

Recommendations from Malaysia National Tripartite Preparatory Workshop

14th ASEAN Forum on Migrant Labour

“Recovery and labour migration in the post pandemic future”

24 August 2021

Sub-theme 1: Protection of migrant workers during the COVID-19 pandemic – Current situation

1. Ensure all migrant workers', including undocumented migrant workers', access to free COVID-19 vaccines and health care, without risk of arrest and deportation. Stop arrest and detention of migrant workers with undocumented status during the pandemic period for immigration-related offences and while they are waiting to get vaccinated or medical treatment.
2. Protect workers whose contracts expire but who cannot go back by providing them with a free short-term visit pass or special pass and moratorium on sanctions on overstayers, allowing them to work in the same or other industries, pending their repatriation during the COVID-19 pandemic.
3. Improve the recalibration programme¹ to broaden it to other sectors (including domestic work) and extend it to workers who did not enter the country with proper documentation, provided that the embassy issues them valid documents or passports.
4. Improve migrant workers' access to justice through expedited processes in labour and industrial relations courts. Allow undocumented migrant workers' access to labour courts. Ensure non-deportation and right to work during the proceeding of legal cases.
5. Address overcrowding in detention centres, and enhance standard operating procedures (SOPs) in detention centres to curb the outbreak of COVID-19 in detention centres and ensure adequate medical care for migrant workers pending their deportation.
6. Provide all migrant workers, including migrant domestic workers, the right to change employers; and remove the need for consent from an employer in case of labour violations. Rules need to be made to facilitate the process, including compensation issues to the first employer and re-employment.

Sub-theme 2: Recovery and the post pandemic future

7. To ensure human-centred recovery from the COVID-19 pandemic, ensure that the human rights of migrant workers are protected at all times.
 - 7.1. Ensure the implementation of the principle of equal rights for all workers, including migrant domestic workers.
 - 7.2. Address withholding of passports by strictly enforcing the Passport Act.

¹ Malaysia's rehiring and amnesty programme



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- 7.3. Increase OSH protection for migrant workers.
- 7.4. Ensure barriers to freedom of association among migrant workers is addressed, increase organizing of migrant workers.
8. Ensure that bilateral agreements between Malaysia and sending countries emphasize migrant workers' protection.
9. Strengthen labour inspection on protecting migrant workers' rights and conduct inspections in informal sectors. Allow workers' organizations and employers' organizations to participate in labour inspection.
10. Strengthen implementation of national standards on migrant workers' housing.
11. Promote fair recruitment by prohibiting the charging of recruitment fees on migrant workers, including visa renewal costs. Remediate cost including costs related to COVID-19 testing, vaccination and quarantine, and effectively implement the policy.
12. Strengthen migrant workers' social protection, including health care and basic income support.
13. Ensure portability of social protection benefits. Improve data sharing between countries of origin and destination, e.g. particulars of migrant workers and dependents, to facilitate registration of migrant workers in SOCSO and payment of benefits.
14. Implement the principles of ILO Domestic Workers Convention, 2011 (No. 189) and ILO Violence and Harassment Convention, 2019 (No. 190) and work towards possible ratification.
15. Reform financing of migrant workers' health and support services, including services related to COVID-19.

The meeting was held online on 24 August 2021.