

MTUC / ILO National Workshop on MTUC Action Plan to Protect Migrant Workers from Labour Exploitation in Malaysia

20-21 September 2011

The 2-days workshop was held at Petaling Jaya on 20-21 September 2011. The program was divided into two sections: day 1 was presentations and Q&A sections, whereas day 2 mainly for group discussion.

The participants were divided into 4 groups for action plan discussion. Each group focused on different topic and the topics were as below:

- 1.) Why a rights-based approach?
- 2.) Networking trade unions between sending countries and receiving ones- MOU
- 3.) Reaching out migrant workers
- 4.) Advocacy and education for union members

The output from the discussion was presented as below.

Group 1: Why a rights-based approach

- 1.) The group agreed to all existing laws and all the points in MTUC policies.
- 2.) The migrant workers should have freedom to move, as same as local workers.
Usually, the workers are controlled by their supervisor, for example problems from call centres; workers at call centres are tracked while working.
- 3.) The information about Malaysia labour rules and regulation and the right of migrant workers should be displayed in airport in various languages.
- 4.) These half way houses should be professionally handle by the appropriate and relevant authority.
- 5.) This group also suggests that we look into white collar and local workers whereby the existing rights are slow and subtle manner an example would be the call center situation.
- 6.) Training courses should be provided to migrant workers;
- 7.) The coverage of migrant workers should include white color jobs
- 8.) Where the human trafficking quite prevalent, education should be provided to the victims.
- 9.) Workers should be educated to understand their rights and responsibility.

Group 2: Networking trade unions between sending countries and receiving ones- MOU

- 1) Sending and receiving country must have effective tripartite party, Employer (MEF), Trade Union (MTUC) and Government
 - Effective lobby with the Government
 - Trade Union must take the lead (MTUC)
- 2) Media and Multimedia
 - To publicize information
 - Create public awareness
 - Sharing information between union and global net working
 - Create a new space to penetrate and strengthen the policy
- 3) The policy analysis must be one of the agenda in every meeting
 - e.g. create Healthy Forum within 3 parties
- 4) MTUC policy must be permanent
 - Progress/Review regularly
- 5) ITUC must coordinate amongst National Centre
 - To put pressure to ITUC to review the detail of MOU.

Group 3: Reaching out migrant workers

Method

- Through Trade Union & MTUC Assistances
- NGO – Church Members (e.g. Tenaganita, CAMSA, Faith-based groups, MWG, JUMP
- Regular dialog with MOHR, Embassy, BAR Council, SUHAKAM, MOHA, MAPO.
- Link to ILO / International Trade Union, GUF's
- Media communication – visual type (e.g. CD)

Activities – Action Plan

- Social activities – various languages (e.g. Vietnamese, Laos, Cambodian, Myanmar, Thai)
- Training and education programs.
- Compulsory training to mw's;
- Assistance of BAR Council (challenge the contract terms especially on terms of prohibited MW to join TU).

- Challenge the Labour Dept to accept undocumented MW if they facing problems with the employer. (test case)
- Help MW through prosecution of employers who traffic workers;
- Ultimate aim is to organise the Union; e.g. sectors.

Group 4: Advocacy and education for union members on migrant workers

Local level

- 1) Change of mindset / perception among union leaders and members on the presence and acceptance of migrant workers thru meetings & courses.
- 2) Amend the union's constitution to include migrant workers as members of the union so that the benefits of the CA is extended to the migrant workers.
- 3) To conduct language classes / cultural & social activities to assimilate them in the Malaysian society.
- 4) To disseminate information in workers native language of their rights eg labour / immigration laws. (migrant passport)
- 5) Organize a get to gather on the 18th December to observe the World Day for the rights of migrant workers.
- 6) To ensure that the foreign workers wages paid according to labour law and workmen compensation insurance scheme and medical insurance policy.
- 7) To ensure the travel documents / work permit are renewed by the employer

National level (MTUC)

- 1) MTUC to coordinate and organize the world day for Right of Migrant Workers on 18th December.
- 2) To address the issue of outsource worker facing difficulties claiming compensation for accidents.
- 3) To eliminate the present of out sourcing company and encourage government to government recruitment.
- 4) To continue with the current advocacy/training for Union Leaders on issues concerning migrant workers.
- 5) To continue raising migrants workers issues to *government and ILO*.