



**PERSEKUTUAN MAJIKAN-MAJIKAN MALAYSIA
MALAYSIAN EMPLOYERS FEDERATION**

**FAIR RECRUITMENT OF MIGRANT WORKERS
AND
ERADICATION OF FORCED LABOUR
IN MALAYSIA**

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Active Foreign Workers By Country & Sector (As @ 30 September 2023)

NO	CITIZENSHIP	SECTOR																TOTAL	%
		MANUFACTURING		CONSTRUCTION		SERVICES		PLANTATION		AGRICULTURAL		DOMESTIC WORKERS		MINING		SUB TOTAL			
		L	P	L	P	L	P	L	P	L	P	L	P	L	P	L	P		
1	BANGLADESH	191,021	126	285,833	444	80,831	354	30,482	26	26,380	122	31	39	150	0	614,823	1,121	615,944	33.81
2	INDONESIA	19,177	65,543	75,405	5,841	15,487	10,419	120,564	24,615	34,343	12,903	332	56,937	69	1	256,477	179,264	444,741	24.41
3	NEPAL	204,752	9,363	8,760	20	93,832	117	7,183	9	12,583	127	25	42	19	0	327,569	9,572	337,237	18.51
4	MYANMAR	80,514	25,425	11,900	319	14,996	3,097	991	114	2,914	477	3	77	43	0	111,354	30,509	141,873	7.79
5	INDIA	4,281	152	10,649	167	46,652	804	30,057	505	12,835	643	43	1,380	2	0	104,578	3,001	108,177	5.94
6	PAKISTAN	5,172	34	27,319	64	10,963	151	5,388	20	20,689	71	4	19	2	0	59,437	263	69,796	3.83
7	PHILIPPINES	2,583	308	1,697	92	2,048	1,006	8,525	3,297	2,127	1,273	74	29,764	7	1	17,071	35,741	52,812	2.9
8	THAILAND	61	23	243	20	5,311	5,371	127	69	5,192	237	3	345	0	0	11,237	6,065	18,002	0.99
9	VIETNAM	1,596	3,130	1,079	362	523	1,260	22	55	2,158	425	0	3,567	0	0	5,309	3,819	14,188	0.78
10	CAMBODIA	149	222	105	49	82	147	44	29	4,095	43	3	920	0	0	4,469	1,413	5,834	0.32
11	SRI LANKA	1,836	667	345	28	1,410	174	117	25	235	52	11	872	0	0	3,954	1,810	5,772	0.32
12	CHINA	470	35	3,012	205	620	1,156	0	0	0	0	0	30	8	0	4,110	1,430	5,543	0.3
13	LAO PDR	2	3	4	1	5	15	0	0	1,578	2	0	34	0	0	1,589	55	1,644	0.09
14	UZBEKISTAN	0	1	1	1	3	5	1	1	0	1	0	1	0	0	5	10	15	0.00
15	KAZAKHSTAN	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	2	2	0.00
SUB TOTAL		511,614	107,048	426,407	7,613	272,663	24,096	203,601	23,765	126,526	18,401	525	34,028	343	2	1,541,680	279,953		
TOTAL		618,662		434,020		296,366		232,365		144,927		94,554		345		1,821,633		1,821,633	100.00%
%		33.96%		23.83%		16.29%		12.76%		7.95%		5.19%		0.02%		100.00%			

FAIR RECRUITMENT

- Stricter requirements for the recruitment agency to regularly report on status of migrant workers to the authorities.
- Stricter sanctions on recruitment agencies.
- Improve the current digital recruitment system to reduce recruitment fraud .
- Ensure recruitment fee must be borne by employers and not by workers. This is to reduce/eliminate cases of debt bondage by migrant workers.
- Improve and expand collaboration on fair recruitment with the governments of the source countries of migrant workers.
- Improve legal and complaints mechanisms by employees. Amendments to Employment Act 1955 and Private Recruitment Agencies Act 1981.



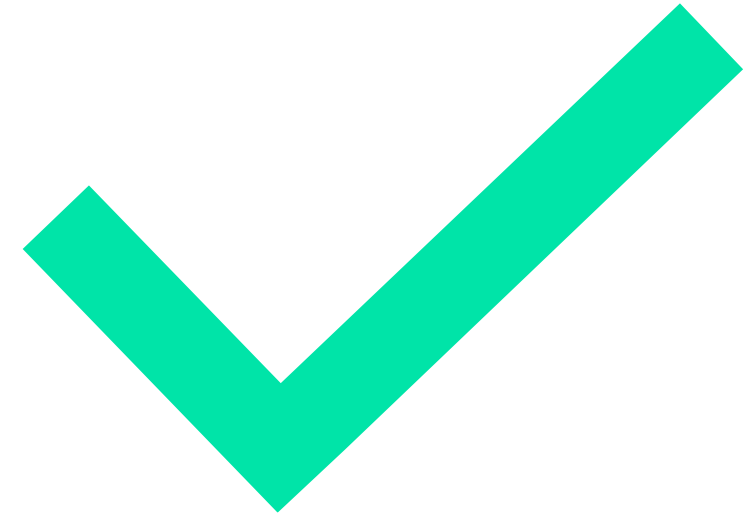
OBLIGATIONS OF RECRUITMENT AGENCIES



Ethical Recruitment



Training and Certification



Verification of Documents and Contracts



KEY PRINCIPLES IN FAIR RECRUITMENT

National Action Plan Forced Labour (NAPFL)

2021-2025

STRATEGIC GOALS UNDER NAPFL

- By 2025, there will be an improved knowledge base and awareness and understanding of forced labour through engagement with labour recruiters and employees.
- There will be improved legal compliance and enforcement related to forced labour.
- Migration management, including recruitment practices, will be strengthened.
- Victims of forced labour will have improved access to remedy, support and protection services and systems to prevent forced labour.

- **IMPROVEMENTS IN LEGAL FRAMEWORK (SINCE 2022)**
- March 2022- Malaysia ratified International Labour Organisation (ILO) Protocol 29 of 2014 to the Forced Labour Convention, 1930, renewing its commitment to take statutory and other legal measures in the fight against forced labour , including human trafficking.

IMPROVEMENT IN LEGAL FRAMEWORK (SINCE 2022)

- Amendments to the Anti-Trafficking in Persons and Anti-Smuggling of Migrants (Amendment) Act 2022 (ATIPSOM) --→ more victim-centered approach. Wider definition of 'trafficking in persons', heavier imprisonment and monetary fine.
- Amendments to the Employment (Amendment) Act (EA) 2022 --→ Sec 90B of the EA has additional provision in criminalizing forced labour offences by employers, provision on discrimination and complaint mechanism for sexual harassment. Maximum penalties up to two (2) years' imprisonment, a fine of RM100,000 or both.



Landmark Court case- **Goodyear Malaysia Berhad.** **Decision on Foreign Workers Rights**

Airi Laxman Singh & Others vs Goodyear Malaysia Berhad [Industrial Court Award No. 1154 of 2021]

- Industrial Court held in favour of more than 100 claimants, finding that the company had discriminated against them in depriving them of the shift allowances, annual bonuses and salary increments paid to Malaysian employees and ordered back pay.
- Court ruled foreign/migrant workers have same rights as local employees even where the foreign employees are not members of the union and they signed employment contracts which were inferior to the local employees in similar positions.

TRAFFICKING IN PERSONS REPORT

- In 2020, Malaysia was put on tier-3 watchlist of the United States Govt Office to Monitor and Combat Trafficking in Persons (TIP), citing reports of deceptive recruitment practices, withholding passports, inability to take leave, excessive work hours, contract substitutions, unlawful deduction of wages, poor living conditions etc.
- In 2023, Malaysia was upgraded to tier-2 watchlist.



8 KEYS CHALLENGES FACED BY EMPLOYERS

High Recruitment Cost, including levy and other costs payable to government and recruitment agencies

Changes in policies and procedures made without prior consultation with relevant stakeholders

Lack of awareness on forced labour

Lengthy and Complicated recruitment process

Manipulation by recruitment agencies

Privatization and monopoly of digital recruitment

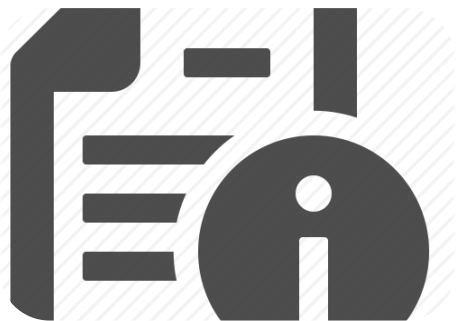
High rate of abscondment

No access to grievance mechanism

National Action Plan on Forced Labour 2021-2025 (NAPFL)

- To reduce forced labour incidents by 2025.
- To eliminate the use of forced labour in any and all forms in Malaysia by 2030.

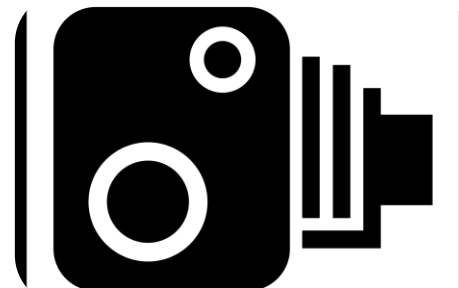
RECOMMENDATIONS- GOVERNMENT



Policy and Regulations



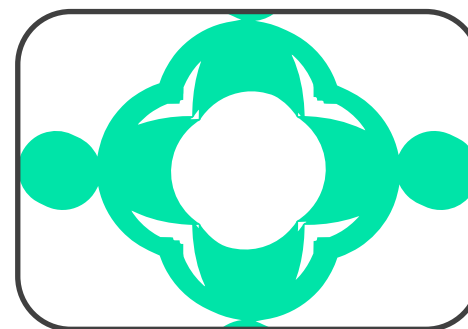
Bilateral Agreements



Monitoring and Enforcement



Information Dissemination



Coordination between source and destination countries



Fair Employment
Practices



Transparency



RECOMMENDATIONS- CIVIL SOCIETY ORGANISATIONS



Awareness
and Education



Advocacy



Support
Services

