



**Resolution Adopted at the 75<sup>th</sup> Annual General Meeting of the Malaysian Bar  
Held on 13 March 2021**

**Resolution on Minimum Remuneration for Pupils and Improving the Quality of Pupils**

**WHEREAS:**

- (1) Article 23(3) of the Universal Declaration of Human Rights (“UDHR”) expressly provides that “everyone who works has the right to just and favourable remuneration...”.
- (2) The Malaysian Bar has on numerous occasions advocated support for the UDHR. The Malaysian Bar has consistently celebrated Human Rights Day on the 10<sup>th</sup> of December to commemorate the adoption of the UDHR.
- (3) At present, pupils-in-chambers (“pupils”) are not subject to any minimum remuneration.
- (4) In line with the stand on UDHR, it is now imperative the Malaysian Bar adopts a position to have in place minimum remuneration for pupils.
- (5) Pupillage is not an employment under the law as it is governed by the Legal Profession Act 1976 and is exempted from the Employment Act 1955 and the Industrial Relations Act 1967.
- (6) Pupillage is seen as an extension of the educational process for pupils. However, legal firms taking in pupils do obtain economic benefit from pupils in the course of pupillage. Education is incidental and comes along with the job. Quoting Lord Bingham in *Edmonds v Lawson* [2000] QB 501:

On balance we take the view that pupils such as the claimant provide consideration for the offer made by chambers such as the defendants’ by agreeing to enter into the close, important and potentially very productive relationship which pupillage involves.

- (7) In the same vein, pupils should be expected to exercise the skills required of a competent pupil and not expect to be treated as students.
- (8) In this regard, there is a great need to revamp legal education and introduce a common bar course that would equip prospective entrants with the basic skills required by the industry.

- (9) Acknowledging that the issue is nuanced and requires a holistic approach towards the pupillage process itself and the entry into that process, but also acknowledging that a minimum remuneration can prevent any potential or real exploitation and uphold basic human rights.

**THEREFORE it is hereby resolved that:**

- (1) The Malaysian Bar accepts in principle that pupils ought to be protected with minimum remuneration.
- (2) The Malaysian Bar Council shall immediately take all necessary steps to:
  - (2.1) Examine the survey conducted by the National Young Lawyers and Pupils Committee (“NYLPC”) during its 2020/2021 term and any report compiled by NYLPC on minimum remuneration;
  - (2.2) This examination shall include the issues of whether the quantum should differ by the geographical location of the pupil and whether such quantum should be reviewed periodically;
  - (2.3) If there are any relevant issues not covered in the survey, a further survey and/or report shall be conducted; and
  - (2.4) Implement the enforcement of a minimum remuneration by appropriate means including but not limited to issuing rulings or advocating for legislative amendments.
- (3) The Malaysian Bar Council shall immediately look into revamping the pupillage system including the entry level and for that purpose, consider the following:
  - (3.1) Preserving the Common Bar Course Committee with a view to push for the introduction of a Common Bar Course for all law graduates; and
  - (3.2) Regulating the master-pupil relationship including stipulating the basic requirements on the training and mentorship required during that period.