



GMS TRIANGLE Project: Malaysia

Duration:	June 2010 – June 2015
Key Partners:	Ministry of Human Resources (MOHR), Malaysian Employers Federation (MEF), Malaysian Trades Union Congress (MTUC), Tenaganita (CSO)
Target Sites:	Kuala Lumpur and Selangor (Central Region), Penang (Northern Region), Johor Bahru (Southern Region)
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Background Information

There are approximately 2.2 million documented and 1.3 million undocumented migrant workers in Malaysia – representing a third of the country's total labour force. An estimated 40 per cent of these workers are women. Most migrants are employed in low-skilled and labour intensive jobs as 'contract workers'. According to the Malaysian Investment Division Authority (MIDA), the electronics and electrical industry contributes to the country's total manufacturing output (27 per cent), exports (49 per cent), and employment (33 per cent).

Official channels for the recruitment of migrant workers exist for 14 nationalities, including Cambodia, Viet Nam and Myanmar. In August 2011 the Government launched the 6P program, which provides a window for irregular migrants to register and obtain amnesty. Migrant workers' rights are restricted due to discrimination, language barriers, lack of awareness, and limited access to justice. Migrants regularly work longer hours, receive lower wages than nationals (or those stipulated in their contracts) and their mobility is often constrained by employers who retain their identity documents. Although the Trade Union Act gives migrant workers equal rights to unionize, their work permits and contracts frequently prohibit them from doing so. In order to obtain and renew their work permits, migrant workers must undergo mandatory testing for more than sixteen illnesses (and pregnancy). If a worker is found to be pregnant or ill, they may be immediately deported. A recent Verité report highlighted conditions in the electronics sector for migrant workers and the particularly high recruitment fees paid by Vietnamese workers.

Migrant domestic workers in particular remain isolated and exposed to potential abuse. Due to recurring complaints of mistreatment and non-payment of wages, the Indonesian Government imposed a moratorium on the sending of domestic workers to Malaysia in July 2009. After amending the bilateral MOU, recruitment of Indonesian domestic workers resumed in December 2011. The new agreement guarantees domestic workers one rest day per week, the right to hold their own passports, and payment on a monthly basis (among other strengthened protections). In 2011, the Cambodian Government suspended the regular sending of domestic workers to Malaysia, pending the signing of a similar agreement. The agreement is still under negotiation.

Population: 29.9 million

Labour Force: 13.0 million

Migration to Malaysia:

- **Main countries of origin:**
Indonesia, Nepal, Bangladesh, Myanmar, India, and the Philippines
- **Regular migrants registered as part of the 6P Program (Aug 2011):**
1 million
- **Irregular migrants registered under the 6P Program (Aug 2011):**
1.3 million
- **Registered migrant workers from GMS countries (2013):**

Myanmar:	161,447
Viet Nam:	52,990
Thailand:	17,044
Cambodia:	13,839
Lao PDR:	113

Source: Immigration Department, Ministry of Home Affairs, Malaysia, 2013

Main Activities (October – December 2014)

- On 27 November a meeting was held with the Economic Planning Unit (EPU), Prime Minister's Department to discuss the inclusion of migrant workers in the 11th Malaysia Plan under the human capital chapter. A UNCT delegation, with representation from UNRCO, ILO, IOM, UNFPA, UNICEF and UNHCR attended the meeting. The ILO highlighted (a) the economic implications of making migration management more effective; and (b) the trade and investment implications of ineffective migration management that leads to rights abuses.
- On 28 November, a meeting was held at MOHR, with the Vice President of MTUC and MRC Programme Coordinator and Officer. The purpose of the meeting was to share information on the types of cases being handled by the MTUC MRCs, with a view to resolve procedural and policy challenges. The briefing provided by the MTUC was well-received and it was proposed that a quarterly meeting be arranged to discuss specific issues.
- From 6 - 13 December, in conjunction with International Human Rights Day, the Migration Works campaign held a week long art exhibition titled 'Journey of Hope' showing the experiences of migrants at the workplace and in society. The exhibition was shown at various venues in Kuala Lumpur to raise awareness of the contribution of migrants to the economy.
- From 13 – 16 December GMS TRIANGLE trade union partners, Vietnam General Confederation of Labour (VGCL) and MTUC reviewed the draft MOU to officially establish bilateral corporations on protection of migrant workers. VGCL visited Malaysia and held meetings with Vietnamese workers to understand the workers' issues and challenges and the Vietnam Labour Management Unit to discuss how rights of Vietnamese migrant workers can be better protected.
- On 19 December on the occasion of International Migrants Day, the MEF Guidelines on the Recruitment and Employment of Migrant Workers were launched jointly. A total of 58 participants (31M: 27W) attended.

Main Activities in the Next Quarter (January - March 2015)

- In January a consultation with labour attachés and social partners will be held on the topic of Government detention centers for irregular migrant workers.
- In January MTUC and VGCL will sign the MOU to officially establish bilateral cooperation to enhance protection of migrant workers.
- In February a joint workshop with MOHR and social partners will be held focusing on the new Protocol and Recommendation to the Forced Labour Convention, and on indicators of forced labour.
- In February MOHR and MTUC MRC will hold a dialogue on the withholding of passports and protection of migrants made irregular through no fault of their own.
- In March the project will collaborate with Tenaganita, the Legal Aid Center and the Bar Council to provide training for pupils in chambers on the legal framework and migrants' ability to access redress.
- In March, in collaboration with MEF, a training for employers on practical guidelines on the management of migrant workers will be conducted.