

Quarterly Briefing Note

GMS TRIANGLE Project: Malaysia



Duration: June 2010 – June 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 in July 2009. After amending the bilateral MOU, recruitment of Indonesian domestic workers resumed in 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
<u>Migration to Malaysia:</u>	
• 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 (January - March 2015)

- On 16 March MTUC and VGCL (Vietnam) signed the MOU to officially establish bilateral cooperation to enhance protection of migrant workers. The MOU aims at enhancing bilateral cooperation of migration between VGCL and MTUC and their relevant industrial federations. The MOU is complementary to the implementation the MOU signed by Vietnam and Malaysia governments in 2003. Currently, these governments have begun dialogue to review their MOU.
- On 16 March a consultation with labour attachés and social partners was held on the topic of Government detention centers for irregular migrant workers. The consultation was co-organized with Bar Council and the Human Rights Commission of Malaysia, (SUHAKAM). The objective was the potential for cooperation. Officials from MOHR, Immigration and Police Department, SUHAKAM, MTUC, MEF and Malaysian Bar Council, Sessions Court Judge, labour attaché, embassy officials and UNHCR attended the consultation (12M; 12W).
- On 6, 9 and 12 March, in collaboration with MEF, training for employers on practical guidelines on the management of migrant workers was conducted in Penang, Johor and Kuala Lumpur/Selangor. The workshops aimed to enhance understanding of law, policy and good practices among employers in the management of foreign workers; inform employers of related and relevant government policies and regulatory requirements; disseminate the MEF guidelines / guidance on application of the law/policies; collect existing good practices from the employers; and to obtain employers' perspectives on laws. 205 participants (86M: 119W) attended.
- On 17 January, in collaboration with the Archdiocese Office for Human Development (AOHD) the Migration Works campaign hosted the Journey of Hope art exhibition showing the experiences of migrants at the workplace and in society. The exhibition engaged AOHD members to collaborate on the Migration Works campaign and share campaign ideas and tools with AOHD members to incorporate on positive contribution of migrants in their activities/programs with young people.
- In March, Public Media consultants were appointed to implement the Migration Works campaign. So far, they have facilitated the showing of the Journey of Hope at the Bar Council to sensitize immigration and police, MOHR, MEF, MTUC, and labour attachés to the experiences of migrants, engaged with journalists to sensitize journalist on migrants rights and contribution to the economy; and, conducted a workshop with young people on the experiences of migrants.

Main Activities in the Next Quarter (April-June 2015)

- On 8 – 10 April a joint workshop with MOHR and social partners will be held focusing on the new Protocol and Recommendation to the Forced Labour Convention, and on indicators of forced labour. The workshop will provide MOHR labour officers and other enforcement officers with the national and international framework and tools to advance their work to address the labour dimensions of trafficking, and improve the understanding of labour officers of their role in the criminal justice system. Labour officers and enforcement agencies will participate.
- In April a summary booklet of six labour attachés consultations conducted from 2012-2015 on protection of migrant workers will be launched. The summary booklet aims to assist labour attaches on their role in the protection of migrant workers and provide information on laws and policies on the protection of migrant workers.
- In April and May, Migration Works will conduct six activities with private colleges on the contributions of migrants; sensitize youths to the real experiences of migrants. The programs will include talks, visual presentation, video, migrant worker testimony and art.
- In May to assist MTUC to develop an action plan to support the implementation of the MOU between MTUC and VGCL.