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*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*

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## **CARAM ASIA AND TENAGANITA CALL FOR LEGISLATIONS TO STRICTLY REGULATE RECRUITMENT AND WORKING CONDITIONS OF MIGRANT WORKERS.**

Tenaganita and CARAM Asia working closely with migrant workers in the country are deeply disturbed by the unacceptable treatment accorded to the approximately 6 million migrant workers in Malaysia who make enormous contribution towards the nation's economy. Of this number, there are around 800,000 Bangladeshi workers, most of which are vulnerable to exploitation and unable to seek justice or help when victimised. Without migrant labour many industries, especially construction and plantation sector will come to a standstill.

Labour recruiters from source countries and Malaysia take undue advantage of people desperately seeking employment opportunities by imposing exorbitant recruitment fees, often far exceeding the quantum set by the Government. This leads to heavy salary deductions thus leaving them with meagre amount to meet their living costs. Workers come to us with complaints of poor wages and working conditions often in violation of the National Minimum Wage Act and the Employment Act. Understandably such unacceptable practices cause extreme hardship and unhappiness and thus affect their productivity.

The non-existence of comprehensive policies for the recruitment and employment of migrants have become an opportunity for human traffickers to make money and exploit undocumented (and thus unprotected) workers.

Problems faced by migrant workers as a whole is numerous as they are seen as easy target for exploitation. They undergo various forms of violations such as physical and mental abuse, long hours of work without payment for overtime, no paid day off, debt bondage, high wage deductions, as well as no access to healthcare and treatment and the inability to seek justice or obtain compensation. Even workers who come with proper documentations are also subjected to various forms of violations resulting from employers who as a matter of practise withhold their passports leading to threats of arrest, detention and deportation.

Malaysia has enacted an ATIPSOM (Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007). In contravention of the provision of ATIPSOM, government has issued licences to labour outsourcing agencies and these agencies do not come under the strict scrutiny of the authorities thus leading to the many problems being faced by the workers who are brought in without a permit or with no job assurance.

Tenaganita and CARAM Asia call on the government to take urgent measures to regulate:

- Recruitment procedures - Recruitment should be determined by actual manpower needs and the Ministry of Human Resources (MOHD) should be given the sole responsibility for the management and monitoring of all matters related to migrant workers.
- Recruitment fees covering visa, levy, health insurance and fare be made the responsibility of the employers.
- Recruitment mechanism – there should be speedy initiatives
- Law enforcement agencies should charge employers and companies/agents who withhold the passports of migrant workers in defiance of the law.
- Wages and working conditions – minimum wage must be strictly enforced for all workers.
- Employment contracts should be in the language of the worker and there should be no contracts substituted after arrival in Malaysia.
- Strict monitoring and enforcement of the Employment Act
- Regulate and enforce right to unionisation
- Pre-departure and Post –Employment Training to be delivered to all migrant workers which covers understanding of the contract, employment rights and protection in Malaysia, safety and health and how to seek redress and where to go for help.
- Abolish private agents and companies supplying labour and impose a G2G procedure for all recruitment and management of migrant workers.

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