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► Bridging Gaps, Building Support: Strengthening Services for Forced Labour Cases



- ▶ **Bridging Gaps, Building Support: Strengthening Services for Forced Labour Cases**



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► Foreword

Forced labour remains one of the most severe violations of fundamental rights at work, undermining human dignity and social justice. In Malaysia, as in many parts of the world, addressing forced labour requires not only robust legal frameworks but also a comprehensive and inclusive system of support services that respond to the needs of victims and survivors.

This study, *Bridging Gaps, Building Support: Strengthening Services for Forced Labour Cases*, commissioned under the ILO's ADVANCE Project and supported by Employment and Social Development Canada, offers a timely and critical examination of the service delivery landscape for victims and survivors of forced labour in Malaysia. It builds on the findings of the ILO's Migrant Workers' Empowerment and Advocacy (MWEA) project and provides a deeper understanding of the systemic, legal, and operational barriers that hinder effective support.

The study highlights the essential roles played by civil society organizations and trade unions in filling service gaps, often under challenging conditions and with limited resources. It also underscores the importance of government leadership in creating an enabling environment for coordinated, victim-centred, and trauma-informed service provision. Importantly, it calls for a shift from fragmented and reactive responses to a more integrated and sustainable support system.

The International Labour Organization remains committed to supporting Malaysia in its efforts to eliminate forced labour and to uphold the rights of all workers, particularly the most vulnerable. We hope this study will serve as a valuable resource for policymakers, practitioners, and advocates working to strengthen protection mechanisms and ensure that no one is left behind.

We extend our sincere appreciation to all stakeholders who contributed to this research, including government agencies, civil society organizations, trade unions, and, most importantly, the workers whose voices and experiences are at the heart of this report.

Panudda Boonpala

Deputy Regional Director

ILO Regional Office for Asia and the Pacific

May 2025



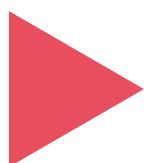
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► Abbreviations

AFML	ASEAN Forum on Migrant Labour
ASEAN	Association of Southeast Asian Nations
ATIPSOM	Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007
CSO	Civil Society Organizations
DOL	Department of Labour
EIS	Employment Insurance Scheme
FGD	Focus Group Discussions
ILO	International Labour Organization
IPO	Interim Protection Order
LLRC	Labour Solidarity and Learning Resources Association
MRCs	Migrant Resource Centres
MTUC	Malaysian Trades Union Congress
MWEA	Migrant Workers' Empowerment and Advocacy
NAPFL	National Action Plan on Forced Labour
NGO	Non-Government Organizations
NRM	National Referral Mechanism
OECD	Organisation for Economic Co-operation and Development
PO	Protection Order
R2R	Right to Redress Coalition
ROS	Registrar of Societies
SOCSSO	Social Security Organization
SPIKPA	Surgical Insurance Scheme for Foreign Workers
WFW	Working for Workers



1

Introduction

1.1 Background of the study

The Advancing Fundamental Principles and Rights at Work on Forced Labour and Child Labour in Malaysia (ADVANCE Project), with funding contribution from Employment and Social Development Canada, contributes to enhancing national and sectoral action, focusing on the electrical and electronics sector, to implement international labour standards on forced and child labour, freedom of association, and right to collective bargaining. As part of the implementation of the ADVANCE Project, the International Labour Organization (ILO) is commissioning a study to assess the present support services, which are available to victims/survivors of forced labour and their relevance to victims'/survivors' needs.

In 2024, the ILO's Migrant Workers' Empowerment and Advocacy (MWEA) project completed a study on Mapping and training needs assessment among organizations delivering services to migrant workers in Malaysia. The MWEA study mapped the trade unions, civil society organizations (CSO), and community-based groups for assisting migrant workers engaged in Malaysia. It had also comprehensively identified the capacity building and training needs of these organizations to increase their impacts on the service delivery. An updated directory of organizations in Peninsular and Eastern Malaysia providing services to migrant workers and their families was also developed as part of the MWEA study.

This study seeks to build on the results of the recent mapping exercise conducted by MWEA. It focuses on gaining a deeper understanding of the challenges faced by organizations that are

providing services to victims/survivors of forced labour. It aims to go beyond outlining "what is provided" to consider "why" service provision gaps exist. It will help clarify operational, legal, and contextual barriers that affect service provisions, which are central to identifying long-term solutions.

In particular, the study will examine the government's role and responsibility in supporting service provision by encouraging current service providers and exploring ways in which it could further enhance and strengthen the better service delivery system. This is important because the ability to provide services is not just about capacity or resources alone, it also requires a supportive as well as systemic structure that enables and facilitates effective service delivery. Since the policies and regulations of government directly impact how services are provided to victims/survivors of forced labour. For example, for forced labour victims/survivors, accessing services depends also on legal protections as well as coordination among government and non-government organizations (NGO). An appreciation of whether existing government policies and regulations are supportive, restrictive, or neutral towards service provision can help pinpoint ILO's technical support and advocacy priorities.

It is anticipated that the study will serve as a basis for ILO technical support to the government on identifying means to address the needs of service providers and to improve services provided to "victims/survivors" of forced labour.

1.2 Study methodology

1.2.1. Research questions

This study is designed to answer the following research questions:

- 1. What is the current role of the government in supporting victims/survivors of forced labour?**
 - a. To what extent does the government provide direct services to victims/survivors of forced labour, and through what mechanisms?
 - b. How effectively does it create an enabling environment for non-government stakeholders to offer complementary support services to victims/survivors of forced labour?
 - c. What are the underlying tensions that prevent complementarity in supporting victims/survivors of forced labour?
- 2. What primary challenges do non-government service providers face in supporting victims/survivors of forced labour?**
 - a. What operational, legal, and contextual barriers affect their ability to deliver effective services, and how do these factors impact the reach of their support?
 - b. How do victims/survivors of forced labour perceive the quality of support services they receive?
- 3. How may the government support service providers to improve the delivery and the quality of services to victims/survivors of forced labour?**
 - a. How may the government enhance support to service providers, reduce barriers they face or expand its own role to ensure comprehensive and accessible support for victims/survivors of forced labour?

1.2.2. Data collection

1.2.2.1. Literature review

This study is conducted by using qualitative approaches, beginning with a review of literature on the forced labour landscape in Malaysia as well as the related national legislation and policies in place. This review aims at understanding the public service provision framework, which are available to victims/survivors of forced labour, including the role of public services in addressing their needs and the extent to which these services align with national and international standards. It also seeks to identify gaps in service delivery and explore how existing frameworks impact the accessibility and effectiveness of support for victims/survivors. This understanding provides the foundations for examining the complementary framework, and to some extent, the contrasting roles of CSOs in service provision.

A review of available literature on service provision by CSOs to victims/survivors of forced labour and to migrant workers more broadly was conducted. This focus on migrant workers is relevant because they are disproportionately subjected to forced labour in Malaysia or work under conditions where multiple indicators of forced labour are present. Existing research reports documenting migrant worker experiences across different sectors provide valuable insights into the structural vulnerabilities, exploitation patterns, and systemic gaps that persist in addressing forced labour.

In understanding the landscape for service provision for victims/survivors of forced labour in Malaysia, the researcher drew heavily from the ILO's 2024 unpublished report *"Mapping and training needs assessment among organizations delivering services to migrant workers in Malaysia"*¹ as well as the more dated *Mapping of service provision to migrant workers in Peninsular Malaysia*.²

¹ ILO, *Mapping and training needs assessment among organizations delivering services to migrant workers in Malaysia*, unpublished report, 2024

² ILO, *Mapping of service provision to migrant workers in Peninsular Malaysia*, November 2021

1.2.2.2. Key informant interviews and focus group discussions

Data gathered from document review is supplemented by primary collection through 13 semi-structured interviews conducted with representatives of trade unions and CSOs. Two interviews were conducted with trade union representatives, one from the electrical and electronics sector whereas the other from the timber industry. However, 11 interviews were conducted with CSOs that provide services to migrant workers. In addition, one focus group discussion (FGD) was conducted with representatives of the Department of Labour (DOL) Peninsula Malaysia, the DOL Sabah and the DOL Sarawak.

These interviews and the FGDs were conducted between November 2024 and January 2025. Each meeting with key informants was conducted online and lasted between 60 and 80 minutes. All interviews were conducted in English language. The aims and objectives of these interviews are understanding the role of each key informant in

service delivery, their challenges in experiencing while providing support to victims/survivors of forced labour and how they have responded to such challenges. They sought to gather insights into how service delivery to victims/survivors of forced labour may be enhanced, with a focus on how the government can better enable CSOs' to serve their beneficiaries.

As it is important to gather insights directly from workers, five FGDs were conducted in person with a total of 22 migrant workers. Three FGDs were conducted in Kuala Lumpur, and two in Kuching, Sarawak. Focus group participants were recommended by migrant community leaders who belong to a diverse range of sectors of work and countries of origin – electronics, manufacturing, services, sawmills, and security guards. This diversity was intentionally sought to reflect the broad spectrum of forced labour risks across industries and demographics. The research was also refrained from distinguishing workers on the basis of their immigration or documentation status.

Table 1.1. Breakdown of participants in focus group discussions (FGDs)

	No. in focus group	Country of origin	Sector	Sex
FGD 1	4	Indonesia	Electronics, manufacturing	4 women
FGD2	4	Indonesia and the Philippines	Services	4 women
FGD 3	8	Indonesia	Sawmill	8 men
FGD 4	4	Myanmar	Services, manufacturing	3 men, 1 woman
FGD 5	2	Nepal	Security guard	2 men

All the FGDs with workers were conducted on the basis of anonymity, with participants who were assured that their names and affiliations would not be cited.

1.3 Research limitations

The information presented in this report is basically obtained from the document review, interviews taken from participants, and FGD data. However, a key limitation of this study is the absence of direct interviews with victims/survivors of forced labour to gain insights into their assistance-seeking choices and experiences. At the beginning of the research process, the researcher had intention to work with CSOs in order to identify and refer workers who could participate in the research. However, concerns about re-traumatization

arose, leading to a cautious approach to protect potential participants from harm. Despite efforts to collaborate with CSOs, these requests did not yield results.

Instead, the study focused on engaging workers who had experienced with substandard working conditions at some point of time during their employment in Malaysia and had sought assistance from public services or CSO providers. Although this does not capture the specific experiences and needs of individuals directly subjected to forced labour, it nonetheless offers useful insights into

assistance-seeking behaviour among those who are at risk of labour exploitation, the accessibility barriers they experience, and how do they perceive the capacity of service providers in order to meet their needs and basic requirements.

Secondly, this research had aimed at examining various kinds of services that are provided to victims of forced labour with a focus on the electrical and electronics sector. However, no sector-specific information was obtained. This

is due to the lack of service providers exclusively assisting victims from the electrical and electronics sector, as service providers generally support victims across various industries without any sectoral distinction. In addition, victims of forced labour in the electrical and electronics sector may not always be identified as such; however, they had limiting access to targeted data. As a result, the findings reflect broader challenges in service provision rather than sector-specific insights.

1.4. Key terminologies



1.4.1. Forced labour

Malaysian national legislation provides a definition for forced labour. Under section 90B of the Employment Act 1955 (EA 1955), forced labour occurs when:

Any employer who threatens, deceives or forces an employee to do any activity, service or work and prevents that employee from proceeding beyond the place or area where such activity, service or work is done ...

The scope of this provision is limited and scarce. Section 90B criminalizes forced labour only within the context of a formal employment relationship, possibly discounting other circumstances where labour or service may be performed involuntarily.³ It also appears to cover only that situation where an employer applies threats, deception or force to compel an employee to perform certain activities,

service or work and restricts the employee from going outside the designated area where such activities take place. The focus on only several forms of coercive elements and the restriction of movement means that it may overlook other forms of exploitative practices or forced labour indicators.⁴

Therefore, this report has adopted the ILO's definition of forced labour as outlined in Article 2 of the Forced Labour Convention, 1930 (Convention No. 29). Forced labour refers to "all works or services which are exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."

By aligning with the ILO's definition, this study ensures consistency with global standards and other research studies on forced labour. More importantly, it ensures that various manifestations of coercive practices as well as the diversity of employment relationships are captured. This is also important because different groups of workers such as migrant workers, undocumented workers, refugees, and asylum seekers, which may not be in formal employment, are disproportionately affected by forced labour. The ILO's definition provides a broader and more inclusive lens by which the diverse forms of exploitation have been examined about these workers' experience.

³ The Employment Act 1955 defines an 'employee' as someone who is engaged under a "contract of service". A contract of service is defined as "any agreement whether oral or in writing and whether express or implied, whereby one person agrees to employ another as an employee and that other agrees to serve his employer as an employee and includes an apprenticeship contract".

⁴ ILO, [Forced Labour Indicator Booklet](#), 1 January 2013

1.4.2. Victim versus survivor

The terms “victim” and “survivor” are both used in discussions about individuals who have experienced harm, exploitation, and abuse. Although they are often used interchangeably, each term serves different purposes.

The term “victim” is used primarily to describe a person who has been subjected to a crime. In legal and judicial frameworks, the word serves as a status that provides certain rights under the law. The term is neutral in that it is not a label; it does not imply weakness, assume guilt, or assign blame.⁵ In the context of forced labour, this framing is more important when advocating for stronger enforcement of laws, by holding perpetrators accountable and ensuring their access to remedies.

Meanwhile, the term “survivor” is a term of empowerment, which is mostly used to convey that a person has started the healing process. It shifts the focus from the harm experienced to the individual’s journey of recovery. Whether in service provision or in advocacy settings, the term “survivor” is often used to avoid an individual being defined solely by the crime they experienced.

Since both terms have their own place and they exist to serve different purposes, they can be used respectfully. These terms used in this report to reflect different aspects of a person’s

experience with forced labour. The term “victim” is used in legal and policy contexts, particularly when referring to rights, protections, and remedies under certain national and international frameworks. It acknowledges that individuals have lived with harm due to exploitation. The term “victim/survivor” is used in the contexts that emphasize on resilience and agency, particularly when discussing about recovery and reintegration. Both terms are used in this report to capture the legal realities and the lived experiences of those affected by forced labour.

1.4.3. Civil society organizations and trade unions

This study adopts the Organisation for Economic Co-operation and Development (OECD) definition of CSOs. They are referred to as “any non-profit entity organised on a local, national or international level to pursue shared objectives and ideals, without significant government-controlled participation or representation.” They cover a wide range of organizations. Examples include community-based organizations, environmental groups, women’s rights groups, faith-based organizations, co-operative societies, professional associations, chambers of commerce, independent research institutes, and the not-for-profit media.⁶ The study also adopts the ILO’s definition of trade unions as “workers” organizations constituted for the purpose of furthering and defending the interests of workers.

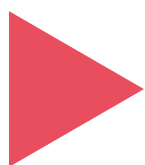
1.4.4. Services for victims/survivors of forced labour

Broadly the services for “victims/survivors” of forced labour are defined to encompass the essential components identified across these frameworks in this report. This includes healthcare, which covers both immediate medical care and psychological support; legal services, such as access to legal advice and representation; social services, including shelter, and financial support; and economic reintegration services, such as vocational training, education, and access to decent work. It specifically excludes activities such as campaigning or policy advocacy, which while central to systemic change and improving the overall landscape for workers, may not always directly address the immediate needs faced by the individual victim/survivor.



⁵ Sexual Assault Kit Initiative, [Victim or Survivor? Terminology from Investigation Through Prosecution](#), Sakitta

⁶ OECD, [Aid for Civil Society Organisations, Statistics based on DAC Members’ reporting to the Creditor Reporting System database \(CRS\), 2022-2023](#), January 2025



2

Overview

Service provision is a cornerstone of effective responses to forced labour; various international frameworks make service delivery a fundamental part of States' obligations in the response to labour exploitation. The ILO Protocol of 2014 to the Forced Labour Convention, 1930, to which Malaysia is a signatory, along with the accompanying Recommendation No. 203, stress the importance of comprehensive measures for the "identification, release, protection, recovery, and rehabilitation of all victims."⁷ Similarly, the "Trafficking in Persons Protocol" prioritizes service provision as essential to victims' recovery and empowerment.

But, what does service provision entail? Although definitions vary, international instruments provide a clear foundation for victim/survivor's support. Protocol No. 29 and Recommendation No. 203 outline services that address both immediate needs and long-term recovery. These include appropriate accommodation, medical and psychological assistance, and material assistance.⁸ Victims must also have access to free and appropriate information on their rights and available services.⁹ With the Trafficking in Persons Protocol, Article 6 mandates the provision of housing, medical and psychological care, legal aid, material assistance, and training or education to facilitate reintegration.

A core component to victim/survivor support services is have access to justice and legal remedies. International instruments emphasize upon the fact that victims/survivors are not passive participants in justice processes; rather, their involvement must be meaningful, with their needs and priorities placed at the centre of legal proceedings. For one, Article 6 of the Trafficking in Persons Protocol require States to ensure victim-centred justice by

providing them with information about relevant Court and administrative proceedings and also enabling their views and concerns to be heard and considered during appropriate stages of criminal proceedings against the offenders in the Court premises.

Access to remedies is more than simply bringing a case to Court. Victims/survivors must have access to a comprehensive range of remedies, including compensation and damages, which address the harm they have lived with.¹⁰ Recognizing that victims face personal risks in the pursuit for legal remedies, Recommendation No. 203 advocates for the protection of victims and their family members from intimidation and retaliation for accessing appropriate administrative, civil, and criminal remedies, including compensation and damages.¹¹

Another component in victim/survivor support services is the need to go further than meeting immediate needs. These instruments highlight the need for governments and stakeholders to empower victims/survivors and meet their long-term needs. Recommendation No. 203 calls for access to socio-economic assistance, including access to educational and training opportunities and decent work¹² although the Trafficking in Persons Protocol emphasizes upon the need to provide better employment facilities, educational qualifications, and training programmes to gain opportunities for victims of exploitation. These provisions aim to overcome the structural barriers, such as lack of education, limited skills, and restricted access to decent work that can lead to re-victimization.

⁷ Article 3, Protocol of 2014 to the Forced Labour Convention, 1930

⁸ Paragraph 9, Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

⁹ Paragraph 12, Recommendation No. 203

¹⁰ OHCHR Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

¹¹ Paragraph 9, Recommendation No. 203

¹² Paragraph 9, Recommendation No. 203



The UN Women Essential Services Package for Women and Girls Subject to Violence¹³ expands this perspective by outlining a core set of services in five areas: healthcare, police and justice, social services, coordination, and governance of responses. Although this package specifically targets victims/survivors of violence, its principles are relevant to the needs of victims/survivors of forced labour, particularly women and girls, who mostly experience violence in ways that differ significantly from men. In the context of work, women and girls are disproportionately affected by forced labour in sectors such as domestic work, agriculture, and manufacturing and also face a wide range of gender-specific challenges, including sexual violence, reproductive exploitation, and gender-based discrimination at home as well as workplaces.

The framework's emphasis on coordination is most significant in terms that it highlights that victim/survivor services, which are rarely provided by a single agency or stakeholder. It requires cohesive cross-agency and multistakeholder, multidisciplinary, and multi-level approaches from the concerned sectors to effectively implement laws, policies, protocols and agreements to prevent and respond to forced labour. Coordination can occur at various levels: nationally among ministries, locally among service providers and stakeholders, and in between different levels of government and non-government service providers. These elements of victim/survivor support services are generally reflected to some extent in the policies and laws of Malaysia's forced labour.

The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM) specifically mandates the provision of healthcare and shelter services to trafficked persons, including those who are trafficked for forced labour. The National Action Plan on Trafficking in Persons (2021–25) aligns with these priorities; it makes providing “victim-centred protection, assistance, and recovery services that conform to international

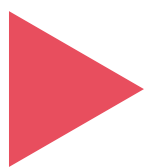
standards” a strategic goal. Comparably, one of the guiding principles of the National Action Plan on Forced Labour (NAPFL) is the provision of “trauma-informed and victim-centred” support and protection services. Markedly, Strategic Goal 4 of the NAPFL sets the target of ensuring that, by the end of 2025, victims of forced labour have improved access to support and protection services. This includes strengthening capacities to identify victims, enhancing complaint mechanisms and procedures in businesses, and linking these with government grievance mechanisms.

Of note is the acknowledgement within these policies that the responsibility for service delivery in the context of forced labour is not the government's alone; it is shared and requires sustained engagement and collaboration with non-government entities. Malaysia operates with a hybrid model of service delivery wherein government agencies are primarily responsible for enforcing the laws and providing legal remedies, although CSOs are responsible for direct service provision to victims/survivors of forced labour. This fact is also evident in the 2015 amendment to the ATIPSOM to allow for NGO to shelter trafficked persons and for NGO staff to be appointed as protection officers (IPOs) as part of a national referral system for human trafficking cases. The NAPFL, too, explicitly points to the role of CSOs as the primary providers of trauma-informed services, such as providing counselling sessions and shelter to the victims of forced labour.¹⁴

In sections 3 and 4 of this report, it is explored in greater detail how these legal frameworks and policies are operationalized, and the extent to which government-provided services are accessible to victims. In sections 5 and 6, the report looks into matters concerned with the role of CSOs and how their interaction with legal frameworks and policies on forced labour impact their service delivery design.

¹³ UN Women, [Essential Services Package for Women and Girls Subject to Violence](#), December 2015

¹⁴ Ministry of Human Resources, [National Action Plan on Forced Labour \(2021-2025\)](#)



3

The role of the government in service provision to victims/survivors of forced labour

This section explores the public services available to victims/survivors of forced labour, focusing on the legal frameworks that govern their access to support. It examines the national referral mechanism (NRM) for human trafficking, which includes individuals who are trafficked for the purpose of forced labour, as well as the availability of services for those subjected to forced labour but not formally identified as trafficked persons.

3.1. Accessing services through the human trafficking national referral mechanism

The Anti-Trafficking in Persons and Smuggling of Migrants Act 2007 (ATIPSOM) criminalizes trafficking in persons for the purpose of exploitation,¹⁵ with forced labour being listed as one of several forms of exploitation.¹⁶ An offender may be punished for 20 years of imprisonment and a fine upon conviction¹⁷ and may also be ordered to pay compensation to the trafficked person.¹⁸ Although forced labour is not a standalone offence or a crime in its own right within ATIPSOM, the law has been used to prosecute employers who exploit workers, particularly migrant workers.

ATIPSOM provides a framework for identifying and referring potential trafficked persons and also ensuring trafficked persons who receive some

short-term care and protection services. This is commonly referred to as the NRM. The NRM gives trafficked persons access to services such as temporary shelter and medical treatment.¹⁹ Although they remain in the shelter, they will receive a monthly allowance of 120 Malaysian Ringgit.²⁰ Given that many trafficked persons in Malaysia are non-nationals and migrant workers, the ability to work is crucial. ATIPSOM addresses this need by granting trafficked persons the freedom to move freely or to be “employed, engaged, or contracted”²¹ for work-privileges, which are not usually extended to victims of other crimes.

To access these services, an individual has to first obtain an interim protection order (IPO) from the Magistrate’s Court. With an IPO, a potential victim of trafficking will be able to access temporary “place of refuge” for an initial period of 21 days.²² During this period, a Protection Officer is appointed to oversee his care and protection. The place of refuge or shelter may be operated by the Department of Welfare or a list of authorized NGOs.²³ The government operates 8 shelters: 5 for women in Kuala Lumpur, Selangor, Kelantan, Johor and Sabah, 1 for men in Melaka, 1 for girls, and 1 for boys in Negri Sembilan and Johor. As such, government shelters are not available in some parts of the country. It also provides funding for two NGO-run shelters for women and children.

¹⁵ Section 12 Anti-Trafficking in Persons and Smuggling of Migrants Act 2007 (ATIPSOM)

¹⁶ Section 2 ATIPSOM

¹⁷ Section 12 ATIPSOM

¹⁸ Section 66A ATIPSOM

¹⁹ Sections 45-48 ATIPSOM

²⁰ Anti-Trafficking in Persons and Anti-Smuggling of Migrants (Payment of Allowance to Trafficked Persons) Regulations 2017

²¹ Section 51A ATIPSOM

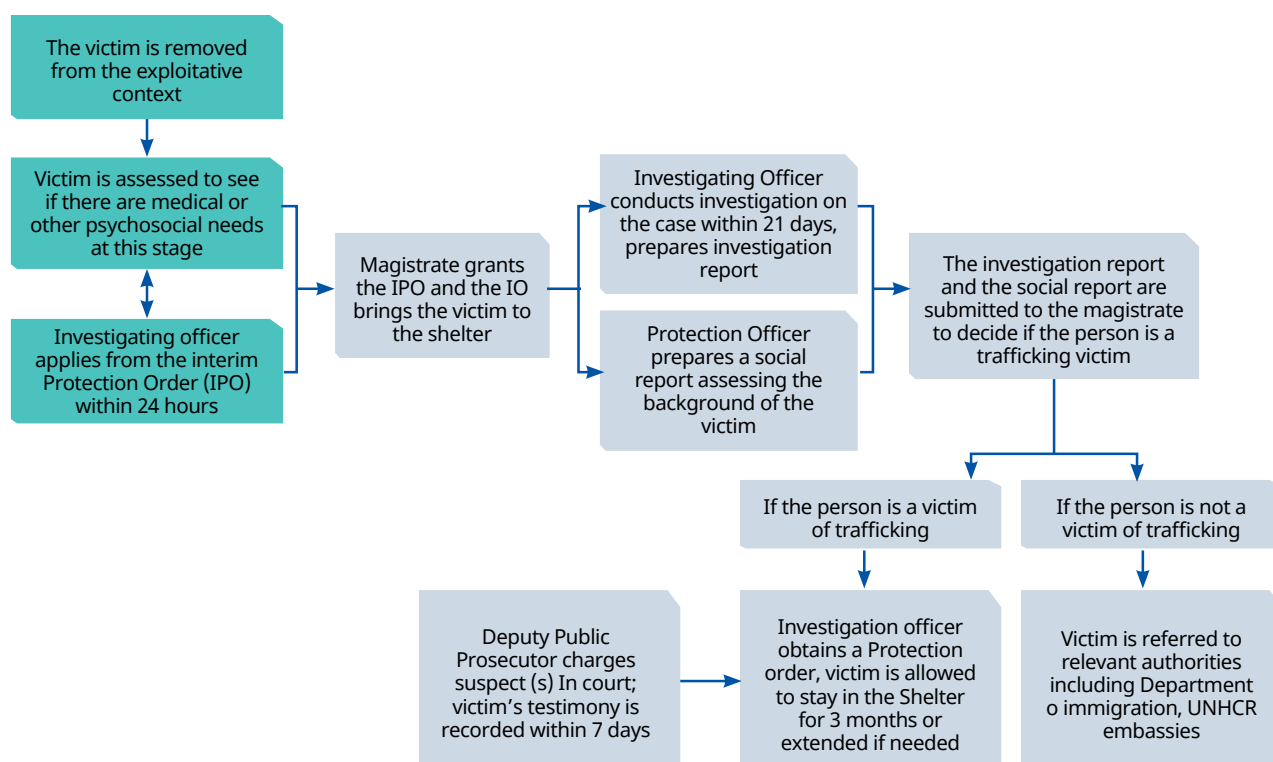
²² Section 44(2) ATIPSOM

²³ Section 43 ATIPSOM

During this time, an investigation officer (IO) will conduct an inquiry into the case, with the aim to determine if there is sufficient evidence to proceed with trafficking victims in their investigation and prosecution. By the end of 21-day period, the investigation officer prepares an investigation report after conducting the inquiry, and further the Protection Officer compiles a social report by assessing the trafficked person's background.²⁴ Both reports are presented in front

of a Magistrate, who will then decide whether the individual is a presumed trafficked person or not. If so, a Protection Order is issued an order, allowing them an individual to remain at a place of refuge for up to 3 months. The tenure of PO may be extended beyond 3 months. For a non-national, a PO may be further extended for more than 3 months to complete the recording of his evidence or deposition and also during exceptional circumstances.

Flowchart 2.1. National referral mechanism workflow for human trafficking cases



The ATIPSOM exempts a trafficked person from being prosecuted, detained, or punished for illegal entry or residence in Malaysia as well as the procurement or possession of any fraudulent travel or identity document if these acts were the direct consequence of their situations as trafficked persons.²⁵ However, this non-punishment principle does not extend to other crimes, even if they are the result of their exploitation. Once the Protection Order is revoked or expires, the trafficked person is released from the care of the Protection Officer. In the case of a trafficked person who is a foreign national, he may be released to an immigration officer for repatriation to his country of origin.²⁶

Access to these services as prescribed under ATIPSOM is, in many ways, contingent on being identified as a trafficked person, entering the NRM and participation in the prosecution of an offender. They are also offered only for the duration of an IPO or a PO. This means that the NRM excludes individuals who are not formally recognized as trafficked, even if they experience comparable exploitation such as forced labour. Many individuals during forced labour situations will be assessed not to have met the strict legal definitions of trafficking. Indeed, systemic challenges in victim identification have frequently been identified as a barrier for accessing protection and services guaranteed under Malaysian laws.²⁷

²⁴ Section 51 ATIPSOM

²⁵ Section 25 ATIPSOM

²⁶ Section 54 ATIPSOM

²⁷ United States State Department, [2024 Trafficking in Persons Report: Malaysia](#), June 2024



3.2. Accessing legal remedies for forced labour through employment law framework

If an individual is not formally identified as a trafficked person, their experiences are frequently categorized as standard labour complaints. Legal remedy for forced labour or indicators of forced labour may be found in Malaysia's employment legislation. Section 90B of the Employment Act 1955 makes forced labour a punishable offence; a person convicted of the offence may be fined up to 100,000 Ringgit or/and imprisoned for up to 2 years. Although this provision may hold an offending employer accountable, it does not provide any direct remedy to the victim/survivor nor does it ensure that victims/survivors of forced labour receive the services required to support their recovery.

The Employment Act regulates against a number of indicators, which are applicable to forced labour in Peninsular Malaysia such as withholding of wages, excessive overtime, and abusive working conditions. This includes providing limitations on working hours²⁸ as well as for rest days, holidays, various leave entitlements, overtime pay, payment of wages, and conditions for termination of employment.²⁹ These provisions protect most of the workers, regardless of their nature of work or wage levels. However, provisions related to overtime rates for work done outside the working

hours, on rest days, and during public holidays, allowances for shift-based work and termination, lay-off and retirement benefits do not apply to employees earning above 4,000 Ringgit per month.³⁰ In addition, domestic workers, who are referred to as "domestic employees" within the legislation are excluded from the majority of protections under the Employment Act.³¹

Other employment-related legislation such as the Minimum Wages Consultative Council Act 2011, which regulates minimum wages and the Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990, which outlines the minimum standards for employer-provided workers' housing and accommodation offer some safeguard against abusive working and living conditions. Meanwhile, the Passport Act 1966 prohibits the retention of passports.

It should be noted that the Employment Act applies only to Peninsular Malaysia. The Sabah and Sarawak Labour Ordinances, which govern employment relationships in the two Borneo states, provide different rights and do not explicitly outlaw forced labour. At the time of writing, both the ordinances are in the process of being amended to align with the Employment Act. Among others, the amendment will lead to improved maternity leave benefits, introduction of paternity leave, reduced standard weekly working hours, and will set minimum standards of accommodations for workers.

²⁸ Section 60A(3) of the Employment Act 1955 defines 'overtime work' to be work carried out in excess of the normal hours of work a day. Normal work hours are not more than 8 hours in one day and not more than 45 hours in one week. The Employment (Limitation of Overtime Work) Regulations 1980 limits overtime work to 104 hours in any one month.

²⁹ See Part III and Part XII, Employment Act

³⁰ See sections 60(3), 60A(3), 60C(2A), 60D(3), 60D(4) and 60J of the Employment Act 1955

³¹ See Schedule 1 of the Employment Act 1955

3.2.1. Complaints through the department of labour

Workers whose work conditions fall short of national standards may file a complaint with the DOL, which is considered mandatory to enforce the employment laws. The complaint may be lodged in person at the DOL, or through various online platforms.³² The DOL can inquire into the following types of complaints:

- 1 Dispute between an employee and employer in respect of wages or other payments due in cash to the employee;³³
- 2 Disputes related to the misconduct of an employee and punishment by an employer;³⁴
- 3 Disputes between a contractor for labour against a principal, contractor or sub-contractor for sums owed to the contractor for labour;³⁵
- 4 Disputes related to discrimination in employment;³⁶
- 5 Disputes related to sexual harassment;³⁷
- 6 Offences under the Employment Act 1955.

Once a complaint is filed, the Director General will examine the complainant to decide on the basis of merit of the complaint. He may then summon the person complained against to answer the complaint. Wherever appropriate, he will facilitate conciliation between the parties with the aim of achieving a settlement.

If this is unsuccessful, he will proceed with an inquiry. Both parties will be summoned to attend the inquiry session at a pre-determined date. The inquiry process mirrors a Court trial, and will ordinarily begin with the complainant who is presenting his case and evidence. The respondent and the labour officer may then question the complainant.

Complainants may be represented by an appointed lawyer or a trade union during an inquiry or investigation process. However, securing the services of these professionals would be challenging for some groups of vulnerable workers such as migrant workers and undocumented workers. Although migrant workers are legally permitted to join trade unions, very few of them do so in practice.³⁸ One reason is the lack of representation within the union leadership; migrant workers do not hold leadership positions, which can lead to a perception that unions do not adequately represent their interests.³⁹ This disconnection or misrepresentation between trade unions and migrant workers may discourage them from seeking any kind of support from union while navigating labour disputes or inquiries. Meanwhile, the cost of engaging a lawyer would be prohibitive for low wage migrant workers.⁴⁰ Government legal aid schemes are also not available to migrant workers for employment disputes.⁴¹

³² A complaint to the Department of Labour may be lodged in writing at a branch office, via email, through the Public Complaint Management system, with a telephone call or through the Working for Workers mobile application.

³³ Section 69(1) Employment Act

³⁴ Section 69(3) Employment Act

³⁵ Section 69(2) Employment Act

³⁶ Section 69F Employment Act

³⁷ Section 81D Employment Act

³⁸ Department of Trade Union Affairs, A Compilation of Trade Union Statistics in Malaysia 2019-2023 (Ministry of Human Resources, 2024)

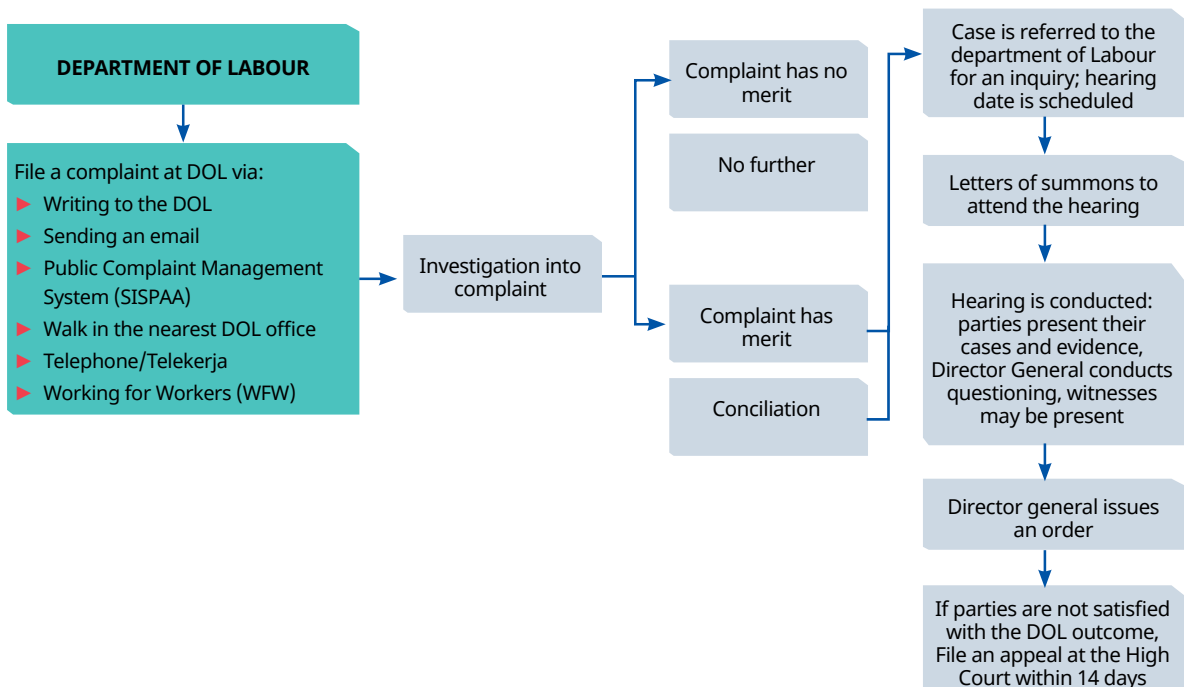
³⁹ Interview with CSO 003, Kuala Lumpur, 18 November 2024

⁴⁰ Interview with CSO 004, Kuala Lumpur, 20 November 2024

⁴¹ Eleanor Taylor-Nicholson, Renuka Balasubramaniam and Natasha Mahendran, Migrant Workers' Access to Justice: Malaysia (Bar Council Malaysia, 2019)



Flowchart 2.2. Department of labour complaints workflow



3.3. Public healthcare services for victims/survivors of forced labour

■ At first, the employer brought me to two clinics, they didn't want to provide treatment. Then, my employer took me to the hospital, it was the same thing. They said I was not insured. Then I called my community leader, we went to one clinic and again we were refused. The next clinic accepted us and I received seven stitches on my wrist.

► Undocumented worker from Myanmar, FGD 4

Public healthcare services are generally available to victims/survivors of forced labour, though legal and institutional barriers can constrain their access, especially for migrant workers.⁴² With the exception of workers in the plantation sector, documented migrant workers in Malaysia are required to subscribe to the Surgical Insurance Scheme for Foreign Workers (SPIKPA), a health insurance scheme. This insurance policy costs 120 Ringgit a year and provides up to 10,000 Ringgit in coverage per year for admission to a non-corporatized Malaysian Government hospital in cases of accidents and illnesses. In addition, documented migrants are covered under SOCSO's (Social Security Organization) Employment Insurance Scheme (EIS), which provides them protection against accidents and occupational diseases that are arising out of and in the due course of employment or engagement at workplace.



⁴² Tharani Loganathan, Zhie X Chan and Nicala S Pocock, [Healthcare financing and social protection policies for migrant workers in Malaysia](#), (PLoS ONE, 2020)



Enrolment in both SPIKPA and the EIS is mandatory to renew their work permits, but these schemes come with apparent limitations. Non-nationals are excluded from the highly subsidized fees at public healthcare facilities.⁴³ When hospital bills exceed the 10,000 Ringgit as coverage limit under SPIKPA, the remaining costs must be paid out-of-pocket expenditures by the worker or his employer. This can deter workers from seeking extensive care altogether; the financial costs of seeking healthcare are mostly high as non-national patients are not entitled to receive any grant or government subsidies.⁴⁴ In addition, neither SPIKPA nor SOCSO covers psychological or psychiatric treatments. This gap is a major issue for victims/survivors of forced labour who may have endured prolonged periods of exploitation, trauma, and abuse.

Insurance schemes such as SPIKPA and SOCSO are not accessible to everyone, mainly for those who are without formal employment or have undocumented status. This exclusion limits their access to public health services, as undocumented migrant workers may be required to provide documents or legal papers for identification, such as valid passports and work permits, to receive medical care. Research participants report that there have been instances where the lack of health insurance has been used as a basis to deny admission and treatment.⁴⁵

In addition, the Ministry of Health circular mandates public healthcare providers to report undocumented individuals to the Department of Immigration.⁴⁶ Although the extent of enforcement remains unclear, the existence of this policy engenders fear and discourages undocumented individuals from seeking the treatment. Many undocumented workers avoid public hospitals and instead turn to private healthcare providers. However, private healthcare services can be similarly expensive and may still require to submit identity verification, creating similar barriers to access.⁴⁷ This systemic exclusion leaves victims/survivors of forced labour in irregular situations with few options for medical care.

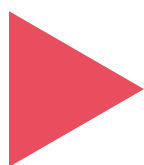
⁴³ Ministry of Health Malaysia. Circular of the Secretary General, Ministry of Health, Malaysia No. 8/2015: Implementation of full charges Fees Order (Medical) (Service cost) 2014 and 2015

⁴⁴ Tharani Loganathan, Zhie X Chan and Nicala S Pocock, [Healthcare financing and social protection policies for migrant workers in Malaysia](#), (PLoS ONE, 2020)

⁴⁵ Focus group discussion with FGD 004, Kuala Lumpur, 15 December 2024

⁴⁶ Ministry of Health Malaysia, Circular of the Director General of Health: Guidelines for reporting illegal immigrants obtaining medical services at clinics and hospitals, Office of the Director General of Health MoH, Malaysia, 2001

⁴⁷ Focus group discussion with FGD 004, Kuala Lumpur, 15 December 2024



4

The limitations of government services to victims/survivors of forced labour

This section enumerates the service delivery design of services, which are provided by the government, highlighting over the gaps included in their capacity to deliver effective and holistic support.

4.1. A “one-size-fit all” national referral mechanism for individuals trafficked for forced labour

■ ■ What benefits do workers get [from the NRM]? They don’t usually get wages. Even if they are considered a victim of trafficking, they don’t [get] benefit. Many of them don’t understand why they want to participate in the justice process. It takes too long. In my past experience, they want to drop off half way but they can’t because they are already in the system.

► CSO 002

As discussed previously in section 3, the individuals who have been formally identified as trafficked persons enter into the NRM, which kickstarts an automatic workflow through which victims/survivors can access a wide range of services and engage them with the criminal justice process. However, research participants have highlighted that this approach leads to a “one-size-fits-all” service delivery model that overlooks the diverse needs and priorities of individual victims/survivors in practice.

When victims/survivors are entered into the NRM, they are sent to “closed shelters” where they are subject to a number of restrictions: They cannot leave the shelter premises freely and have restricted communication with other persons outside the shelter premises, including their family and friends. Although it is necessary to ensure safety of victims/survivors, these restrictions lead to a jarring sense of isolation and disempowerment for victims/survivors, reminiscent of their before raising exploitative situations.⁴⁸ Victims/survivors of forced labour or human trafficking have already experienced many significant violations of their autonomy or existence. Most of them have had little control over their work, finances, movement, and even though their personal relationships have also affected. When they enter a shelter with strict restrictions, victims/survivors become similarly dependent upon the service providers to meet their criteria along with basic needs and may feel that their freedom is still being taken away, albeit under a different justification.

This process can also be at odds with a victim/survivor’s economic realities and priorities. Many endured exploitative working conditions out of their financial necessities. Their primary concern is not just escaping exploitation but also maintaining an income in order to support their families.⁴⁹

⁴⁸ Interview with CSO 005, Kuala Lumpur, 20 November 2024

⁴⁹ Interview with CSO 002, Kuala Lumpur, 15 November 2024

The NRM generally requires victims/survivors to remain in closed shelters until the end of legal proceedings or once their testimonies have been recorded. Although the law permits victims/survivors to move freely and work; however, their cases are ongoing, bureaucratic hurdles, and multi-layered approval processes make this option inaccessible for most.⁵⁰ In 2023, the government reportedly granted only eight victims/survivors continued with permission to work.⁵¹

Victims/survivors of forced labour have varying risk profiles, and not all would require placement in high-security shelters. CSOs say that they have become more attuned to victims/survivors' priorities and would present them with the option of filing a police report and entering the NRM or being housed outside the formal shelters.⁵² Victims/survivors who are housed outside the formal shelters may have a more limited range of support services, such as mental healthcare and counselling sessions. The availability and quality of these services can vary significantly based on the service provider and the location of their accommodation. In some cases, victims/survivors are not housed in shelters at all, instead they are accommodated in a temporary housing, which is provided by local or migrant communities. Despite that, many victims/survivors of exploitation choose to compromise on the care they can receive to maintain access to work opportunities.⁵³

The NRM's "one-size-fits-all" approach is universal as it highlights a misalignment between the system's focus on protection and prosecution and victims/survivors' immediate concerns, such as financial stability. Without the greater flexibility, many victims/survivors will continue to disengage from formal support systems, seeing them as a further loss of control over their own recovery.

4.2. NRM as a “closed” referral mechanism

There is an issue of trust. When we were doing a chatbot for MAPO, whenever we got a case referred through the chatbot, MAPO doesn't update people who report the case. People want to know what happens. They want to know so they know how to navigate the structure, how it works in the system.

► CSO 012

The enforcement and protection of trafficked persons in Malaysia are structured through a very highly institutionalized system. ATIPSOM mandates 5 enforcement agencies to enforce the human trafficking laws, although the Department of Social Welfare and 3 CSOs run 11 shelters across the country. Collectively, they manage victims/survivors' access to services and legal remedies by using institutional Protocols and workflows outlined in the NRM.

However, stakeholders describe the NRM as a “closed” referral system that is inaccessible for those outside it.⁵⁴ A bar to accessing the NRM is in its lack of responsiveness and feedback to those who refer victims/survivors into the system. Once a case is referred, referrers – whether CSOs or members of the public – receive no updates on the status or progress of the victims/survivors they have assisted. Protection officers and investigation officers who are responsible for the care of victims/survivors are not obligated to and generally do not share information on the pre-text of safeguarding the integrity of investigations. Meanwhile, victims/survivors are placed in shelters with restrictions

⁵⁰ Interview with CSO 011, Kuala Lumpur, 12 December 2024

⁵¹ United States State Department, 2024 Trafficking in Persons Report: Malaysia, June 2024

⁵² Interview with CSO 005, Kuala Lumpur, 20 November 2024; Interview with SO 011, Kuala Lumpur, 12 December 2024

⁵³ Interview with CSO 004, Kuala Lumpur, 20 November 2024; Interview with CSO 005, Kuala Lumpur, 20 November 2024

⁵⁴ Interview with CSO 012, Kuala Lumpur, 2 December 2024

on external communication, and they cannot share information themselves. The one-sidedness of this interaction with the NRM leaves referrers wondering if the victim/survivor had received any kind of help from outside the premises, and if the victims/survivors' needs are met, raising questions of the NRM's accountability.⁵⁵

More than just a communication gap, the NRM reflects the government's approach for trafficking and victims/survivor's protection. The NRM is generally built on a protectionist model that heavily emphasizes upon the law enforcement involvement, confidentiality, and safety. Authorities view trafficking cases as highly sensitive matters and enforce a strict gatekeeping

around victims/survivors and information. As a result, external efforts to understand NRM processes or engage them with the system are seen as intrusive.⁵⁶ For example, one CSO described the difficulties it faced in trying to gain access to trafficking shelters to educate law students on the NRM.⁵⁷ This experience highlights how victim/survivor protection spaces are tightly guarded, preventing the public—including potential allies in victim/survivor support—from understanding how services operate or how victims/survivors are assisted. Although these restrictions are intended to protect victims/survivors, they also erect barriers to transparency and collaboration, limiting the effectiveness of the system.

4.3. Constraints in institutional capacity disincentivize service provision

■ ■ We hear officers also say that some cases where they hesitate to do something, because what can they do? There will be 500 workers, what do they do with these people? Reality is that when it happens on the ground, there are these things to think about – the logistics of who will house them, who bears the cost?

► CSO 011

Corollary to having a small network of service providers under the NRM is the resulting capacity constraints. The demand for services often exceeds what the NRM can deliver, with shelter availability being an example. Notably, there is only one dedicated government-run shelter home for male-trafficked persons, which are located in Malacca city of Malaysia. When male victims of forced labour are identified in other areas, they must be transferred to this shelter—a process that poses considerable logistical challenges, especially when victims/survivors and accompanying officials must repeatedly travel for legal proceedings.⁵⁸ With the availability of few options, victims/survivors will remain in unsafe situations either for a longer time or face delays in receiving support from any authorities.

These difficulties are amplified in the cases that involve a large number of victims/survivors, which is common in forced labour situations, where multiple individuals are exploited at the same workplace. This not only places an additional burden on officials managing these cases but also significantly increases the associated costs of housing and transportation. Research participants express concern that these capacity constraints have the effect of dissuading proper identification of victims and disincentivize officials from undertaking human trafficking investigations.⁵⁹ This causes many individuals facing labour exploitation to go without the necessary support and assistance.

⁵⁵ Interview CSO 007, Kuala Lumpur, 21 November 2024; Interview with CSO 009, Kuala Lumpur, 22 November 2024

⁵⁶ Interview with CSO 012, Kuala Lumpur, 2 December 2024

⁵⁷ Interview with CSO 012, Kuala Lumpur, 2 December 2024

⁵⁸ Interview with CSO 011, Kuala Lumpur, 12 December 2024

⁵⁹ Interview with CSO 011, Kuala Lumpur, 12 December 2024



4.4. Limitations to addressing forced labour and its indicators as employment law infractions

▀▀ These were Myanmar workers; they were threatened by the company and wanted to send the workers back without paying the bonus. So, we ... filed a case in the Industrial Court ... We went to Immigration, and say that we have a court case ... and have a mention date and they need to attend the hearing. But, Immigration said 'no' because the passport is expiring and they don't want to give extension. So, we had to make a police report and went back to Immigration and finally they extended the permit but at our own cost.

► CSO 003

For victims/survivors of forced labour who are not identified as trafficked persons, legal remedies may be found in employment tribunals. Labour law frameworks are designed to regulate voluntary relationships between employers and workers, an element inherently missing from the situations of forced labour. One major limitation of using the labour law framework to address forced labour is its narrow focus on compliance and the available administrative remedies such as fines, penalties, and orders for employers to comply with labour standards.

Although administrative remedies such as an order for an employer to repay a worker's wages can provide some financial redress, they neglect the psychological, physical, and emotional harms, which are experienced by victims/survivors of forced labour. They require holistic support, including trauma counselling, shelter, and legal aid, which fall outside the scope of employment law.⁶⁰ Labour officers who receive or hear complaints are similarly not mandated under the Employment Act 1955 to provide or refer complainants to public or private service providers.

This focus on administrative remedies means that routine inquiries into complaints have lack of the investigative depth, which is required to address layered and complex coercive and exploitative practices that characterizes forced labour, including deception, psychological coercion, and abuse of power. As an example, an inquiry into withholding of wages or payments by an employer in isolation typically involves an assessment of payroll records and their compliance with labour standards, but would likely to ignore the wider context of exploitation. Factors such as deceptive recruitment practices as well as the involvement of intermediaries such as recruiters or brokers, who

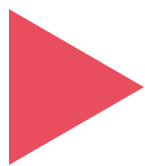
charge exorbitant fees and keeping workers in debt bondage would escape examination during an inquiry by the DOL.

Relying on the labour law framework to address forced labour also disregards the significant imbalance between exploited workers and those workers who abuse their vulnerabilities. Malaysian labour laws do not provide protections against retaliation by employers. Migrant workers' immigration status is tied to their employment; this gives employers unilateral power to terminate work permits without any notice or reasons. Once a complaint is filed with an employment tribunal, workers whose work permits have been terminated may apply for a special pass, which allows them to remain in Malaysia. This immigration pass is valid only for 30 days and can be renewed 3 times. However, this process is discretionary, often poorly understood by workers, and only provides them temporary relief. Furthermore, pursuing a labour complaint can be a lengthy and costly process for workers, extending beyond the validity of the special pass.

In the broader sense, responding to indicators of forced labour primarily as labour law infractions risks a failure to systematically capture, understand and address the depth and range of exploitative worker's experience. Furthermore, structural factors such as weak labour protections, weak enforcement mechanisms,⁶¹ and discriminatory migration policies interact with each other and create conditions where workers who are vulnerable to exploitation may go unnoticed. The absence of data and their analyses on these deeper issues means that policymakers are deprived of the insights, which are necessary to design the targeted solutions and protect the workers' rights at workplace.

⁶⁰ Interview with CSO 004, Kuala Lumpur, 20 November 2024

⁶¹ Interview with CSO 003, Kuala Lumpur, 18 November 2024



5

The role of civil society organizations and trade unions in supporting victims/survivors of forced labour

Due to the limited scope of government-provided services and the absence of a formal referral mechanism for victims/survivors of forced labour who do not meet the classification of trafficked persons, the responsibility for ensuring access to essential support has largely shifted to CSOs and trade unions.⁶²

5.1. Trade unions as workers' representatives

5.1.1. Trade unions' role in organizing workers

Trade unions in Malaysia primarily provide those services which are aimed at protecting and advancing the rights of workers, focusing on collective bargaining, legal representation, and workplace advocacy. One of their key functions is negotiating collective agreements with employers to secure better wages, benefits, and working conditions for their members.

However, not all workplaces are unionized, and the reach of protections offered by union membership is limited as a result. As of 2023, there were 756 trade unions in Malaysia, representing approximately 6 per cent of the national workforce.⁶³ In any given sector, unions represent only a small fraction of the workforce.⁶⁴ For example, in the electrical

and electronics sector, the Electronics Industry Employees' Unions Coalition represents around 13,000 electronics workers across 20 companies – only about 2.8 per cent of the estimated 471,800 workers employed in the sector.⁶⁵

The ability of trade unions to effectively represent workers, particularly migrant workers who are more vulnerable to labour rights exploitation, is further hindered by the challenges in recruitment and membership. Migrant workers make up an even smaller percentage of unionized workers. In 2023, the Department of Trade Union Affairs reported that there were only 17 trade unions with migrant workers membership.⁶⁶ Many migrant workers had fear for retaliation from employers for being associated with trade union activities. Research participants highlight that some employers discourage union formation through intimidation, threats, and even the dismissal of workers involved in union activities, as well as delaying union recognition and engaging them in prolonged legal battles over recognition.⁶⁷

Even when migrant workers do join trade unions, legal limitations and administrative practices restrict their full participation.⁶⁸ The Industrial Relations Act 1967 provides protections of the rights of workers to form, join, and participate in trade union activities.⁶⁹ However, while migrant workers can become union members, they can hold office

⁶² Interview with CSO 001, Kuala Lumpur, November 13, 2024; Interview with CSO 004, Kuala Lumpur, 20 November 2024

⁶³ Department of Trade Union Affairs, A Compilation of Trade Union Statistics in Malaysia 2019-2023, 2024

⁶⁴ Department of Trade Union Affairs, A Compilation of Trade Union Statistics in Malaysia 2019-2023, 2024

⁶⁵ Industriall, Malaysia's booming electronics industry leaves little room for workers' rights, 21 May 2024

⁶⁶ Department of Trade Union Affairs, A Compilation of Trade Union Statistics in Malaysia 2019-2023, 2024

⁶⁷ Interview with CSO 013, Kuala Lumpur, April 12, 2024. See also Labour Solidarity and Learning Resources Association, The Challenges of Workers Organising in Malaysia: A Report on Violations of Freedom of Association and Trade Union Rights, 2025

⁶⁸ ILO, Observation (CEACR) - Malaysia: Labour Inspection Convention, 1947 (Convention No. 81), 2022

⁶⁹ Sections 4, 5 and 7 of the Industrial Relations Act 1967

only with approval received from the Minister of Human Resources.⁷⁰ This restriction on workers' ability to freely choose their representatives leaves migrant workers disconnected from decision-making of union, reducing their confidence in union activities, and making the recruitment process even more difficult to carry forward.⁷¹

5.1.2. Trade unions as channel for workplace complaints and legal representation

As independent worker-led organizations, unions serve as an avenue for workers to report workplace grievances, ranging from unfair dismissals, wage disputes to workplace harassment. A key advantage of trade unions as service providers is their ability to represent workers in formal legal proceedings.

Legal proceedings at the DOL and Industrial Court are technical in nature and resource-intensive process. As Malaysian Trade Unions are industry- or trade-specific, they are well-equipped with knowledge of industry operations, common labour violations, and relevant legal precedents necessary to navigate Court proceedings. Furthermore, the union representatives are well-positioned to receive similar complaints from different workers; they are however able to notice patterns in grievances or actively seek out other workers facing similar issues, reinforcing cases with collective evidence. This makes it more difficult for employers to dismiss workers' complaints.

Trade union representation of workers in hearings helps to ensure that the interests of workers are not sidelined by legal loopholes or employer intimidation.⁷² One respondent cited a case of workers from Myanmar in the electric and electronics sectors whose employer attempted to repatriate after they asserted their rights to bonuses in accordance with the collective agreement. In this case, the trade union intervened and filed a case at the Industrial Court, but the company had already arranged for the workers' departure. In response, the trade union

filed a police report and secured an extension of immigration pass so that the workers could participate in the legal proceedings.⁷⁴

A drawback to trade union service provision is that trade unions typically only represent their members. With Malaysia's low union membership rates, this means a significant number of workers—especially in precarious sectors—do not have access to union support. Moreover, while unions are adept in handling workplace disputes related to legislated labour rights and industrial relations, one research participant observed that they are not necessarily equipped to respond to more complex issues such as forced labour and human trafficking.⁷⁵ These cases require specialized legal and social support that unions may not be equipped to provide on their own.

A contrast to the traditional sector-based union service provision model in Malaysia is the Migrant Resource Centres (MRCs) operated by the Malaysian Trades Union Congress (MTUC) until 2024. These centres provide information on labour rights, assist with filing complaints, and offer guidance on the legal procedures to workers, regardless of union affiliation or industry. These MRCs are designed to act as a safe space for workers who are seeking help, connecting them with trade unions, legal aid, or government agencies. In cases of severe exploitation, they help workers to have access to shelter, medical care, or alternative employment opportunities. The MTUC MRC operations, however, depend on external funding rather than their membership dues, making their continuity uncertain.

5.2. Civil society organizations as complementary service providers

Civil society organizations, which are providing services to victims/survivors of forced labour in Malaysia, are diverse in type, location, geographical scope, target beneficiaries, and service delivery channels. These organizations support services

⁷⁰ Section 28(1) of the Trade Unions Act 1959 provides that a person cannot be a member of the executive committee of a trade union, a branch of a trade union, or a federation of trade unions, and is not eligible to be elected to such a position if they are not a Malaysian citizen. However, an exception can be made if the Minister believes that the trade union's purpose is to represent people or interests of people who are not residents of Malaysia.

⁷¹ Interview with CSO 003, Kuala Lumpur, 18 November 2024

⁷² Interview with CSO 013, Kuala Lumpur, 12 April 2024

⁷³ Interview with CSO 013, Kuala Lumpur, 12 April 2024

⁷⁴ Interview with CSO 003, Kuala Lumpur, 18 November 2024

⁷⁵ Interview with CSO 001, Kuala Lumpur, 13 November 2024

and infrastructure, which are unevenly distributed across the country.⁷⁶ Many CSOs are based in Peninsular Malaysia, particularly in urban areas, with few of them able to serve Eastern Malaysia comprehensively. Countrywide services are rare, and access to support in semi-urban and urban areas are limited and scarce.⁷⁷

The importance of CSOs lies in their grassroots knowledge and their community reach. Many migrant workers—documented and undocumented—arrive in Malaysia without prior information about available support services. Unlike in some destination countries where structured orientation programs inform migrant workers about labour laws and grievance mechanisms, Malaysia lacks a systematic approach to ensuring that workers understand their protections upon arrival. Consequently, many workers find themselves unaware of where to seek help when faced with exploitative conditions.

Migrant workers basically rely on community networks for gathering information and the

word-of-mouth guidance when they encounter exploitative conditions.⁷⁸ Workers who experience abuse, contract violations, or unsafe working conditions typically turn first to their peers, ethnic associations, or trusted community figures for advice and assistance.⁷⁹

Since CSOs are engaged in community outreach and awareness programs targeting the vulnerable populations, their services appear to be more accessible. This approach increases the likelihood that individuals in need will encounter someone within their network who can connect with them to provide better support services. Many CSOs also employ outreach workers from the same communities they serve, offering them support in multiple languages by fostering the greater trust. Importantly, CSOs are more accessible because they provide assistance, regardless of an individual's trafficking status, their legal documentation, or their sector/area of work.

Civil society organizations primarily focus on addressing the short-term needs of victims/survivors, providing them the basic and immediate assistance; they also provide following services to the victims/survivors of forced labour:⁸⁰

Case management: This refers to the process of assessing, planning, facilitating, evaluating, and coordinating services to meet an individual's need.

Counselling: This refers to mental health support to help victims/survivors process their traumatic experiences and regain a sense of control and stability.

Information dissemination: This involves providing victims/survivors of forced labour with clear and accessible information about their rights, available services, and legal processes.

Language interpretation: This involves facilitating communication between victims/survivors of forced labour and service providers or criminal justice officials.

Legal aid: This includes assistance with navigating legal processes, pursuing remedies, or defending against wrongful charges, including representation in Court or relevant tribunals.

Repatriation and reintegration: This involves coordinating and facilitating the safe return of non-national victims/survivors of forced labour to countries of origin and the reintegration into communities.

Shelter: This involves either direct provision of temporary safe housing to victims/survivors of forced labour or facilitating access to temporary accommodation within their communities.

⁷⁷ ILO, Mapping and training needs assessment among organizations delivering services to migrant workers in Malaysia, unpublished report, 2024

⁷⁸ Focus group discussion with FGD 001, Selangor, 17 November 2024; Focus group discussion with FGD 004, Kuala Lumpur, 15 December 2024

⁷⁹ Focus group discussion with FGD 004, Kuala Lumpur, 15 December 2024

⁸⁰ For a directory of services provided by CSOs, please see Annex 1

Some services, such as language interpretation and legal assistance, fill gaps left by the absence of public services, while others, such as shelter, complement what is provided by the State. By offering services that the government does not provide adequately, CSOs play a crucial role in expanding the overall capacity of the victim/survivor support system.

However, significant gaps remain. CSOs report that few organizations offer access to professional mental health support beyond the basic counselling.⁸¹ This shortfall is concerned with the victims/survivors of forced labour who have faced extreme or prolonged exposure to poor living and working conditions or violence as they may require specialized mental healthcare. Another gap exists in legal support for navigating the complexities of immigration laws. Few organizations have the resources or the expertise to provide sustained legal support to victims/survivors of forced labour. For instance, workers often require guidance to participate in regularization programmes. Without adequate support, they may turn to be unreliable sources, such as labour agents or brokers, who could exploit them further.

Adding to these gaps, one key informant observes, is how many organizations are moving away from direct case management due to resource constraints, staff burnout, and the complexity of long-term engagement in individual cases.⁸² Instead, they focus on advocacy, policy reform, and short-term assistance, which leaves victims/survivors with fewer options for sustained support. Although referrals between organizations help to some extent, the decline in case management means that victims/survivors have to navigate multiple service providers on their own, by increasing the risk that they will fall through the cracks.



⁸¹ Interview with CSO 001, Kuala Lumpur, 13 November 2024; Interview with CSO 004, Kuala Lumpur, 20 November 2024

⁸² Interview with CSO 001, Kuala Lumpur, 13 November 2024

5.3. Civil society organizations as intermediaries for access to public services

What if the employers flip the story, accuse me of theft and send me to prison? You also don't really trust the police to investigate. A lot of members have the experience of encountering the police and all they want is just bribe, money. You get stopped with a roadblock and have a visa and proper documents; they can say you still violated the law. You give RM50 and you are done.

► CSO 009

5.3.1. Navigating complexities of public services and complaints mechanisms

Civil society organizations play a key role in facilitating access to public services for victims/survivors of forced labour, particularly where government mechanisms are inadequate or inaccessible. As intermediaries, CSOs help victims/survivors to navigate the bureaucratic complexities involved in getting public services. The government's legal and administrative processes can be difficult to navigate and intimidating for those unfamiliar with them. The DOL complaints process, for example, is available to all workers. However, filing a complaint requires filling out detailed forms, organizing evidence, and articulating grievances in a formal setting, skills that victims/survivors, especially those with limited education or exposure to legal systems, may not have. Communication and language barriers compound these challenges. Migrant workers who do not speak English or Bahasa Malaysia, in particular, will face considerable difficulties in understanding processes involved or communicating their needs.

In addition, policies and procedures for accessing public services and complaints mechanisms can change without notice. This leads to confusion and uncertainty and many victims/survivors struggle to stay updated and comply with the latest requirements.⁸³ Within the same agency or across different institutions, policies can also be inconsistently applied. Police stations and DOL offices in different areas are said to have handled complaints made by undocumented workers differently, with some accepting the complaints while others dismissing them.⁸⁴ As one government official explains, assistance to undocumented workers who are not explicitly covered by national labour laws are provided on the basis of "humanity" and not as a matter of routine.⁸⁵

Inconsistencies in accepting complaints and ensuring fair outcomes not only highlight how access to services and legal remedies of populations at risk of forced labour remain on the goodwill and discretion of government officials, they reduce the ability of victims/survivors to seek services or legal remedies independently. This has a wider effect of undermining trust in public institutions, as victims/survivors learn to expect the arbitrariness of government services.

⁸³ Interview with CSO 012, Kuala Lumpur, 2 December 2024

⁸⁴ Interview with CSO 005, Kuala Lumpur, 20 November 2024; Interview with CSO 008, Kuala Lumpur, 21 November 2024

⁸⁵ Focus group discussion with FGD 006, Kuala Lumpur, 14 January 2025

5.3.2. Distrust of public authorities among vulnerable workers

When I see the police, I hide. Luckily, I look Chinese, so I can get away.

► FGD 004

Partnership with the police and immigration, I think it's scary. They can do anything to us. They can twist the situation to fit their needs. It's very difficult for us to work with enforcement agencies.

► CSO 005

Research participants, particularly community organizers and migrant workers, speak of their apprehension about engaging directly with public institutions, with law enforcement and immigration authorities being singled out. The distrust of public authorities, key informants say, is rooted in experiences of workers who encounter public officials in everyday interactions as well as when seeking assistance.⁸⁶

When seeking services, CSO service providers observe that those who file complaints may encounter dismissive and judgemental attitudes, or a sense of indifference among frontline public officials. Complaints of exploitation by workers, especially those who are non-nationals, may be trivialized.⁸⁷ Moreover, CSOs note that it is not uncommon for enforcement officials to impose

unnecessary documentation requirements, such as demanding work permits when workers report crimes or file labour complaints, even when the law does not require them. A migrant association representative recount a case where a migrant domestic worker reporting a case of intimate partner violence was asked by a police officer to produce identity documents or risk being deported.⁸⁸ These experiences contribute to a sense of disempowerment and a fear of escalation, where seeking help may worsen their situations rather than resolve it.

The sense that interaction with public authorities is unsafe for migrants are also shaped by the weaponization of immigration laws against the workers. Employers or recruitment agents commonly exploit the threat of deportation to control workers, coercing them into staying in jobs involuntarily.⁸⁹ Day-to-day unplanned interactions with law enforcement officials re-affirm the risk. Many migrant workers—regardless of their documentation status—report experiences of bribery solicitation during random document checks.⁹⁰ During these encounters, enforcement officials may claim that a worker's documentation is incomplete, invalid, or otherwise problematic—even if it is in order and threaten arrest and detention.⁹¹

Similar scepticism extends to consular offices and embassies. Some migrant workers report that accessing embassy services, such as renewing passports or obtaining identity documents, regularly involves intermediaries who demand unofficial payments. Without such payments, they felt that their requests were unlikely to be processed.⁹² Even when workers comply, they remain uncertain about whether their issues will be resolved.⁹³

A CSO representative say that workers internalize such negative experiences and come to believe that their issues are unimportant and undeserving of attention.⁹⁴ Since workers primarily rely on their own community networks for information, these negative encounters do not remain isolated. Instead, word spreads quickly, reinforcing distrust and discouraging others from seeking help even when assistance is technically available.

⁸⁶ Interview with CSO008, Kuala Lumpur, 21 November 2024; Focus group discussion with FGD 005, Kuala Lumpur, 17 December 2024.

⁸⁷ Interview with CSO 005, Kuala Lumpur, 20 November 2024.

⁸⁸ Interview with CSO 005, Kuala Lumpur, 20 November 2024.

⁸⁹ Focus group discussion with FGD 004, Kuala Lumpur, 15 December 2024

⁹⁰ Focus group discussion with FGD 004, Kuala Lumpur, 15 December 2024

⁹¹ Interview with CSO 006, Kuala Lumpur, 20 November 2024; Focus group discussion with FGD 001, Selangor, 17 November 2024

⁹² Focus group discussion with FGD 003, Kuching, 6 December 2024

⁹³ Focus group discussion with FGD 003, Kuching, 6 December 2024

⁹⁴ Interview with CSO 009, Kuala Lumpur, 22 November 2024, Focus group discussion with FGD 005, Kuala Lumpur, 17 December 2024

Civil society organizations are instrumental in passing over this trust gap. Beyond guiding victims/survivors towards appropriate support services and legal remedies, they actively challenge the hostility and indifference that many workers face. They also help victims/survivors to recognize when their rights have been violated and assert

their entitlement to services. This mediating role is vital for at-risk communities—migrant workers, undocumented workers, refugees, and asylum seekers—who often feel that engaging with authorities leads to prolonged processes with little resolution, supporting the perception that seeking help is "not worth it."⁹⁵



⁹⁵ Focus group discussion with FGD 001, Selangor, 17 November 2024



6

Service delivery design of civil society organizations and trade unions

This section examines how the service delivery design of non-government actors supports the victims/survivors of forced labour. The objective is not to assess the effectiveness of these service providers or to judge whether their approaches are “correct” or “wrong”. Rather, the aim is to analyse how existing legal frameworks, government

service provision practices, and accessibility barriers influence the delivery of services and the user experience of those in need. This analysis seeks to identify systemic factors that shape service delivery which, in turn, would provide guidance on ways the government can address and alleviate these challenges.

6.1. Reactive and resource-dependent service delivery model

■ ■ Even all NGOs referrals are informal. There is no need for things to be formalised. It’s coming to a point where we are giving all the services. But, what is the obligation of the government and embassies? [What we do] is just humanitarian, not formal.

► CSO 004

A defining feature of the CSO service delivery model is its reactive nature, shaped by the immediate needs of victims/survivors and the urgency of crises as they arise, rather than implementing long-term structured interventions. This reactive approach influences how organizations operate, limiting their ability to develop sustainable, comprehensive support systems for victims/survivors of forced labour.

A main driver of this reactive model is the lack of sustainable funding. With few exceptions, CSOs do not receive government funding to support services to victims/survivors, and instead rely on donations, grants, and short-term project-

based funding.⁹⁶ This financial instability forces organizations to prioritize immediate relief—such as temporary housing, basic healthcare, and initial legal consultations—over long-term recovery and reintegration programmes. The uncertainty of funding also means that services may be scaled back or paused entirely during financial shortfalls, exposing victims/survivors to inconsistent support.⁹⁷ In addition, CSOs lack financial reserves to handle sudden increases in demand, such as the urgent need to assist dozens of victims/survivors at once. In such cases, they must turn to emergency fundraising, which may not always be timely or sufficient.

⁹⁶ ILO, Mapping and training needs assessment among organizations delivering services to migrant workers in Malaysia (ILO, 2024)

⁹⁷ Interview with CSO 001, Kuala Lumpur, 13 November 2024

Due to these constraints, the services provided by CSOs may be unable to address the full extent of victims/survivors' needs. For example, although temporary shelter may be arranged for victims/survivors removed from exploitative conditions, accommodations are often based on availability rather than suitability.⁹⁸ Victims/survivors may be housed with community members or local leaders who lack the training or resources to provide proper support. Similarly, healthcare support is likely limited to treating immediate concerns. As such victims/survivors with chronic conditions may be without access to necessary long-term medical care. In some cases, victims/survivors delay in seeking treatment until their conditions worsen,⁹⁹ as they lack the means to manage ongoing health issues.

Legal support is another area where CSOs struggle to provide sustained assistance. Their role is often limited to offering initial legal consultations, advising victims/survivors on their rights, or helping document their cases. Full legal representation is typically dependent on securing *pro bono* lawyers, which presents its own challenges. Even when *pro bono* legal aid is available, disbursement costs—such as court filing fees, transportation, and administrative expenses—can be significant barriers.¹⁰⁰ Moreover, the quality of *pro bono* legal representation varies; not all legal professionals have the expertise to navigate forced labour cases and violations of immigration laws. Some of the CSOs also note that *pro bono* lawyers, since they are not compensated, may not always prioritize these cases, resulting in delays or weaker advocacy for victims/survivors.¹⁰¹

The reliance on a reactive, crisis-driven service model raises serious concerns about the sustainability, consistency, and quality of victim/survivor support. Although CSOs play a role in filling gaps left by the government, their capacity is constrained by unstable funding and a lack of long-term structural support. Without stronger government involvement and more predictable financial resources, victim/survivor assistance is expected to remain fragmented.

6.2. Limited coverage and outreach in civil society organizations service delivery

Civil society organizations services are unevenly distributed across Malaysia, with the highest concentration of service providers in Peninsular Malaysia, particularly in the Klang Valley. Few organizations operate in more than one location or have the capacity or the infrastructure to deliver services nationwide. Given their limitations, CSOs focus their efforts on areas with better access to resources such as funding, skilled personnel, and partnerships, as well as those that serve as hubs for advocacy, policymaker engagement, and logistical convenience. These areas also house concentrated vulnerable populations, allowing CSOs to reach the largest number of beneficiaries or maintain a visible presence.

However, this focus leaves workers outside the CSO operational zones to be underserved. Workers in hard-to-reach locations or sectors of work, such as plantations, agriculture, and fishing, are less likely to be connected to information sources on how to seek assistance. Many workers who experience forced labour indicators like isolation and restrictions of movement, whether imposed by employers or simply as part of the nature of their work sector, may not self-identify as victims/survivors. Pro-active identification of victims/survivors is also rare when CSOs have a limited presence outside the urban areas.

When victims/survivors in underserved regions reach out for assistance, the process for providing support is resource-intensive. Victims/survivors or informants often reach out through phone calls or text messaging applications. When this occurs, CSOs would conduct a remote assessment to understand the situation and determine immediate needs. However, communication can be hindered by language barriers, lack of access to technology, or unreliable network coverage in the remote areas.¹⁰² This makes it difficult for CSOs to provide timely and effective support.

⁹⁸ Interview with CSO 004, Kuala Lumpur, 20 November 2024

⁹⁹ Interview with CSO 004, Kuala Lumpur, 20 November 2024

¹⁰⁰ Interview with CSO 004, Kuala Lumpur, 20 November 2024

¹⁰¹ Interview with CSO 005, Kuala Lumpur, 20 November 2024; Interview with CSO 007, Selangor, 21 November 2024

¹⁰² Interview with CSO 005, Kuala Lumpur, 20 November 2024

Once a victim/survivor's needs are assessed, organizations would mobilize resources to dispatch field staff to the location or remotely coordinate temporary support through their networks. If a victim/survivor requires specialized services, such as shelter or legal support, CSOs have to refer them to the nearest available services. CSOs say that they have to bear the costs of transporting victims/survivors from isolated areas to service providers, which puts a strain on their already limited budget.¹⁰³ At times, direct intervention is not possible because of the lack of physical presence, local networks, or resources.

Besides immediate assistance, CSO service delivery also influences the data collected on forced labour. Direct victim/survivor assistance provides the most reliable means of gathering data and evidence on the patterns of exploitation workers face, the remedies they seek, and the effectiveness of existing policies, legal frameworks, and service providers. When data is predominantly sourced from areas where CSOs operate, it generates an incomplete and skewed understanding of Malaysia's forced labour landscape.

Reliance on data from regions or sectors where CSOs are active may misrepresent wider patterns of forced labour because it highlights only the experiences and types of exploitation prevalent in served communities, neglecting variations

across other settings. Specific dynamics of work sectors dictate the manner in or the degree to which workers experience the same forced labour indicator. To illustrate, workers on fishing vessels could spend weeks or months at sea; their prolonged isolation makes them highly dependent on their employers and with little opportunity to escape or seek help. In contrast, domestic workers may work in highly urban settings but are isolated within private homes.

Even within the same industry, the degree of isolation faced by workers can vary significantly depending on their geographical location. For example, in the electrical and electronics sector, migrant workers in the factory settings may have regular interactions with colleagues and supervisors, allowing them greater access to grievance mechanisms. However, those placed in company-controlled dormitories with restricted movement or who work night shifts in highly controlled environments may experience a higher degree of isolation, limiting their ability to seek external assistance, or report abuses.¹⁰⁴

Therefore, the lack of diverse and representative data leads to policy and service delivery designs that are too narrow or misaligned with the realities faced by victims/survivors in less-represented regions or industries. In other words, it weakens the overall systematic response to forced labour.



¹⁰³ Interview with CSO 003, Kuala Lumpur, 18 November 2024; Interview with CSO 004, Kuala Lumpur, 20 November 2024

¹⁰⁴ Focus group discussion with FGD 001, Selangor, 17 November 2024; Focus group discussion with FGD 004, Kuala Lumpur, 15 December 2024

6.3. Informal resolutions as a default, especially for undocumented workers

... the reality is that forced labour victims, if you give them RM1000/month, they would take the job. If ... They can't afford to leave. In such cases, we share with them their rights, what the employer is supposed to do. They will ask what they can do and we explain their options and the difficulties. They have to decide if they want to continue ...

► CSO 011

A byproduct of the accessibility barriers of public services is the normalization of informal resolutions as default when addressing worker's grievances, including potential cases of forced labour. CSOs participating in this research acknowledge that the majority of worker complaints—mainly those involving wage disputes, an indicator of forced labour—are resolved informally, outside the employment tribunals or Court rooms.

Consistent with their roles as mediators for access to services and remedies, CSOs routinely negotiate settlements with employers on behalf of the workers.¹⁰⁵ However, the outcomes of negotiations heavily depend on the goodwill of the parties involved. Settlements tend to reflect what the employer is willing to concede, rather than the full value of the worker's claims.

Despite the existence of formal complaint mechanisms, CSOs say that they rely on informal negotiations because the barriers to entry are too high. An example of a barrier to accessing public services is the practice among public officials of requesting documentation, such as documents or work permits for identification, as a pre-requisite for accessing support system even when such documentation is not a formal requirement. This requirement can deter individuals, especially

undocumented workers from pursuing legitimate claims, as it evokes fear of arrest.

This normalization of informal processes also shapes service-seeking behaviour among workers. Many workers, aware of the documentation requirements and the risks of engaging with formal legal systems, prefer not to seek help at all. Those who decide to seek help are likely to turn to CSOs, rather than engage directly with government agencies. CSOs are perceived as more approachable, less bureaucratic, and less likely to expose workers to risks such as detention or deportation. However, in informal negotiations, workers may settle for less than they deserve, not because they are satisfied with the outcome, but because they view it as the safest and most feasible option.

For CSOs, this dynamic has a dual impact on their operations. On the one hand, it enables CSOs to provide immediate and practical assistance to vulnerable workers. On the other, it limits their ability to push for systemic change or ensure fair and just outcomes for their clients. Informal resolutions lack the transparency, accountability, and enforceability of legal proceedings, leaving workers with only partial remedies.

¹⁰⁵ Interview with CSO 004, Kuala Lumpur, 20 November 2024

6.4. Fragmented, siloed, and uncoordinated services

■ When NGOs get their own cases, they figure it out on their own ... they find ways to refer among themselves. All very informal, very ad hoc, call each other up to see if we can help with this or that ... You need the government to do more, to come up with alternative referral mechanism for forced labour.

► CSO 0111

Civil society organizations in Malaysia provide essential services to victims/survivors of forced labour, but coordination among them remains largely absent. These organizations operate independently to each other and without clear structures for collaboration or information sharing. Consequently, referrals of forced labour cases between CSOs are informal.

The ability to track the progress or follow-up on cases depends on the personal efforts of case workers and relationships between organizations. In cases where these relationships are weak or non-existent, there is a risk of complete loss of communication regarding the case. One CSO representative described her strategy of “testing” referrals to various government agencies and to CSOs to identify partners who are both responsive and communicative.¹⁰⁶ She emphasized that receiving case updates is important not only for operational reasons, but also as a form of accountability to the victim/survivor seeking assistance. To address the information gap, she relies on building personal relationships with referral-receiving organizations to stay informed about the progress of case.

Informal case referrals offer flexibility and allow for real-time responses, alleviating the immediate needs of forced labour victims/survivors without any bureaucratic delays. This approach is reflective of CSOs reactive and resource-constrained service model but is valuable; a quick and informal referral allows for CSO social workers to leverage a broad range of community networks and non-traditional resources. Organizations prioritize in helping

victims/survivors in the shortest possible time, particularly in the cases where the exploitation is severe and delays in response can lead to exponentially greater harm to victims/survivors.

Nonetheless, this informality has a number of drawbacks. The first is that, as with the NRM, a one-sided referral process with no feedback loop weakens trust among service providers. This provides the foundations for an uncoordinated service delivery system where victims/survivors have to navigate multiple organizations offering them different types of services without clear guidance. The lack of streamlined information-sharing also increases the likelihood that victims/survivors will have to recount their traumatic experiences repeatedly, exacerbating their risk of re-traumatization.

Secondly, without agreed practices for collaboration among CSOs, there can be disagreements on philosophical approaches to supporting victims/survivors, such as what constitutes “justice” in a case.¹⁰⁷ As an example, one organization might prioritize informal settlements for quicker remedies, although another might advocate for pursuing legal action to seek full restitution.¹⁰⁸ Practical impediments also emerge, including differing approaches to manage cases, ethical considerations in interacting with victims/survivors, and handling evidence collection. The lack of alignment on these aspects can create friction between organizations and potentially impact the quality and consistency of assistance provided to victims/survivors.

¹⁰⁶ Interview with CSO 008, Kuala Lumpur, 21 November 2024

¹⁰⁷ Interview with CSO 001, Kuala Lumpur, 13 November 2024

¹⁰⁸ Interview with CSO 001, Kuala Lumpur, 13 November 2024

Also, complicating the issue is the lack of a coordination or knowledge-sharing platform among CSOs providing services to victims/survivors of forced labour as well as between CSOs and relevant government agencies. It follows that data and evidence gathered through direct victim/survivor support remain isolated within individual organizations. This points to missed opportunities to collectively compare and analyse information to identify patterns of exploitation and systemic gaps in service delivery or accessibility. Over time, this can widen service gaps, leaving some needs unmet while others are over-served. A lack of collaboration also means CSOs are not leveraging each other's knowledge to navigate common challenges and to develop a robust community of practice. This impacts CSOs' capacity to advocate

for systemic change. Fragmented advocacy efforts may lack the unified voice needed to influence policy reforms or secure long-term funding for support services to victims/survivors.

Although many CSOs acknowledge the value of a formal coordination mechanism, they express concerns about how such a system would function and who would be responsible for leading it.¹⁰⁹ They note that the government could play a crucial role in enabling this coordination. By acting as a convener, the government could bring together organizations working in this space, fostering dialogue, trust, and shared understanding.¹¹⁰ Such a role may position the government as a neutral referee, which helps them to overcome the hesitancy among CSOs to collaborate.¹¹¹

6.4.1. Coordination among non-government service providers

Civil society organizations and trade unions collaborate through various platforms, each differing in structure, formality, membership, and focus. Notable CSO-trade union platforms include:

► The Labour Solidarity and Learning Resources Association (LLRC)¹¹²

LLRC is a structured coalition registered as an association with the Registrar of Societies (ROS) in Malaysia. Its members include 58 trade unions and CSOs. It is a platform for collective advocacy on labour law reforms, focusing on issues such as union rights, social protections, and working conditions. ROS restricts membership of LLRC to Malaysian Trade Unions and CSOs, meaning that informal migrant associations and regional trade unions with a presence in Malaysia can only hold observer status, though they may participate informally. LLRC has a formal decision-making structure, accountability mechanisms, and a secretariat that includes both trade union and CSO representatives.

► The Right to Redress Coalition (R2R)

R2R is an informal, issue-based coalition, which is comprised of trade unions, CSOs, and legal advocates, working to improve access to justice for migrant workers in Malaysia. The coalition operates on a voluntary and ad-hoc basis, usually mobilizing in response to urgent cases of violations of labour rights. It facilitates members to coordinate legal support, case referrals, and advocacy efforts as needed. The informal nature of the coalition means that coordination can be inconsistent, and sustained engagement depends on the commitment of individual members rather than institutional mechanisms.¹¹³

¹⁰⁹ Interview with CSO 004, Kuala Lumpur, 20 November 2024; Interview with CSO 008, Kuala Lumpur, 21 November 2024; Interview with CSO 011, Kuala Lumpur, 2 December 2024; Interview with CSO 012, Kuala Lumpur, 2 December 2024

¹¹⁰ Interview with CSO 012, Kuala Lumpur, 2 December 2024

¹¹¹ Interview with CSO 012, Kuala Lumpur, 2 December 2024

¹¹² The LLRC was previously known as the Labour Law Reform Coalition

¹¹³ Interview with CSO 001, Kuala Lumpur, 13 November 2024



► ASEAN Forum on Migrant Labour (AFML)

AFML is an annual regional platform that brings together representatives from governments, employers' organizations, workers' organizations, and civil society across Association of Southeast Asian Nations (ASEAN) member states to discuss and address issues, which are related to migrant labour. The AFML's significance lies in its inclusive and participatory approach and its consensus building among different stakeholders on issues related to labour migration.

These platforms provide avenues for cooperation between trade unions and CSOs, bridging gaps and traditional divisions, particularly in areas historically dominated by trade unions, such as advocacy for Labour Rights.¹¹⁴ They enable different actors within the service provision landscape to build trusts and work on the priorities shared.

The primary focus of these platforms is exclusive on building consensus for policy advocacy, knowledge sharing, and, to some extent, resource-sharing. Although they provide a network where members can leverage each other's expertise, they are not designed as service provision coordination

mechanisms. The actual work of assisting victims/survivors—such as legal aid, shelter support, or case management—happens outside these coalitions, driven by individual case workers or organizations rather than through the structured coalition-based mechanisms. The reach of these coalitions is also limited, particularly in terms of geographic coverage. LLRC's activities, for instance, are largely concentrated in urban areas where its members are based. It was noted that the working relationships between members within LLRC may not be representative to broader CSO-trade union interactions outside the coalition.¹¹⁵

¹¹⁴ Interview with CSO 001, Kuala Lumpur, 13 November 2024

¹¹⁵ Interview with CSO 001, Kuala Lumpur, 13 November 2024

6.4.2. Absence of systemic coordination between government and non-government service providers

■ The government needs to bring CSOs to the table. They are not having the right conversation with us or other stakeholders. Traditionally, they would send policies to stakeholders, get feedback, and then take it to the National Labour Advisory Council for discussion. This has stopped.

► CSO 004

There is a lack of established, regular platforms for CSOs to engage collectively with government agencies. Forced labour is a systemic issue that requires a coordinated and systemic response. CSOs and government representatives have reported individual successes in engaging with government bodies on specific issues. The collaboration between domestic worker associations and SOCSO to jointly design and raise awareness on the inclusion of domestic workers into the EIS has been cited as a particularly effective engagement.¹¹⁶ However, such successes are isolated and have not been replicated across other critical areas.

Civil society organizations also report about a shrinking of opportunities for meaningful dialogue, with policies framed on forced labour increasingly being developed and implemented without consulting either CSOs or the communities most affected by them.¹¹⁷ CSOs bring on-the-ground experience and data from their work directly with affected workers. They have insights

into how policies are implemented as well as the tangible impact on workers, including unintended outcomes, of those policies. The exclusion of CSOs from policymaking sharpens the disconnect between policy intentions and on-the-ground realities.

Without an institutionalized platform to engage with the government, CSOs use media as a way to raise voice on policy suggestions or feedback.¹¹⁸ Although this approach amplifies urgent messages and capture public attention, it relies on sensationalized narratives that focus disproportionately on severe and extreme cases of exploitation. In such cases, policymakers may be pressured into responding to high-profile cases with reactive, case-specific measures rather than developing comprehensive policies that address the root causes of forced labour. This detracts from nuanced discussions about forced labour and the structural reforms that are needed to address exploitation effectively.

¹¹⁴ Interview with CSO 001, Kuala Lumpur, 13 November 2024

¹¹⁵ Interview with CSO 001, Kuala Lumpur, 13 November 2024

Recommendations

This report explores the role of government, CSOs, and trade unions in supporting victims/survivors of forced labour, with a focus on enhancing service delivery. It examines the limitations of current government services, including the “one-size-fits-all” NRM for trafficked individuals, which fails to effectively address the complexities of forced labour. The report highlights institutional constraints, gaps in employment law, and the “closed” nature of referral systems that hinder comprehensive support for victims/survivors. In

addition, the report assesses the contributions of trade unions and CSOs, which act as essential intermediaries in accessing public services, but face constraints such as resource dependency, limited reach, and fragmented service delivery.

The recommendations in this section focus on the role of government in improving access to services and strengthening its provision to ensure better outcomes for victims/survivors. Based on these findings, the following recommendations are made:

Address legal and institutional barriers to access to public services by victims/survivors of forced labour

- ▶ **Review legislation and policies related to forced labour to enable greater access to services to victims of forced labour not identified as trafficked person.** This includes expanding the existing NRM for human trafficking to include forced labour or establishing an alternative referral mechanism that is designed to meet the needs forced labour victims/survivors.
- ▶ **Enhance the NAPFL** to serve as an effective policy framework for planning, coordination, and monitoring forced labour response. A comprehensive monitoring and evaluation mechanism to support evidence-based reporting on progress and impact of the NAPFL should be established.
- ▶ **Conduct a comprehensive feasibility and needs assessment to determine the necessity, optimal locations, and specific types of shelters required** to support victims/survivors of forced labour. This assessment should consider regional service gaps, the availability of existing facilities, and the specific needs of victims/survivors, including safety, accessibility, and psychological support. Findings should guide resource allocation and the establishment of shelters, ensuring they effectively address the unique needs of vulnerable communities.
- ▶ **Allocate sustainable funding** to CSOs to address service gaps in the support for victims/survivors for forced labour. This funding should specifically target the establishment and operation of shelters, which was identified as a service gap, particularly in the regions where government shelters are currently unavailable. In addition, the funding should support the provision of professional mental health services, which are essential for addressing the psychological trauma faced by victims/survivors.
- ▶ **Extend the validity of special immigration passes for victims/survivors of forced labour** for the duration of their legal proceedings at minimal cost, rather than limiting renewals. This would ensure that non-national victims/survivors are able to remain in Malaysia safely and ensure continuity in legal processes.

- ▶ **Review exclusionary policies on access to essential services**, including access to subsidized healthcare services and legal aid to ensure that victims/survivors of labour exploitation, regardless of their documentation status, can access the support they need.
- ▶ **Strengthen national data collection and statistical systems on forced labour** to support evidence-based policymaking, service provision, and targeted government interventions in line with International Labour Standards.

Develop comprehensive coordination and engagement frameworks for forced labour response

- ▶ **Institutionalize regular and inclusive consultations between government and non-government agencies** to address forced labour issues. Having a periodic and consistent avenue for policy dialogue, and service provision coordination helps to strengthen working relationships among stakeholders and allow them for policymaking to be informed by evidence, on-the-ground realities, and the experience of those who are working directly with the victims/survivors of forced labour.
- ▶ **Establish a CSO platform for service coordination and knowledge sharing.** The platform would enable CSOs to share data, insights, the best practices, and develop a collective approach to service delivery and a community of practice with shared understanding and values. A CSO platform should have a clear structure with defined roles, responsibilities, and decision-making processes that are adaptable to the needs of the stakeholders involved.
- ▶ **Develop an agreed-upon framework for case referrals among CSOs** to streamline service provision for forced labour victims/survivors. Although not overly formal or rigid and adapted to the varied operational models of CSOs, the framework should establish basic principles and practices, including procedures for accepting or declining cases, follow-up protocols, information-sharing mechanisms, and guidelines to ensure the privacy and confidentiality of victims/survivors.
- ▶ **Tailor coordination frameworks or platforms to regional contexts.** Coordination efforts among CSOs and with government agencies should account for regional differences, such as those between Peninsular Malaysia and Sabah and Sarawak. Establishing regional working groups or sub-platforms under a national framework can address area-specific needs while maintaining overall alignment and consistency.
- ▶ **Establish a system for periodic data sharing by the government** on its responses to forced labour cases and the types of services provided to victims/survivors. This should include anonymized data on case outcomes, service delivery metrics, and identified challenges. Such transparency will promote accountability, enable evidence-based policy adjustments, and foster collaboration with CSOs and other stakeholders to improve victim/survivor support services.

Enhance referral systems through public service infrastructure

- ▶ **Leverage the nationwide presence of public service institutions to strengthen service referrals** for victims/survivors of forced labour. This includes hospitals, health clinics, labour departments, and community centres. Develop and implement standard operating procedures to guide the identification of forced labour cases and referrals to appropriate support services. Although public services are not direct providers of specialized care, their extensive reach position them as critical entry points for referrals.
- ▶ **Enhance existing government hotlines** by having response teams trained in handling such situations sensitively and effectively. Ensure the hotlines operate within 24 by 7 and provide them immediate referrals to relevant services. In addition, collect anonymized data on reported cases to identify systemic gaps and trends, enabling continuous improvement in addressing forced labour and non-compliance with labour laws.
- ▶ **Utilize public service facilities as dissemination points for targeted awareness campaigns** on forced labour, including hospitals, health clinics, labour departments, and community centres. These campaigns should educate the public on recognizing the signs of forced labour, understanding victims/survivors' rights, and accessing available support services. Materials should be multi-lingual and easily accessible, supplemented by community events or workshops to foster trust and better understanding.
- ▶ **Utilize and regularly update existing information and tools, such as service referral directories** and guidelines, to enhance the identification and support of forced labour victims/survivors. Leveraging information technology solutions can improve accessibility, real-time updates, and data integration across service providers. These resources are live documents that require regular updates to reflect evolving service provision landscapes and emerging challenges. Periodic revisions, informed by feedback from frontline public service institutions and CSOs, will ensure these tools remain relevant, effective, and aligned with current needs.



Invest in building public trust in public institutions

- ▶ **Establish non-retaliation and non-punishment provisions as integral parts of forced labour response policies.** These should ensure that individuals who come forward, including those without documentation or those with immigration-related offenses, are not penalized or prosecuted. Publicize these safeguards widely to build confidence in public authorities, reassuring vulnerable individuals that they can seek assistance without taking risk to their safety or legal standing.
- ▶ **Equip frontline public service providers, such as labour inspectors, police officers, and healthcare workers, with training on cultural sensitivity, trauma-informed practices,** and the specific challenges faced by vulnerable communities. Demonstrating empathy and professionalism during interactions can gradually reshape perceptions of public authorities.
- ▶ **Establish clear standards for high-quality, timely assistance and respectful treatment** of all individuals, regardless of their background or immigration status. Positive experiences with government services will contribute to engendering a sense of safety and trust in public institutions. Clear guidelines and training for healthcare providers are necessary to implement this approach effectively and ensure trust among vulnerable populations.
- ▶ **Establish a firewall between immigration enforcement and public service providers.** This separation would allow workers in irregular situations to seek essential services such as healthcare services without taking risk arrest or detention.
- ▶ **Establish and enforce oversight mechanisms to address corruption and misconduct among public officials.** This could include accessible and anonymous channels that allow individuals to safely report police misconduct without fear of retaliation as well as independent complaints and investigation bodies to handle allegations of bribery and abuse of authority, with transparent reporting on outcomes.

Facilitate a supportive environment for trade unions to deliver services

- ▶ **Activate and strengthen social dialogue and tripartism** by ensuring that existing institutionalized tripartite platforms for consultations between trade unions, employers, and the government are effectively utilized.
- ▶ **Enhance trade union capacity to provide services to victims/survivors of forced labour** by providing targeted training on forced labour and victim/survivor support procedures. Allocate funding and technical assistance to set up dedicated complaint-handling teams or legal support services.
- ▶ **Strengthen trade unions' capacity to organize migrant workers** through targeted training. Training programmes should focus on effective outreach strategies, worker engagement, and advocacy techniques tailored to the specific challenges faced by migrants. Training should also cover legal frameworks, cross-cultural communication, and strategies for overcoming language barriers.
- ▶ **Develop a database of case precedents on cases related to forced labour heard at the DOL and Industrial Court.** Analysis of past rulings would help trade unions strengthen and refine courtroom advocacy strategies. Targeted training on case analysis would further equip unions to navigate complex proceedings, improving their ability to secure justice for workers.



