PRESS STATEMENT

ASIAN INTER-PARLIAMENTARY CAUCUS ON LABOUR MIGRATION
2nd Advisory Committee Meeting and Fact-Finding Mission to Malaysia
14-16 April 2014, Kuala Lumpur, Malaysia

We, the members of the Advisory Committee of the Asian Inter-Parliamentary Caucus on Labour Migration representing fifteen countries, met on 14-16 April in Kuala Lumpur for the 2nd Advisory Committee Meeting and Fact-Finding Mission to inquire on the situation of migrant workers in Malaysia.

We consulted the Members of Parliament, Migration Working Group, Migrant Care, Malaysian Trade Union Congress, trade unions, Bar Council Malaysia, the National Human Rights Commission of Malaysia (SUHAKAM), foreign missions and migrant leaders as part of our investigation.

We identified eighteen recommendations to promote and protect the rights of migrant workers in Malaysia which also includes the quality of life of migrant workers.

We call upon the Malaysian government to take immediate steps to implement three key recommendations below:

1. MOUs signed between the sending countries and Malaysia should be transparent and made public. Stakeholders should be consulted in the formulation of MOUs. MOUs should stipulate minimum international labour standards, social protection and best practices in the management of migrant labour.

2. Malaysia should move forward in concluding the draft ASEAN Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers. The drafting of the Instrument is a product of Article 22 of the Cebu ASEAN Declaration on the promotion and protection of the Rights of Migrant Workers which was adopted in January 2007. The current draft should be made available to stakeholders.

3. Malaysia should consider a government to government (G2G) approach in the recruitment of migrant workers Malaysia. This would minimize recruitment cost and exploitation of migrant workers by outsourcing companies and private recruitment agencies and labour brokers. A special government-led multi-sectoral evaluation task force should be established to analyze the impact of the current outsourcing and recruitment and management of migrant workers in the country.
We are seriously concerned with the management of migrant workers in Malaysia. Our investigation shows that migrant workers in Malaysia are highly vulnerable to exploitation and violence in an environment where their rights are not protected and promoted. In addition, migrant workers continue to face violation of labour rights including discriminatory wage practices, long hours of work, no weekly rest day, hazardous working conditions, physically and sexually abusive employers and deplorable living conditions.

Our findings indicate that migrant workers continue to live in poverty in Malaysia and in some instances worse off than they were before in their country of origin.

Existing laws are not adequately enforced to protect the rights of migrant workers. There is also lack of enforcement officers to monitor and carry out enforcement.

Migrant workers access to justice is curtailed by immigration policies. Migrant workers lose their work permit when they lodge a complaint against the employer and/or when they are fired. The migrant workers are then required to apply for a special pass at a monthly fee of MYR 100 issued at the discretion of the immigration officer. During this period, migrant workers are not allowed to work resulting in loss of income and incentive to pursue the case.

It appears that Malaysia’s present approach to the management of migrant workers victimizes the migrant worker and favours the business community and the economies of sending countries and Malaysia.

We call upon the Malaysian government to exercise strong political will in restructuring the management of migrant workers to create a win-win situation for all stakeholders.

**Asian Parliamentary Caucus on Labour Migration**

The *Asian Inter-Parliamentary Caucus on Labor Migration* was formalized in 2011 in Phnom Penh, Cambodia, through a resolution of the assembled MPs that aimed to foster collaboration and encourage a pro-active role for parliamentarians in advancing the rights and welfare of migrant workers across Asia. Migrant Forum in Asia (MFA) was designated as the Secretariat that would act as the primary coordinating body for the Caucus. Since 2007, Migrant Forum in Asia (MFA) and network partners, have been facilitating a parliamentarians program aimed at identifying the role for parliamentarians on the issues of labor migration and migrants’ rights, enhancing participation of MPs in that role, and identifying key issue areas to take on. For more information on the caucus please check the website: [http://asianparliamentarians.mfasia.org/](http://asianparliamentarians.mfasia.org/)
List of eighteen issues
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1. Malaysia’s law enforcement approach vis-à-vis the development approach – management of migrant workers is seen as a security issue rather than a labour issue.

2. MOUs do not conform to minimum international labour standards and are not made public and drafted without the consultation of relevant stakeholders.

3. High level of corruption in Malaysia – enforcement agencies and immigration

4. Malaysia’s strong opposition on the ASEAN framework instrument for migrant workers.

5. Feminization of migration- more women coming to Malaysia with little protection. Call for reforms and amendments of policies that disproportionately discriminate women migrant workers.

6. Exploitative conduct of labour brokers, private recruitment agencies and outsourcing companies.

7. The role of the foreign missions in Malaysia (strengthen/improve response mechanisms;)

8. The issue of minimum wage - local transportation, food and accommodation, visa and levy should be borne by the employers and not deducted from migrant workers’ salary.

9. Malaysia’s reluctance to recognize domestic work as work (eg. Domestic workers from Cambodia). Urge the government to ratify ILO Convention 189 on Domestic Work and inclusion of domestic workers in the national labour law and other relevant national legislations.

10. Unfavourable public and media attitude towards migrant workers

11. Deplorable conditions in the detentions centers

12. Trafficking of migrant workers in detention centers
13. Migrant workers’ limited access to health care / employers holding insurance card / migrant workers injured due to OSH related issues
14. Urge the government to ratify the UN Migrant Workers Convention.
15. High cost of recruitment: Cost should be limited to administrative cost only
16. Issue of enforcement. Provide additional human resources, expedite enforcement and refer more cases to court
17. Call for more inter-parliamentary dialogues; call for oversight committee for migrant workers
18. Advocate for the right of the workers to change employers while in the country; MWs should not be tied to just one employer. Witholding of passport of migrant workers and work permits perpetuates bonded labour.