



RESPONSIBLE BUSINESS CONDUCT ON HUMAN RIGHTS & LABOUR RIGHTS

DR.ZAKI BIN ZAKARIA
UNDERSECRETARY
INTERNATIONAL DIVISION
MINISTRY OF HUMAN RESOURCES, MALAYSIA

15 SEPTEMBER 2021





CONTENTS:





OVERVIEW : FORCED LABOUR SITUATION IN MALAYSIA

RECEIVING COUNTRY



- There are more than 2 million documented foreign worker in the country and about the similar figure for undocumented foreign worker.
- The total labour force in the country is estimated at 14 million whereby 80% of foreign worker is located in Peninsular Malaysia and the rest in Sabah and Sarawak. Majority of them are employed in low-skilled and labour intensive jobs as 'contract workers'.
- Malaysia has been associated with forced labour situation from the beginning of 2010, whereby a report from Verite in 2012 revealed that forced labour situation exists in the electronic manufacturing industry.

INTERNATIONAL REPORT



- In 2018, Malaysia was listed in the United States Department of Labour's List of Goods Produced by Child Labour or Forced Labour as mentioned in the Trafficking Victims Protection Reauthorization Act or commonly known as the TVPRA list under the electronics and garment for forced labour and oil palm for child labour and forced labour.
- In 2020, a new inclusion of rubber glove product for forced labour was added for Malaysia.
- TIP Report 2021 by U.S Department of State in July 2021 – Malaysia under Tier3
- USCBP Withhold Release Order (WRO) imposed by the US Customs and Border Protection (CBP) to the industries – 2019, 2020, 2021 (allegations for some companies).



Law & Legislation



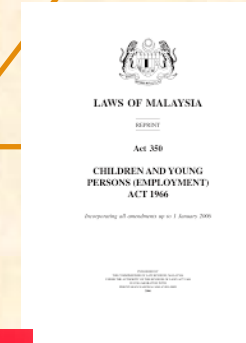
Employment Act
1955 [Act 265]



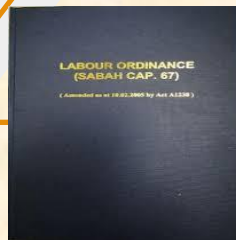
Anti-Trafficking in
Persons And. Anti-
Smuggling of
Migrants Act
2007 [Act 670]



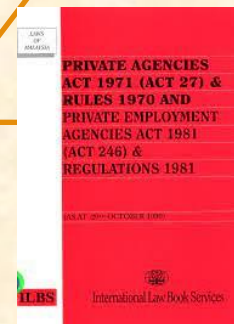
Labour Ordinance
(Sarawak Chapter
76)



Children and
Young Persons
(Employment) Act
1966 [Act 350]



Labour Ordinance
(Sabah Chapter
67)



Private
Employment
Agencies Act
1981 [Act 246]

GOVERNMENT INITIATIVES



INTERNATIONAL OBLIGATION



UNITED NATIONS



REGIONAL OBLIGATION

a) Ratification on the ILO Fundamental Convention :

- i) C29 : Convention on Forced Labour;
- ii) C98: Convention on Collective Bargaining;
- iii) C182 : Convention on Worst Forms of Child Labour;
- iv) C100 : Convention on Equal Remuneration; and
- v) C131 : Convention on Minimum Wage

b) Decent Work Country Programme (DWCP)

United Nations Guiding Principles on Business and Human Rights:

-an instrument consisting of 31 principles implementing the United Nations' (UN) "Protect, Respect and Remedy" framework on the issue of human rights, transnational corporations and other business enterprises.

- i) **The state duty to protect human rights**
- ii) **The corporate responsibility to respect human rights**
- iii) **Access to remedy for victims of business-related abuses**

i) ASEAN Convention Against Trafficking in Persons, Especially Women and Children ratified in 2017.

ii) ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers in December 2007.



DOMESTIC INITIATIVES

1) Social Protection for Foreign Workers

- employment injury scheme for foreign worker.

2) Amendment of Laws

- Private Employment Agencies Act 1981
- Employees' Minimum Standards of Housing and Amenities Act 1990 (Act 446)

3) Policy and Development of National Action Plan

- National Action Plan on NAP TIP (2021-2025) (MOHA) – Launched in Mac 2021 .
- Draft on NAPFL 2021-2025 (MOHR)
- NAPBHR (Legal Affairs Division, Prime Minister's Department)

4) Enforcement

- integrated enforcement by DOL, SOCSO, Immigration Department and other relevant

agencies.

5) Working for workers (WFW) – mobile application

PROGRESS ON THE DEVELOPMENT OF DRAFT NAPFL 2021-2025:

2019 -2020 : Discussion session, meeting, workshop with stakeholder.

2020 : Background Study on forced labour with ILO.

17 Jun 2021 : Establishment of Technical Working Committee (TWC) on the development of NAPFL 2021-2025

28 July- 6 August 2021 :Public Online Engagement

Draft NAPFL 2021-2025 has been uploaded in ministry website and social media to get feedback from public.

7 September 2021:

Discussion on feedback by stakeholders in the TWC Meeting.



DRAFT ON NATIONAL ACTION PLAN ON FORCED LABOUR (2021-2025)

This National Action Plan on Forced Labour (NAPFL) sets out the commitments of the Government of Malaysia to eliminate forced labour in Malaysia.

Through this NAPFL, the Government, workers' and employers' organizations particularly the Malaysian Employers Federation (MEF) and Malaysian Trades Union Congress (MTUC) and other civil society organizations commit in working together, to implement the activities in the NAPFL towards eliminating the practice of forced labour in the country."



TECHNICAL WORKING GROUP ON NAPFL 2021-2025





1. AWARENESS

- Increased awareness
- Improved knowledge and understanding on forced labour

3. LABOUR MIGRATION

Strengthened migration management.

2. LAW & ENFORCEMENT

- Improved legal compliance and enforcement
- Relevant laws or policies revised to address forced labour and strengthen protection support.

4. REMEDIES & ACCESS TO PROTECTION

Improved access to support and protection services

STRATEGIC GOALS



WAY FORWARD



DEVELOPMENT OF NAPFL 2021-2025
To be in line with NAPTIP 2021-2025 which was launched in March 2021

01



AMENDMENT OF LABOUR LAWS & RATIFICATION OF ILO PROTOCOL 29

- Employment Act 1955
- Trades Union Act 1959
- ILO Protocol 29 : Protocol of 2014 to the Forced Labour Convention, 1930

02



DEVELOPMENT OF NAPBHR

MOHR is the lead agency for labour thematic area.

03

The Government support the principles of Responsible Business Conduct and remain supportive to welcome any recommendations to strengthen the process for industrial harmony.



THANK YOU

<https://www.mohr.gov.my>