



International
Labour
Organization



MINISTRY OF HUMAN
RESOURCES, MALAYSIA

Australian
Aid 

Canada 

Recommendations of the Malaysia National Tripartite Preparatory Workshop

16th ASEAN Forum on Migrant Labour: “Enhancing the effectiveness of legal pathways for labour migration in ASEAN”

12 October 2023

Sub-theme 1: Improving labour migration programmes in ASEAN

1. Regulate recruitment fees and related costs to adopt **employer pay model** and include this in all MOUs with sending countries. The policy should regulate the fees and costs in country of origin and in Malaysia. Reduce costs of recruitment for SMEs.
2. **Reduce reliance on recruitment agencies** and middlemen to reduce recruitment costs, and effectively regulate and monitor practices of recruitment agencies to reduce violations such as contract substitution.
3. Engage civil society, migrant worker communities and trade unions in development of **MOUs** and make them publicly available.
4. Make **recruitment processes** faster, simplified, digitalized, efficient, accessible to migrants in various languages.
5. Entrust ministries in charge of labour to establish and coordinate a **clear labour migration policy**.
6. Enable **freer labour market access** to allow MWs to change employers, jobs and selected sectors without the need of consent of the original employer, provided the original employer is compensated by the new employer for reasonable expenses incurred for recruiting the MW. No compensation is required when the original employer is responsible for labour violations, forced labour and trafficking.
7. Allow foreign employers of domestic workers to register with **SOCSSO**. Provide all migrant workers with old age pension to ensure equal treatment with local workers.
8. Make **information and pre-employment, pre-departure and post-arrival orientation seminars** broadly available to the public, including to both workers and employers. Include transparent information about the job, employer, contract, worksite conditions, migration realities, and support services.

9. Assess feasibility of **freer movement of workers within ASEAN** and the establishment of an **ASEAN framework on labour mobility**, taking into consideration skills recognition in line with MRA, MRS and AQRF.
10. Provide all migrants regardless of immigration status **access to quality remedies**.
11. Strengthen the role of **national human rights institutions** (NHRIs) as a channel for seeking redress.

Sub-theme 2: Ensuring legal migration pathways are inclusive and responsive to the labour market

12. Match admission of migrant workers with **labour and skills demand** in the labour market.
13. Enable **mobility for semi-skilled or higher skilled migrant workers** and recognize their skills in line with the MASCO standard, and pay them according to their skills level.
14. Provide migrant workers opportunity for **skills certification** by recognized bodies in Malaysia and ASEAN. Give domestic workers access to skills upgrading through weekend classes including courses that provide certification as qualified caregivers by Malaysian government.
15. Consider allowing (“defreezing”) the hiring of **skilled care workers** to meet the needs of the aging society.
16. Make regular pathways **more inclusive** by revisiting age, gender, nationality, disability, pregnancy, religion discrimination in alignment with Malaysia’s Employment Act.
17. Move towards **longer term labour migration programmes**.