Background information

Although population growth has remained relatively high in Malaysia, its rapidly expanding economy, increasing urbanization and relatively low labour force participation among women continue to create a major demand for migrant workers. Most estimates suggest that there are 3–4 million migrants currently employed in Malaysia, which would constitute 20–30 per cent of the country’s workforce.

With close to full employment since 1990 and high educational attainment among nationals, migrant workers have for many years filled substantial shortages in the supply of low-skilled labour for key economic sectors. Approximately one-third of workers in the agricultural, manufacturing and construction sectors are migrants and these industries collectively contributed MYR297 billion (US$68 billion) or 35.7 per cent of Malaysia’s gross domestic product in 2014. However, these high rates of sectoral employment of migrants are known to fall short of the reality as they do not account for irregular migrant workers.

In particular, the situation of the estimated 300,000–400,000 migrant domestic workers employed in Malaysia continues to be a major concern, particularly because of their lack of protection under labour law. Due to the physical isolation of their workplaces, restrictions on movement and inadequate mechanisms established to ensure accountability of employers, a large number of domestic workers suffer from abusive working conditions each year, including cases of forced labour.

For many years, targets have been set and policies introduced to reduce the number of migrant workers in the country in order to encourage economic restructuring. However, changing the composition of the labour force has proven to be difficult to achieve, with employers complaining of severe shortages in some industries when more restrictive policies have been applied. Pushback from the private sector has contributed to awkward policy shifts and incoherence in some cases, such as the abrupt decision to transfer payment of the migrant worker levy back to workers after instituting a minimum wage (this policy has now been reversed). The goal of capping employment of migrants at 1.5 million workers as of 2015 was again not attained.

Recent developments on international trade are likely to increase the need for workers in export-oriented enterprises. Malaysia became a party to the Trans-Pacific Partnership (TPP), an agreement that would form the world’s largest free trade area along the Pacific Rim, though the future of this agreement is unclear. The Labour Chapter of the TPP requires states to adopt and implement laws in accordance with the ILO Declaration on Fundamental Principles and Rights at Work. As a result, Malaysia’s record on eliminating forced labour, abolishing child labour, prohibiting discrimination in employment, safeguarding freedom of association, and the right to collective bargaining for migrant workers is receiving increased scrutiny from the international community.
Main activities
(October – December 2016)

- On 7 October the National Project Coordinator provided input on TRIANGLE II’s educational tools related to the post arrival phase of migrant workers for research conducted by the ASEAN Secretariat for the “Compendium of Migrant Workers Education and Orientation Programs”.
- On 12 October, the MTUC MRC and Right to Redress Coalition organized the third and fourth round tables on Social Security, Housing and Health and Family, Children and Social and Cultural Rights held at University Malaya. Participants were representatives from civil society, Ministry of Health and academia (M25: W15).
- On 16 October, TRIANGLE II supported the Civil Society National Preparation meeting for the 9th ASEAN Forum on Migrant Labour and provided inputs on social protection (M20: W5).
- From 28–29 November, the Malaysia office supported the 6th ASEAN Labour Inspection Conference on “Combating Unacceptable Forms of Work through Labour Inspection”, attended by labour inspection delegations from ASEAN member states, representatives from ATUC, ASETUC, ACE, MTUC and the Bar Council. The meeting discussed labour inspection approaches and challenges to protecting workers from unacceptable forms of work through labour inspection. Outputs included recommendations and the adoption of terms of reference for future ASEAN Labour Inspection Conferences (M41: W24).
- On 13 December a consultation was held on the protection of women migrant workers. The Migration Works campaign Public Service Announcement on the contribution of migrants was shown. The consultation was attended by labour attachés and consular officials, representatives from Ministry of Women, Family and Community Development, MOHR, MTUC, MEF, SUHAKAM and the Bar Council (M8: W9).
- On 18 December, the ILO supported the International Migrants Day celebration organized by Serantau, an Indonesian migrant community organization. Participants included officials from the Indonesian Embassy, civil society and migrants (M27: W7).
- The “Journey of Hope” art exhibition was shown:
  - On 16 October, in conjunction with Migrant Sunday organized by the Kuala Lumpur Archdiocese. More than 100 parishioners viewed the exhibits.
  - On 13 December at the Labour Attaché Consultation at the Malaysian Bar Council, Kuala Lumpur.
Upcoming activities and key dates (January – March 2017)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Location</th>
<th>Attendees</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>Jan</td>
<td>Study of cases of trafficking for labour exploitation</td>
<td>Kuala Lumpur</td>
<td>MOHR MAPO</td>
<td>Improve evidence gathering and conviction rates for prosecutions of trafficking for labour exploitation through increased understanding of the challenges involved.</td>
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<td>Feb</td>
<td>Project Advisory Committee Meeting</td>
<td>Putra Jaya</td>
<td>MOHR MTUC MEF</td>
<td>Review the draft work plan for 2017 and identify any other key activities.</td>
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<tr>
<td>Feb</td>
<td>Launch and dissemination of Guidelines / Code of Conduct for employers of domestic workers</td>
<td>Kuala Lumpur</td>
<td>MOHR MTUC MEF Civil society Recruitment agencies Domestic workers</td>
<td>Encourage good practices among employers of domestic workers in Malaysia to improve their living and working conditions</td>
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Key developments

On 18 October, the MOHR informed Parliament there are 1.9 million registered migrant workers with 40 per cent of the migrant workforce estimated to be undocumented. (SOURCE: The Star Online).

On 7 December, the Myanmar Government suspended sending workers to Malaysia following diplomatic strain over the plight of those identifying as Muslim in Rakhine State. About 4,000 Myanmar workers were previously sent regularly to Malaysia each month (SOURCE: The Malay Mail Online).

Media coverage and publications

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<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Media source/Publication</th>
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<tr>
<td>2016, Vol 3 No 3, Scientific Journals of Indonesian Students Association</td>
<td>&quot;Encouraging Access to Justice for Indonesian Migrant Workers in Malaysia: The Need of Engaging Legal Aid Organizations in ASEAN&quot;,</td>
<td>Publication of Faculty of Social Science and Humanities, Universiti Kebangsaan Malaysia (Public University)</td>
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The TRIANGLE II project extends the cooperation between the International Labour Organization (ILO) and the Australian Department Of Foreign Affairs and Trade on protecting migrant workers and enhancing development opportunities. TRIANGLE II aims to ensure that the benefits of labour migration are equally realised by men and women migrant workers; employers and governments. In shifting emphasis towards leveraging the development potential of migration, TRIANGLE II aims to shape labour migration opportunities to support inclusive and sustainable growth in the ASEAN Economic Community. TRIANGLE II focuses on delivering in six countries (Cambodia, Lao People’s Democratic Republic, Malaysia, Myanmar, Thailand and Viet Nam) and engages institutionally with ASEAN.