GMS TRIANGLE Project: Malaysia

Duration: June 2010 – August 2015
Key Partners: Ministry of Human Resources (MOHR), Malaysian Employers Federation (MEF), Malaysian Trades Union Congress (MTUC), Tenaganita (CSO)
Target Sites: Kuala Lumpur and Selangor (Central Region), Penang (Northern Region), Johor Bahru (Southern Region)
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Background Information
There are approximately 2.2 million documented and 1.3 million undocumented migrant workers in Malaysia – representing a third of the country’s total labour force. An estimated 40 per cent of these workers are women. Most migrants are employed in low-skilled and labour intensive jobs as ‘contract workers’. According to the Malaysian Investment Division Authority (MIDA), the electronics and electrical industry contributes to the country’s total manufacturing output (27 per cent), exports (49 per cent), and employment (33 per cent).

Official channels for the recruitment of migrant workers exist for 14 nationalities, including Cambodia, Viet Nam and Myanmar. In August 2011 the Government launched the 6P program, which provides a window for irregular migrants to register and obtain amnesty. Migrant workers’ rights are restricted due to discrimination, language barriers, lack of awareness, and limited access to justice. Migrants regularly work longer hours, receive lower wages than nationals (or those stipulated in their contracts) and their mobility is often constrained by employers who retain their identity documents. Although the Trade Union Act gives migrant workers equal rights to unionize, their work permits and contracts frequently prohibit them from doing so. In order to obtain and renew their work permits, migrant workers must undergo mandatory testing for more than sixteen illnesses (and pregnancy). If a worker is found to be pregnant or ill, they may be immediately deported. A recent Verité report highlighted conditions in the electronics sector for migrant workers and the particularly high recruitment fees paid by Vietnamese workers.

Migrant domestic workers in particular remain isolated and exposed to potential abuse. Due to recurring complaints of mistreatment and non-payment of wages, the Indonesian Government imposed a moratorium on the sending of domestic workers to Malaysia in July 2009. After amending the bilateral MOU, recruitment of Indonesian domestic workers resumed in December 2011. The new agreement guarantees domestic workers one rest day per week, the right to hold their own passports, and payment on a monthly basis (among other strengthened protections). In 2011, the Cambodian Government suspended the regular sending of domestic workers to Malaysia, pending the signing of a similar agreement. The agreement is still under negotiation.

Population: 29.9 million
Labour Force: 13.0 million

Migration to Malaysia:
- Main countries of origin: Indonesia, Nepal, Bangladesh, Myanmar, India, and the Philippines
- Regular migrants registered as part of the 6P Program (Aug 2011): 1 million
- Irregular migrants registered under the 6P Program (Aug 2011): 1.3 million
- Registered migrant workers from GMS countries (2013):
  - Myanmar: 161,447
  - Viet Nam: 52,990
  - Thailand: 17,044
  - Cambodia: 13,839
  - Lao PDR: 113

Source: Immigration Department, Ministry of Home Affairs, Malaysia, 2013
Main Activities (April – June 2015)

- The Migration Works campaign, in cooperation with the Public Media Group, conducted workshops for youths and hosted the ‘Journey of Hope’ art exhibition to create awareness of migrant workers’ contribution and experiences:
  - On 7 April at MY Skills Foundation for youths (24F: 56M). The Foundation trains youths on electrical and mechanical engineering programs. Post training, these students will enter the labour force as semi-skilled workers, holding supervisory functions of a potential mix migrant and Malaysian labour force.
  - On 8 April at Taylors College for students, (120F: 80M).
  - On 10 May for Integral Human Development Group (IHDG) comprising students, young adults, working adults (30F: 30M). The IHDH is a faith based organization with focus on rights-based issues, working with marginalized groups and migrant workers.
  - On 21-24 April the ‘Journey of Hope’ exhibition was displayed at ASEAN Peoples Forum. The forum was attended by 1600 participants from all ASEAN Member States.
  - On 16 May for Malaysian Hindu Youths Council (12F: 12M). The national radio Tamil network made an announcement of the campaign and event.

- From April– June, the GMS TRIANGLE staff have supported the KNOWMAD research on migration costs for Vietnamese workers in Malaysia. The research aims to measure costs for Vietnamese workers in Malaysia, with a view to informing recommendations on costs regulation for the revision of the Vietnamese Law on Sending Contract-Based Workers Overseas, in order to reduce the vulnerability of migrants and increase the benefits from international labour migration.

- The drafting of a ‘Review of Labour Migration Policy’ for Malaysia has been ongoing throughout this quarter.

- On 3 and 31 May the MTUC MRC conducted labour rights trainings in Penang attended by workers in the manufacturing and electronics sectors (62F: 18M).

- On 16 June, marking Domestic Workers’ Day, the ‘Summary Report: Consultations with labour attachés and consular officials in Malaysia’ was launched. The summary report of six consultations serves as a reminder of the discussions and the recommendations, so that follow up action can be taken, and can ensure knowledge management and institutional memory within the diplomatic missions (given the regular turnover of staff). The launch was attended by social partners, UN agencies, diplomatic corps and labour attachés, SUHAKAM and civil society groups (19F: 21M).

Main Activities in the Next Quarter: (July – August 2015)

- In July, the ‘Study on the Progress and Way Forward for Government-to-Government Arrangements on the Employment of Bangladesh Workers in Malaysia’ will be conducted. The primary objective of this study is to make a preliminary assessment of the government-to-government arrangement between Bangladesh and Malaysia, with special focus on lowering of recruitment and migration costs and promoting decent working conditions in Malaysia for workers deployed under the scheme.

- Also in July, Tenaganita will launch the Migration and Gender booklet, alongside case documentation that focus on domestic workers.

- On 29 July Migration Works will conduct a workshop for students in Asia Brickfields College.

- In August, the ‘Review of Labour Migration Policy’ policy will be completed and shared with social partners and stakeholders.