

Policy Brief

12th Malaysia Plan: Proposed Way Forward | August 2019

Eradicating forced labour and child labour practices in Malaysia

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Contributions by | International Organization for Migration (IOM), United Nations Human Settlement Programme (UN-HABITAT)

Policy recommendations in line with:



Forced labour impacts both Malaysians and non-Malaysians, adults and children who are trapped in, or at-risk of forced labour.

Child labourers work at the expense of their health and education, rendering them vulnerable to life-long exploitation in various aspects.

ISSUES AND CHALLENGES

Forced labour

- Penal Code does not provide for a proportionately serious penalty for forced labour
- High threshold for trafficking in persons under the Anti-Trafficking in Persons and Smuggling of Migrants Act (ATIPSOM) means some forced labour cases are not covered
- Unfair recruitment practices
- Lack of clear regulations and monitoring of outsourcing companies
- Lack of awareness of migrant workers about their labour rights
- Gaps in housing and accommodations, safety and health provisions for workers
- Passport retention
- Legal redress for victims of forced labour can be time consuming and expensive
- Victims of passport retention and non-renewal of work permits by employers become undocumented
- Victims can be re-victimized when Immigration authorities do not determine the cause of non-documentation of the worker whether through their own fault or those of their employers

Child labour

- Limited or no access to education and social welfare services for undocumented, refugees, and stateless children
- Lack of awareness about child labour and provisions of the Children and Young Persons Act
- Labour shortage in some of the sectors
- Children considered as “cheap labourers”

- Poverty of child labour families
- Lack of measures to ensure that piece-rated system does not encourage child labour
- Lack of documentation of migrant, stateless or refugee children
- No minimum age for light work and no hazardous work list for children for Sabah and Sarawak
- Insufficient resources for labour inspectorate
- Child-friendly facilities not available in remote areas

POLICY RECOMMENDATIONS

Forced labour

- Increase penalty for forced labour under the Penal Code
- Review and amend legislation including ATIPSOM to cover all forms of forced labour
- Remove exclusions for domestic workers in the Employment Act
- Ensure victim protection in implementing labour and immigration laws and policies
- Revise relevant policies to address asymmetry of power between employers and employees
- Review and revise policies to allow lawful termination of employment in case of legal rights violations by employers
- Ensure that all migrant workers, including domestic workers are able to join trade unions
- Increase resource allocation for labour inspectorate
- Develop implementing regulations of the Passport Act and ensure enforcement
- Educate vulnerable workers about their rights and increase their access to justice
- Allow labour market mobility for migrant workers that is beneficial to industries' labour requirements and guarantees freedom of movement
- Improve international cooperation
- Develop a sub-national action plan on forced labour under the National Action Plan on Trafficking

- Ratify the International Labour Organization (ILO) Forced Labour Protocol

Child labour

- Public awareness raising about child labour
- Revise Sabah and Sarawak Labour Ordinances to ensure alignment with the Children and Young Persons Act
- Develop standard operating procedures for immediate withdrawal and rescue of children in the worst forms of child labour
- Stronger coordination, referral of child labour cases, and provision of services to child labourers and their families shared by Welfare Department, labour inspectorate and other enforcement agencies
- Establish child labour monitoring systems at the community level
- Educate young workers about occupational safety and health
- Consider conducting a national survey on child labour
- Capacity building on child labour for law enforcement, labour inspection and social workers
- Support Non-Governmental Organization (NGO) work in providing services to vulnerable children
- Provide easy-to-access grievance and complaint mechanisms at community level

1. INTRODUCTION

Forced labour and child labour are issues that would fall under Pillar 4: Empowering Human Capital Development of the 11th Malaysia Plan, particularly on “improving work conditions”, “enhancing access to quality education” and improving the management of foreign workers which is one of three strategies under the focus area “Improving labour market efficiency to accelerate economic growth”.¹

Forced labour may include workers exposed to high recruitment fees resulting in debt bondage, wage arrears and contract substitution, long working hours without additional remuneration, denial of rest days and leave, housed in unsanitary accommodation, personal identification documents taken from them, exposing workers to harassment and arrest by authorities. Forced labour in Malaysia can and does occur with citizens and migrants, regular documented and irregular migrant workers.

The 2019 Trafficking in Persons Report that ranked Malaysia on Tier 2 watchlist indicated that “employers utilize practices indicative of forced labour, such as restrictions on movement, violating contracts, wage fraud, the imposition of significant debts, and passport retention—which remained widespread.”

The ILO Committee of Experts on the Application of Conventions and Recommendations noted in its 2016 observations for Malaysia the “vulnerable situation of migrant workers with regard to the exaction of forced labour. Migrant

workers may encounter forced labour at the hands of employers and informal labour recruiters carrying out abusive practices.

The November 2018 Report of the Office of the United Nations High Commissioner for Human Rights on the Universal Periodic Review (UPR) highlighted recommendations for Malaysia to assess and address child labour on plantations, including the impact of piecemeal wages and the lack of educational opportunities for the children of undocumented migrant workers, to take effective and time bound measures to protect children of migrant workers from the worst forms of child labour, and to take the necessary measures to strengthen the labour inspection system to effectively monitor the implementation of labour laws so as to receive, investigate and address complaints of alleged violations of child labour. The Report of the Working Group on the Universal Periodic Review (UPR) (25 February–22 March 2019) stated that Malaysia viewed forced labour and child labour as serious crimes, and conceded that they remain prevalent, albeit sporadic, in plantations.

Malaysia has ratified ILO fundamental Conventions on Minimum Age Convention (C. 138), Worst Forms of Child Labour Convention (C. 182), and Forced Labour Convention (C. 29), which are of particular relevance in combatting child labour, forced labour and human trafficking. These Conventions have been domesticated into national law to a great degree, though some gaps still exist. Relevant legislation for forced labour includes the Anti-Trafficking and Smuggling of Migrants Act (ATIPSOM), Penal Code, Employment Act 1955, Passport Act 1966, Minimum Standards for Housing and Amenities Act 1990, among others. For child labour,

¹ Malaysia, *11th Malaysia Plan*, Chapter 5 - Accelerating human capital development for an advanced nation (Malaysia, 2016).

Malaysia has passed the Child Act 2001, the Children and Young Persons (Employment) Act 1966 (Amended 2018), Sabah and Sarawak Labour Ordinances.

The ILO Situation and Gap Analysis on Malaysian Legislation, Policies and Programmes, and the ILO Forced Labour Convention and Protocol 2018 took note of positive measures that labour exploitation, forced labour and trafficking. Efforts include the 2015 amendments to the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM), Private Employment Agencies Act and levy policy (no fee charged to workers), and the proposed amendments to the Employment Act indicative of a move towards a more dynamic counter-exploitation effort for the Malaysian Government. With technical support from the ILO, Malaysia is also in the process of developing national action plans on forced labour and child labour, with linkage to the National Action Plan on Trafficking. Proposed amendments to the Employment Act include definitions of, and penalties for forced labour. The ATIPSOM is also undergoing review on how it could address the forced labour criminality on a stronger basis.

On child labour, Malaysia amended the Children and Young Persons Act in 2018 to revise the amendment of light work for children, set minimum age for light work, and added a schedule on hazardous work. This is a positive move toward greater compliance of Malaysia to international standards.

Notwithstanding the progress made on forced labour and child labour, it is noted

that these issues persist and that they were not sufficiently reflected in the 11th Malaysia Plan. It is encouraged that the 12th Malaysian Plan recognize these issues as priorities given the urgency of action called for by the ratified Conventions and to take advantage of positive developments on these issues addressed from multi-stakeholder engagement among the government, workers, employers and civil society organizations. Recognizing the link between forced labour and trafficking, the country's efforts to eliminate human trafficking will remain incomplete unless forced labour is also addressed. Addressing these issues are also critical to the achievement of SDG Target 8.7 to "take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms."²

2. ISSUES³

There is limited official reports and documentation on forced labour available in Malaysia and what is available are, to a large extent, case material and media reports on forced labour in the production of key export commodities and in domestic servitude.⁴ Palm oil stands out as a particularly well-documented sector that has received substantial attention and where efforts to eradicate child labour and forced labour are being implemented by industry

² A global Alliance 8.7 has been established to bring together actors at all levels to collaborate, strategize, share knowledge and ultimately accelerate progress to deliver on SDG Target 8.7 commitment by 2030.

³ Several sections in this paper refer to the draft Background Studies for the development of the National Action Plans (NAPs) on Forced Labour and Child Labour 2019. The studies were done through desk research as well as focus group discussions (FGD) and semi-structured key informant interviews (KIIs). Key informants (KIs) included a cross section of stakeholders: youth, government staff from multiple departments, workers' and employers' organizations and businesses, NGOs and other civil society organizations and international development partners. The tentative findings were presented and validated in a national workshop in Kuala Lumpur in May 2019.

⁴ International Labour Organization, *Situation and Gap Analysis on Malaysian Legislation, Policies, and Programmes and the ILO Forced Labour Convention and Protocol*, 2018, Available at https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_650658.pdf

stakeholders,⁵ including a government sanctioned mandatory certification.

First and foremost, forced labour is illegal and the practice is often hidden, for example taking place in private homes or in remote settings. Therefore, gathering evidence through standard statistical methods can be difficult. Secondly, stakeholders stressed that while forced labour is prohibited under the Constitution, operationalizing data collection can be challenging.

2.1 Forced Labour

Forced labour impacts both Malaysians and non-Malaysians, adults and children who are trapped in, or at-risk of forced labour. Individual consequences include physical and mental health issues, perpetuation of poverty and marginalisation and further vulnerability to, for example, violence.

For example, children's education suffers when the family is trapped in debt bondage. For countries, industries and businesses that are associated with the use of forced labour there are considerable reputational risks as consumers become increasingly aware of the issue. This may, in turn, impact profits negatively as markets shy away from products associated with forced labour. Even responsible businesses may suffer from reputational damage associated with an entire industry or country. Companies making concrete efforts to be responsible employers do not operate on a level playing field and suffer unfair competition from unscrupulous businesses trying to cut costs and lower prices through employing exploitative practices.⁶

The ILO Forced Labour Convention defines “forced or compulsory labour” as

“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.” In Malaysia, The Penal Code criminalizes those who “unlawfully compel any person to labour against the will of that person”. However, in practice, this provision of the Penal Code is considered to be too lenient a penalty to be applied to forced labour cases. Forced labour exists as a subset of human trafficking under the ATIPSOM, although it is not defined in the Act. Proving the element of coercion is central to making a case of trafficking or forced labour under the ATIPSOM. The required proof of coercion sets the bar very high and in some cases will be unattainable for forced labour cases.

2.1.1 Malaysians

Malaysians with citizenship documentation are largely covered by legislation and enjoy among the highest levels of protection under the law in Malaysia. They are able to formally access services and rights, such as access to education, health, and social protection services. They are able to enter the formal economy, and enjoy the benefits thereof, such as medical insurance, and other social protection benefits.

The main vulnerability for Malaysian citizens is caused by socioeconomic factors such as poverty, low level of education, and unsafe jobs.

For example, Malaysian families that are poor or with low level of education may take on dangerous jobs without viable alternatives. Lack of information about their rights could make them fall for deceptive recruitment. Rural communities

⁵ Consumer Goods Forum, *CGF Palm Social Task Force: High-Level Action Plan*, November 2018, Available at https://www.theconsumergoodsforum.com/wp-content/uploads/2018/11/201811-CGF-Palm-Oil-Social-Task-Force-High-Level-Action-Plan-Final.pdf?utm_source=press&utm_campaign=press

⁶ International Labour Organization, *Combating Forced Labour. A Handbook for Employers and Businesses*, 2nd ed., (Geneva, ILO, 2015). Available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_101171.pdf.

may be more susceptible to dishonest practices, such as promises of lucrative jobs in Kuala Lumpur or abroad, as in the recent case of the Malaysians detained in Cambodia.⁷

However, there are also Malaysians without official documentation such as those who were unable to register their births, and may have challenges obtaining subsequent identity documents (MyKid, MyKad). These can include persons from remote communities, such as indigenous persons and Malaysian Indians living in plantations; they can also include urban populations, such as children born to mixed marriages or out of wedlock. Similar to vulnerable Malaysians with citizenship, Malaysians who face issues with documentation are also likely to be from socio-economically disadvantaged and marginalised groups.

A lack of documentation not only forces communities and workers into the informal sector, it also creates barriers in accessing various essential services, such as health and education⁸; all of which results in a multi-layered interconnected web of issues.

2.1.2 Non-Malaysians

Majority of migrants in the country are hired to work in jobs and sectors shunned by Malaysians, largely low and unskilled jobs, considered as ‘3D jobs’ (dangerous, dirty, and demeaning/difficult). Among the issues faced by migrant workers include restrictions on their freedom of association, withholding of documents, restrictions on movement, and limited ability to change jobs of their own volition. Additionally,

some sectors may be physically or geographically isolated, such as workers in remote plantations, or domestic workers.⁹ Most complaint cases handled through the Migrant Resource Centres in Malaysia involved severe and compounding labour rights violations, such as withholding of identification documents (77 per cent), inability to take leave from work (74 per cent), excessive work hours (70 per cent), and contract substitution (64 per cent).

94 per cent of the complaint cases handled and assisted by the Migrant Resource Centres in Malaysia involved multiple forms of abuse of migrant workers.

Although not among the five most common types of complaints, nearly 45 per cent of the cases resolved in Malaysia were assessed by case managers as situations of forced labour.¹⁰

It is argued here that those most vulnerable to forced labour in Peninsular Malaysia are those who enter legally but fall into an undocumented status, including those whose visas may not have been renewed by unscrupulous employers and those who are victims of false promises or expectations (e.g. with regards to wages, working and living conditions, etc.).^{11,12} Having entered Malaysia legally, the primary motivation migrants workers in entering Malaysia is to work and earn a decent wage, and to

⁷ Sulok Tawie, “Malaysians detained in Cambodia allegedly conned by Sarawakian-led syndicate, says Sarawak welfare minister”, Malay Mail, 17 February 2019, Available at <https://www.malaymail.com/news/malaysia/2019/02/17/malaysians-detained-in-cambodia-allegedly-conned-by-sarawakian-led-syndicat/1723913>

⁸ United States, United States Department of State, “Country Reports on Human Rights Practices for 2017: Malaysia”, 2017, Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dliid=277095>

⁹ International Labour Organization, *Review of Labour Migration Policy in Malaysia*, pgs. 3, 9, 22 (Bangkok: ILO, 2016).

¹⁰ International Labour Organization, *Access to justice for migrant workers in South-East Asia*, 2017.

¹¹ Siti Awanis Othman, Rohani Abdul Rahim, “Migrant Workers in Malaysia: Protection of Employers”, *Pertanika Journals*, *Pertanika J. Soc. Sci. & Hum.* 22 (S): 271 - 282 (2014), (Malaysia, *Pertanika Journals*, 2014), Available at

[http://www.pertanika.upm.edu.my/Pertanika%20PAPERS/JSSH%20Vol.%2022%20\(S\)%20Jan.%202014/16%20Page%20271-282.pdf](http://www.pertanika.upm.edu.my/Pertanika%20PAPERS/JSSH%20Vol.%2022%20(S)%20Jan.%202014/16%20Page%20271-282.pdf)

¹² Amnesty International, *Malaysia: Trapped: The Exploitation of Migrant Workers in Malaysia*, 2010, Available at <https://www.amnesty.org/en/documents/ASA28/002/2010/en/>

repatriate their income to support a better life for themselves and their families in their home countries.¹³ Those who abscond may have incurred debt during the recruitment process to enter Malaysia, or may subsequently have fallen victim to unscrupulous practices of agents or employers, or some combination of the two which would place them in a position that is especially vulnerable to forced labour practices.

A complex and sometimes cumbersome labour migration management system, from source country to receiving country, exists to manage and regulate migrant workers in filling low- and unskilled jobs. However, these migrants are largely from poorer and less educated backgrounds, and are made even more vulnerable when they enter into situations of excessive debt or debt bondage.

A key factor is that national discourse and policy in Malaysia on migrant workers often takes place under a security lens, with low- and unskilled- workers viewed as ‘issues’ to be managed, and policy focus on security and enforcement, rather than employment protection.¹⁴ This in turn makes them especially vulnerable to forced labour practices, especially when combined with the factors such as being in a situation of debt bondage, contract substitution, restrictive or isolated working environments, unscrupulous or abusive employers, etc. Ensuing practices of passport retention for example, is one of the reasons that a migrant worker could fall into an irregular or undocumented status through no fault of their own. Without a

proper screening whether an irregular migrant is a victim of passport retention, the victim could end up being detained or penalized for violation of immigration laws.

Refugees are also vulnerable to forced labour, but with a different set of constraints and challenges. Similar to undocumented workers, refugees are only able to participate in the informal economy, being excluded from formal employment opportunities (i.e. ‘legal employment’), even if they possess a United Nations High Commissioner for Refugees (UNHCR) card or passport.¹⁵ This make them susceptible to unscrupulous practices of employers and agents, where some employers feel they can pay refugees lower wages while asking them to work longer hours and do jobs which Malaysians do not want to do.¹⁶ It has also been reported that they are “vulnerable to employment-related abuse and exploitation, including non- and partial payment of wages, verbal abuse, arbitrary dismissal, physical abuse, sexual harassment and workplace raids.”¹⁷

2.1.3 Key practices and structures driving forced labour in general

a. Legalisation and enforcement

There are a range of cases that are likely to meet the ILO C29 definition of forced labour with elements of involuntariness and threat or menace of penalty but that would not fall within the definition of trafficking in the ATIPSOM by virtue of not satisfying the coercion definition in such Act. Such cases are also not being filed under the Penal Code provision as it does not provide

¹³ Azizah et al. 2014, pg. 252.

¹⁴ International Labour Organization, *Review of Labour Migration Policy in Malaysia*, pg. 3, 2016; and Testaverde, Mauro, Harry Moroz, Claire H. Hollweg, and Achim Schmillen, *Migrating to Opportunity: Overcoming Barriers to Labor Mobility in Southeast Asia*, p.197, (Washington, DC, World Bank, 2017)

¹⁵ Wake, C. and Cheung, T, “Livelihood strategies of Rohingya refugees in Malaysia: We want to live in dignity,” June 2016, Available at <https://archive.nyu.edu/handle/2451/40703>

¹⁶ Ibid.

¹⁷ Smith, A. *In Search of Survival and Sanctuary in the City: Refugees from Myanmar/Burma in Kuala Lumpur, Malaysia*. (New York: International Rescue Committee, 2012). Wake, C. and Cheung, T, “Livelihood strategies of Rohingya refugees in Malaysia: We want to live in dignity,” June 2016, Available at <https://archive.nyu.edu/handle/2451/40703>

for a proportionately serious penalty. Hence these cases are at times dealt with under existing labour laws, which at the moment may not have penalties strong enough to deter such practice. Some stakeholders noted that many companies are able to reach out-of-court settlements and avoid penalties, and that insufficient penalties could open the door to corruption. Labour laws and other legislation and policies need to have stronger implementation, with a victim-centred approach.

b. Recruitment fees and practices

All workers must have written contracts in compliance with Malaysian laws and contracts should be fully understood by the worker and given to them in their own language. Government-to-Government arrangements are important in tackling this, but source countries also need to take steps to protect their own citizens from exploitation, for example, in carrying out greater education and awareness programmes, addressing the role of unscrupulous local agents in source countries, excessive fees, among others¹⁸.

Lack of clear regulations and monitoring of outsourcing companies were of particular concern to preventing and addressing forced labour and other labour exploitation. Regulated under the Ministry of Home Affairs, as of May 2018, there were 279 companies holding outsourcing licenses¹⁹; and amongst the concerns include accountability for workplace harm and exploitation, access to grievance procedures, and security of tenure for workers. Effective 31 March 2019, the government decided to abolish the outsourcing companies to better safeguard the welfare of migrant workers in the

country, with this transition to be managed by the Ministry of Human Resources. For certain sectors that retain outsourcing, such as security and services sectors, the government should ensure that proper monitoring and regulations of these agencies are done to protect the rights of the workers.

c. Awareness and education

Stakeholders noted that migrant workers were largely unaware of their rights, including labour rights.²⁰ Lack of awareness also affects local Malaysians, and there is a need for wider public awareness raising on labour rights. The recent case where Malaysians have been detained in Cambodia for allegedly engaging in illegal online gambling activities has highlighted the vulnerability of Malaysians to being deceived by false promises of work in other countries.

d. Living and working conditions

Concerns were expressed on whether living conditions, specifically housing and amenities, were adequate for migrant workers, with some noting that labour inspections have found shortcomings in workers' quarters in some plantations. It is also noted that the Workers' Minimum Standards of Housing and Amenities Act 1990 currently only covers workers in the mining and plantation sectors, and there are ongoing efforts by the government to amend the act.²¹ Also of concern are the health and safety issues, including ensuring adequate nutrition for workers. In several situations, migrant workers are not provided with proper personal protective equipment, and hence workers are exposed to a variety of hazards and health risk.

Poverty was highlighted as a key

¹⁸ Draft Background study on the development of the National Action Plans on Forced Labour, 2019.

¹⁹ Situation and Gap Analysis on Malaysian Legislation, Policies and Programmes, and the International Labour Organization Forced Labour Convention and Protocol, 2018

²⁰ Draft Background study on the development of the National Action Plans on Forced Labour, 2019.

²¹ Jessie Lim, "Better living conditions for construction workers", The Star, 22 January 2018, Available at <https://www.thestar.com.my/metro/metro-news/2018/01/22/better-living-conditions-for-construction-workers-board-launches-first-centralised-labour-quarters-t/#Bm5qm0W6Yt6AYc4v.99>

underlying cause for people being susceptible to deception, coercion and being victims of circumstances or syndicates which lead to practices of forced labour. Most victims of forced labour are desperate to provide for the basic needs of their families and endure hardships and sufferings – vulnerabilities that unscrupulous employers use to subject them to forced labour. This applies to migrant, refugees and stateless persons coming to Malaysia, Malaysians being lured to jobs abroad, and also to people from poor communities, particularly from poor, rural communities in Sabah and Sarawak, being lured to Peninsula Malaysia.

e. Withholding of passports and documents

Some employers or agents reportedly retain the passports of migrant workers as soon as they arrive in Malaysia despite the Malaysian Passport Act 1966 prohibiting this practice. A 2018 Consumer Goods Forum report on forced labour in the palm oil industry in Indonesia and Malaysia identified document retention (especially passports and ID papers) as a key indicator of forced labour in Malaysia.²² Through passport retention, workers may be coerced to do a job they would otherwise not agree to. Some employers highlighted a key reason for withholding passports is due to the fear of abscondment by the workers on the one hand, and the costs of recruitment and penalties to the employer for abscondment on the other. Other stakeholders note that research has shown no significant link between allowing migrant workers to keep their passports and the incidences of abscondment. There are companies that have already installed safe

lockers for their workers to keep their own travel documents. Workers should have keys to their own lockers and are able to access the 24/7 without asking permission from anyone, and that keeping them in such way is only an option and not made mandatory.

f. Access to redress and services

Among the key issues highlighted include the need for: meaningful pre-departure and post-arrival training for workers; more effective channels for workers to seek redress (make complaints) as well as to receive feedback on the resolutions to their complaints; trust-building and industrial harmony between workers and employers; access to join unions; access to services such as healthcare, counselling and others. Litigation in Malaysia can be time consuming and expensive, which can discourage workers from seeking legal redress to resolve disputes.²³

2.2 Child labour

The consequences of child labour²⁴ in Malaysia as in other countries are at the individual family, community and national level. Child labourers work at the expense of their health and education, rendering them vulnerable to life-long exploitation in poorly paid, poorly regulated work in the informal sector. Limited literacy, numeracy, cognitive abilities etc. resulting from poor, interrupted or no education may render children and young workers increasingly vulnerable to deception and other practices associated with forced labour. Moreover, child labourers are vulnerable to negative health effects caused by work-place

²² Fair Labor Association and Consumer Goods Forum, *Assessing Forced Labor Risks in the Palm Oil Sector in Indonesia and Malaysia*, November 2018, Available at https://www.theconsumergoodsforum.com/wp-content/uploads/2018/11/201811-CGF-FLA-Palm-Oil-Report-Malaysia-and-Indonesia_web.pdf?utm_source=press&utm_campaign=press

²³ United States Agency for International Development (USAID), *Malaysia's Palm Oil Industry*, 2018, Available at https://www.winrock.org/wp-content/uploads/2018/07/Malaysia_Analysis_120218_FINAL.pdf, and International Labour Organization, 2018.

²⁴ This is based primarily on generalized International Labour Organization literature such as the *2018 Global Estimates on Child Labour*. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf as evidence from Malaysia is limited.

accidents as well as the cumulative effects of work at an early age, e.g. when exposed to toxic substances. At family level, child labour is often part of a complex pattern of intergenerational perpetuation of poverty and marginalisation.

These long-term effects also impact on countries' growth and development, and may negatively impact a country's ability to achieve the SDGs and not only SDG target 8.7 but also other goals - Goal 1 on poverty eradication, Goal 4 on education and Target 16.2 on ending abuse, exploitation, trafficking and all forms of violence and torture against children.

Moreover, being associated with child labour, and particularly child labour in global supply chains, has substantial reputational risk for countries and for businesses operating in the country and exposure may have consequences for business earnings – even in businesses that may not harbour child labour, but who are associated with it simply from producing in a country where child labour is an issue. These same businesses are also likely to be disadvantaged as they do not operate in a level playing field, but face unfair competition from businesses cutting costs by exploiting children.²⁵

For the purpose of this paper, the Children and Young Persons Act definitions are used. "Children" are defined as anyone who are below 15 years old and "young persons" are those in the ages of 15-17 years old.

Despite lack of nationally-representative survey and data on child labour, anecdotal and qualitative evidence by agencies knowledgeable on the subject indicate that both boys and girls are vulnerable to child labour, especially if they do not have proper personal identification and documentation. Hence, children from migrant families, refugee and stateless children are likely to be particularly vulnerable to child labour.²⁶

In Sabah, a few empirical studies have been undertaken to understand the actual situation of working children in the State. For instance, a study conducted in Tawau (a district in Sabah) found that children from poor families are employed for between 10 and 12 hours a day, which subsequently denied their right to education.²⁷ Another study conducted by academicians from Sabah's state university (University Malaysia Sabah) found that children of local population and immigrant children worked in both rural and urban areas in many sectors of economy including agriculture, fishing and services such as selling plastic bags, fish and vegetables, porter and selling cigarettes.²⁸ In other studies, for example Dzurizah & Jalihah (2013), Jalihah & Rosazman (2010), Ismail (2008), Hafidzan (2006) found that poverty and lack of proper documentation are identified as the key factors that forced children to work in their early ages in Sabah.

Other than academic empirical researches, evidences of child labour in Malaysia are

²⁵ International Labour Organization and International Organisation of Employers, *How to do business with respect for children's right to be free from child labour: ILO-IOE child labour guidance tool for business*, December 2015, Available at https://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_27555/lang-en/index.htm

²⁶ Draft Background study on the development of the National Action Plans on Forced Labour, 2019.

²⁷ Abdul Aziz & Iskandar, 2013.

²⁸ Ibrahim & Md. Shah, 2014

also documented by media reports²⁹ and international organizations. For instance, World Vision documented pockets of children involved in child labour in the plantation sector in Malaysia (no specific geographical prevalence)³⁰. Some of these children work informally but on a full-time basis, hence missing out on education, while others assist their parents undertaking tasks that are harmful to their health and safety, even if they still attend school. The same reports also revealed children from poor villages being recruited by palm oil companies for very little pay. These children carried heavy bunches of palm fruit and spent excessive working hours in the estates. Sometimes children were instructed to harvest fruit or use a large knife to cut down fruit bunches. Often children ended up receiving little or no pay and were exposed to toxic chemicals during spraying without protective gear^{31, 32}.

Forced begging among refugee children in urban and semi-urban areas in Peninsular Malaysia was reported for several years by the United States Department of State in its 2018 annual Trafficking in Persons (TIP) report.³³ Refugee and stateless children are the most vulnerable to organised begging activities. A report submitted by Malaysian Child Resource Institute³⁴ to the Office of the High Commissioner for Human Rights (OHCHR) highlighted cases of Rohingya refugee children (*mail order brides*) being smuggled from Myanmar into Malaysia to be wed to refugees.

2.2.1 Key practices and structures driving child labour in general

a. Limited or no access to education

Children without identity card (e.g., stateless children) and valid travel documents (undocumented immigrant children) are not allowed to enter any government school. In Peninsular Malaysia, children with the UNHCR card and asylum-seeking letter are permitted to enrol only in NGOs-run learning centres (alternative learning centre). Children who are unable to enrol in government schools still have access to alternative education, though options are limited in rural and remote areas. In Peninsular Malaysia, a local NGO known as Development of Human Resources for Rural Areas (DHRRA) reported about 42 stateless children and young persons aged between 5 and 16 years old engaged in child labour.³⁵

Lack of access to education may also be due to geographical barrier. This is particularly relevant for the children of the *Orang Asli*, those living in the most remote areas where schools are not geographically reachable.

Lack of access to education causes pockets of vulnerable children to engage in informal employment, and/or assisting their parents to undertake economic activities in their early ages.

²⁹ See for example Steve Sapienza, Jason Motlagh, “Lost in the Forest: Stateless Children in Borneo’s Palm Oil Industry”, November 2012, <https://pulitzercenter.org/projects/malaysia-lost-forest-stateless-children-filipino-migrant-workers-palm-oil-industry-social-environmental-cost>

³⁰ World Vision, 2012.

³¹ Please, note that handling toxic substances, even with protective gear, may be considered hazardous child labour as protective gear is developed for adult (often male) workers and may not fit young workers properly. Moreover, children may not have the knowledge required to use protective gear properly and therefore may be exposed to toxic substances, even while wearing protective gear. Hence, handling toxic substances is prohibited for anyone below the age of 18 years in Malaysia.

³² Rainforest Action Network, 2010

³³ Government of United States, United States Department of State, *Trafficking in Persons Report*, June 2018, Available at <https://www.state.gov/wp-content/uploads/2019/01/282798.pdf>

³⁴ Malaysia Child Resource Institute (MCRI), 2018.

³⁵ Development of Human Resources for Rural Areas (DHRRA), 2017

Of the total 21,665 *Orang Asli* children/young persons between 13 and 17 years old recorded in 2010, only 14,048 (36 per cent) of them enrolled in secondary education across Peninsular Malaysia.³⁶

With respect to school dropout among the *Orang Asli* children, education data in 2016 indicated high dropout rate that is 35.3 per cent (or 1,050 students out of 2,974 *Orang Asli* students registered at secondary level education in 2016)³⁷.

School dropouts are of high risk of becoming child labourers. A study conducted in 2014 found that dropout cases are greater among students in transition from primary to secondary level of education (between 11 and 12 years old), and within the subsequent years of their secondary schooling (IDEAS 2014). For instance, in year 2012 alone, about 46,791 students who left mainstream schooling system during transition from primary (year 6) to secondary (Form 1).

b. Awareness

Stakeholders highlighted that employers, parents, children, the community and even some government officials are unaware about what types of work children and young persons can and cannot do according to the national laws and International Conventions. For instance, there is confusion about child labour and permission to work that some people think that all forms of work done by children is child labour, which is incorrect. They are also not aware of the implications (e.g., health, emotional, physical implications) of involving their children in certain types of activities. Involvement of children in assisting their parents, either in agriculture or other economic activities are considered a local culture and sometimes a tradition. Parents or the society as a whole do not see their children's involvement in the field assisting their parents as "child labour".

Rather those children and young persons may be admired for being responsible to help their parents to make a living.

c. Labour shortage

Some companies may be aware of certain conditions for hiring under-18 years old workers based on the Children and Young Persons Act but due to labour shortage they face, the companies have no option but to hire underage workers to do seasonal work or to reach target quotas.

d. Low-cost labour: Stakeholders also noted that apart from labour shortage, some irresponsible companies hire children because they are considered "cheap labourers". The remuneration to be paid to children young persons are relatively lower than adult. Children are also easily manipulated and exploited, and they don't question and just work, even more so for those who are undocumented. In this way, employers create unfair advantage over other more responsible businesses.

e. Household poverty and piece-rated system

The national poverty rate decreased from 0.6 per cent (2014) to 0.4 per cent (2016), yet poverty has been identified as a cause of child labour, or at the very least, encouraging children to assist their parents in economic activities. Insufficient income to cover the rising cost of living has been argued to be occurring in urban and rural areas across Peninsular Malaysia, Sabah and Sarawak. Stakeholders highlighted that in some sectors of economy such as oil palm plantation wages are paid based on daily productivity (also known as piece rate systems). The more the workers produce in a day, the more income they could generate. While the productivity wage system is becoming a trend in many sectors as it stimulates higher productivity, measures must be in place to ensure that the same

³⁶ Jabatan Kemajuan Orang Asli (JAKOA), 2016.

³⁷ Op.cit.

system does not encourage child labour when parents bring their children to work to increase productivity and income.

f. Lack of documentation

Lack of documentation is one of the reasons why children are unable to access formal education in government schools, and/or unable to continue their education at secondary level. Without attending formal education, these children prone are working at very young ages. According to stakeholders, this situation mostly occurs in rural or remote areas of Sabah and Sarawak. Though they may be allowed to access community learning centre (CLC) or NGO-run learning centres, parents fear sending their children to these learning centres due to their irregular status of immigration.

g. Legislation, labour inspection/enforcement

Sarawak/Sabah Labour Ordinances are yet to be amended to take into consideration the provisions in the Children and Young Persons Act. Currently, these Ordinances do not have minimum age for light work and also have not identified hazardous work for children. Lack or inadequate monitoring of employers, especially in remote locations and those in informal sectors to check legal compliance is an issue attributed to small number of labour inspectors available to monitor thousands of companies in different sectors throughout Malaysia. As of 2011, there were a total of 552,849 small and medium-sized enterprises, 118 state-owned enterprises and 45 transnational corporations operating throughout Malaysia (Human Rights Resource Centre 2013).

h. Lack of child-friendly facilities

Stakeholders highlighted that large plantation companies provide facilities such as crèche, learning centre and other recreational facilities (e.g., playground). With access to these facilities, most children are not likely to assist their parents

especially in oil palm activities and/or accompany their parents on site. Workers are willing to send their children in crèche provided by employers, and prefer not to bring their children at work so that they can work with peace of mind. It is encouraged that similar child-friendly facilities be made available nationwide even on remote locations.

i. Lack of direct interventions to migrant children

Many migrant children or children of migrants undertake informal economic activities such as selling cigarettes, selling newspaper and working in wet markets, and continue doing so without sufficient intervention by relevant authority or Welfare Department. Stakeholders however highlighted that the Welfare Department has a limited mandate especially with regards to rescuing migrant children. Migrants including children are technically under the purview of Immigration Department and employment of children is the responsibility mainly of the Labour Department.

Countries of origin could also play a role by having interventions to enable documentation of children and providing them with educational support, or offering repatriation programmes to the families, with livelihood support and other appropriate services.

3. RECOMMENDATIONS

3.1 Forced Labour

3.1.1 Legislation and policies

There are forced labour cases that do not meet the current threshold of the Anti-Trafficking in Persons and Smuggling of Migrants Act (ATIPSOM), and other national laws fall short of penalizing forced

labour with appropriate sanctions as called for in ILO C29. The definition of coercion in ATIPSOM is narrow and not in keeping with the realities of modern forms of exploitation where there is a distinct prevalence of elements such as psychological coercion, deception, fraud and abuse of vulnerabilities. It is essential to review and amend ATIPSOM and other related laws to ensure that all forms of forced labour are punishable as penal offence.³⁸ This also includes consideration to increase the penalty for “unlawfully compelling any person to labour against the will of that person” under the Penal Code, as it is currently not used due to lenient penalties.

Removing exclusions for domestic workers in the Employment Act for example will be critical for their protection from labour abuses. Implementation of the Immigration Act vis-à-vis other laws such as ATIPSOM and labour laws should take into consideration that it must not discourage any workers - regardless of legal status – from reporting grievances or abuses committed by their employers, which could result in the continuation or aggravation of exploitation. The Workers’ Minimum Standards of Housing and Amenities Act should be amended to cover relevant sectors beyond estate and mining, allow freedom of movement of workers and provide for safe and fully-accessible storage for workers’ legal documents and valuables, including passports.

Addressing various systemic vulnerabilities that give rise to an asymmetry of power between employers and employees are important to prevent forced labour. For example, the employer-led process of work permit renewal impedes the right of the

workers to change employment in the event of abuse for fear of becoming undocumented. The law could also provide stronger accountability for employers on failure to undertake administrative processes to ensure workers remain documented.

Freedom of association is particularly important for migrant workers to reduce their vulnerability to forced labour and to allow them opportunity to formulate and air grievances collectively. The government is encouraged to revise labour laws to ensure that all migrant workers, including those in domestic work are allowed to join trade unions.

3.1.2 Enforcement

Increasing the allocation of resources for the labour inspectorate is essential to improve enforcement while also enhancing its strategic approach in managing compliance with labour laws. Synergies with other stakeholders could also be formed and leveraged thereby allowing the current labour inspection process to increase its effectiveness, reach vulnerable workers and target sectors that are remote and isolated. A higher number of unannounced inspections would also serve as a deterrent for unscrupulous employers who use exploitative employment practices. Enforcement agencies, including the Police and Immigration need to have clearer guidelines and illustrations in relation to detection of forced labour cases, supported by an efficient, responsive and trustworthy case management system.

The government may wish to develop the implementing regulations of the Passport Act to address the current gaps in enforcement and awareness requiring the

³⁸ “Both Belgium and France have provisions in their criminal legislation which consider the offence of human trafficking to involve the imposition of living and working conditions considered “contrary to human dignity”. Under Germany’s penal code as amended in 2005, the new offence of trafficking for labour exploitation, applicable only to foreigners, includes the concepts of slavery-like conditions and debt bondage. One criterion for this offence is the payment of wages markedly less than those paid to German nationals.” – International Labour Organization, Roger Plant, “Trafficking for Labour Exploitation: challenges for criminal Law Enforcement, 2 September 2009, Available at https://www.ilo.org/global/topics/forced-labour/news/WCM_041995/lang--en/index.htm

employers to post notices about workers' rights to keep their passports and providing higher penalties for repeat offenders.

“First, while the most egregious cases require a criminal law enforcement response, trafficking for labour exploitation has also to be seen as a labour market issue. The instruments of labour justice, or a combination of criminal and labour law enforcement, are an essential part of the response... And there are innovative approaches such as in Italy, where special combined units of the police and labour inspection have the powers to apply criminal, labour or other administrative sanctions, depending on the circumstances.”

Roger Plant, International Labour Organization, “Trafficking for Labour Exploitation: challenges for criminal Law Enforcement, 2 September 2009.

3.1.3 Access to legal remedies and protection services

Addressing forced labour requires providing vulnerable workers with education about their rights and access to justice. The government is also encouraged to expand the scope of the National Legal Aid Centre to also cover migrants, refugees, asylum-seekers and stateless persons in Malaysia.³⁹ The government could look

into the possibility of waiving fees associated with pass to remain in Malaysia and seek alternative employment, provided through the Labour Department for foreign workers who are involved in any labour violation.

Relevant laws should be reviewed to ensure that victims of forced labour are compensated. For forced labour cases tried under ATIPSOM, compensation is discretionary, therefore not always guaranteed. When forced labour cases don't meet the threshold for trafficking, they are often treated as sub-standard working conditions. Victims of forced labour who choose to bring a case pursuant to labour laws rather than the ATIPSOM due to its high evidentiary threshold are often limited to claiming for unpaid wages rather than damages for loss and harm suffered. Unlike ATIPSOM, labour laws do not provide protection for victims from criminalisation that might occur as a direct result of exploitation.

3.1.4 Protection of workers' from falling into an irregular situation

Providing a victim-centred legal mechanism that enables termination of an employment relationship lawfully in cases of legal rights violations, and allowing labour market mobility that is beneficial to industries' labour requirements would necessitate a review by the government of its migrant workers' sponsorship system. Such review could also examine mechanisms to give workers more ownership and engagement in the processes of renewal of work permits and control over their identity documents. This would

³⁹ In Austria (2015), a drop-in and counselling centre for undocumented workers, UNDOK, was established in June 2014. It is run by an association of Trade Unions, the Chamber of Labour, the National Student Union and civil society actors such as the NGO LEFÖ-IBF, which is the main provider of assistance for female victims of trafficking, migrant organisations and anti-racist activists. UNDOK is funded by the Ministry of Labour, Social Affairs and Consumer Protection, the Vienna Employment Promotion Fund, the Chamber of Labour and trade unions. Persons working in Austria without a residence and/or work permit who are not paid the agreed wage or are harmed by their employers in any other way are provided with basic counselling about issues of labour law, social security and assistance with administrative procedures. Leaflets with information for undocumented migrants have been issued in a variety of languages. UNDOK co-operates actively with organisations supporting victims of trafficking. Council of Europe, *COMPENDIUM of good practices on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings* (France, Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings), Available at <https://rm.coe.int/16806af624>

eliminate the excessive dependency of workers on employers which is, in itself, a big vulnerability to forced labour and could also help eliminate passport retention practices by employers. Giving workers better access to the work permit system will help in preventing workers becoming undocumented due to employers' acts or omissions in the renewal process, for example. If workers are subjected to coercion to renew their contract, allowing the worker to engage with the renewal system will allow that person to voice such issues.

The sponsorship system is similar to the Kafala system that many countries in the Gulf Cooperation Council have committed to reform. Under the Kafala system a migrant worker's immigration status is legally bound to an individual employer or sponsor (kafeel) for their contract period. Reform of the Kafala system began in 2009. The two states that have made the greatest attempt to reform the Kafala in their respective countries are Bahrain and Kuwait.⁴⁰

3.1.5 Collaboration

The system for international labour recruitment is long, complex and multifaceted, and coordination and action from multiple stakeholders at both source and receiving countries is needed to effectively address these issues. International cooperation especially with countries of origin could develop stronger prevention of forced labour through a concise and sustained effort of addressing root causes such as poverty and education. Stipulating the responsibilities of both countries of origin and destination in preventing and addressing forced labour in bilateral and multilateral agreements is a concrete action that could be taken in this regard. The government should also work

more closely with the private sector in the efforts to combat forced labour and human trafficking. An example of good practice was the creation after 2003 of the Gangmasters' Licensing Authority in the United Kingdom, whose main responsibility is the licensing of the temporary work providers known as "gangmasters" (who had been completely unregulated before then), but which can in the more extreme cases also instigate criminal prosecutions.

3.1.6 National action plan on forced labour

The efforts of Malaysia in initiating the process of developing an action plan on forced labour linked to the National Action Plan (NAP) on Trafficking is commendable and it could leverage on the established structure, monitoring and implementation mechanism and resource allocation in relation to trafficking. The government is encouraged to complete the process of developing such action plan and to ensure its implementation. The action plan is an important tool for collaboration with stakeholders such as employers' and workers' organizations and the CSOs and international partners.

3.1.7 Ratification of forced labour protocol

Having ratified ILO Convention 29, the ratification of the supplementary Forced Labour Protocol is ideal in as much as it gives effect to the Malaysian-ratified Convention's obligation to suppress forced labour. Notwithstanding the need to enhance functionality and scope, important mechanisms are already in place that respond to the Forced Labour Protocol's provisions on measures for prevention of forced labour, protection of victims, access to legal remedies and international cooperation. Ratification is an opportunity

⁴⁰ International Labour Organization, *Reform of the Kafala (Sponsorship) System*, Available at <https://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf>

to gain international visibility for the Government's efforts to improve its laws, policies and practices in this regard.

3.2 Child labour

It is important to note that child labour does exist, and it may in fact be under-reported. Also, the available information paints a picture of diversity across the different regions of the country. It is also quite clear that child labour in Malaysia has multiple causes and Malaysia needs to put in place viable strategies to address these root causes in a coherent and coordinated manner.

3.2.1 Prevention

Taking preventive measures on child labour is the most cost-efficient way to avoid having child labour issues in the future. Efforts could range from awareness raising, mainstreaming of the issues in relevant sectors, and legal and policy reform. The government is encouraged to identify measures to prevent child labour, notably through addressing its root cause; measures to protect young workers and prevent them from ending up in the worst forms of child labour; and measures to support individual children, who are already trapped in child labour, with appropriate services, not least education. The latter may require substantial policy changes and a recognition of migrant workers' children as in particular risk of entering child labour.

One sample good practice is from the Government of Guyana that launched a school retention and child labour prevention programme in 2011. The programme helped prevent absenteeism, truancy and children from dropping-out of school by providing: free transport to and from school, a hot meal three days a week, an after-school programme to help children with their homework, parenting workshops and psychosocial support for children and their parents/guardians.

3.2.2 Legal and policy reform

There is a need to review and improve the existing laws and regulations concerning child labour in the country, especially the Sabah Labour Ordinance and Sarawak Labour Ordinance. Additionally, the government may wish to consider developing specific standard operating procedures and indicators to assist businesses, parents and the community at large to better understand and comply with the existing legislations. Any further legal improvement must be followed by an inclusive socialization process where every segment of society including businesses, parents and community as a whole need to be engaged and sensitized on any amendment in current laws and regulations.

3.2.3 Standard operating procedures on withdrawal of children from child labour

Standard operating procedures on immediate withdrawal/rescue of children who are in the worst forms of child labour needs to be developed and proper referral system should be used by Welfare Department, Labour Department, Police, Immigration Department or other authorities that deal directly with children. This would also link with the need to improve ways to monitor child labour across different sector (education, social welfare, labour inspection etc.) and the standard operating procedures could include steps to take to record and report on child labour. Establishing such a system of monitoring, recording, reporting and referral is often referred to as a "child labour monitoring system" and can be established as an element of existing systems, such as child protection systems.

3.2.4 Protection

Measures to protect young workers from hazardous work between the ages of 15 and 17 years should be in place. They need to be recognized as young workers (not just workers) who have specific rights to

protection from hazardous work. Educating them about occupational safety and health would be necessary.

3.2.5 Knowledge base

Gaps in the knowledge base on child labour in Malaysia were clearly identified as a significant issue in their own right and strengthening the knowledge base could be a strategic priority in its own right. The government may draw lessons and good practices from other countries, and collaborate with international organizations on how best identification, monitoring and reporting of child labour cases can be institutionalized in the existing mechanism.

In the future, the government could consider conducting a national survey (for example as part of the Labour Force Survey) to determine the national statistics on forced labour and child labour. Malaysia is one of the first countries in the world to conduct a forced labour and child labour survey in oil palm plantations. The survey's sampling and data collection methodology is a good example for other countries and for Malaysia in case similar surveys will be conducted in the future. It is recommended that the government use the findings from the survey to inform policy discussions and formulation.

3.2.6 Capacity building

Institutional capacity building for law enforcement, labour inspection and social workers could be done through trainings on child labour, development of clear guidelines and increasing number of manpower of these agencies. For labour inspectors, monitoring companies' compliance in all sectors of economy and increasing frequency and coverage of random inspection are essential. Institutional capacity building and training is needed not only for the Welfare Department, Labour Department, Police and Immigration Department but also Ministries where child labour are reportedly happening, i.e. agriculture and services to

enable them to mainstream child labour issues in their own programme and priorities.

Other than government officials, lack of understanding and knowledge on child labour also occur among NGOs staffs. Additionally, stakeholders recommended the government to continue supporting the work that many NGOs are currently doing especially in providing services such as temporary shelter, counselling and therapy services to vulnerable children.

3.2.7 Community-level grievance mechanism and activities

Stakeholders recommended for the government to provide easy-to-access grievance and complaint mechanisms at community level to enable the community members to lodge issues or report child labour cases to the authority. At the same time, the government should facilitate more empowerment programmes at community level such as organizing para legal training, case management, medical assistance and other form of community support to enable community members to act effectively at community level.

BOX 1. FIJI: ESTABLISHMENT OF THE PEOPLE'S COMMUNITY NETWORK (PCN)

A good example from Fiji is the establishment of the People's Community Network (PCN) to build the capacity of communities to tackle child labour and poverty in squatter settlements. The Network set up Child Labour Monitoring Committees to identify children in or at risk of child labour; provided vulnerable children with support through an alternative education bridging programme as well as involved them in SCREAM (Supporting Children's Rights through Education, the Arts and the Media) activities; income-generating activities for parents; and the establishment of a community saving scheme.

4. CONCLUSION

Malaysia is making important strides to address labour exploitation, child labour, forced labour and trafficking particularly through amendments of selected legislation and policies as well awareness raising and capacity building done in collaboration with other national and international agencies, and forced labour and child labour research in the oil palm plantations sector. The country can leverage on these efforts and partnerships to further strengthen prevention of forced labour and child labour, protection and access to legal remedies and other services of victims, enforcement and prosecution. Mainstreaming forced labour and child labour concerns in policies and programmes of the government is a sustainable way of addressing these issues.