia and the US, and increased precarity among labour has led to fewer workers getting represented for better terms of work.

To this end, the decline in Malaysian unions' restrictive laws in the form of the Trade Unions Act, as in the above case of MTUC, would imply a decline in the effective articulation of labour voices within many sectors. In terms of long-term consequences, this looks like an American experience marked by fewer strikes, reduced worker protection, and, ultimately, lower wages. These lessons outline the imperative of strong and adaptable unions in promoting the interests of workers amidst shifting economic circumstances and, indeed, legislative reforms that ease rather than hamper the activities of the union.

Conclusion and Recommendation

Therefore, the decline in membership of Malaysian unions has been brought about by complex factors, including economic changes and legal difficulties, especially with the Trade Unions Act 1959 and transformation in the labour market. In relation to Malaysia, the gig economy, just like gig work, is developing fast. While that happens, the government issues rigid policies to bind union activities, thus, making the unions face more challenges while fighting for workers' rights. Moving from an industrial to a service-based and gig economy, organizing workers in these sectors became complex as many of them are employed on a short-term, freelance, or contractual basis without regular work security. Beyond this, political resistance came in the form of repressive laws that weakened unions' capacities to represent workers even further. It has manifested as a decrease in union membership and labour representation, an increase in wage inequality, reduced social protections, and erosion of workers' rights.

This carries a lot of gravity regarding the workforce in Malaysia. As labour unions weaken, the ability of workers to bargain for better wages, benefits, and working conditions lessens. While the unions are struggling to adapt themselves to the changing workforce, the workers in the informal sectors, including gig workers, are more exposed to low wages, insecure working conditions, and other forms of exploitation. The lack of a strong labour movement has contributed to the wage gap between high-income earners, continuing to benefit from limited regulation, and low-income workers, whose wages have stagnated. More to the point, unions represent important sources of social protection: health and retirement benefits among other things. However, while unions weaken, such benefits do also, making workers further susceptible to economic uncertainty. As union strength has waned, income inequality within Malaysia has grown, constraining upward mobility for working-class citizens in their hard-fought journey toward sure financial futures.

Therefore, specific recommendations are made to arrest the decline in union membership and give greater weight to workers' rights. First, Malaysia needs reform of the Trade Unions Act to facilitate the formation and operation of unions, especially for workers in non-traditional employment. This would involve facilitating union registration, eliminating obstacles to collective bargaining, and enabling unions to organize more effectively across industries currently in the gig economy. It would also mean that unions would have to find new approaches and ways of reaching workers in the gig economy and informal sectors. This could be mobilizing the workers on online platforms for awareness about workers' rights, therefore bridging the gap between the fragmented nature of gig work and organized labour's collective power.

Second, the unions should also collaborate with other advocacy groups and grassroots organizations representing informal workers, including gig workers, migrants, and part-time employees. That is where partnerships can come in-useful, strengthening the collective bargaining power of workers, particularly in sectors where, hitherto, unions have often needed help to reach. What the unions need to do is to offer a more flexible membership model as an attractive option for a broad range of workers, such as gig economy workers. Temporary or partial memberships would help unions reach workers who don't have long-term contracts by letting them use most of the services and events of the union even if they aren't full-time members.

It will be important to halt this erosion through addressing the challenges created by economic changes and the impacts of government restrictions that result in weak labor groups in Malaysia. It is here, within this changing Malaysian job market, that the chances of unions regaining some of their former strength to play a significant role in worker rights, wage inequality, and social protection for all categories of workers are highest. They can do this by backing reformist labor laws, thinking of new ways to reach out to gig workers, and making smart partnerships.

While all these recommendations may reverse the decline in union membership and strengthen labor rights in Malaysia, their prioritization remains key for actual implementation. Among those suggested, lobbying for legislative reforms and organizing gig workers take precedence because both addresses not just the immediate legal impediments to but also the increasingly fluid nature of labor relations in Malaysia.

First, unions should apply more efforts to lobbying for legal reforms, especially for revising the Trade Unions Act 1959. It should be a reform in relaxing the hindrances that have been presented by the existing law for union activities, such as in collective bargaining and strike action. At a time when policymakers are putting serious barriers to the labor movements, this may seem to be an uphill task. But Malaysia's history has proved that successful labor advocacy does make a difference. For instance, the Minimum Wage Campaign spearheaded by the unions in 2012 succeeded in having Malaysia's first ever national minimum wage law instituted. It proved that hard lobbying will eventually pay off. Therefore, the unions are in a position to further this momentum by pressing for legislative changes that give unions greater freedom to organize and to represent informal and gig workers. This action would not only protect workers' rights but also increase union membership by giving workers, especially in gig sectors, legal protections.

Second, the unions need to develop new strategies in response to gig and freelance work and concentrate on organizing this increasing proportion of the workforce. Gig workers already comprise a significant share of Malaysia's labor market, but the informality of their employment keeps them outside the ambit of trade unions. Instead of applying the traditional union models-one for permanent employees-unions need to find innovative ways of engaging gig workers. The unions may also forge alliances with various already existing advocacy groups or community organizations that work among informal workers. Such collaboration would help the unions to reach gig workers who do not know about union benefits, thereby expanding their reach and influence.

These recommendations, however, remain feasible in the context of Malaysia's political and economic environment. The main problem is the political resistance to unionism, but such pressure from the public and a strategic alliance with other social movements, like those involved in the fight for fair labor standards, can provide an enabling environment for such change to take place. Economically, automation and outsourcing have already shifted many workers into low-wage and precarious sectors, creating a perfect opportunity for unions to step in and advocate for better conditions. The most important activity that the unions in Malaysia need to undertake is lobbying for legislative reforms to remove restrictions on the union activities and adapting strategies in line with the gig work rise. In so doing, it would consolidate and cement the unions' influences for better protection of the rights of workers against adverse changes in the economy. These are actions that, though hard, are not only doable but also necessary to bring about a more just and equitable labor environment in Malaysia.

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