



## Malaysia National Recommendations for the 13th ASEAN Forum on Migrant Labour

21 October 2020

*Supporting migrant workers during the pandemic for a Cohesive and Responsive ASEAN Community*

### **Sub-theme 1: Impact of COVID-19 on migrant workers and responses in ASEAN**

1. Review enforcement of immigration regulations to take into consideration the unique circumstances of COVID-19 pandemic and how it impacts migrant workers. This should include implementing a moratorium on raids and arrests, and review the laws, regulations and policies on mandatory deportation of migrant workers upon serving their sentence.
2. Increase monitoring and reporting of labour violations, including OSH provisions, SOPs, other requirements for COVID-19, and regulations on centralised housing. This should include increasing resources for labour inspectors and encouraging self-regulatory approach by industries.
3. Allow labour mobility or changing of employment of migrant workers, when employment is prematurely terminated or worker is exploited and provided that new employer has to meet the requirements on availability of quota and no past records of non-compliance of Malaysian laws. Enhance current processes to ensure that changing employment is accessible to migrant workers, including removal of the requirement for consent of the old employer.
4. Provide skills assessment and certification as per industry standards for migrant workers to enable them to get skilled jobs when seeking future employment. This has to be provided by regulatory bodies in different industries.
5. Strengthen bilateral relations, set up cross-border representation and videoconferencing utilities for Labour Courts and Industrial Courts to ensure migrants who are forced to return can still continue their cases and resolve disputes.
6. Make all forms of health and social services, including psychosocial support services, available to migrant workers at a non-discriminatory cost that is affordable. This should include specialised services for migrant workers experiencing violence, harassment, exploitation, and abuse.

7. Strengthen provision of consistent, systematic and regular information in the language migrant workers understand on SOPs related to COVID-19 and on the full spectrum of services to migrant workers.
8. Legislate working and living conditions of domestic workers consistent with international labour standards, especially the Domestic Worker Convention, 2011, to protect the rights of domestic workers and preventing forced labour situations during the pandemic and beyond.
9. Delink fear of sanctions for immigration violations and health concerns of migrants. The fear of arrest and detention may push undocumented migrant workers further into hiding and prevent them from seeking treatment, with negative consequences for their own health and increased risk of COVID-19 spreading to others.

**Sub-theme 2: Cohesive and responsive labour migration policy for future preparedness in ASEAN**

10. Assess feasibility for extending the benefit of employment insurance, invalidity pension and survivors' pension to cover migrant workers, and review qualifying conditions under relevant Acts. Explore possibilities to extend equal social protection to all workers, including domestic workers, in compliance with ILO Convention 102.
11. Facilitate smart collaboration with social security institutions in migrant workers' countries of origin to assist in finding dependants for receiving benefits.
12. Ensure workplaces and employer-provided housing follow labour standards (R.115) and OSH and WHO safety guidance.
13. Build capacity and strengthen digital diplomacy between ASEAN countries to assist migrant workers, simplify processes, and enhance preparedness.
14. Strengthen social dialogue to involve employers' organizations, workers' organizations, civil society and recruitment agency representatives to participate in policymaking on recruitment and management of labour migration. Streamline labour migration policy and recruitment processes to address and respond to current and future challenges in protection of migrant workers.
15. Set-up a centralized digital data management system on migrant workers, integrating data from various agencies, to improve service provision during emergencies in Malaysia and across borders, and to manage recruitment.

The meeting was held online on 21 October 2020.