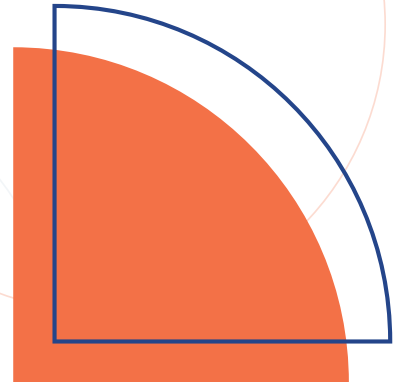
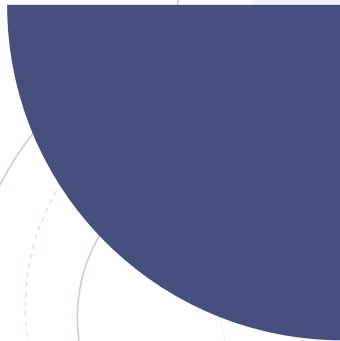
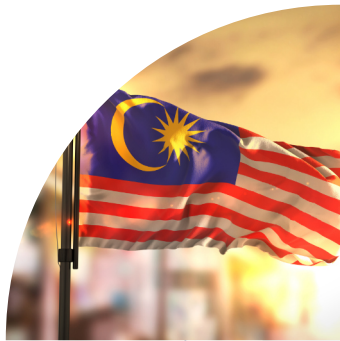




Government of Malaysia

# National Action Plan on Forced Labour (2021-2025)



**National Action Plan on  
Forced Labour (2021-2025)**

# Contents

<b>Message from the Honourable Minister of Human Resources</b>	<b>6</b>
<b>Foreword from the Secretary General of Ministry of Human Resources</b>	<b>8</b>
<b>Pledges of Support for the Implementation of the NAPFL</b>	<b>10</b>
<b>Acknowledgement</b>	<b>12</b>
<b>Acronyms and Abbreviation</b>	<b>14</b>
<b>Glossary</b>	<b>15</b>
<b>1. Introduction</b>	<b>18</b>
1.1 Background	19
1.2 Situation Analysis	23
1.3 Existing National Response	27
1.4 The Need for NAPFL 2021-2025	30
<b>2. Institutional Framework</b>	<b>31</b>
<b>3. Legislative Framework</b>	<b>35</b>
3.1. National Legal Framework	36
3.2 International Legal Framework	40
<b>4. The National Action Plan on Forced Labour</b>	<b>42</b>
4.1 Vision	45
4.2 Guiding Principles	45
4.3 Pillars of Forced Labour Elimination Strategies	46
4.4 Strategic Goals	47
4.5 Programme Areas	48
4.6. NAPFL Matrix Structure	51

<b>5. Monitoring and Evaluation</b>	<b>53</b>
5.1 Roles and Responsibilities of Committees	54
5.2 Monitoring and Evaluation Process	55
<b>ANNEXES</b>	
<b>Annex 1:</b> National Action Plan on Forced Labour (2021-2025)	
Results Matrix	56
<b>Annex 2:</b> NAPFL Monitoring and Evaluation Framework	72

## Message from the Honourable Minister of Human Resources



**YB Datuk Seri M. Saravanan**  
Minister of Human Resources

Forced labour has long been a pressing issue that plagues developing nations, in which Malaysia is not exempted. Forced labour is one of the manifestations of trafficking in persons, and modern-day slavery like practices.

In Malaysia, forced labour is often associated with migrant workers due to their vulnerability and the country's high reliance of migrant workers in labour intensive sectors and industries. The export ban on Malaysian products, as well as the perceived image of the country due to forced labour has necessitated the solidification of efforts in a comprehensive manner.

As such, this inaugural National Action Plan on Forced Labour (NAPFL) 2021-2025 is a culmination of the Government's commitment in an action-oriented approach to address and subsequently eradicate forced labour in the country. The NAPFL outlines the next 5 years' course of action consisting of four (4) strategic goals, which is made in line with the National Action Plan on Anti-Trafficking in Persons 2021-2025 (NAPTIP 3.0).

I would like to congratulate all who were involved in the process of developing this NAPFL, especially to the social partners, Malaysian Employers

Federation (MEF) and Malaysian Trades Union Congress (MTUC). A special appreciation to the International Labour Organization (ILO) for their tireless effort and support to the Government in addressing forced labour issues, as well as to the other Civil Society Organisations (CSO) and International Organisations for their input and comments. My heartfelt gratitude also goes to the Ministries and Government Agencies including the Human Rights Commission of Malaysia (SUHAKAM) for the participation and commitment in developing the NAPFL.

I wish to take this opportunity to encourage and remind all civil servants and stakeholders of our duties to the nation to uphold social justice and promote decent work. The NAPFL serves as a guidance with a whole-of-nation approach, a shared responsibility among all stakeholders, and not only the government. Let the delivery of the NAPFL be comprehensive, practical and most importantly sustainable and adaptable in the rapidly changing world of work.

I wish all of you the best in the continuous dedication in implementing the National Action Plan on Forced Labour 2021-2025.

## Foreword from the Secretary General of Ministry of Human Resources



**YBhg. Datuk Muhd Khair Razman bin Mohamed Annuar**  
Secretary General,  
Ministry of Human Resources

Forced labour is a recognized global issue with alarming statistics. In year 2016, there is an estimation of 40.3 million persons in modern slavery and 24.9 million of those are involved in forced labour. The issue of forced labour is intrinsically linked to trafficking in persons, modern slavery and labour exploitation.

Forced labour often occurs to the vulnerable group segment of workers, such as migrant workers particularly those who are involved in irregular migration. Against the backdrop of industrial revolution and the future of work, the issue of forced labour has unfortunately become more prevalent, whereby companies from Malaysia were issued with export sanctions, and the country's standing on various human rights fora has undergone multiple concerning observations.

As a country that firmly believes that forced labour is an infringement to human rights and constitutional rights, this has certainly propelled proactive actions to tackle and address the issue at the root cause.

To that end, the Government has undertaken various efforts under the ambit of National Action Plan on Trafficking in Persons 2021-2025

(NAPTIP), and the Labour Trafficking Committee of the Anti Trafficking in Persons Council of the Ministry of Home Affairs.


To further complement on these existing commitments, it is our honour to present this inaugural National Action Plan on Forced Labour 2021-2025 (NAPFL). The NAPFL was developed meticulously via the many consultations with various stakeholders, most importantly the Ministry's social partners, the Malaysian Employers Federation (MEF) and the Malaysian Trades Union Congress (MTUC).


My appreciation goes to all who were involved in the development of the NAPFL which aims to eliminate the use of forced labour in any and all forms in Malaysia. The four strategic areas supported by the 4P Pillars (Prevention, Protection, Prosecution and Partnership) will pave the way for a more holistic and comprehensive action-oriented approach to achieve the aim as well as fulfilling the SDG Target 8.7.


It is my fervent hope that this document will serve as a guide to consolidate efforts in addressing and subsequently eliminate forced labour in Malaysia.

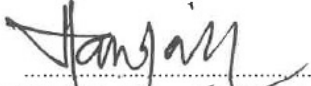
## Pledges of Support for the Implementation of the National Action Plan on Forced Labour 2021-2025


We, hereby affirm our support to fulfilling the efforts of the Ministry of Human Resources to combat issues related to forced labour and endorse the National Action Plan on Forced Labour 2021-2025 known as NAPFL 2021-2025. We, also hereby pledge the commitment of our respective Ministries to achieve the objectives and targets as underlined in the NAPFL 2021-2025.

  
.....  
**YB Dato' Sri Haji Fadillah bin Haji Yusof**  
Senior Minister of Works

  
.....  
**YB Datuk Seri Ir. Dr. Wee Ka Siong**  
Minister of Transport

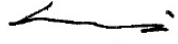
  
.....  
**YB Datuk Seri Dr. Ronald Kiandee**  
Minister of Agriculture and Food Industries

  
.....  
**YB Datuk Seri Hamzah bin Zainuddin**  
Minister of Home Affairs


  
.....  
**YB Dato Sri Alexander Nanta Linggi**  
Minister of Domestic Trade and Consumer Affairs


  
.....  
**YB Datuk Seri Rina binti Mohd Harun**  
Minister of Women, Family and Community Development

  
.....  
**YB Tan Sri Datuk Seri Panglima TPR. Haji Annuar bin Haji Musa**  
Minister of Multimedia and Communication

  
.....  
**YB Dato' Sri Mustapa bin Mohamed**  
Minister in the Prime Minister's Department (Economy)

  
.....  
**YB Dato' Saifuddin bin Abdullah**  
Minister of Foreign Affairs

  
.....  
**YB Datuk Hajah Zuraida binti Kamaruddin**  
Minister for Plantation Industries and Commodities

  
.....  
**YB Dato Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar**  
Minister in the Prime Minister's Department (Parliament and Law)

  
.....  
**YB Dato' Sri Hajah Nancy binti Shukri**  
Minister of Tourism, Arts and Culture

## Acknowledgement

The National Action Plan on Forced Labour 2021-2025 (NAPFL) was developed with technical assistance from the International Labour Organisation (ILO) through the “From Protocol to Practice: A Bridge to Global Action on Forced Labour” (BRIDGE) Project. It has undergone multiple consultations and engagements involving a wide array of participants most notably from the Government’s social partners, and the civil society organisations.

On behalf of the Government, the Ministry of Human Resources would like to express our sincere appreciation to all parties who have contributed their efforts and provided support and guidance throughout the process of development and finalisation of this inaugural NAPFL.

1. The Technical Working Committee for the NAPFL comprising of members from government agencies and social partners:
  - Ministry of Human Resources: Dr. Zaki Zakaria, Noor Haryantie Noor Sidin, Khalidah Edayu Mohamad Khalid and Noor Azian Jamaluddin;
  - Department of Labour: Roslan Bahari, Rhymie Mohd Ramli, Wilhelmina Janing and Tujoh Anak Bachat;
  - National Strategic Office to the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants: Ezwin Mizra Mahamad Zabri and Mohd Zahirie Mohd Dzahid;
  - Ministry of Women, Family and Community Development: Ajanis Anak Ba-i;
  - Human Rights Commission of Malaysia (SUHAKAM): Dato’ Seri Mohd Hishamudin Md Yunus, Datuk Mah Weng Kwai, Paremewari Subramaniam and Jennifer Isaac;
  - Malaysian Employers Federation (MEF): Datuk Shamsuddin Bardan and Goh Seng Wing;
  - Malaysian Trades Union Congress (MTUC): Kamarul Baharin Mansor and Suriyanandhini Doraisamy;
  - International Labour Organisation (ILO): Jodelen Mitra, Josh Man Fatt Hong and Foo Yen Ne.
2. Relevant government agencies involved were Attorney General’s Chambers; Ministry of Home Affairs; Ministry of Women, Family and Community Development; Ministry of Communications and Multimedia; Ministry of International Trade and Industry; Ministry of Plantation Industries and

Commodity; and the Department of Statistics that shared their technical knowledge and expertise.

3. ILO Consultants and staff who have provided support in the development of the Background Study for the NAPFL, and co-facilitated consultation meetings and workshops on the NAPFL: Birgitte Poulsen, Andika Ab. Wahab, Terrence Too, Jodelen Mitra and Hairudin Masnin.
4. Participants from the NAPFL consultation sessions in Peninsular Malaysia, Sabah and Sarawak for the Background Study on the Development of the National Action Plan on Forced Labour and the national formulation workshop in December 2019 including non-government participants: MTUC, MEF, Tenaganita, FGV Holdings, Sarawak Oil Palm Plantation Owners Association, PUSMA, Malaysian Rubber Export Promotion Council, Malaysian Palm Oil Certification Council, ANAK Sabah, Global Shepherd, Migrant Care, Project Liber8, Sarawak Women for Women Society, Malaysian Bar Council, Andrew Khoo, Earthworm Foundation, Our Journey, Sabah Environmental Protection Association, Responsible Business Alliance (RBA), International Organization for Migration (IOM), UNICEF, UNDP and United Nations High Commissioner for Refugees (UNHCR).
5. Special thanks to those who have provided written feedback for the NAPFL, namely IOM, Fair Labour Association, RBA, Business for Social Responsibility, Verite Southeast Asia, Cargill Malaysia, Consumer Good Forum, Proforest, Earthworm Foundation, Our Journey, North South Initiative-CIVICUS, The Remedy Project, International Justice Mission, UNHCR, Bunge Lodgers Crocklaan Oils, Malayan Agricultural Producers Association, SOPPOA, Malaysian Society of Social Performance and Universiti Utara Malaysia.
6. Sincere appreciation to the ILO BRIDGE Project funded by the United States Department of Labor.

Last but not least, our gratitude to all stakeholders from the government ministries, CSOs, international organisations and all parties who share the common goal of eliminating the use of forced labour in any and all forms in Malaysia. This NAPFL is a living document which reflects the commitment from all stakeholders to cooperate and collaborate in reaching the strategic goals and implementing the programme areas set over the coming five years.

Note: Funding is provided by the United States Department of Labor under cooperative agreement number IL-27592-15-75-K-1. 100 percentage of the total costs of the global ILO Bridge Project (From Protocol to Practice: A Bridge to Global Action on Forced Labour) is financed with Federal funds, for a total of US\$17,395,138. This material does not necessarily reflect the views or policies of the United States Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

## Acronyms and Abbreviations

<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ATIPSOM</b>	Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007
<b>CEACR</b>	Committee of Experts on the Applications of Conventions and Recommendations
<b>CSO</b>	Civil Society Organisation
<b>ILO</b>	International Labour Organisation
<b>MEF</b>	Malaysian Employers' Federation
<b>MOHA</b>	Ministry of Home Affairs
<b>MOHR</b>	Ministry of Human Resources
<b>MOL</b>	Ministry of Law
<b>MSPO</b>	Malaysian Sustainable Palm Oil
<b>MTUC</b>	Malaysian Trades Union Congress
<b>NAPBHR</b>	National Action Plan on Business and Human Rights
<b>NAPFL</b>	National Action Plan on Forced Labour
<b>NAPTIP</b>	National Action Plan on Anti-Trafficking in Persons
<b>NGO</b>	Non-Governmental Organisation
<b>RSPO</b>	Roundtable on Sustainable Palm Oil
<b>SOPs</b>	Standard Operating Procedures
<b>UNGP</b>	United Nations Guiding Principles on Business and Human Rights

## Glossary

<b>Child</b>	For the purpose of this NAP, a child is defined as any person below 18 years old. This definition is consistent with the UN Convention on the Rights of the Child and the ILO Conventions.
<b>Child labour</b>	Any work done by persons below 18 years old that are mentally, physically, socially or morally dangerous and harmful to children and/or young persons and/or interferes with their schooling by depriving them of their dignity, opportunity to attend school, obliging them to leave school prematurely, or requiring them to attempt to combine school attendance with excessively long and heavy work.
<b>Forced labour</b>	Defined in ILO Forced Labour Convention (C29) as all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself (or herself) voluntarily.
<b>Freedom of association and collective bargaining</b>	Freedom of association essentially means that both workers and employers should be free to form associations – trade unions and employers' organisations – independently of government, in order to represent their interests. Workers' and employers' organisations should be able to enter into negotiations over working conditions, wages etc. and agree on these freely, so long as they remain within the laws of the country (e.g. minimum wages legislation or legislation that prohibits forced labour, child labour and discrimination). These negotiations are referred to as collective bargaining. The rights are enshrined in ILO Conventions Freedom of Association and Protection of the Right to Organise Convention (C87) and Right to Organise and Collective Bargaining Convention (C98).



**Human rights-based approach**

A human rights-based approach accepts that everyone has protected rights regardless of social, economic, cultural and other aspects. Human rights are indivisible. This means they apply to everyone in their totality. So, the right to be free of forced labour goes hand in hand with other rights, for example the right to non-discrimination, to freedom of speech and freedom from torture or other degrading treatments. Those vulnerable to forced labour are also very often vulnerable to other human rights infringements and therefore, those developing and implementing NAPFL must recognise that victims and those at risk, may need to be supported to realise multiple rights in a concerted manner.

**Human trafficking**

Also known as trafficking in persons, this is defined by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol) as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

**National referral mechanism**

A cooperative framework through which state actors fulfil their obligations to protect and promote the human rights of victims of human forced labour and trafficking.<sup>1</sup>

<sup>1</sup> OSCE/ODIHR, 2004. *National Referral Mechanisms: Joining Efforts to Protect the Rights of*

**Non-discrimination and equality**

ILO Discrimination (Employment and Occupation) Convention (C111) defines discrimination as any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Equality, on the other hand, is a state of affairs where all individuals, regardless of their personal traits, social and economic status etc. have the same – equal – access to decent work, education and other services.

**Trauma informed approach**

An approach to social work and care that recognises that those receiving services may carry with them traumas from earlier events (e.g., forced labour situations, or as victims of violence). The approach encompasses different methodologies all of which tend to be informed by common principles such as fundamental recognition of individual experience and trauma, providing safe environments, building individual strengths, building empowering relationships and promoting equality of access.

**Victim centred approach**

Encompasses the non-criminalisation of victims as well as the protection of victims from their perpetrators. In addition, a victim centred approach means that victims of forced labour have a right to voice and redress grievances and be compensated appropriately. This, in turn, means that victims must have a say in what happens to them when they have been identified as victims of forced labour, for example in which services they receive.

## 1

## Introduction

## 1.1 Background

*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' organisations - particularly the Malaysian Employers Federation (MEF) and Malaysian Trades Union Congress (MTUC) - and other civil society organisations in Malaysia commit to working together, to implement the activities in the NAPFL towards eliminating the practice of forced labour in the country. The timeframe for the present NAPFL is 2021-2025, but a continuation of the plan may be required from 2026 to ensure that Malaysia is indeed free of forced labour in all its forms.

It is also recognised that this NAPFL is a living document and adjustments may be needed during the course of implementation to reflect developments.

*For the purpose of this NAPFL, forced labour is defined as "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily."*

This definition is contained in article 2 of ILO Convention 29 on Forced Labour (1930). The definition is the globally agreed definition of forced labour and Malaysia has ratified the Convention in 1957.

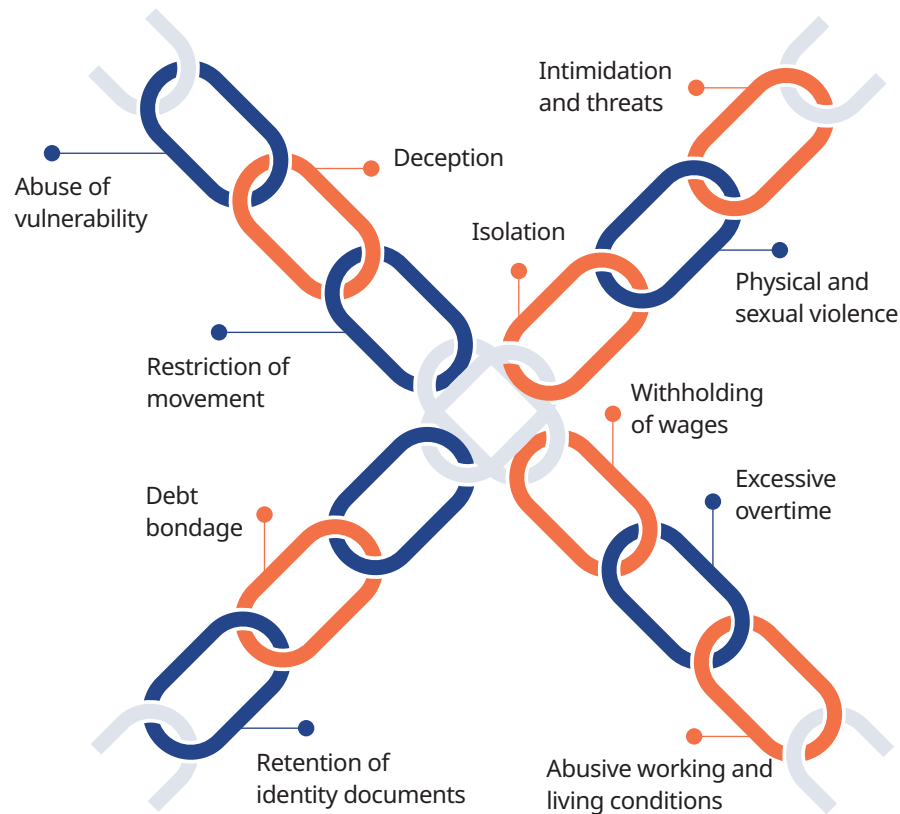
The definition covers various forms of forced labour. Victims of forced labour may be forced, coerced or tricked into a forced labour situation. Once caught in forced labour, victims are unable to freely leave work because they face the "menace of a penalty", such as 'fines' by the employer or being expelled as undocumented; because they are bound by debt (debt bondage); because they are threatened with violence or other repercussions to themselves or their families or because they have had their personal papers and travel documents confiscated or any other means of threats or penalty that makes it impossible to leave their employer. It also includes loss of privileges including career advancement.

Victims may end up in forced labour through human trafficking, but they may also become victims of forced labour without being trafficked. Both are illegal and are severe human rights violations.

Forced labour is not always immediately visible and indeed forced labour often takes place in hiding from public view. Also, forced labour and **poor working conditions** may be confused – and victims of forced labour are very often subject to poor working conditions.

But poor working conditions are not necessarily forced labour. The ILO has developed a set of **indicators** to serve as a guide to in identifying potential forced labour cases.

These indicators should be viewed from the victims' perspective. It is important that indicators for both involuntariness and menace/threat of penalty are present to determine possible forced labour situation:



Elimination of forced labour, along with human trafficking and child labour, is also an explicit priority under the Sustainable development Goals (SDGs). SDG Target 8.7 is a globally agreed target on the eradication of forced labour by 2030, something the government of Malaysia is committed to achieve.

Through the ratification of ILO C29, Malaysia is committed to the abolition of forced labour, through implementing the provisions of the Convention. This means that Malaysia has a legal obligation to implement the provisions of C29 and report on the progress. Reports are submitted through the ILO reporting mechanisms and are subject to review by the Committee of Experts on the Application of Conventions and Recommendations (CEACR). The reports of the Committee are made public and member States are expected to act based on the Committee's requests.

The 2018 **CEACR report** on Malaysia's implementation of C29 highlighted migrant workers' vulnerability to forced labour. This NAPFL is part of the Government's obligation to implement C29 and address the vulnerability of migrant workers in line with the recommendations from the CEACR. The Government's commitment to uphold and protect human rights in more general terms, as expressed in the acceptance of recommendations received by Malaysia for its **Third Universal Periodic Review (UPR)** also includes a commitment to eradicate forced labour in Malaysia.

The elimination of forced labour is both an obligation under international law, a moral imperative and important to ensure a thriving economy and harmonious social development, notably in the context of achieving the SDGs particularly SDG target 8.7.

While the fight against forced labour is not new, the issue has gained substantially more attention within the last decade. This includes significant media and consumer attention to forced labour in global supply chains that has only become more important with globalisation.

Therefore, in addition to the legal and moral obligation to eliminate forced labour, countries also have an economic and reputational interest in combatting forced labour within their borders especially when a significant part of the economy is dependent on global supply chains and consumers, who have become increasingly aware of the risk of forced labour. This could jeopardise the export of key commodities (like palm oil) and goods (e.g., electronics, rubber products).

The authorities therefore need to prioritise actions to address forced labour and ensure fair recruitment and decent work in line with international human rights instruments, such as the ILO Fair Recruitment Principles and the ILO Declaration on Fundamental Rights.

Victims of forced labour also have families and children, who are deprived

of their rights to health, education, among others, when their parents are trapped in different forms of forced labour and are unable to provide for them. This can adversely impact the country's social and economic development.

As such, this National Action Plan on Forced Labour (NAPFL) provides a framework for the national efforts to eliminate forced labour in Malaysia.

The NAPFL is an umbrella for initiatives by the government, workers' and employers' organisations- particularly the MEF and MTUC, the civil society organisations and international industry associations to achieve elimination of forced labour by 2030, in line with the SDG Target 8.7. It is important to note, that this NAPFL focuses specifically on forced labour, not on human trafficking which is covered by the NAPTIP.

The links between the NAPTIP and the NAPFL are described in more detail under section 1.3. The NAPTIP is on its third edition outlining national strategies in combatting TIP.

## 1.2 Situation Analysis

*The 2019 Background Study for this NAPFL found that there is limited data and evidence on forced labour in Malaysia and that most of the publicly available evidence is investigative journalism and sector-specific studies.*

*Palm oil appears to be the most well-described sector and though the full extent of forced labour is not known, the palm oil sector, at national level, has taken significant steps towards eradicating forced labour, according to the background study. Despite the scarcity of data, the background study provided a picture of forced labour in Malaysia.*

Forced labour complaints (2020-21) in Peninsular Malaysia

Years	2020	2021
Complaints received under ATIPSOM	6	7
Investigation paper / prosecution	4	3
Others*	2	4

Source: JTKSM

\* proceed to investigate under Employment Act 1955; and referred cases to other agencies (cases not related under

As forced labour is a criminal activity in Malaysia, as in most other countries, it takes place "beneath the radar" and therefore, forced labour is often associated with the informal economy, which is also associated with non-payment of taxes and other issues that may impede national social and economic development. Forced labour is also often associated with vulnerable groups whose labour rights are not protected by existing legal frameworks, including (but not limited to) the undocumented migrant workers and refugees, stateless and asylum-seekers who are not allowed to work legally in the country. Undocumented persons comprise of primarily informal migrant workers (e.g., workers who have overstayed their permits or are otherwise unregistered as migrant workers) and their dependants.

Lack of documentation not only forces communities and workers into the informal sector, but it also creates barriers in accessing various essential services, such as health and education all of which results in a multi-layered interconnected web of issues. Men, women, girls, and boys who lack proper documentation, including certain ethnic groups like Orang Asli, are also often from poor families with low levels of education and they may not realise that the relevance of birth certificates or other identity documents and lack of documentation can become an intergenerational issue.

The background study also found significant regional differences in the forced labour picture. The key groups of concern in Peninsular Malaysia are migrant workers and refugees. Peninsular Malaysia by far hosts the majority of documented migrant workers in all primary sectors where migrant workers are allowed by policy.

In Peninsular Malaysia, where borders are relatively well controlled, it is likely that the undocumented migrant workers were previously documented but due to non-renewal of work permits, or abscondment because of exploitation by the employers, or through passport retention practices, have lost their documented status. It should be highlighted also that some documented and undocumented migrant workers alike may have been subjected to charging of illegal recruitment fees in their home countries.

In Sabah, forced labour appears to persist in the plantation sector, which is one of the largest contributors to Sabah economy, despite important steps and some progress in its eradication through Roundtable for Sustainable Palm Oil (RSPO), Malaysian Sustainable Palm Oil (MSPO) and other initiatives. Plantations employ large number of migrant workers, including undocumented migrant workers, former refugees, and inter-generationally stateless individuals from the Philippines and Indonesia. (Sabah shares a porous border with these countries). Children born to undocumented parents face constraints accessing services such as health and education. This may fuel child labour, including forced child labour and inter-generational non-documentation can be difficult for workers and employers to address as consular services that are needed in the process can be difficult to obtain.

In Sarawak, forced labour is also a particular risk to undocumented migrant workers, especially those using the "back lanes" to cross the porous border from Indonesia. Most migrant workers in Sarawak are employed in plantations, but others also work on manufacturing, construction, services, small scale agriculture and domestic work. Undocumented individuals may also, however, belong to ethnic minorities who live in remote areas that are relatively isolated.

The survey did not measure the portion of regular to irregular/undocumented workers among the survey participants. However, of the workers in situations of forced labour, 51% indicated that the

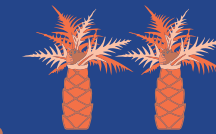
*In 2018, the Government carried out an employment survey in the oil palm sector.<sup>2</sup>*

**0.8%**

*of workers (a total of 4900 workers aged 5 years and over) in the oil palm sector were in forced labour.<sup>3</sup>*

**95.7%**

*The vast majority are employed workers (95.7%) and only 4.3% are unpaid family labourers.*

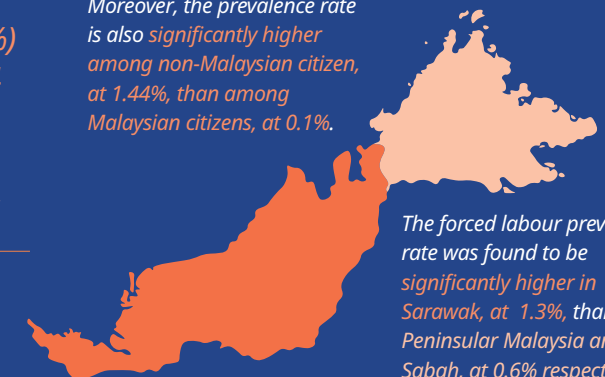


*The majority of the those found to be in forced labour were plantation workers tending and harvesting the crop but forced labour was also found among manuring workers and truck drivers transporting the crop.*

**80%**

*Most are male (around 80%) and in the age group 25-44 years old (65%) though a significant proportion, 10.6%, are children aged 5-*

*Moreover, the prevalence rate is also significantly higher among non-Malaysian citizen, at 1.44%, than among Malaysian citizens, at 0.1%.*



*The forced labour prevalence rate was found to be significantly higher in Sarawak, at 1.3%, than in Peninsular Malaysia and Sabah, at 0.6% respectively.*

<sup>2</sup> Ministry of Plantation Industries and Commodities (2018) The Employment survey in Oil Palm Plantations, Malaysia 2018 [https://www.mpic.gov.my/mpic/images/01-Bahagian/PSA/MPIC\\_EmploymentSurvey2018\\_FINAL.pdf](https://www.mpic.gov.my/mpic/images/01-Bahagian/PSA/MPIC_EmploymentSurvey2018_FINAL.pdf)

<sup>3</sup> Note that some of the victims of forced labour, i.e. those aged from 5 to 17 years, are therefore also victims of the Worst Forms of Child Labour (WFCL) as defined in ILO Convention 182 on the WFCL.

*Further, while workers in the informal economy and undocumented workers are often at greater risk of forced labour, documented workers may also end up in forced labour.*

need to obtain work permit renewals from their employer was a form of menace keeping them in situations of forced labour.

It therefore seems, that just over half of the workers in the survey were in fact documented migrant workers. In this context, it is important to note that employers who employ documented migrant workers must follow stringent recruitment procedures and have to pay recruitment fees that are seen as steep by many employers. Therefore, many employers are concerned with the losses incurred when workers leave their jobs and new workers need to be recruited. Addressing the challenges in the recruitment system is therefore an important contribution to ensure that workers are protected and employers are able to recruit and maintain a stable workforce.

Since the finalisation of the background study for NAPFL in 2019, Malaysia and the world has experienced the COVID-19 pandemic. The pandemic has clearly illustrated the vulnerability of migrant workers, and especially undocumented workers and their dependants.

Migrant workers are highly dependent on their employers for their survival,

leaving them in a vulnerable position with little bargaining opportunity and limited protection against exploitation. Moreover, migrant workers may live in cramped and sometimes unsanitary conditions where the virus may spread easily. The COVID-19 pandemic also brought to the fore the heightened vulnerability of undocumented persons and the need to regularise their status.<sup>4</sup> The vulnerable position of undocumented persons is further exacerbated by low levels of awareness on forced labour among vulnerable populations, employers and the general public.

Therefore, forced labour may go completely unnoticed and victims may be unaware that they can access support. In addition, there are limited options for victims to seek assistance as national capacity to ensure protection, remediation, and access to justice for victims is insufficient. Additionally, current legal framework requires amendment to prosecute the full range of forced labour.<sup>5</sup>

Eradicating forced labour in Malaysia therefore requires a comprehensive approach that address the underlying drivers and vulnerabilities, as described in part 4 of this NAPFL.

<sup>4</sup> Wahab, A. (2020) *The outbreak of Covid-19 in Malaysia: Pushing migrant workers at the margin*, *Social Sciences & Humanities Open*, Volume 2, Issue 1, 2020, 100073

<sup>5</sup> Forced labour is prosecuted through the Anti-Trafficking and Anti-Smuggling of Migrants Act. However, the definition of coercion under this Act is currently insufficient to cover forced labour cases not associated with human trafficking. Therefore, it is very likely that the number of forced labour cases prosecuted is only the tip of the iceberg and that many cases will not reach

## 1.3 Existing National Response

*This NAPFL builds upon and seeks to complement other national responses. The NAPFL was developed through a consultative process that involved bringing together a wide group of stakeholders to develop the framework for this NAPFL.*

*The NAPFL aligns with at least three other major NAPs in Malaysia: The NAPTIP, the NAP on Business and Human Rights (NAP BHR) and the NAP on Elimination of Child Labour (NAP CL). Both NAP BHR and NAP CL are currently under development.*

The **National Action Plan on Anti-Trafficking in Persons (NAPTIP) 2021-25** is the third NAPTIP and was developed by multiple government agencies under the leadership of the Ministry of Home Affairs (MOHA). NAPTIP Strategic Goal 5 intends to combat “labour trafficking and child trafficking including relevant provisions of forced labour and child labour”. This goal will be achieved through realising the following three objectives:

*To strengthen legislation and regulatory frameworks that address trafficking for labour and child exploitation.*

*To strengthen relevant labour migration and domestic work legislation and policies to prevent TIP.*

*To continuously improve anti-TIP responses targeted at combating labour trafficking and child trafficking in all sectors, particularly in the supply chains of goods and services.*



In addition to this, NAPTIP has also included relevant interventions on forced labour in the pillars on prevention, protection, prosecution and enforcement and partnership.

Human trafficking for forced labour is covered under the NAPTIP. The NAPFL will serve as the umbrella NAP for all interventions addressing the full range of forced labour issues, including those that have been mainstreamed in other relevant NAPs, including the NAPTIP. By so doing, the NAPFL would reflect a comprehensive strategy on forced labour, and shows how various efforts, including those mainstreamed in other national plans, are interlinked and in some cases, inter-dependent. To ensure consistency between the NAPTIP and the NAPFL, the NAPFL log frame matrix lists NAPTIP activities that specifically target human trafficking forced labour.

The activities in the NAPTIP are included in this NAPFL to ensure coherence and consistency between the two, related, NAPs.

The Human Rights Commission of Malaysia (SUHAKAM) presented a Strategic Framework for a National Action Plan on Business and Human Rights for Malaysia in 2015 and development of the NAP BHR started in June 2019 under the leadership of the Legal Affairs Division of the Prime Minister's Department Malaysia (BHEUU).

The NAPBHR will build on the strategic framework developed by SUHAKAM and the development process involves extensive stakeholder consultation, including with multi-national companies

operating in Malaysia. The Strategic Framework put forward by SUKHAM is built upon the three principles of the UN Guiding Principles of state duty to protect human rights, corporate responsibility to respect human rights and access to remedy for those, whose rights have been violated.

The Strategic Framework highlights a number of business-related rights and areas where human rights infringements have been reported in Malaysia, including exploitation of migrant workers, forced labour and child labour and highlight the need for the NAPBHR to include action to combat these human rights violations.

The NAPCL is also under development under the leadership of MOHR. The NAPCL will likewise serve as the umbrella NAP for all interventions addressing the full range of child labour issues, including those that have been mainstreamed in other relevant NAPs.

These include community-based projects implemented by NGOs and CSOs, providing services to at-risk

persons and communities. Many of these organisations are stakeholders in the development of this NAPFL and have played a key role in its formulation. Among the private sector initiatives, such as by the Responsible Business Alliance and Consumer Goods Forum, are initiatives to improve due diligence in the supply chains including recruitment and employment practices.

In addition to the Government of Malaysia policy initiatives described here, there are also several trade union, employer's organisations and civil society initiatives intended to tackle forced labour.

Government initiatives also include the MSPO, which is currently undergoing review and strengthening of their standards. Hence, the NAPFL is carried out through a whole-of-nation approach which requires active engagement of multiple stakeholders, from government, trade unions, civil society and the private sector to comprehensively tackle the complexities of forced labour.

## 1.4 The Need for NAPFL 2021-2025

*The development of the four complementary NAPs is a testament to the complexity and inter-relatedness of forced labour, child labour and human trafficking.*

Approaches in the four NAPs need to complement, not duplicate, each other to effectively address all forms and causes of these human rights violations. The four NAPs together also reflect the different mandates to tackle the respective rights violations and will provide a valuable platform for coordination and collaboration among different government agencies, employers' and workers' organizations particularly MEF and the MTUC, NGOs, business entities, industry associations and other relevant stakeholders.

The NAPFL is a key part of this comprehensive endeavor and will focus attention specifically on activities intended to prevent forced labour, on addressing full range of forced labour and on providing an overarching framework for organisations and initiatives to tackle forced labour. This will include specific activities intended to

raise awareness and understanding on forced labour, both among workers, employers and the general public. It will also include data collection and analysis, improving law enforcement and legal compliances, and improving migration management and strengthening systemic prevention efforts. In addition, the NAPFL seeks to improve access to and enhance different kinds of support services and compensations for victims of forced labour (currently limited to those provided by NGOs such as shelters and counselling) who do not fall within the categories that are supported under the NAPTIP. The NAPFL's nature of going beyond the trafficking for forced labour, will ensure that no victims of forced labour are left unsupported because they do not fit within the other NAP target groups. By outlining the key duty bearers in the fight against forced labour in Malaysia, the NAPFL will also be a major step towards increased cooperation and collaboration across different government, employers' and workers' organizations particularly MEF and the MTUC, industry associations and civil society entities and an essential element in the prevention efforts.

Therefore, none of the NAPs could stand alone in their current form and developing all four NAPs will create a solid framework for working together to prevent forced labour and related human rights violations and offer comprehensive, meaningful, and effective support for victims.

# 2

## Institutional Framework



## 2.1 Roles and responsibilities of MOHR and other entities

*The NAPFL will be implemented by multiple stakeholders coordinated by the MOHR.*

The MOHR is responsible for the implementation of ILO Conventions, including ILO Convention 29, in Malaysia and, hence, this NAPFL.

MOHR will lead the overall coordination of implementing partners at a strategic and day-to-day level and will coordinate with the agencies responsible for implementing related action plans (MOHA for NAPTIP, Prime Minister's Department Legal Affairs Division (BHEUU) for NAP BHR, the NAP CL also falls under the overall coordination of MOHR).

Implementing partners will implement NAP activities as an integrated element of their regular plans, budgets, and operations. Some activities will be long-term, other may be ad-hoc and short term. Though MOHR is responsible for the overall coordination of the NAPFL, other implementing partners may be tasked with coordinating the implementation of specific activities.

*Implementing partners will include, but not be limited to, relevant line ministries, state-level government, employers' and workers' organizations particularly MEF and the MTUC, professional associations (e.g., recruitment agency associations, industry/sectoral associations, certification programmes), NGOs and CSOs, research institutions and media organisations.*

It should be noted, that CSOs will play a key role in providing trauma informed services, such as counselling and shelter, to victims of forced labour.

Towards the day-to-day coordination, MOHR will work with the implementing partners to establish working groups that will coordinate activities within each of the four immediate objectives. These working groups will be permanent throughout the duration of the NAPFL and will include operational level representatives of the implementing agencies engaged in activities under strategic goals. In addition, ad hoc working groups may be set up if required.



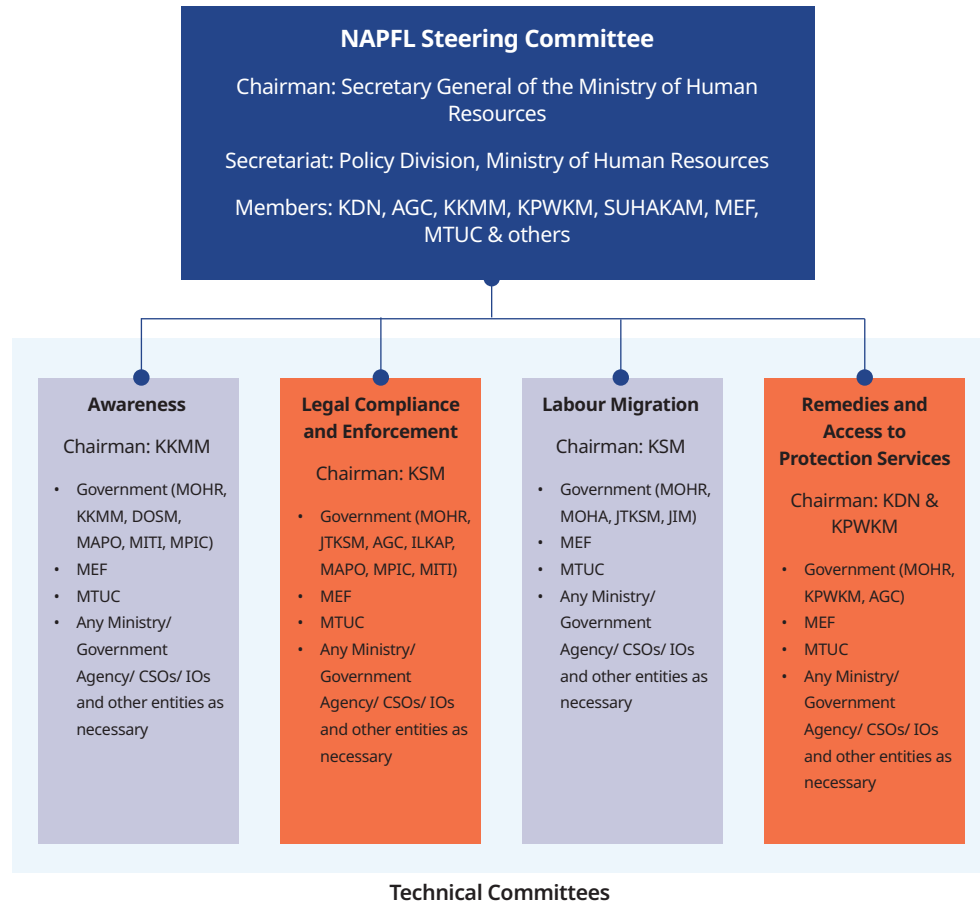
### 2.1.1 NAPFL Steering Committee

*MOHR will establish and chair the NAPFL Steering Committee that will oversee the implementation, monitoring and evaluation of the action plan. This Committee is composed of members of The Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) Special Committee for Addressing Forced Labour, with expanded membership of the MEF, MTUC, SUHAKAM and selected CSOs.*

The composition will also include representatives from Sabah and Sarawak, who would later coordinate activities in their respective constituency. The membership in the Committee may be expanded over time, and will operate under specific Terms of Reference. Members of the Steering Committee are comprised of senior representatives of their organisations for strategic guidance, policy formulation and oversight.

MOHR will provide secretariat services to the NAPFL Steering Committee to ensure smooth communication and reporting between the Steering Committee and the coordinating technical committees described in the next page.

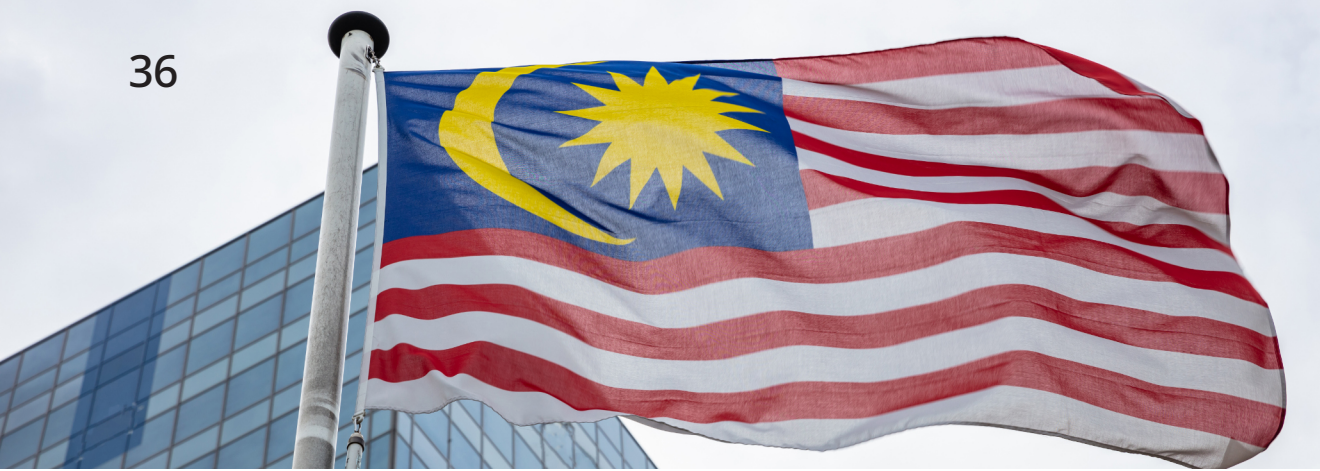
Figure 1: Institutional Framework for the Oversight and Coordination of the NAPFL



Note: The detailed roles of the Steering Committee and Technical Committees are explained in Chapter 5.

# 3

## Legislative Framework



### 3.1. National Legal Framework

Malaysia has existing domestic legislation relevant to forced labour<sup>6</sup>:

- ▶ Federal Constitution of Malaysia
- ▶ Penal Code
- ▶ Employment Act 1955
- ▶ Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007
- ▶ Immigration Act 1959/63
- ▶ Passports Act 1966
- ▶ Employment Restriction Act 1966
- ▶ Private Employment Agencies (Amendment) Act 2017
- ▶ Workmen's Compensation Act 1952
- ▶ National Wages Consultative Council Act 2011
- ▶ Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990
- ▶ Occupational Safety and Health Act 1994
- ▶ Industrial Relations Act 1967
- ▶ Trade Unions Act 1959
- ▶ The Contracts Act 1950
- ▶ Sarawak Labour Ordinance (Sarawak Cap 76)<sup>7</sup>
- ▶ Sabah Labour Ordinance (Sabah Cap 67)
- ▶ Children and Young Persons (Employment Act 1966

<sup>6</sup> This list is derived from the ILO 2018 Situation and Gap Analysis on Malaysian Legislation, Policies, and Programmes and the ILO Forced Labour Convention and Protocol<sup>6</sup> which can be found on [https://www.ilo.org/wcmsp5/groups/public/-/asia/-/ro-bangkok/documents/genericdocument/wcms\\_650658.pdf](https://www.ilo.org/wcmsp5/groups/public/-/asia/-/ro-bangkok/documents/genericdocument/wcms_650658.pdf). The remaining contents of this section is an abridged and updated version of the analysis of the legal framework in the background study for the NAPFL.

<sup>7</sup> The Sarawak Labour Ordinance does not explicitly mention forced labour but it does include a number of relevant provisions to violations that could aggravate into forced labour.

Forced labour is prohibited by the 1957 Malaysian Federal Constitution and Penal Code.

Article 6 of the Federal Constitution states that no persons shall be held in slavery and all forms of forced labour are prohibited with the exception of compulsory national service and work or service carried out by persons as a consequence of a court conviction.

The term 'no persons' indicates the inclusion of all persons, i.e. citizens and non-citizens, including refugees, asylum-seekers, stateless persons, migrant workers, documented or otherwise.

Section 374 of the Penal Code states that "whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment for a term which may extend to one year or with fine or with both."

In the Penal Code, Section 370 is on "buying or disposing of any person as a slave", Section 371 deals with "habitual dealing in slaves" and Section 374 is on "unlawful compulsory labour". All these Sections refer to 'any person' and not 'citizen'. However, the penalties should be reviewed to be in line with Malaysia's obligation pursuant to ILO Convention 29.

The Employment Act 1955, Sarawak Labour Ordinance (Cap 76) or Sabah Labour Ordinance (Cap 67) do not currently deal with forced labour but rather individual indicators of forced labour such as contract substitution, excessive overtime, withholding of wages, abusive working and living conditions.

*These Act and Ordinances also protect workers right to organise and it should be noted that "employers" are interpreted broadly to also cover, for example, recruitment agencies that provide labour to multiple enterprises.*

The Employment Act, pursuant to amendments made in 2012 in Act A1419 included new terms for interpretation under Section 2 amongst them is the "contractor for labour" which means a person who contracts with a principal, contractor or sub-contractor to supply the labour required for the execution of the whole or any part of any work which a contractor or sub-contractor has contracted to carry out for a principal or contractor, as the case may be. There is a need to relook at issues on contractor for labour on matters pertaining to forced labour.

The Anti-Trafficking in Persons and Anti-Smuggling Act 2007 (ATIPSOM) criminalises offences of forced labour as a form of exploitation under trafficking in persons and the ATIPSOM forms the basis for the NAP TIP. ATIPSOM defines trafficking to include all actions involved in acquiring or maintaining the labour or services of a person through coercion and proving the element of coercion is central to making a case of trafficking or forced labour under the ATIPSOM. However, it does not acknowledge that forced labour could occur using abuse of vulnerabilities and deception.

*The Immigration Act 1959/63 (Immigration Act), supplemented by the Immigration Regulations 1963, governs Malaysia's border controls and security. This includes the power to issue Visitors Passes to temporary migrant workers and 12 months permits to migrant workers passing medical exams.*

Immigration authorities also hold the power to detain foreigners who enter Malaysia without valid documentation. The Immigration Act places responsibility for applying for documentation on employers and expressly forbids changing employers.

Since 2013, the Minimum Wage Orders under the National Wages Consultative Council Act 2011 have applied to both Malaysians and migrant workers. The minimum wage extends to all workers covered by the Employment Act 1955, Sarawak Labour Ordinance (Cap 76) or Sabah Labour Ordinance (Cap 67) except domestic workers.

The Act is applicable to "Any person, irrespective of his occupation, who has entered into a contract of service with an employer" except for the employee not included in the Act or Ordinance, i.e. a domestic worker or a manual labourer.

*While there are legal provisions to prohibit and criminalise forced labour in Malaysia, the background study for the NAPFL, however, points to a number of constraints in the application of the legal framework.*

These include limited awareness of the legal provisions among workers (Malaysians, migrant workers, refugees, asylum-seekers, stateless and undocumented persons) and in the private sector; unclear legal definitions of forced labour; limited protection for victims of forced labour except when human trafficking can be proven under ATIPSOM; limited number of prosecutions; challenges in the coordination of enforcement of the multiple pieces of legislation relevant to forced labour and limited reporting and redress systems for workers.

This leads to, for example, widespread confiscation of migrant workers' legal papers and other practices that can amount to forced labour. In addition, the legislative framework is challenged by different definitions and provisions between federal legislation and state level legislation, in particular the Sarawak Labour Ordinance and the Sabah Labour Ordinance.

The differences in, e.g. age limits and minimum wage, and the differences in the interpretation of migration regulations in different states leads to varying practices in different parts of Malaysia and harmonisation of legislation and practices was highlighted in the background study.<sup>8</sup>

<sup>8</sup> For more in-depth analysis and guidance see also ILO (2018) Situation and gap analysis on Malaysian legislation, policies and programmes, and the ILO Forced Labour Convention and Protocol [https://www.ilo.org/wcmsp5/groups/public/-/asia/-/ro-bangkok/documents/genericdocument/wcms\\_650658.pdf](https://www.ilo.org/wcmsp5/groups/public/-/asia/-/ro-bangkok/documents/genericdocument/wcms_650658.pdf); ILO & MEF (2019)

Business responsibility on preventing and addressing forced labour in Malaysia [https://www.ilo.org/wcmsp5/groups/public/-/asia/-/ro-bangkok/documents/publication/wcms\\_717944.pdf](https://www.ilo.org/wcmsp5/groups/public/-/asia/-/ro-bangkok/documents/publication/wcms_717944.pdf)

*The 'Palermo Protocol' defines trafficking in persons as "...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."*



## 3.2 International Legal Framework

*The legal framework in Malaysia is based on a number of international and regional Conventions that Malaysia has ratified.*

These include (but are not limited to) ILO Convention 29 on Forced Labour which Malaysia ratified in 1957, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) and the ASEAN Convention against Trafficking in Persons Especially Women and Children (ACTIP).

ILO C29 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”.

This definition consists of the following elements:

<sup>9</sup> This explanation of the definition is taken from “The new Protocol and Recommendation at a glance” [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/)

### Work or service

*“All work or service” refers to all types of work, service and employment, occurring in any activity, industry or sector, including in the informal economy. Forced labour can occur in both the public and private sectors.*

### Any person

*The definition applies to all workers. This refers to adults as well as children, regardless of their nationality and legal status.*

### Menace of any penalty

*The “menace of any penalty” refers to a wide range of penalties used to compel someone to perform work or service, including penal sanctions and various forms of direct or indirect coercion, such as physical violence, psychological threats or the non-payment of wages. The “penalty” may also consist of a loss of rights or privileges (such as a promotion, transfer, or access to new employment).*

### Involuntariness

*The terms “offered voluntarily” refer to the free and informed consent of a worker to enter into an employment relationship and his or her freedom to leave the employment at any time. For example, an employer or recruiter could interfere with this freedom by making false promises to induce a worker to take a job that he or she would not otherwise have accepted.<sup>9</sup>*

In addition, Malaysia has ratified Convention no.182 (Worst Forms of Child Labour), Convention no.98 (Collective Bargaining), Convention no.100 (Equal Remuneration) and Convention no.138 (Minimum Age) and Convention no.131 (Minimum Wage) which have provide useful guidance in determining Malaysia's obligations with respect to the protection of the rights of migrant workers.

Further, the ACTIP aims to effectively deter and punish human trafficking, to provide assistance to victims and to promote cooperation and collaboration within the region.

The Convention specifically underlines the need to prevent human trafficking, including trafficking for labour exploitation, through establishing a coherent legislative framework and enacting policies and programmes to prevent trafficking in persons at national levels. In addition, the Convention stresses the importance of regional and international cooperation to eliminate human trafficking.

*Malaysia agreed to ratify the ILO Protocol to C29 of 2014 (ILO P29), and the guiding principles contained in P29 will be applied to this NAPFL.*



## 4

## The National Action Plan on Forced Labour



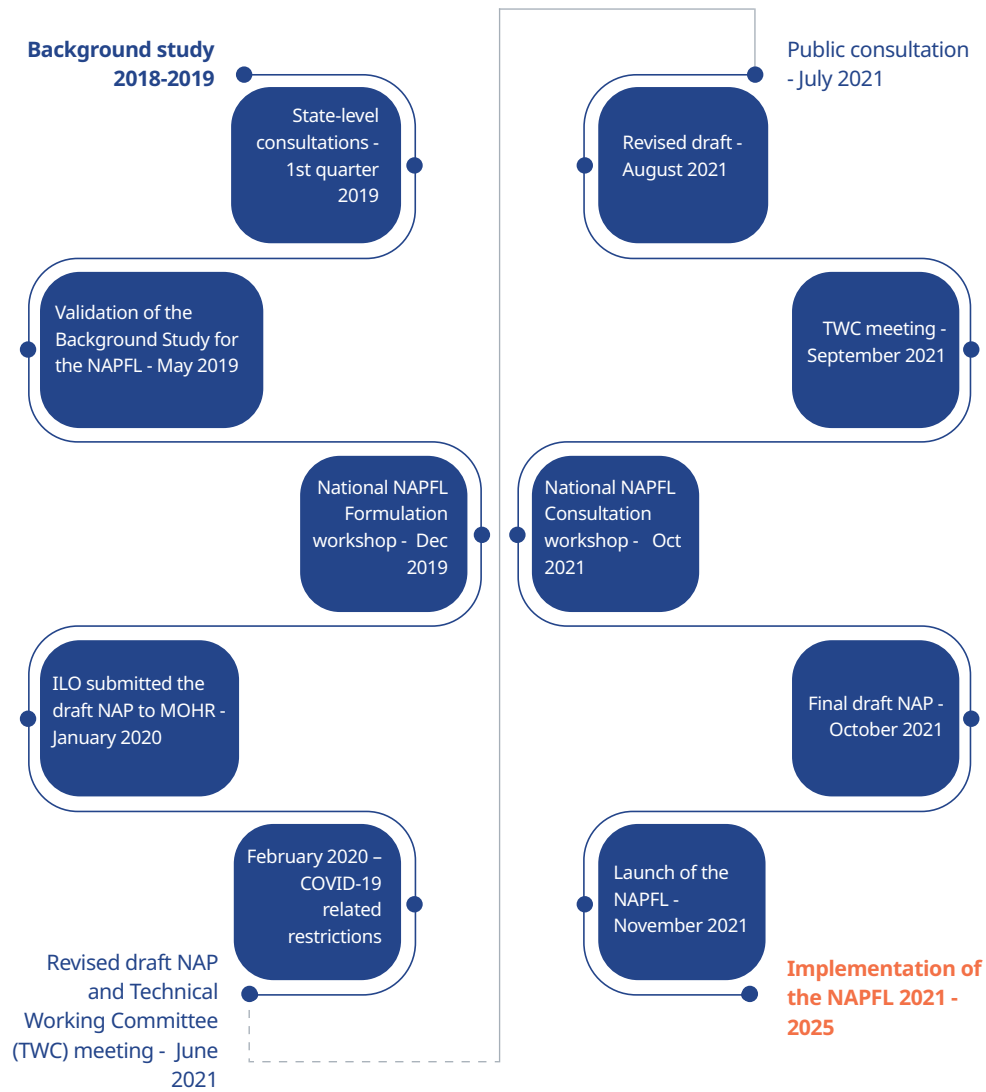
*The NAPFL was formulated through a series of consultations. A Background Study for the Development of National Action Plan on Forced Labour was developed from December 2018 – August 2019.*

Multiple consultations were conducted in Peninsular Malaysia, Sabah and Sarawak during such period, involving government agencies and representatives from workers, employers, civil society, youths and academe. The Sabah and Sarawak workshops were held in partnership with SUHAKAM on April 2019. Stakeholders deliberated and agreed on priorities for the NAPFL in a national workshop on 2-5 December 2019. ILO submitted the draft NAP framework document based on the national workshop on 23 January 2020.

Due to COVID-19, various movement control orders since March 2020 have delayed the development of the NAPFL. However, during this time, both MOHR and ILO supported the process of developing the NAPTIP 2021-25. On 14 July 2020, ILO submitted a document on proposed inclusions to the National Action Plan on Trafficking in Persons (NAPTIP), taking from the NAPFL framework document.

The NAPTIP 2021-25 process was completed on March 2021 with the integration of forced labour activities. The original NAP development plan foresaw regional consultations as a follow-up to the national stakeholder workshop, but this plan was put on hold due to COVID-19. As such, wider NAP results framework presented below was developed, allowing for more detailed planning at state and institutional levels as part of the implementation process.

The formulation process is summarised in figure 2 below:



## 4.1 Vision

The vision for the NAPFL is to **eliminate the use of forced labour in any and all forms in Malaysia by 2030.**

## 4.2 Guiding Principles

The NAPFL is guided by the following fundamental principles in line with SDG 8, ILO P29 and the UNGP:

The NAPFL considers **forced labour as a violation of fundamental human rights.** As such, all human beings, regardless of gender, age, nationality, ethnicity, religious beliefs or political affiliation, their migration status or any other personal or social characteristic have the right to be protected from forced labour as part of the upholding of their universal indivisible and interdependent human rights.

Support to victims, protection services, migration management services, and other interventions must be **trauma informed, victim centred, and must not criminalise victims.** Moreover, they must be **gender responsive and age appropriate** and take the voice and needs of the victims into account.

**It is the duty of the State to protect anyone living and working in Malaysia from forced labour and it is the duty of all businesses operating in Malaysia to comply with regulations on forced labour.** This includes a responsibility for businesses to carry out appropriate and adequate due diligence within their supply chains and to establish appropriate responses and remediation mechanisms (including financial compensation) to deal with forced labour.

Stakeholders must work in **partnership** to coordinate and implement this NAPFL, which aims to address the root causes of forced labour through strengthening legislation and enforcement, raising awareness, improving migration management and recruitment practices, and strengthening support services.

### 4.3 NAPFL Pillars

*The interventions in this NAPFL fall under the '4Ps strategy to prevent and eliminate forced labour'. This strategy is based on ILO Recommendation 203 (R203) accompanying P29, to guide the implementation of the principles in ILO C29 and P29.*

The first "P" refers to **prevention** of forced labour. Prevention is often more effective than cure and it saves individuals from exploitation and abuse and potentially traumatising experiences. Prevention strategies typically address the root causes of forced labour to remove the drivers behind forced labour and prevent forced labour from happening in the first place.

*In this NAPFL, prevention strategies are the backbone of Strategic Goals 1,2 and 3, which all intend to prevent forced labour through addressing identified root causes of forced labour in Malaysia.*

Strategic Goal 1 focusses on raising awareness about forced labour among key target groups, including workers and employers and increasing the

knowledgebase on forced labour in the country, for use in advocacy and policy development. Strategic Goal 2 focuses on enforcement and prosecution. Strategic Goal 3 focuses on strengthening migration management capacity to prevent exploitation of migrant workers.

The second "P" refers to **protection of victims**. This pillar builds upon the fundamental principle that victims are victims, not criminals, and they should be protected from discrimination, from their perpetrators and from becoming repeat victims. NAPFL Strategic Goal 2 focuses on improving identification of victims, and Strategic Goal 4 on providing victims with improved services, and strengthening the systems for this.

The third "P" refers to **prosecution**. R203, perhaps more accurately, talks about law enforcement of which effective prosecution of perpetrators is an element. Law enforcement also encompasses such things as effective inspection regimes, police investigations (that will collect evidence and enable prosecution) and identification of victims. Importantly, laws must be complied with and it is the duty of businesses (and individuals) to adhere with legislation.

Strengthening law enforcement and compliance cuts across all the Strategic Goals in the NAPFL. Improved awareness on forced labour is expected to lead to better compliance with legislation. Enhanced data collection and a stronger knowledge base will support

enforcement initiatives, legal reviews, establishment of systems, among others and improved migration management including enforcement. Strategic Goal 4 on protection services and system links to law enforcement as the ability to refer victims to appropriate services and protect them during investigation and possible court cases in line with the guiding principles above.

The fourth and final "P" refers to **partnership**. Partnerships between multiple partners with different mandates, skills and specialisations are essential to tackle multi-causal, complex issues like forced labour. The foundation for the NAPFL development and implementation modality is partnership among federal and state government agencies, workers' and employers' organisations particularly MTUC and MEF, recruitment agencies, industry associations, businesses, NGOs, academia etc. to work towards the same goal of eliminating forced labour in Malaysia, as defined in this NAPFL.

The following section describes the NAPFL vision, guiding principles and pillars which are operationalised into strategic goals and programme areas.

### 4.4 Strategic Goals

*The overall aim for the NAPFL is that **by 2025 the forced labour incidence in Malaysia is reduced.***

Towards this aim, the NAPFL consists of four Strategic Goals to be realised by 2025. These goals were defined by stakeholders during NAPFL consultations and stakeholders expect, that realising these goals will contribute to the visions of the NAPFL, which is to **eliminate the use of forced labour in any and all forms in Malaysia by 2030.**

*By 2025, there will be improved knowledge base and awareness and understanding of forced labour among workers and employers, young people, government staff and the general public;*

*By 2025, there will be improved legal compliance and enforcement related to forced labour;*

*By 2025, migration management, including recruitment practices, will be strengthened; and*

*By 2025, victims of forced labour will have improved access to remedy, support and protection services and systems to prevent forced labour will be improved.*



## 4.5 Programme Areas

*Each of the four Strategic Goals corresponds to a programme area under the NAPFL. Each Programme Area will cover interventions at tackling root causes and drivers of forced labour in Malaysia.*

The Programme Area under **Strategic Goal 1** focuses on increasing awareness and understanding of forced labour, both among individuals who are at increased risk, among duty bearers and in the general public.<sup>10</sup> Understanding forced labour and conducting evidence-based discussions on forced labour is seen as an essential strategy to prevent and mitigate forced labour.

If forced labour is a poorly understood and under-recognised issue, those who may become victims are less likely to be able to protect themselves; families and communities are less likely to be able to protect their members; and duty bearers are less likely to identify and address

<sup>10</sup> General public in this context means any person or group that may have an impact on forced labour directly or indirectly, and includes broad groups like 'youth', 'consumers' etc. More specific definitions will be applied when activities are implemented

forced labour, if it goes 'under the radar'. Moreover, misconceptions about forced labour (e.g., confusing victims with illegal aliens) may influence public perceptions and make forced labour harder to eradicate.

pre-condition for improved understanding and an open, productive dialogue that will prevent misunderstandings and facilitate effective action is robust data collection and information dissemination.

*Therefore, the NAPFL prioritises creating solid understanding and open dialogue about forced labour, as a pre-condition for further action.*

Therefore, the interventions will also include data collection, analysis, and dissemination. The backbone of the NAPFL data strategy is the creation of a database in the MOHR that will collate data and information about forced labour from multiple sources, across sectors and organisations.

By creating such a database, partners will be able to draw comprehensive reports at different scales (e.g., national level, at state level, sectoral/industry level) and use these for analysis. The NAPFL prioritises, in particular, the production of evidence-based policy studies that will be useful for legal review and planning.

The **Strategic Goal 2** Programme Areas will focus on building capacity for law enforcement among relevant government authorities, such as the Labour Inspectorate. Equally important, Programme Area 2 will include activities to support legal compliance by employers and workers. Promoting stronger legal compliance will prevent forced labour from occurring in Malaysian workplaces, in both the formal and informal sector. Hence, the Programme Areas will include information and outreach to business owners in forced labour prone sectors and areas to ensure that they understand their legal obligations.

Moreover, workers will be informed about their rights and about the ways in which they may access support and services, notably through the National Grievance Mechanism. As such, Programme Area 2 links closely with the awareness raising activities under programme area 1 and the activities to strengthen recruitment practices under Programme Area 3.

As forced labour is very intricately linked to the migrant workers in Malaysia, improved migration management is a key component in the efforts to prevent

forced labour in Malaysia and therefore the focus for **Strategic Goal 3**. Migration management, by nature, is transnational and the interventions under Strategic Goal 3 fall into three interdependent priority areas. First, the NAPFL intends to ensure that Malaysia enters into MOUs and other Government to Government cooperation with sending countries in the region to ensure transparent processes and to encourage sending countries to play an active role in preparing their nationals for migrant life and work. This could be, for example, through improved pre-departure training for migrant workers. Secondly, the NAPFL intends to improve recruitment procedures and processes, notably through improved regulation of recruitment agencies. This could also become part of MOUs with sending countries in addition to activities to strengthen the operations of private employment agencies in Malaysia.

Both of these priorities also intend to prevent forced labour through regularising migration and protect migrant workers from the risks associated with irregular migration. The third priority area under Strategic Goal 3 is improving capacity among migration and other key officials, e.g., Labour Inspectors, to identify forced labour, support migrant workers at risk and implement the provisions of relevant pieces of legislation. This includes, for example, improved capacity to ensure that migrant workers are legally registered and able to obtain services.

Activities under Strategic Goal 3 will be coordinated very closely with activities under the NAPFL, under which

improving migration management in relation to human trafficking is also a priority. It is important to recognise that migrant workers and stateless people may also be vulnerable to forced labour without being the victims of human trafficking. However, to ensure adequate safety net for vulnerable individuals, migration management needs to be a priority under more than one NAP. Collaboration with duty bearers outside the country's border (i.e. in sending countries) to prevent activities which contribute or may be the root cause of forced labor will be enhanced.

**Strategic Goal 4** priority interventions will strengthen capacity to identify victims of forced labour, including through improved complaints mechanisms and procedures in businesses and linking with the Government's grievance mechanisms. It also includes improving the capacity to protect victims and refer them to appropriate remedial services and compensation through establishing a national referral mechanism with clear and uniform Standard Operating Procedures (SOPs).

Relevant government agencies, trade unions, and CSOs will work together to develop and deliver protection services to victims. Trade unions and CSOs have played a crucial role in identifying and supporting victims of forced labour in Malaysia.

Providing migrant workers with information about their rights and securing that their voices are heard is an

integral part of the priority interventions under all four Strategic Goals. Moreover, ensuring that communications, SOPs, research and other activities are gender sensitive will be a cross-cutting priority for the NAPFL.

It should be noted that several of the interventions in the four programme areas are, at least in part, already covered by the NAPTIP. Hence, areas that are also included under Strategic Goal 5 of the NAPTIP are colour coded in the NAPFL matrix below.

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*The NAPFL Strategic Goals can only be reached if multiple partners work together to implement the NAPFL activities. The implementing partners must include the relevant government agencies, as well as civil society organisations.*

Workers' organisations particularly MTUC and its affiliates, play a particularly important role in the implementation of the NAPFL, representing the workers who may be directly or indirectly impacted by forced labour.

Similarly, employers' and member-based organisations including MEF play a

critical role in the implementation of the NAPFL. They represent businesses whose responsibility is to implement human rights due diligence and whose businesses may suffer the reputational and economic consequences of forced labour, even when it is found in someone else's business.

In addition, CSOs and community-based organisations, research institutions, the media, youth organisations and others play an important role in reaching out to workers, communities, young people, and the public. Their roles also include analysing and understanding forced labour and disseminating knowledge and information and fostering dialogue to provide their own knowledge and expertise in policy formulation and legal reviews.

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*It is also important to underline, that the NAPFL activities and outputs are formulated in a broad, general way to allow for adaptation in the context of Peninsular Malaysia, Sabah and Sarawak, respectively.*

Thus, the NAPFL is not a blueprint for implementation. Rather, it is an overall framework for results-based implementation, within the given context in a particular part of the country, and by different organisations that are expected to integrate the NAPFL provisions into their organisational plans and activities.

## 4.6. NAPFL Matrix Structure

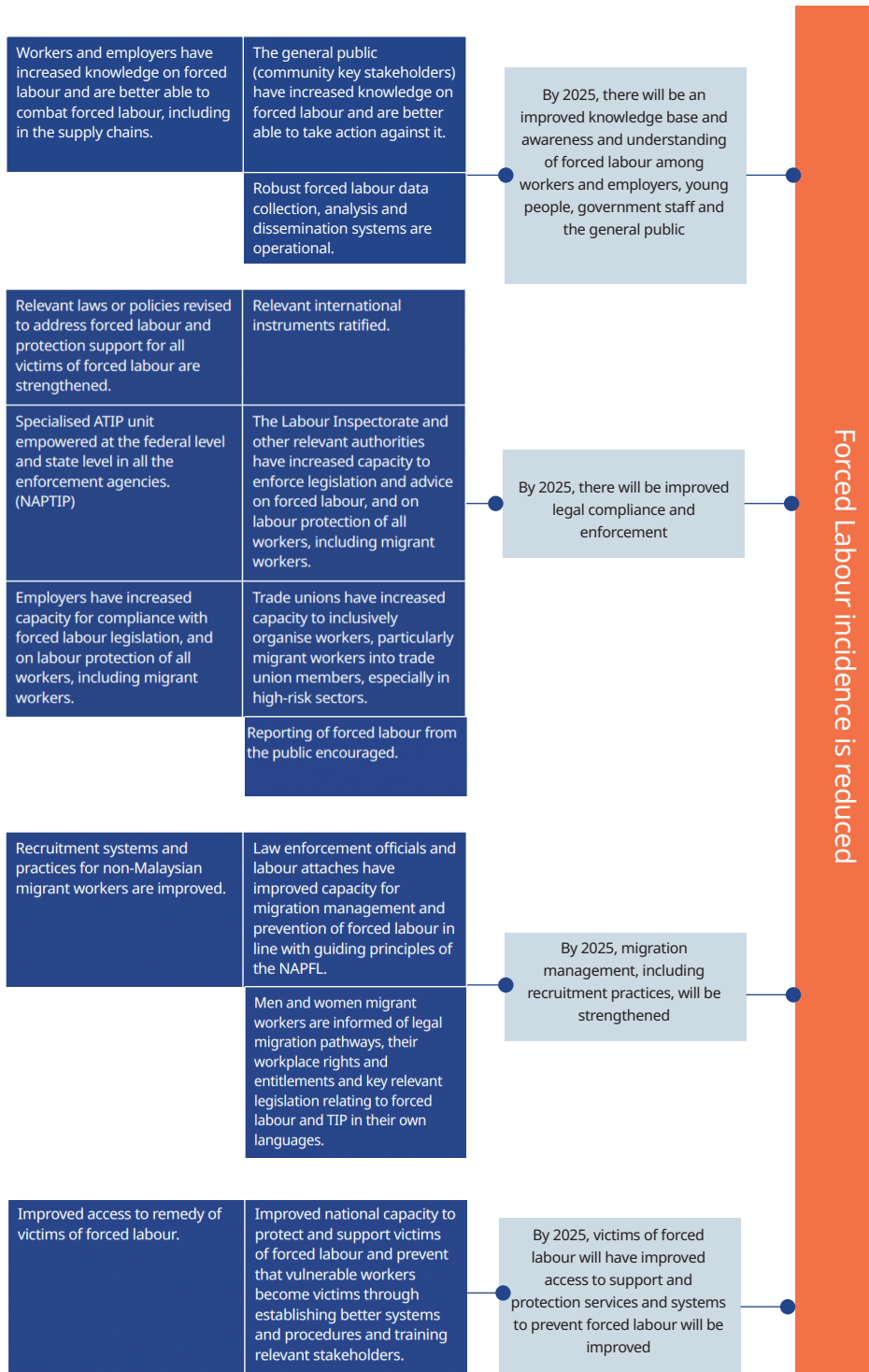
The NAPFL results matrix in Annex 1, details the expected outcomes and key activities under each Strategic Goal of the NAPFL.

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*It should be emphasized, that this is an overall results framework and the key activities will be adjusted to suit different organisations in various parts of the country and more consultations towards this end may be held nationally and in Sabah and Sarawak.*

Therefore, the matrix does not contain specific timelines and implementing agencies for each activity. The timelines and responsible agencies in matrix 1 related to the outcomes are meant to guide the implementation of activities. The timelines indicate when the outcomes are targeted for realisation and the responsible agencies indicate core agencies that are expected to implement activities but the list is non-exhaustive and can be adjusted during planning and implementation.

The Results Framework Matrix is supplemented by a separate Monitoring and Evaluation (M&E) Framework contained in Annex 2. The matrix was developed based on a general Theory of Change (TOC) that is summarised in the next figure:



# 5

## Monitoring and Evaluation

## 5.1 Roles and Responsibilities of Committees

*The NAPFL governance and coordination structures will play a key role in the overall implementation, monitoring and evaluation of the NAPFL. Please refer to Figure 1 on page 34 for the Institutional Framework.*

### Steering Committee:

- Convene multi-stakeholder meetings to discuss about NAPFL implementation
- Oversee and guide the overall implementation of the NAPFL
- Provide policy guidance relevant to NAPFL
- Monitor and evaluate the effectiveness of interventions in the NAPFL and provide M&E guidance to the Technical Committees
- Discuss and decide on arising issues raised by the Technical Committees

### Technical Committees (Awareness, Law and Enforcement, Labour Migration and Protection and Remedies):

- Discuss and coordinate implementation of activities under their respective Strategic Goal
- Provide information and progress reports to Steering Committee for M&E purposes
- Propose solutions and ways forward to the Steering Committee on arising issues
- Implement the decision of the Steering Committee at the Technical Committee level

## 5.2 Monitoring and Evaluation Process

*The NAPFL will be monitored by the Steering Committee with inputs and regular reporting from the Technical Committees.*

The monitoring will be done against the indicators included in Annex 2 M&E Framework. The indicators are designed to measure the achievements of the NAPFL against the Strategic Goals' impact indicators.

Measurement of the pace and progress of implementation of NAPFL activities will be included in organisational workplans and reports. This information will be collated by the Technical Committees for submission to the Steering Committee. In addition, a midterm review, overseen by the Steering Committee will be undertaken in 2023 to take stock of progress on the implementation of the NAPFL and adjust the results framework if needed.

This midterm review will take stock of implementation pace and coverage and identify emerging results and gaps in the expected impact of the NAPFL.

Achievement of outcomes will be measured against the target timelines

included in Annex 1. This information will also be collated from implementing partner reports and workplans as required and shared with relevant bodies.

Throughout the lifespan of the NAPFL, monitoring and evaluation will be coordinated with monitoring and evaluation of other national plans and frameworks, such as the NAPTIP, NAPBHR and NAPCL, as needed. MOHR will lead this coordination effort.

*At the beginning of the NAPFL implementation, MOHR in coordination with relevant agencies including DOSM, will undertake a baseline survey against selected NAPFL impact indicators. This will be followed by an end-line survey against the indicators in 2025 to measure achievement of the NAPFL Strategic Goals.*

## Annex 1: National Action Plan on Forced Labour (2021-2025) by Results Matrix

The NAPFL Results Matrix identifies key outcomes and activities as well as the Technical Committee responsible for implementing the key activities and the timeline for the implementation.

The key outcomes and activities that are also included in the NAPTIP and where implementation of the activities may therefore be deferred to the NAPTIP framework in part or in full.

Annex 1: NAPFL Results Matrix

NAPFL GOAL: Forced labour incidence is reduced				
No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
1	By 2025, there will be an improved knowledge base and awareness and understanding of forced labour among workers and employers, young people, government staff and the general public  (Implementation to be coordinated by the Technical Committee on Awareness)	1.1. Workers and employers have increased knowledge on forced labour and are better able to combat forced labour, including in the supply chains	<p>Conduct a rapid national forced labour awareness assessment among companies to assess their level of understanding and awareness of forced labour in their operations.</p> <p>Engagement with employers/ identified industry players/labour recruiters, and workers to raise awareness on issues such as:</p> <ul style="list-style-type: none"> <li>a) Relevant legislation relating to employment of migrant workers, including fair and decent wages, passport retention and penalties for offences, forced termination of employment;</li> <li>b) Ethical recruitment practices;</li> <li>c) Forced labour indicators including debt bondage; and</li> <li>d) Combating labour trafficking. (NAPTIP)</li> </ul> <p>Require Human Resources managers of companies to undergo pre-recruitment approval orientation where in the module will cover all relevant laws, forced and child labour including human trafficking, gender dynamics and other relevant matters conducted by the MOHR as a prerequisite for getting necessary permits from MOHR.</p> <p>Sharing and disseminate information with multinational companies on forced labour-related policies and guidelines, including on recruitment fees definition, recruitment cost remediation, approved recruitment agencies to follow, grievance mechanisms to enable them to enforce these requirements with their Malaysian suppliers as well as recruitment partners.</p>	2023 (partially), 2025

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
			<p>Implement targeted awareness raising to support the implementation of the other NAPFL interventions, e.g. awareness about freedom of association and how it protects workers against forced labour, awareness to employers about due diligence and remediation responsibilities and gender dynamics in forced labour.</p> <p>Disseminate information materials to workers and employers about ATIPSOM Act and labour laws relating to forced labour and child labour. (NAPTIP)</p> <p>Develop communication strategy including dissemination plan for informational materials that are simple and easy to understand, taking into consideration workers' literacy, gender needs and other important factors.</p>	
		1.2. The general public (community key stakeholders) have increased knowledge on forced labour and are better able to take action against it	<p>Implement awareness-raising targeted to increase the public's knowledge about indicators of forced labour and how to report these cases.</p> <p>Government issues statements and raise awareness against xenophobia, that has an impact on how migrant workers are treated and exploited.</p> <p>Awareness programmes to target sectors known for TIP and forced labour such as domestic work, hospitality, fisheries, plantation, manufacturing and construction. (NAPTIP)</p> <p>Enhance implementation of relevant media campaigns (for example advertisements in public transport systems) targeting children, young persons, parents, men and women migrant workers and the general public on forced labour and child labour. (NAPTIP)</p>	2023 (partially), 2025

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
			<p>Hold town-hall meetings and other events to raise awareness and mobilise Malaysian and migrant communities and other stakeholders including Embassies to participate in action against forced labour, with consideration of hybrid meetings where outreach even to the undocumented population is made possible (for example, face-to-face with online options).</p> <p>Establish feedbacking mechanism from the public about forced labour issues in Malaysia.</p> <p>Publicly share key reports or updates on the progress of implementing the NAPFL.</p> <p>Develop platforms for focused discussions and consultations with the private sector to identify opportunities for collaboration and sharing of experiences, good practices and lessons learned.</p> <p>Require employers to put forced labour posters from the government, and include in labour inspection checks.</p> <p>Encourage oil palm owners and operators to make public declarations that they will respect and raise awareness of workers' rights within the ambit of the law, and refrain from using coercion, deception and fraud in dealing with workers.</p> <p>Encourage large companies with good labour practices to share their best practices with small and medium-sized companies for them to emulate and improve overall worker welfare in the sector.</p>	

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
		1.3. Robust forced labour data collection, analysis and dissemination systems are operational	<p>Conduct baseline mapping exercise to identify what sources of data on forced labour are available from different stakeholders, and what gaps exist in existing data sources.</p> <p>Collect data that are not available as per mapping and establish a forced labour database collecting information across different authorities and organisations, with strong respect for privacy and victim protection and taking into account gender dynamics.</p> <p>Develop Government Mechanism to collect national statistical database on forced labour.</p> <p>Regularly analyse data (from database) to identify trends and possible policy gaps and recommendations, monitoring and evaluation of national action plan implementation, reporting commitments under national, international, and regional (for example ASEAN-level) reporting mechanisms.</p> <p>Publish or share reports from data analysis.</p> <p>Undertake a gender and age sensitive analysis of gaps in policies and legislation in order to allow revisions as required. (NAPTIP)</p>	2022
2	By 2025 there will be improved legal compliance and enforcement related to forced labour  (Implementation to be coordinated by the Technical Committee on Law and Enforcement)	2.1. Relevant laws or policies revised to address forced labour and strengthen protection support for all victims of forced labour	<p>Amend relevant provisions of the Employment Act to introduce offence regarding forced labour, with strong punishment.</p> <p>Amend policies that tie migrant workers to their employers, and develop other strategies to prevent abscondment, and address high recruitment fees paid by employers.</p>	2022

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
			<p>Enhance the current MOHR Employers Undertaking to cover ensuring no Fees are Charged to Workers.</p> <p>Amend Private Employment Agencies Act to not allow any charges to be made to migrant workers.</p> <p>Amend Trade Unions Act to remove barriers to freedom of association.</p> <p>Strengthen protection of workers on their right for peaceful assembly in airing grievances related to forced labour.</p> <p>Review and consider adoption of the Minimum Wage Order for domestic workers.</p> <p>Review and amend policies to allow migrant workers to form and register organisations in Malaysia.</p> <p>Develop human-centered strategy to address the issue of undocumented population in Sabah, including review of policies and provision of guidance on responsibilities of relevant parties (duty bearers, employers, employees) in relation to the legalization of refugees and stateless workers (and their families) in Sabah.</p> <p>Develop human-centered strategy to protect refugees and asylum-seekers from labour abuses including forced labour including setting up refugee management system to ensure they have access to remedial mechanisms and services if they experience forced labour and related exploitation.</p> <p>Require all Malaysian agencies to register with respective sending country embassies, to be subjected to the strict monitoring of these embassies in terms of protection of the migrant workers.</p>	

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
		2.2. Relevant international instruments ratified	<p>Ratify ILO Forced Labour Protocol of 2014.</p> <p>Review possibility of re-ratifying the ILO Abolition of Forced Labour Convention.</p> <p>Review and consider ratification of relevant ILO convention such as,</p> <ol style="list-style-type: none"> <li>1) C87 - freedom of association, right to organise and collective bargaining;</li> <li>2) C189 - domestic workers; and</li> <li>3) C190 - violence and harassment at the workplace.</li> </ol> <p>Review and consider ratification of other human rights instruments, such as International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.</p>	2022
		2.3. Specialised ATIP unit empowered at the federal level and state level in all the enforcement agencies (NAPTIP)	<p>Conduct periodic labour inspection, including unannounced inspections, at the workplaces, particularly in areas where labour trafficking and child trafficking are known to occur and assess the risk of forced labour in companies' operation and supply chains, and include checking of work permit renewals. (NAPTIP)</p> <p>Conduct needs assessments for prosecution agencies and judiciary officials to develop and institutionalise specialised training (using ILKAP-ILO Training on forced labour for Judges, Prosecutors and Legal Aid Practitioners)/sharing best practices programme on TIP. (NAPTIP)</p> <p>Re-train judges, prosecutors and legal aid practitioners on indicators of forced labour and trafficking including mental and psychological coercion.</p>	As per NAPTIP

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
			<p>Organise knowledge sharing session on the interpretation and application of the ATIPSOM Act and its new Amendments. (NAPTIP)</p> <p>Organise training for Investigating Officers (IOs) and Deputy Public Prosecutors (DPPs). (NAPTIP)</p> <p>Hold conference between enforcement agencies and prosecution. (NAPTIP)</p> <p>Hold conference between judges and prosecutors. (NAPTIP)</p> <p>Pursue cross border collaboration with foreign law enforcement to investigate or prosecute perpetrators in country of origin while prosecuting those in Malaysia. (NAPTIP)</p> <p>Conduct capacity building for enforcement officers in collaboration with relevant local and international agencies to increase understanding of ATIPSOM Act and on the National Guidelines on Human Trafficking Indicators (NGHTI) to identify victim of trafficking in persons in line with international standards. (NAPTIP)</p> <p>Organise local and foreign specialised trainings for IOs especially those in the specialised ATIP unit in collaboration with CSOs on topics such as:</p> <ol style="list-style-type: none"> <li>a) Victim-centred response; and</li> <li>b) Trauma-informed approach. (NAPTIP)</li> </ol>	



No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
			<p>Train labour inspectors on labour trafficking, forced labour and child labour issues e.g.:</p> <p>a) Compliance of labour standards;</p> <p>b) The Fundamental Principles and Rights at Work; and</p> <p>c) Conducting gender and child responsive labour inspection. (NAPTIP)</p> <p>Develop government strategy to institutionalize trainings on forced labour.</p>	
		2.4. The Labour Inspectorate and other relevant authorities have increased capacity to enforce legislation and advice on forced labour, and on labour protection of all workers, including migrant workers	<p>Increase the number and resources of labour inspectors as well to reach the ideal number of inspectors per number of workers according to ILO benchmarking and recommendations.</p> <p>Develop joint inspection systems and procedures that allow different law enforcement arms to coordinate and undertake joint inspections in workplaces, with primary objective of assessing presence of forced labour indicators.</p> <p>Establish a database on companies that were sanctioned for forced labour offences.</p> <p>Conduct regular compliance audit on the approved recruitment agencies.</p> <p>Strengthen requirements for employment agencies' certification, and/or official registration based on clear commitment and verified practices of ethical recruitment and transparency.</p> <p>Conduct tailored training (workshops, e-learning courses or similar as appropriate) sessions on forced labour legislation, inspection and prosecution for <u>Labour Officers</u>.</p>	2024

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
			<p>Conduct tailored training (workshops, e-learning courses or similar as appropriate) sessions on forced labour legislation, inspection and prosecution for <u>Police Officers and the judiciary</u>.</p>	
		2.5 Employers have increased capacity for compliance with forced labour legislation, and on labour protection of all workers, including migrant workers	<p>Conduct training and outreach activities with employers organisations and business representatives, with the involvement of government, trade union and CSO representatives.</p> <p>Develop internal complaints mechanisms in companies that are transparent, accessible, zero retaliation and provides access to remedy and referral mechanism to relevant parties.</p> <p>Employers develop written policy/ code of practice/ action plans to prevent and address forced labour, including (but not limited to) appointing human rights focal points in their HR departments.</p> <p>Employers include reporting on mandatory human rights due diligence in company disclosures.</p> <p>Support SMES in developing genuine and effective grievance mechanisms that comply with international good practices and human rights standards.</p> <p>Implement MSPO nationwide to make MSPO certification mandatory.</p> <p>Explore opportunities in harmonising decision making process about whether an individual is a potential TIP victims or related forms of exploitation (for example: victims of slavery, servitude and forced labour or services). (NAPTIP)</p>	2023

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
		2.6. Strengthen trade union capacity and inclusivity to organise workers, particularly migrant workers into trade union members, especially in high-risk sectors.	<p>Conduct training and outreach activities with workers' representatives.</p> <p>Trade unions provide assistance to potential victims of forced labour in submitting their complaints, and also in tripartite dialogues with workers and government.</p> <p>Trade unions organise more migrant workers to join especially in high-risk sectors such as domestic work.</p> <p>Increase penalties for employers and employment agencies prohibiting workers from joining trade unions, and strengthened enforcement of the Trade Unions and Industrial Relations Acts.</p>	2023
		2.7. Reporting of forced labour from the public encouraged	Develop programme for whistle blowers, informers and human rights defenders as means to get information on forced labour including establishing special funds for informers whose identity remains confidential, and to verify information received from these parties.	2025
3	By 2025, migration management, including recruitment practices, will be strengthened  (Implementation to be coordinated by the Technical Committee on Labour Migration)	3.1. Recruitment systems and practices for non-Malaysian migrant workers are improved	<p>Make application criteria, timelines and procedures for recruitment of documented migrant workers more transparent, and publish in MOHR website.</p> <p>Develop clear national definitions of recruitment fee and associated costs including illegal payments, identifying employers' responsibilities, and publish in MOHR website.</p> <p>Provide clear guidelines for cost remediation of recruitment fees paid by workers, and publish in MOHR website.</p>	2022, 2025

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
			Consult relevant stakeholders in preparing for negotiations and review of bilateral agreements/MOUs with source countries. (NAPTIP)	
			Liaise with other governments by actively participating in regional/international forums/platforms. (NAPTIP)	
			Negotiate new or review existing bilateral agreements/MOUs with all source countries and ensure the full and effective implementation to prevent women and men migrant workers from being trafficked into the country and exploited, when necessary. (NAPTIP)	
			Increase transparency and public access to bilateral agreements and MOUs, and the provisions that protect migrant workers from forced labour, regulating recruitment agencies, awareness raising to potential migrant workers as well as source countries' responsibility in providing clear guidelines to prevent illegal payments or other payments by the workers in their country.	
			Develop guidelines for approved recruitment agencies to follow for more transparency in recruitment process. (NAPTIP)	
			Collaborate with sending countries to disseminate information to the respective parties which includes the recruitment agencies. (NAPTIP)	
			Conduct engagement sessions with recruitment agency staff on national trafficking in persons and labour laws. (NAPTIP)	

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
			Identify and address gaps in migration and employment frameworks, including visa framework, for example: consider reviewing policies on renewal of work permits to allow workers to renew their own work permit and to change employers during the time period for which the permit is granted. (NAPTIP)	
			Monitor labour recruiters' licence in Malaysia and their practices in terms of legal compliance. (NAPTIP)	
			Develop policy for non-automatic cancellation of work permits just based on a police report submitted by the employer reporting abscondment but instead conducting investigation looking at possible indicators of forced labour.	
			Develop a mechanism to monitor salary deductions by employers particularly those related to recruitment fees.	
			Conduct labour supply and demand matching for recruitment of migrant workers.	
			Enhance existing private social compliance systems including increasing workers' voice and providing training for social auditors.	
			Reduce the cost (including hidden and undeclared costs) for recruiting documented migrant workers to prevent recruitment of undocumented workers.	
		3.2. Law enforcement officials and labour attachés have improved capacity for migration management and prevention of forced labour in line with the guiding principles of the NAPFL	Recruit, train and deploy additional law enforcement officials at borders to address trafficking for forced labour issues.	2023, 2025

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
			Train foreign and Malaysian labour attachés, immigration officials, border police, labour inspectors and other law enforcement personnel on forced labour laws, labour migration and vulnerabilities of migrant workers, victim identification and support.	
			Increase monitoring of compliance with work permits with the onus to the employers.	
		3.3. Men and women migrant workers are informed of legal migration pathways, their workplace rights and entitlements and key relevant legislation relating to forced labour and TIP, in their own languages.	Develop a mandatory pre-departure orientation programme with a rights based framework targeted at migrant workers to inform them of their rights, the relevant laws relating to forced labour, child labour and TIP. (NAPTIP)	2022, 2025
			Enter into agreement with source countries to make public the recruitment costs at both countries.	
			Pursue government-to-government cooperation.	
			Conduct mandatory post-arrival sector-specific orientation training designed to supplement the pre-departure training and ensure there is clear regulation on: <ul style="list-style-type: none"> <li>a) List of licensed post-arrival service providers provided sending countries to be recognised by Malaysia after an auditing process;</li> <li>b) Standardised post-arrival training according to sector;</li> <li>c) Random auditing of workers on post-arrival;</li> <li>d) Random auditing of training providers in Malaysia on the training; and</li> <li>e) Private employment agencies and employers compliance on this.</li> </ul>	

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
			<p>Pilot a programme to provide men and women migrant workers with information on rights, access to essential services and complaints mechanism through Information, Education and Communication (IEC) materials in multiple languages provided by immigration/customs officials upon entry to the country. (NAPTIP)</p> <p>Develop and deliver on-arrival training and information to migrant workers on forced labour definitions and risks, legal requirements and possible avenues for assistance for victims. (NAPTIP)</p> <p>Explore a pilot automatic issuance of Special Pass and Visit Pass to migrant workers who are seeking redress through the Labour Department or the Industrial Relations Department to remain in Malaysia and work, until the final disposition of their case.</p> <p>Engage the migrant community leaders, foreign spouses, foreign language teachers and embassy officials in an institutionalised system to assist in interpretation with victims of forced labour.</p>	
4	<p>By 2025, victims of forced labour will have improved access to remedy, support and protection services and systems to prevent forced labour will be improved</p> <p>(Implementation to be coordinated by the Technical Committee on Protection and Remedies)</p>	4.1. Improved access to remedy of victims of forced labour	<p>Enhance Working for Workers app to allow all workers, including undocumented to report potential forced labour cases, and with the following enhancements:</p> <ul style="list-style-type: none"> <li>• strengthening features of workers' privacy and non-retaliation;</li> <li>• strengthening complaint features that enable adequate capturing of indicators of forced labor;</li> <li>• widen socialization of the existing grievance mechanisms, including the Working for Workers Apps to employers particularly in high risk sectors such as manufacturing, construction and plantation; and</li> <li>• enhance capacity of the grievance handlers (under MOHR) to effectively mediate and address grievances, including potential cases of forced labour.</li> </ul>	2022, 2025

No	Strategic Goal	Outcomes	Activities	Timeline/Target year of achievement of outcome
		4.2. Improved national capacity to protect and support victims of forced labour and prevent that vulnerable workers become victims through establishing better systems and procedures and training relevant stakeholders	<p>Increase the number of support services (e.g. shelters, freedom of movement, skills training opportunities, employment opportunities) for victims of forced labour, starting with establishing a new shelter in Sarawak.</p> <p>Conduct needs assessment to check if the views of victims have been taken into consideration and that support services made available are relevant to their needs.</p> <p>Train law enforcement officials and court staff, workers, employers, NGO representatives, labour attaches or consular officers, religious and community leaders on forced labour and ways to support victims and prevent forced labour.</p> <p>Support businesses to establish human rights departments and implement prevention and remediation measures, using experiences from existing initiatives.</p> <p>Develop and implement a specific remediation plan at national or state level, identifying specific key actors and their mandates and ensuring coordination and nation-wide coverage of remediation and support services.</p> <p>Disseminate guidelines on national referral mechanism, with clear roles and responsibilities of different parties.</p>	2023, 2025

## Annex 2: National Action Plan on Forced Labour Monitoring and Evaluation Framework

Strategic Goals	Indicators (use existing indicators where possible)	Means of verification	Who will do the monitoring?	Frequency
Overall Goal: Forced labour incidence is reduced	Prevalence rate of forced labour in selected industry/ies and/or nationally by sex, age group, state, and nationality	Surveys	DOSM	Twice (Baseline and at the end of 2025)
	Number of forced labour victims (both trafficking and non-trafficking related) identified in Malaysia by sex, age group, state, and nationality	Reports from complaints mechanisms, CSOs, law enforcement agencies	MOHR with MOHA	Annually
SG1: By 2025, there will be an improved knowledge base and awareness and understanding of forced labour among workers and employers, young people, government staff and the general public	% increase in survey respondents among workers and employers, young people, government staff and the general public who are aware about forced labour indicators and are aware of means to report this	Online polls CSO and NGO feedback	Awareness Committee Enforcement Committee	Twice (Baseline and at the end of 2025)
	Number of migrant workers <sup>11</sup> , by sex, age group and nationality who have received information in their own languages, about legal migration pathways, labour rights, complaints mechanisms, support options and/or relevant legislation relating to forced labour and TIP	Report from implementing partners / online polls Employment contracts in native language	Awareness Committee	Annually
SG2: By 2025 there will be improved <sup>12</sup> legal compliance and enforcement related to forced labour	Total number of forced labour complaints, filed through the Working for Workers app	Working for Workers reports	Legal and Enforcement Committee	Twice (Baseline and at the end of 2025) Annually
	Number of forced labour complaints, filed through the Working for Workers app, that lead to Department of Labour investigation, mediation and/or prosecution	Working for Workers reports	Legal and Enforcement Committee	Twice (Baseline and at the end of 2025) Annually

<sup>11</sup> This includes both documented and undocumented migrant workers

<sup>12</sup> When measuring improvement in the compliance and enforcement of legislation over time it is important to triangulate information from the different indicators and look at the full pattern as different developments may not be understandable in isolation. For example, improved capacity for law enforcement may lead to an increase in prosecutions initially, but as awareness on forced labour increases among workers and employers, improved compliance with legislation in workplaces may lead to decreases in the number of prosecutions

Strategic Goals	Indicators (use existing indicators where possible)	Means of verification	Who will do the monitoring?	Frequency
	Number of prosecutions that lead to convictions (including all cases, both those generated through the working for workers app and other means)	Court registers	Legal and Enforcement Committee	Twice (BL & at the end of 2025)  Yearly
	Number of public reports from non-government agencies and the media reporting positive developments in legal compliance of companies	Public reports	Legal and Enforcement Committee	Annual
	ATIPSOM Act and Employment Act amended to issues on legal definitions relating to forced labour	ATIPSOM Act and Employment Act	Legal and Enforcement Committee	Once by the end of the NAPFL
	No. of labour inspections conducted where enforcement agencies provided the employers with information about forced labour and migrant workers' rights	Report from Department of Labour in Peninsular Malaysia, Sabah and Sarawak	Legal and Enforcement Committee	Annual
	No. of trade unions that have a clear policy on protecting vulnerable groups including migrant workers, and who have active organizing initiatives efforts, including promoting trade unions among migrant workers	Trade union reports	Legal and Enforcement Committee	Annual
	Increases in the number of companies with a no-forced labour company policy and forced labour prevention and mitigation measures in place	Company reports	Legal and Enforcement Committee	Annual
	A national labour migration management strategy that protects migrant workers' labour rights is in place	National labour migration management strategy	Labour Migration Committee	Once by the end of the NAPFL
	% of workers <sup>13</sup> interviewed that have paid zero recruitment fee	Survey / polls	Labour Migration Committee	Baseline and end of 2025

Strategic Goals	Indicators (use existing indicators where possible)	Means of verification	Who will do the monitoring?	Frequency
SG4: By 2025, victims of forced labour will have improved access to remedy, support and protection services and systems to prevent forced labour will be improved	Number of forced labour cases filed, where victims have received legal and other protection support	MOHR and MAPO reports	Protection and Remedies Committee	Annually
	% of workers <sup>14</sup> surveyed who have used or have the means to access complaints mechanism on forced labour	Surveys	Protection and Remedies Committee	Baseline and end of 2025
	Government SOP on protection of victims of forced labour (both trafficking and non-trafficking) developed with inputs from workers' and employers' representatives and CSOs	SOP	Protection and Remedies Committee	Once by the end of the NAPFL

