



International
Labour
Organization

100
1919-2019

Forced Labour

The preventive role of
Malaysian employers



Forced labour has very serious implications for the employer and the business as such practices could potentially deny Malaysian products and services access to international markets. As responsible employers, we have a duty to fully understand the concept of forced labour and to take all necessary steps to ensure that such practices are totally eliminated from our work process. It is the aspiration of MEF that all Malaysian employers implement and maintain the highest labour standards and practices.



Datuk Hj. Shamsuddin Bardan

Executive Director, Malaysian Employers Federation (MEF)

What is forced labour?

Forced labor is "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"

according to the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization.



Why employers should care about forced labour in company operations?

- Build reputation and brand image
- Meet buyer expectations
- Managing risk in the supply chain
- Avoid risk of trade barriers
- Attract socially responsible investment
- Improve productivity and competitiveness
- Level the playing field and prevent unfair competition
- Demonstrate responsible business conduct
- Avoid the risk of unnecessary lawsuits



Facts and figures of forced labour in the region

Source: ILO and Walk-Free Foundation, 2016 Global Estimates on Modern Slavery

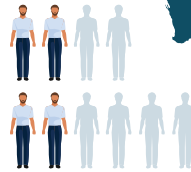
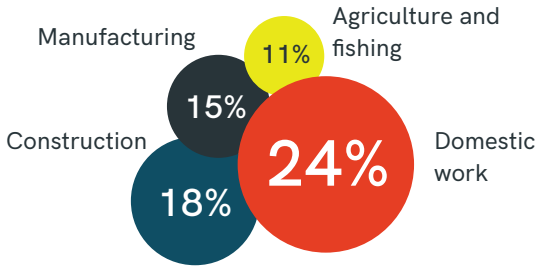


24.9 million people were victims of forced labour

16 million victims of forced labour were in private economy



Sectors with highest forced labour



4 out of 1,000

It is highest in Asia and the Pacific, where four out of every 1,000 people were victims.



Migrant workers particularly undocumented migrants, workers in the informal economy, and young or illiterate workers are among the vulnerable groups.

9.1 million

internal and international migrants are victims of forced labour.



Forced labour is not only socially and morally wrong, but is a serious violation of human rights and a criminal offence in Malaysia.

An individual can be charged under the Penal Code and a company director, manager or any officer who is responsible for management of a company can be held liable for offences committed by a "body corporate" under the ATIPSOM.

Most common indicators of forced labour and what to do?

These indicators suggest the possible existence of forced labour practices in company operations. The presence of several indicators that taken together could point to a situation of forced labour.

Retention of passports and personal belongings

- Return all documents and belongings of workers.
- Secure and accessible storage areas may be provided, but workers should not be required to keep their passports and belongings there. The keys should be with workers if they do use the lockers.

Unclear debt, unfair deductions, and withholding of wages

- Avoid withholding or delaying payment of wages.
- Provide pay slips with accurate calculations.
- Any deduction, loan or advancement should be legal and agreed in advance and documented.
- Keep records of wage payment and calculations.

Debt and fees payable to recruiters

- A due diligence procedure for recruitment agencies and subcontractors should be conducted.

Threat/act of termination of employment

- Workers should be able to leave employment with due notice in accordance with their contract of employment.

Contract substitution/ deception

- Provide all workers with contracts (see standard contract template from MOHR) in their language and explain the terms of employment.
- Make sure to respect the terms of employment the worker has agreed to.

Abuse, harassment and violence

- Introduce and provide training on policies on the prevention of harassment and abuse.
- Introduce and implement workers' access to remedy and grievance procedures.

Restriction of movement – confinement/ locking in of workers to avoid them leaving

- Improve employer-employee trust through good workplace relations





Forced labour should be eliminated as it is not only unethical but makes your business unsustainable.



Hj. Mohamad Bin Audong
Director, MAPA

What should employers do to prevent forced labour in workplace?

- ✓ Company policy or code prohibiting forced labour
- ✓ Application of “no forced labour” policy with suppliers and contractors
- ✓ Conduct internal audit or assessment of company recruitment and employment practice including suppliers
- ✓ Procedures for handling forced labour complaints
- ✓ Training of managers and supervisors
- ✓ Monitoring and implementing corrective actions
- ✓ Communicate the company’s commitment to all employees and stakeholders
- ✓ Working and collaborating with others



Need assistance/ information on preventing forced labour?

Contact:

- Malaysia Employers Federation (MEF): <http://www.mef.org.my>
- Ministry of Human Resources (MOHR): <https://www.mohr.gov.my/>
- ILO: <https://www.ilo.org/asia/countries/malaysia/lang--en/index.htm>



<http://50forfreedom.org>

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