

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Malaysia - 2023

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

REPORTING

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers' organizations, b) The most representative workers' organizations, c) The competent authorities

92. To which employers organizations was the report sent? [12] Please provide the list

Malaysian Employers Federation (MEF)

93. To which workers organizations was the report sent? [13] Please provide the list

Malaysian Trades Union Congress (MTUC)

94. Please describe the consultation process(es). [10.2]

Engagement and meetings

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' and Workers' organizations

95. Did employers' and workers' organizations comment on the report? [11a and 11b]

Yes

97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them

N/A

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT

Ratification

Ratification status

100-111 Ratification status

Malaysia has not ratified Convention No. 111.

Ratification intention

35. What are the prospects for ratification of Convention No. 100?

N/A

36. What are the prospects for ratification of Convention No. 111?

Unlikely

37. What, if any, are the impediments to the ratification of Convention No. 100 and/or Convention No. 111?

Malaysia has yet to ratify Convention No. 111 based on the Ministry of Human Resources' current policy and direction.

Recognition of the principle and right (prospect(s), means of action, basic legal provisions)

Constitution/ Policy, legislation and/or regulations, Grounds of discrimination

38. Have there been changes in law and practice in your country as regards the elimination of discrimination in respect of employment and occupation?

Yes

39.b.

Under Section 69F of the new amendments to the Employment Act 1955, the Director General may inquire into and decide any dispute between an employer and an employee regarding discrimination in employment.

Exercise of the principle and right

Information/ Data collection and dissemination/ Involvement of social partners/ Promotional activities

41. If yes, Please specify:	c) Training, d) Awareness-raising
Special initiatives-Progress	
42. Have any initiatives resulted in successful examples or good practice in promoting the elimination of discrimination in respect of employment and occupation?	Yes
42.1. Please specify	Training-of-Trainers and Validation Workshop for Labour Inspectors on Forced Labour, Child Labour, Gender-Based Discrimination, Violence and Harassment at the Workplace. This manual has been published in the ILO website. It aims to improve the capacity of the labour inspectorate to respond to the most urgent needs for the protection of workers' rights on forced labour, child labour and gender-based discrimination, violence and harassment in the workplace. Establishment of in-house policies on anti-sexual harassment by Malaysian Employers' Federation.
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	
According to the social partners and the Government	
44.a.	With the new provision on discrimination under the amendments to the Employment Act 1955 which came into effect on 1 January 2023, the Government will continue its efforts to raise awareness and receive support from employers.
TECHNICAL COOPERATION	
Request	
45.c.	Technical support by providing technical expertise in collecting and analyzing data.
45.b.	Technical support from the ILO in term of training, capacity building, publications and awareness-raising programmes.