



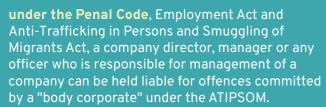




"All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily"

(ILO Forced Labour Convention 1930 No.29)

# AN INDIVIDUAL—CAN BE CHARGED



Forced labour is not only socially and morally wrong, but is a serious violation of human rights and a criminal offence in Malaysia.

# THREATS AND PENALTIES

is means of coercion used to impose work on worker against a person's will, such as

No access to passport

Loss of all due wages

Work permit renewal by employer

Threat against worker/relatives

Cannot go to another employer

Physical, sexual or psychological violence

**Note:** This list is non-exhaustive and enforcement authorities could use the MAPO National Guidelines on Human Trafficking Indicators in identifying cases for forced labour.

# Indicators Of Forced Labour

and what company should do?

# Retention of passports and personal belongings



 Secure an accessible storage areas may be provided, but workers should not be required to keep their passports and belongings there. The keys should be with workers if they do use the lockers.

## Debt and fees payable to recruiters

 A due diligence procedure for recruitment agencies and subcontractors should be conducted so that they do not charge workers with any recruitment fees.

## Contract substitution/ deception

- Provide all workers with contracts in their language and explain the terms of employment.
- Make sure to respect the terms of employment the worker has agreed to.

#### **INVOLUNTARINESS**

refer to any work taking place without the free and informed consent of the worker, such as:

Forced overtime (beyond 12 hours a day, compensated and non-compensated), that which the worker was forced to accept

Worker did not agree to the working conditions (hazardous work, illicit activities, sub-standard living and/or working conditions)

Worker was deceived about the nature of the work or the identity of the employer

Working hours longer than agreed

Wage lower than agreed

Isolated with no access to outside world

Under constant surveillance

# Unclear debt, unfair deductions, and withholding of wages

- Avoid withholding or delaying payment of wages.
- Provide pay slips with accurate calculations.
- Any deduction, loan or advancement should be legal and agreed in advance and documented.
- Keep records of wage payment and calculations.

# Threat/act of termination of employment

 Workers should be able to leave employment with due notice in accordance with their contract of employment.

### Abuse, harassment and violence

- Introduce and provide training on policies on the prevention of harassment and abuse.
- Introduce and implement workers' access to remedy and grievance procedures.

# Restriction of movement – confinement/locking in of workers to avoid them leaving

Provide decent working conditions to workers.
Ensure security measures do not prevent workers to leave premises.



For more information about the ILO indicators of forced labour, please log on to ilo.org