

# Final Performance Evaluation

*Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia*



Migrant Stories. R.Age/ILO.

## United States Department of Labor

**Bureau of International Labor Affairs**  
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Final Performance Evaluation of *Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia* Project  
Final Evaluation Report

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## **ACKNOWLEDGMENTS**

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This report describes in detail the findings of the final evaluation of the *Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia* (MWEA) project. IMPAQ International LLC (IMPAQ) conducted fieldwork for this independent evaluation from September 9 to September 20, 2019, in collaboration with the project team and stakeholders and prepared the evaluation report according to the terms specified in its contract with the United States Department of Labor. IMPAQ would like to express sincere thanks to all the parties involved for their support and valuable contributions.

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## LIST OF ACRONYMS

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CBO	Community-Based Organization
CSO	Civil Society Organization
DWCP	Decent Work Country Program
FGD	Focus Group Discussion
G2G	Government to Government
GoM	Government of Malaysia
IEC	Information, Education, Communication
ILAB	Bureau of International Labor Affairs
ILO	International Labour Organization
IMG	Improved Migration Governance
JHAMS	Joining Hands Against Modern Slavery
KII	Key Informant Interview
M&E	Monitoring and Evaluation
MHA	Ministry of Home Affairs
MOHR	Ministry of Human Resources
MRC	Migrant Resource Center
MTUC	Malaysian Trades Union Congress
MWEA	Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia
MWG	Migration Working Group
NGO	Non-governmental Organization
NSI	North South Initiative
OSH	Occupational Safety and Health
OTLA	Office of Trade and Labor Affairs
PMP	Project Monitoring Plan
PSWS	Persatuan Sahabat Wanita Selangor
TIP	Trafficking in Persons
TRIANGLE	Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region
TPR	Technical Progress Report
USD	United States Dollars
USDOL	United States Department of Labor

## EXECUTIVE SUMMARY

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On November 23, 2015, the US Department of Labor (USDOL) Bureau of International Labor Affairs (ILAB) awarded a two-year, USD 1 million cooperative agreement to the International Labour Organization (ILO) for the project *Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia* (MWEA). This project aims to ensure that the rights of migrant workers are protected in Malaysia. The project took a three-pronged approach, focusing on (1) empowering Malaysian civil-society organizations (CSOs) to support migrant workers in realization of their rights; (2) empowering migrant workers to realize their rights; and (3) inspiring Malaysian youth to demonstrate increased support for the rights and welfare of migrant workers. To achieve these objectives the project sought to strengthen the capacity of its trade union, non-governmental organization (NGO), and migrant association partners to deliver services to migrant workers; increase knowledge of migrant workers regarding their rights; and implement awareness-raising and advocacy activities targeting Malaysian youth on university campuses and on social media.<sup>1</sup> The project has undergone two modifications, which extended the end date of the project to December 31, 2019, and increased the total budget to USD 1,070,457.

The USDOL ILAB Office of Trade and Labor Affairs (OTLA) selected IMPAQ International LLC (IMPAQ) to conduct a final performance evaluation of the MWEA project. The overall purpose of this evaluation was to assess the performance and achievements of the MWEA project since its interim evaluation in October 2018 and to identify promising practices and lessons learned. This report presents the evaluation team's findings, conclusions, and recommendations.

The evaluation team addressed the evaluation questions using multiple sources of evidence, combining primary qualitative data with secondary quantitative and qualitative data. Evaluation team members conducted fieldwork in Kuala Lumpur and Penang from September 9 to September 20, 2019, involving 35 participants in key informant interviews (KIIs) with project stakeholders, including ILO specialists and project managers, implementing partner representatives, project contractors, an employers' representative, and migrant workers. The evaluation team also conducted 4 focus group discussions (FGDs) with migrant workers and participants in project communication events.

### Summative Findings

**Evaluation findings largely validated MWEA's theory of change.** By supporting NGOs, trade unions, and migrant worker community-based organizations (CBOs), MWEA was able to address many critical and immediate needs of migrant workers in Malaysia. MWEA contributed to helping migrant workers defend their rights by providing funding and technical support to mission-driven organizations that defend migrant workers, including undocumented workers, and enable them to access legal services and seek redress for labor rights abuses. According to project monitoring plan (PMP) data, NGO, trade union, and CBO outreach activities reached nearly 9,000 migrant workers, which resulted in a reported increase in the number of migrant workers seeking assistance to defend their rights. In addition, according to PMP data, over 1,000 workers joined trade unions to defend their rights with MWEA support. Finally, MWEA-supported communication campaigns reached large audiences both online and through face-to-face events. Based on FGDs with participants, comments posted online, and implementer reports, exposure resulted in positive societal perceptions of migrant workers, even if evidence is limited on the effect of changes on practices.

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<sup>1</sup> [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_662369.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_662369.pdf)

Evaluation findings also highlight additional, complex factors that contribute to an environment where migrant workers' labor rights are frequently abused, with few or no negative consequences for the abusers. Notably, the evaluation highlights deficiencies in the recruitment of migrant workers, immigration policies, labor laws, and their enforcement. MWEA did not address these significant issues directly in its theory of change, although findings suggest that MWEA contributed to advocacy efforts in favor of larger systemic reforms by backing CSOs who document abuses and advocate for needed reforms in Malaysia's labor migration policies. Moreover, while MWEA's strategies did not address the full gamut of factors affecting migrant workers' labor rights in Malaysia, MWEA complemented other ongoing projects to promote greater respect for migrant workers' rights in the country. Given the size of the MWEA budget, the significant and pressing need for assistance to migrant workers currently experiencing exploitation, and the existence of other complementary ILO projects and activities focusing on larger systemic issues, MWEA designers' decision to keep the project relatively focused on a limited number of objectives was appropriate.

**MWEA collaborated with relevant implementing partners, providing grant funding that supported core activities, fostered learning by doing, and reinforced partner networks.**

MWEA worked with complementary organizations with missions that were closely aligned with the project objective. Implementing partners' accounts highlighted that MWEA grants filled a critical need for core funding, allowing the organizations to implement activities closely related to their missions. MWEA implementing partners with less experience providing hands-on assistance to migrant workers likewise highlighted that project activities provided a learning opportunity to improve their services. MWEA implementing partners reported indirect benefits from the project, which included strengthening their networking and collaboration with other key stakeholders on labor-migration issues. However, MWEA could have been more effective in facilitating dialogue between its NGO partners and trade union constituents, based on ongoing disagreements on the causes and solutions to migrant workers' troubles in Malaysia. Both MWEA and ILAB could have been more efficient in finalizing the project design and implementing partner grant agreements, possibly by streamlining hiring and approval processes.

**Beyond grant funding for activities, other MWEA capacity building efforts were limited in scale and impact.** MWEA made substantive effort to coach its implementation partners on grant management and M&E, mainly through targeted training and hands-on coaching. These activities focused on practical topics relevant to partners' activities and generally met participants' expectations. However, the scope of MWEA other capacity building activities was relatively limited. Both the budget allocated to this objective and project progress spending down the budgeted amount suggests MWEA designers did not see organizational capacity building as a high priority, even though project analysis showed that CSOs played a critical role in defending workers' rights. In addition, MWEA did not adequately tailor its capacity building interventions to meet some key organizational capacity needs of its partners. Notably, MWEA did not adapt its organizational capacity building interventions significantly to align with the needs of its mature versus less mature implementing partners or with the specific mandates of its trade union versus NGO partners.

**ILO and ILAB efforts to establish a workable monitoring and evaluation (M&E) framework provided useful data to measure MWEA progress.** Although MWEA implementing partners found MWEA reporting requirements heavy and, in some cases, needing simplification, they received adequate support from MWEA project management to meet these reporting obligations. As a result, MWEA reporting provided useful data to evaluate project performance. In addition, reporting requirements related to case management yielded information on migrant worker–rights abuses that has been used by NGOs in advocacy activities, an unintended positive outcome.

**MWEA-supported case management services benefited migrant workers, reaching greater numbers than planned.** According to PMP data and technical progress reports (TPRs), MWEA implementing partners provided needed assistance to nearly 1,250 migrant workers, including large numbers of hard-to-reach workers, such as domestic and other informal sector workers. Project reports and testimonials from workers and other key informants highlight that project support addressed migrant workers' critical needs for legal support, temporary shelter, and safe repatriation. Through legal support, many workers were able to obtain some form of redress, including recovering unpaid wages. Notwithstanding these positive results, MWEA implementing partners indicated that their efforts to empower migrant workers come up against significant challenges, notably punitive immigration laws that treat migrant workers as a security risk.

**Similarly, MWEA outreach and migrant worker training activities reached thousands of workers and produced some positive outcomes.** MWEA outreach activities provided relevant information to migrant workers and contributed to greater numbers of them seeking the help of support organizations. FGDs with workers showed that they found strength in the solidarity afforded by membership in migrant worker CBOs. Malaysian Trades Union Congress (MTUC) representatives similarly suggested that, through MWEA-supported outreach activities, several hundred migrant workers joined trade unions, which afforded them greater protection. However, migrant workers' organizations likewise experienced significant challenges related to their members' immigration status. Moreover, both migrant workers' and Malaysian workers' efforts to organize are adversely affected by current economic policies, laws regulating trade union formation and activities, and anti-union activities.

**MWEA communication campaigns were relevant and, with some activities still ongoing, will likely reach or surpass most of the targets before project end.** Campaigns were generally effective highlighting the positive contributions of migrant workers, countering negative public perceptions that link migrant workers to crime or "stealing" employment from locals. Although evaluation evidence suggests that the campaigns were effective in increasing positive perceptions of migrant workers, the scope and effect of these changes proved difficult to measure. MWEA presented limited evidence of changed practices, such as participants signing online "pledges" promising to show kindness to migrant workers or to give domestic workers a day off. Moreover, MWEA may have missed an opportunity to link communication campaign audiences with its implementing partners, either by directing traffic from its campaigns' online platforms to CSO social media sites or by actively promoting youth engagement with CSOs through volunteering and/or advocacy activities.

**MWEA activities and results are likely to continue beyond the end of the project but maintaining or increasing the scale of activities will likely be challenged by implementing partners' lack of funding.** Evaluation findings highlight the strong commitment of the ILO and MWEA implementing partners to continue to defend migrant workers' rights in Malaysia. In the absence of significant political and economic reforms, the need for the types of services and activities provided through MWEA is unlikely to diminish significantly. The ILO has pledged that other ongoing projects will continue to provide funding for some activities. Findings show that sources of funding for migrant worker support services are limited and highlight the need to support implementing partners' capacity to find and implement more diverse resource mobilization strategies.

## Recommendations

### Recommendations for ILO and ILAB

1. In future projects, ILAB and ILO should again collaborate on the development of the project's PMP, which in the case of MWEA provided a good foundation for collecting useful data to evaluate project performance. Based on feedback during implementation, ILAB and ILO may in future projects consider revising the PMP, taking into consideration unanticipated challenges in collecting data or when an indicator proves less useful in assessing impact.
2. In the design of projects with organizational capacity building objectives, ILAB and ILO should include initial analysis of internal challenges facing stakeholder organizations and ensure that the project implementation strategy addresses and allocates adequate resources to these challenges.
3. In future projects, ILAB and ILO should pay greater attention to ensuring adequate continuity in project management personnel and explore ways to streamline approvals to avoid significant delays in project start-up.

### Recommendations for ILO

4. Develop comprehensive capacity building strategies for key long-term CSO partners based on a participative assessment of key needs and challenges. In addition to funding for activities, ILO should make stronger efforts to ensure that its key CSO partners end their engagement with ILO on a stronger foundation to continue their activities without ILO support.
5. Capitalize on expertise of experienced CSOs/CSO leaders to lead some training activities in future capacity building activities.
6. Facilitate dialogue among NGOs, CBOs, and trade unions on protocols for collaboration. The dialogue should include discussion of how ILO partners have worked and may work together in the future to defend migrant workers' rights, as well as discussion of the comparative advantages of various organizations in line with their mandates and missions.
7. Reevaluate budget allocations for services, especially case management, in future projects. Include a budget for helping migrant workers to cover other costs associated with case management and repatriation.
8. Differentiate strategies for working with MTUC and other CSOs on migrant worker support services, including by providing more focused support to MTUC and its affiliated union to strengthen organizing activities among migrant and Malaysian workers.
9. Develop additional strategies to extend services to underserved geographic areas, including hard-to-reach rural areas in East Malaysia where severe labor rights violations of migrant workers have been reported.
10. Consider support for additional communication campaigns building on MWEA lessons learned, which include strengthening linkages between public awareness-raising activities and (1) specific advocacy campaigns for needed reforms and (2) soliciting public support for CSOs that defend the rights of migrant workers.

### Recommendations for the ILAB and US Embassy

11. In future projects, as in MWEA, align the number and scope of objectives and outputs with available resources.
12. Continue to highlight the need for reform of Malaysian immigration and labor policies through support for relevant research and diplomatic efforts

13. Continue support for programs designed to support legal reforms and capacity building for improved enforcement of laws that protect migrant workers' rights.
14. Continue support for CSO migrant worker support services, exploring more sustainable approaches to funding services (facilitating private/public partnerships, endowment models).

# 1. PROGRAM CONTEXT AND DESCRIPTION

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The United States Department of Labor (USDOL) Bureau of International Labor Affairs (ILAB) Office of Trade and Labor Affairs (OTLA) selected IMPAQ International LLC (IMPAQ) to conduct a final performance evaluation of the International Labour Organization's (ILO) *Protecting the Rights of Migrant Workers through Empowerment and Advocacy in Malaysia* (MWEA) project. This report presents the evaluation team's findings, conclusions, and recommendations.

## 1.1 Background

During the last several years, an increasing number of reports have documented serious labor rights abuses against migrant workers in Malaysia, including cases of forced labor and human trafficking.<sup>2</sup> Data compiled on over 1,500 workers receiving services from Migrant Resource Centers (MRCs) in Malaysia from 2011 to 2015 showed that the rights violations and abuse migrant workers endured were often severe and compound in nature.<sup>3</sup> A substantial portion of complainants showed indications of forced labor, and 22 percent (342) of migrants were explicitly identified as such by case managers.<sup>4</sup> In 2014, the US Department of State's Trafficking in Persons (TIP) report<sup>5</sup> downgraded Malaysia to a Tier 3 country. Since then, Malaysia has been on the Tier 2 watch list in four out of five years.<sup>6</sup> The ILO Committee of Experts has further highlighted abuses of migrant workers and gaps in the application of the standards on Forced Labor.<sup>7</sup> A 2014 Verité report on conditions in the electronics sector found that approximately one-third of migrant workers were in forced labor.<sup>8</sup>

Malaysia is the third wealthiest country in Southeast Asia in per capita Gross Domestic Product. The country has one of the fastest growing economies in the region and is approaching high-income country status.<sup>9</sup> Since gaining independence in 1957, Malaysia has successfully diversified its economy from one that was initially agriculture and commodity-based to one that hosts robust manufacturing and service sectors.<sup>10</sup>

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<sup>2</sup> "Labour Migration in Malaysia," United Nations Malaysia Policy Brief 12th Malaysia Plan: Proposed Way Forward, August 2019.

<sup>3</sup> The data were collected during the Canadian-funded ILO *Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region* project, known as the ASEAN TRIANGLE. The referenced MRCs in Malaysia are run by MTUC and Tenaganita, two implementing partners of MWEA.

<sup>4</sup> ILO. Project Document Template (PRODOC). *Migrant Workers Empowerment and Advocacy (MWEA)*. MYS/15/01/USA. June 2017.

<sup>5</sup> The TIP report is an annual report issued by the US Department of State's Office to Monitor and Combat Trafficking in Persons. It ranks governments based on their perceived efforts to acknowledge and combat human trafficking.

<sup>6</sup> Tier 3 countries are countries whose governments do not fully comply with the minimum standards outlined in the Trafficking Victims Protection Act (TVPA) of 2000 and are not making significant efforts to do so. Countries on the Tier 2 watch list are countries whose governments do not fully comply with the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards and (i) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or (ii) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or (iii) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

<sup>7</sup> Observation (CEACR), adopted 2018, published 108th ILC session (2019) Forced Labour Convention, 1930 (No. 29) – Malaysia [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3954142](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3954142)

<sup>8</sup> Verité. *Forced Labor in the Production of Electronic Goods in Malaysia: A Comprehensive Study of Scope and Characteristics*. September 2014.

<sup>9</sup> <https://www.worldatlas.com/articles/the-richest-and-poorest-countries-of-southeast-asia.html>

<sup>10</sup> <https://www.worldbank.org/en/country/malaysia/overview>

As education levels and job expectations among Malaysians have risen, and unemployment and female labor force participation rates remain low, certain industries have relied more and more on migrant labor.<sup>11</sup> According to the 2017 labor force survey by the Department of Statistics of Malaysia, foreign workers comprise approximately 15 percent of the total labor force. Taking into consideration 2019 World Bank estimates of the undocumented workforce, this percentage is even higher, at approximately 20 percent, for an estimated three million migrant workers.

Based on a 2019 World Bank study, migrant workers in Malaysia tend to be low skilled and work in labor-intensive sectors such as manufacturing, construction, plantation, agriculture, and domestic work. Migrant workers reside predominately in Sabah, Selangor, and Johor. Indonesians are the dominant foreign worker group (40 percent) followed by Nepalese (22 percent) and Bangladeshis (14 percent). Approximately 80 percent of migrant workers are male.<sup>12</sup> Although in the minority, according to Malaysian non-governmental organizations (NGOs) providing support services to migrant workers, female migrant workers are often vulnerable to sexual harassment and sexual violence, the abuse of reproductive rights,<sup>13</sup> and work in certain sectors excluded from legislated labor rights and protections (for example, in domestic work).

Legal labor migration is managed through temporary contracts regulated by government-set quotas. Most often, recruitment, transportation, and placement of migrant workers is managed by brokerage firms and employment agencies with agents operating both in the source countries and in Malaysia. Penalties for unauthorized migration are severe for workers and may include fines, detention, and deportation.

## 1.2 Project Description

The MWEA project aims to ensure that the rights of migrant workers are protected in Malaysia. The project intends to reach this goal through the achievement of three objectives and nine outputs, which are presented in Exhibit 1.

### Exhibit 1. Project Objectives and Outputs

**Objective 1: Malaysian civil society is empowered to better support migrant workers in realization of their rights.**

**Objective 1.1:** Increased capacity of civil society to deliver services to migrant workers.

**Output 1.1.1:** Mapping study of NGOs, trade unions, and migrant associations providing services to migrant workers in Peninsular Malaysia.

**Output 1.1.2:** Training program for NGOs, trade unions, and migrant associations on providing services to migrant workers and advocating for their rights.

**Output 1.1.3:** Training program for NGOs, trade unions, and migrant associations to build their organizational capacity.

<sup>11</sup> ILO. *Review of Labour Migration Policy in Malaysia*. TRIANGLE in ASEAN Project. 2016.

<sup>12</sup> Loh, W.S., Simler, K., Wei, K.T., & Yi, S. MALAYSIA: Estimating the Number of Foreign Workers (Malaysia: World Bank Group, 2019) <http://documents.worldbank.org/curated/en/953091562223517841/Malaysia-Estimating-the-Number-of-Foreign-Workers-A-Report-from-the-Labor-Market-Data-for-Monetary-Policy-Task.docx>

<sup>13</sup> For example, female migrant workers are subject to annual pregnancy tests and may be deported if they are found to be pregnant.

**Objective 2: Women and men migrant workers are empowered to realize their rights.**

**Objective 2.1:** Increased knowledge of migrant workers regarding their rights and how to claim them.

**Output 2.1.1:** Information, education and communication (IEC) materials for migrant workers, including a mobile app.

**Output 2.1.2:** Outreach visits to migrant communities to educate migrant workers on their rights and support community organizing.

**Output 2.1.3:** Services to migrant workers including legal counselling, advice, case management, legal representation and shelter.

**Objective 3: Malaysian youth demonstrate increased support for the rights and welfare of migrant workers.**

**Objective 3.1:** Malaysian youth have increased empathy for and understanding of the contribution of migrant workers.

**Output 3.1.1:** Study on public attitudes towards migrant workers in Malaysia.

**Output 3.1.2:** Mini web documentaries to illustrate migrant workers' contribution to Malaysian society.

**Output 3.1.3:** Awareness-raising campaign to create understanding and empathy between Malaysians and migrant workers.

**MWEA's theory of change focused on the key role played by migrant worker support organizations in defending workers' rights and the influence of societal attitudes on the treatment of migrant workers in Malaysia.** The MWEA theory of change postulated that by strengthening Malaysian organizations that provide migrant workers with support services,<sup>14</sup> migrant workers would be better able to defend their rights in Malaysia. The project also posited that support for NGO, trade union, and migrant worker association outreach activities would empower migrant workers by giving them increased knowledge about their rights and how to claim them. Finally, MWEA hypothesized that if the Malaysian public, especially tomorrow's leaders, understood the positive contribution of migrant workers to the Malaysian economy, then they would be more concerned with migrant workers' welfare and more likely to treat workers with respect.

*"Because of the obstacles that they face to obtaining assistance through official mechanisms, migrants are often highly dependent on informal support, even when the abuses they endure are severe in nature."*

- ILO "Access to Justice for Migrant Workers in South East Asia"

*"The negative images and discourses disseminated in the media and by state officials evidently promote a hostile environment for migrant workers."*

- ILO and UN Women "Worker, helper, auntie, maid? Working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia."

<sup>14</sup> Support services include raising migrant workers' awareness of their labor and other human rights, providing migrant workers with needed legal representation and other services needed to obtain redress for labor rights violations, and helping migrant workers to organize into informal associations and/or join trade unions.

## 2. EVALUATION OBJECTIVES AND METHODOLOGY

### 2.1 Evaluation Objectives

The overall objective of this evaluation was to assess the performance and achievements of MWEA following its interim evaluation (published October 2018). Specifically, the purpose of the performance evaluation of the MWEA project was to:

- Assess if the project has achieved its objectives, identify the challenges encountered in doing so, and analyze the driving factors for these challenges.
- Assess the intended and unintended effects of the project.
- Assess lessons learned and emerging practices from the project and experiences in implementation that can be applied in current or future projects in Malaysia and in projects designed under similar conditions or target sectors.
- Assess which outcomes or outputs can be deemed sustainable.

### 2.2 Methodology

The evaluation team addressed the evaluation questions using multiple sources of evidence, combining primary qualitative data with secondary quantitative and qualitative data. Qualitative data were obtained from key informant interviews (KIIs), focus group discussions (FGDs) and document review. Quantitative data were obtained from the project monitoring plan (PMP) matrices submitted every six months by MWEA to ILAB. Data collection methods and stakeholder perspectives were triangulated to bolster the credibility and validity of the results.

This report addresses the main research questions and sub-questions presented in Exhibit 2. The evaluation team developed these questions in collaboration with ILAB and MWEA, based on their needs and the types and scope of data available.

**Exhibit 2. Evaluation Questions and Data Sources**

#	Evaluation Questions	Data Sources
1	To what extent has the project validated its theory of change?	Document Review; KII; FGD; Secondary data
2	To what extent were project interventions effective in building the capacity of its civil society organization partners to provide relevant services for foreign migrant workers?	Document Review; KII; FGD
3	To what extent did foreign migrant workers benefit from the services provided by project partners?	Document Review; KII; FGD; Secondary data
4	Is there any evidence that project-supported awareness-raising activities were effective in increasing empathy for and understanding of the contribution of foreign migrant workers among Malaysian youth?	Document review; KII; FGD
5	What were the key internal or external factors that limited or facilitated the achievement of project results?	Document Review; KII; FGD; Secondary data
6	Did the project affect foreign migrant workers in Malaysia in any unanticipated ways? If so, how?	KII; FGD
7	What are the lessons learned and promising practices from the project (e.g., strategies, interventions, approaches, and partnerships)?	Document Review; KII; FGD
8	What is the likelihood that project activities and their results will continue absent ILAB resources? Are there any factors that limit or facilitate the technical or financial sustainability of project results?	KII; FGD; Secondary data

## 2.2.1 Evaluation Schedule

The evaluation team completed the project document review in August 2019 and conducted fieldwork in Malaysia from September 9 to September 20, 2019, collecting information from semi-structured KIIs and FGDs. Prior to the visit, the evaluation team developed KII and FGD guides. During the site visit, the evaluation team consulted with various stakeholder groups, including migrant workers and workers' organizations, the employers' association, MWEA and MWEA NGO and trade union implementing partner personnel, other relevant MWEA contractors, and ILAB representatives. Following fieldwork, the evaluation team held a workshop with stakeholders and then a debriefing with ILAB to discuss key findings and recommendations. Data analysis and report writing were conducted in late September and early October 2019.

## 2.2.2 Data Collection

**Key Informant Interviews.** The evaluation team consulted with 35 stakeholder representatives (21 females, 13 males) via semi-structured KIIs by telephone or in person to obtain participants' perspectives on the project's implementation and progress. Exhibit 3 shows the number of KII participants by stakeholder group.

**Exhibit 3. Participants in KIIs**

Key Informant Interviews	No. Participants	Females	Males
US Embassy and ILAB representatives	2	0	2
MWEA personnel and consultants	5	5	0
Other ILO personnel	5	2	3
NGO representatives	18	12	6
Employers' and workers' organization representatives	3	0	3
Migrant workers	2	2	0
<b>Total</b>	<b>35</b>	<b>21</b>	<b>14</b>

**Focus Group Discussions.** The evaluation team conducted a total of four FGDs with participants in MWEA activities. The team organized three FGDs with migrant workers, with representatives of workers who participated in MWEA's three main NGO implementing partners' capacity building activities and/or who received services. Of these three FGDs, one was organized in Penang and two others in Kuala Lumpur. The evaluation team also led one FGD in Kuala Lumpur with students who participated in MWEA-sponsored awareness-raising activities. Exhibit 4 shows the number of FGD participants by stakeholder group.

**Exhibit 4. Participants in FGDs**

Focus Group Discussions	No. Participants	Female	Male
Migrant workers/participants in MWEA-supported services and capacity building activities	30	24	6
University students/participants in MWEA awareness-raising activities	9	2	7
<b>Total</b>	<b>39</b>	<b>26</b>	<b>13</b>

**Document Review.** The evaluation team reviewed MWEA documents to understand the project design and implementation, extract findings relevant to answering the evaluation questions, and inform data collection instrument development so that they would appropriately supplement the information collected from background documents. These documents included:

- MWEA quarterly technical progress reports (TPRs)
- MWEA work plans
- MWEA PMP
- Other relevant statistical and background information produced by the ILO and other relevant organizations about migrant workers and policies and practices that affect them in Malaysia and the region.

### 2.2.3 Data Analysis

Evaluation team members took detailed notes on KIIs and FGDs throughout fieldwork. The evaluation team employed several data analysis methods to identify key findings from the collected data, draw conclusions, and make recommendations for MWEA follow-up.

- **Content Analysis.** The evaluation team reviewed and coded KII and FGD data to identify and highlight notable examples of MWEA successes (or lack of success) that contributed to (or inhibited) achievement of its objectives.
- **Trend Analysis.** The evaluation team examined MWEA PMP data on its indicators over time to identify trends in performance relative to its targets.
- **Gap Analysis.** The evaluation team analyzed where MWEA fell short of anticipated performance targets and the likely factors contributing to these gaps.
- **Comparative Analysis.** The evaluation team compared the perspectives of different stakeholder groups to assess either convergence or divergence.

### 2.2.4 Limitations

**Potential response and selection bias.** The evaluation team was aware of several bias risks in data collection and analysis.

- **Response bias** is the risk that respondents may have been motivated to provide responses that would be considered socially desirable or influential in obtaining personal benefits, or to discredit other MWEA stakeholders. For example, given the potential for future collaboration with the ILO, MWEA implementing partners may have been reluctant to discuss their less successful interventions or to be overly critical of ILO decisions or management. Migrant workers may have added or held back information about their cases in KIIs or FGDs if they thought it would be helpful to gain support or improve their chances of redress. To mitigate the risk of this bias, the evaluation team introduced all KIIs and FGDs with a protocol that highlighted the purpose of the evaluation, how the information gathered would be used, and affirmed the confidentiality of discussions. In addition, no ILO personnel were present in discussions with respondents.
- **Selection bias** is an inherent risk when project personnel help to facilitate contact with participants. For example, by selecting the participants with known favorable attitudes toward the project or who participated in the most successful examples of activities, MWEA implementing partners could potentially introduce positive bias in evaluation findings. To mitigate this risk, the evaluation team provided MWEA a list of key informants and interviewed nearly all individuals directly involved in project implementation (e.g., all

ILO project personnel, the leaders of all implementing partner organizations), asked similar questions of all respondents, and triangulated responses to corroborate key findings. Because of the challenge of mobilizing migrant workers who participated in the project, the evaluation team relied on MWEA to select the migrant workers to participate in KIIs and FGDs.

**Limitations in interactions with migrant workers.** Although the evaluation team was able to speak with many migrant workers who participated in MWEA-sponsored activities, the groups interviewed did not include any beneficiaries of trade union outreach and case management activities. Because of challenges mobilizing migrant workers who received case management services (some had already left the country, others were working), a disproportionate number of FGD participants were residents of temporary shelters and may not have represented the diversity of cases treated by the project (most were former domestic workers). To mitigate this limitation, the evaluation team organized meetings with members of migrant worker community-based organizations (CBOs) that collaborated with project implementing partners (during holidays to accommodate the schedules of migrant workers), which provided the team with the opportunity to hear about worker experiences from diverse employment sectors and workplaces. Finally, the evaluation team consulted studies and other analytical reports on the challenges facing migrant workers in Malaysia to supplement the primary data.

### 3. FINDINGS

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This section presents the findings from the MWEA project evaluation based on the data collected from KIIs and FGDs conducted with project stakeholders, secondary data analysis, and a review of project documents.

#### 3.1 To what extent were project interventions effective in building the capacity of its civil society organization partners to provide relevant services for foreign migrant workers?

In this section, the evaluation team assesses the relevance of MWEA's partnership strategy, including its choice of implementing partners. The team examines if and how MWEA implementing partners' missions and capabilities aligned with the project goal, as well as their similarities and differences. This section also reviews implementing partners' feedback on the effectiveness of MWEA support for their organizations and, lastly, looks at some of the internal and external issues that affected the project performance.

**MWEA support for civil-society organization (CSO) capacity building and service delivery met a critical need.** Most stakeholders highlighted that because of migrant workers' vulnerability to labor exploitation, together with the numerous obstacles they face defending their rights (language barriers, undocumented status, discriminatory attitudes), migrant workers needed assistance from sympathetic Malaysian CSOs. Under Objective 1, MWEA planned to achieve three main results: (1) a mapping study of NGOs, trade unions, and migrant worker CBOs providing services to migrant workers in Peninsular Malaysia, (2) a training program for NGOs, trade unions, and migrant worker CBOs to improve service-provision to migrant workers, and (3) a training program for NGOs, trade unions, and migrant worker CBOs to increase their organizational capacity.

The planned mapping study was finalized in February 2017.<sup>15</sup> According to one ILO manager, the study helped the ILO to assess potential partners and their needs. The mapping study also highlighted geographic disparities in the availability of migrant worker services, a finding MWEA managers indicated led them to orient their implementing partners to work in underserved areas. However, MWEA did not extend project activities to East Malaysia (Sabah and Sarawak), where many stakeholders agreed the need for services was great.<sup>16</sup>

According to ILO personnel, the MWEA mapping study was especially useful in providing information on migrant worker CBOs, entities with which the ILO had not previously engaged significantly in Malaysia. Migrant worker CBOs are organized by nationality, with specific groups for various countries with large numbers of workers in Malaysia. The ILO mapping study highlighted that migrant worker CBOs are the first point of contact for a migrant worker when problems arise.

**MWEA partnered with NGOs, trade unions, and migrant worker CBOs with relevant missions, practical past experiences, and largely complementary approaches to supporting migrant workers.** According to one external expert, there are relatively few organizations in Malaysia providing support services to or educating migrant workers about their

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<sup>15</sup> At the time of the evaluation (September 2019), the mapping study, although finalized, had not yet been printed and distributed, although MWEA management indicated this would be done before the end of the project.

<sup>16</sup> According to the mapping study, there are a total of 12 migrant worker service providers based in locations that host almost half of the total documented migrant workforce in Malaysia.

labor rights. These organizations vary in size, types of services offered, and organizational strength. According to ILO personnel, MWEA selected its implementing partners from among the organizations that applied for project support based on an evaluation of their missions and capabilities, previous experience with the ILO, and their proposed strategy and activities. After preselection, MWEA worked individually with partners to develop sub-grant agreements that aligned with the project goal and objectives.

Using a portion of the grant awarded for the project, MWEA provided sub-grants of between USD 33,000 and 65,000 each to three NGOs and the Malaysian Trades Union Congress (MTUC) for its MRCs. The sub-grants funded implementing partners' migrant worker outreach activities and case management services.<sup>17</sup> In addition, the sub-grants stipulated that the award should be used to develop the capacity of migrant worker CBOs through peer leadership training and other collaboration. Through the sub-grant agreements, the ILO oriented its NGO sub-grantees to collaborate with specific migrant worker communities.<sup>18</sup>

The core missions of MWEA implementing partners (see Exhibit 5) closely aligned with project objectives. Based on KIIs, the leaders of MWEA's implementing partners were knowledgeable about migrant worker problems, had previous experience working with migrant worker community groups, and were motivated to help workers defend their rights and find collective solutions to their problems.

**Exhibit 5. Service Delivery Implementing Partners**

Partner	Implementation	Organization Description
Malaysian Trades Union Congress (MTUC)	June 2016 – June 2018	MTUC is the national trade union confederation in Malaysia, formed in 1949. MTUC runs three MRCs in Penang, Selangor, and Johor Bahru. MTUC MRCs offer to migrant workers counseling; legal assistance and dispute resolution; and information, education, and training related to their labor rights, including trade union membership and participation in collective bargaining. MTUC's implementation agreement was co-funded by MWEA and the <i>TRIANGLE in ASEAN</i> project.
Persatuan Sahabat Wanita Selangor (PSWS)	August 2018 - April 2019	PSWS is a Malaysian NGO committed to promoting the rights of women workers, as well as to the larger issues of democracy, justice, and equality in Malaysian society. Its main areas of focus include: women workers in the informal economy, organizing domestic workers, and women's participation in trade unions.
North South Initiative (NSI)	Feb 2018 - April 2019	NSI is a Malaysian NGO founded to help bridge the solidarity divide between the North and South in terms of human rights and social justice. It carries out empowerment and advocacy work in partnership with extremely marginalized groups.

<sup>17</sup> According to the MWEA mapping study, *case management* includes the following activities: receiving a complaint, conducting investigations, connecting the migrant to the respective embassy, and attempting to access some form of justice for the migrant.

<sup>18</sup> According to ILO personnel, MWEA channeled support for migrant worker associations via its implementing partners because the former were unable to register officially in Malaysia. NSI collaborated with Serantau, an Indonesian workers' association. PSWS worked with the Cambodian Migrant Workers Solidarity Network, while Tanaganita collaborated with Filipino and Myanmar groups.

Partner	Implementation	Organization Description
Tenaganita	June 2017 – June 2018  June 2019– December 2019	Tenaganita is a Malaysian human rights organization dedicated to assisting, building, advocating for, and protecting migrants, refugees, women, and children from exploitation, abuse, discrimination, slavery, and human trafficking. It manages two shelters for trafficking victims, one in Penang and the other in Kuala Lumpur. Tenaganita’s implementation agreement was co-funded by MWEA and the TRIANGLE in ASEAN project.

**MWEA implementing partners affirmed that project efforts to build their capacity were useful.** To address the organizational capacity of its implementing partners, MWEA provided training and hands-on assistance on grant financial management as well as on monitoring and reporting. During interviews, NGO and trade union leaders affirmed their appreciation for ILO support and that they were satisfied with their achievements to date. Several indicated that grant implementation had afforded their organizations an opportunity to pilot new activities and to learn while doing.

To improve NGO, trade union, and migrant worker CBO service delivery, MWEA organized one three-day training workshop on case management in February 2018.<sup>19</sup> MWEA implementing partners, representatives of CBOs, and representatives of several other migrant worker support organizations attended the training. A review of the workshop materials shows MWEA used good practices in adult learning, such as the examination of real-life case studies and role play. Based on implementing partner leadership feedback, for most partners (with one notable exception)<sup>20</sup> MWEA case management training was practical and filled competency gaps. According to MWEA personnel and TPRs, prior to the project’s close in December 2019, MWEA will organize additional training on psycho-social counseling. MWEA has not yet reported results on CSO partners’ application of lessons learned from capacity building activities, which will be assessed through an endline study planned before the end of the project.

MWEA sought to strengthen migrant worker CBOs by building the capacity of their leaders. According to the project PMP data, as of June 2019, MWEA had trained 130 migrant leaders, exceeding its target of 80 by 44 percent. Based on KIIs with Cambodian and Indonesian migrant worker CBO leaders, the participants appreciated the support of MWEA implementing partners and felt more confident advising fellow workers on how to handle their cases. Based on limited discussions, the Indonesian migrant worker CBO appeared better organized and more ambitious to provide services directly to its membership than the Cambodian association, who saw themselves more as intermediaries between workers and MWEA implementing partners. MWEA implementing partners reported several challenges that affected their efforts to build the capacity of migrant worker CBOs. These included high turnover in leadership (given the temporary nature of worker stays in Malaysia), workers’ limited time to meet, and their vulnerability to deportation when branded as “troublemakers” by their employers.

**MWEA did not sufficiently adapt its capacity building activities to the differing needs of its implementing partners.** Based on feedback from their respective leaderships, MWEA implementing partners shared many common objectives and needs but also differed in some

<sup>19</sup> Topics covered during the workshop included an overview of case management services, documentation, negotiation and active listening skills, strategies to resolve trafficking-in-persons cases, and an introduction to addressing migrant workers’ psycho-social needs.

<sup>20</sup> An exception reported to the evaluation team was Tenaganita, which had significant previous experience in case management and had even developed a detailed manual for its case managers complete with case studies.

significant ways. MWEA did take into consideration its implementing partners' organizational strengths in the design of the implementing partner grant agreements. Below are some examples.

- MTUC's grant included funding for trade union organizing activities.
- Tenaganita's grant funded its shelter service and was a higher dollar amount, taking into consideration its extensive experience and volume of case management activities.
- The content of Persatuan Sahabat Wanita Selangor (PSWS) training for migrant worker peer leaders was more specifically focused on gender issues, drawing on its mission to address the concerns of women workers.
- NSI and Serantau, the Indonesian workers' CBO, worked more collaboratively on all aspects of grant delivery, based on the organizations' belief that migrant worker CBOs should play a strong role in addressing the needs of its membership.

Based on MWEA TPRs, capacity building activities for all implementing partners were the same and did not differ extensively according to their partners' specific needs and capabilities. For example, Tenaganita has extensive experience in case management, and therefore benefited less from the case management training than did the other partners. NSI leadership highlighted the fact that their organization was relatively inexperienced with all aspects of grant management and would have benefited from additional guidance and hands-on support from MWEA. MWEA did not provide tailored capacity building to MTUC MRCs specific to its union organizing mandate.

**MWEA allocated a relatively small budget for CSO capacity building and was slow to spend down these resources.** Based on analysis of the project budget, ILO allocated a relatively small budget for MWEA's component on capacity building (approximately USD 58,000 compared to USD 256,000 for migrant worker outreach and case management services and USD 114,000 for communication activities). As of June 2019, based on project reporting, only about 50 percent of this budget had been spent.

*It is important to get migrant workers organized. Without organization, they lack information ... they go to the wrong people to get help and end up getting cheated and exploited.*

- NGO leader

*The priority should be to empower the migrant worker community groups, then they can fight for their rights.*

- Migrant Worker Leader

**Most project stakeholders affirmed that more should be done to organize migrant workers.** Based on KIIIs with representatives of nearly all stakeholder groups, there was broad consensus on the importance of organizing migrant workers to address their isolation, vulnerability to exploitation, and barriers to seeking collective solutions to their problems. All stakeholders agreed that migrant workers would benefit from trade union membership and nearly all stakeholders affirmed that supporting migrant workers to form informal associations to discuss and solve their problems was likewise useful. Migrant workers who had experienced

severe exploitation highlighted that their physical and social isolation contributed to their sense of helplessness when their rights were abused.

Following a change in its leadership in 2017, the MTUC voiced strong objections to MWEA collaboration with migrant worker rights NGOs, especially migrant worker CBOs (as elaborated on below). This remained an area of disagreement between the ILO and MTUC during the final evaluation fieldwork (September 2019), although ILO representatives indicated that they are working to resolve this disagreement. According to MWEA implementing partners, the main effect of the dispute has been to dampen NGO/trade union collaboration in the last year of MWEA implementation.

**MWEA implementing partner perspectives on MTUC and trade union roles and collaboration.** A point of contention between the ILO and the MTUC during the MWEA implementation period was the role given by MWEA to its various implementing partners in organizing migrant workers. While the ILO underlined that none of its implementing agreements mandated MWEA NGO or CBO implementing partners to promote informal migrant worker organizations as a substitute for trade union membership, MTUC leaders expressed concern that some migrant worker CBOs, which were being supported by MWEA NGO partners, were in fact discouraging their members from joining a trade union. According to MTUC, some of the migrant worker organizations were linked to trade unions in their home country and even collected dues from their members and were therefore competing with Malaysian trade unions. According to one trade union official, *“The best organization to protect the rights of workers is the trade union ... For the labor center [MTUC] if anyone can complement us, they are welcome. But not if they want to prevent the workers from joining our trade union.”* The same leader expressed regret that many donors were focusing on migrant worker issues at the expense of working to improve respect for the broader labor rights issues that affect all workers in Malaysia.

Key informant feedback on this topic suggested that MWEA implementing partners largely affirmed MTUC and its affiliates’ unique mandate to organize and represent workers in the workplace. One NGO leader affirmed, *“No NGO wants to take the place of a trade union. It is important that workers become organized.”* NGO leaders highlighted a number of ways they try to complement trade union activities including encouraging migrant workers to join existing trade unions, either directly or after organizing in informal associations; referring workers to MTUC migrant resource centers for help; helping workers to solve community issues not traditionally handled by trade unions like housing or access to health services; organizing workers in the informal sector where trade unions currently have limited reach, sometimes in collaboration with the MTUC; and/or providing services to undocumented workers that generally are not served by trade unions.

**MWEA CSO partners were generally satisfied with MWEA support but made some suggestions for improvement.** MWEA implementing partners expressed gratitude for the financial support provided by the project, which included a budget for their organizations’ core costs (salaries and other operational expenses associated with providing

*“Our biggest challenge is core funding. We try to raise funds locally, but it is a constant challenge. So many good causes, why give it to foreign workers?”*  
- NGO leader

services and conducting migrant worker outreach as mandated by the sub-grant agreements), an area of great need not always covered by other partners and donors. Some partners also highlighted that the activities organized by MWEA, as well as by other ILO projects, facilitated informal cooperation/collaboration with other organizations working on migrant rights, strengthening their networks.

MWEA implementing partners suggested topics for future training and capacity building, such as the project management cycle, monitoring and evaluation, and fund-raising. On the latter point, while grateful for MWEA assistance, all implementing partners indicated that fundraising was a constant struggle and that they would like assistance in improving their strategies in this area.

Several partners indicated that funding for some activities was too little and did not take into consideration costs related to case management, such as repatriation costs and other associated expenses.<sup>21</sup> One partner indicated that ILO sub-grant implementation monitoring needed to be

<sup>21</sup> For example, the evaluation team interviewed a resident of one of Tenaganita’s shelters. Before being repatriated, the former domestic worker needed to pay a fine to the government for illegal entry and buy her own plane ticket home. The worker did not have the money, nor did the NGO have a budget to cover these expenses. Other examples of expenses associated with case management include internal transportation and, in some cases, lodging costs for migrant workers. Currently there is no temporary shelter facility for males in Malaysia so that male migrant workers who wish to stay in the country to pursue their cases have nowhere to stay and may need financial support.

stronger and address implementing partners' internal management issues, such as on time payment of project personnel and collaborating partners. A few implementing partners suggested that they would have liked to have had more say in the types of activities for which they received support from MWEA. For example, one organization indicated it had ambitions to expand into new types of outreach activities not supported by MWEA or other donors. Another partner was uncomfortable focusing its support on only one migrant community but was requested to do so by the ILO personnel, who wanted to keep the grant activities more focused in light of the partner's relative inexperience partnering with ILO.

**MWEA partners generally found project monitoring and reporting requirements challenging and, in a few cases, overly detailed compared to the relatively limited nature of the intervention being assessed.** Based on evaluation team observation, the project developed a PMP framework with a limited number of relevant outcome and output indicators. The chosen indicators appeared measurable, assuming that data collection procedures were put in place. Based on ILO and MWEA implementing partner feedback, reporting on PMP indicators required information collection and record keeping to which not all partners were accustomed. According to KIIs with implementing partners, some MWEA indicators made more sense to them than others. For example, one partner indicated that ILO requirements to collect sex and nationality disaggregated data on participants in outreach activities was too detailed in some cases, for example when outreach took place in informal settings and mainly involved handing out pamphlets, making the use of participant lists impractical. Several NGO implementers likewise cited having to measure changes in migrant workers' knowledge through before and after tests following brief training activities as challenging, noting the tests made some participants feel uncomfortable. All CSO partners indicated they received useful assistance from MWEA on monitoring and evaluation, which helped them to improve their record-keeping and meet project reporting requirements; more than one partner listed monitoring and evaluation as an area on which they would like additional training.

Based on Tenaganita and MTUC grant reporting, data collection on case management recipients and outcomes yielded rich data and facilitated the documentation of common abuses experienced by migrant workers. Tenaganita indicated that compiling data from their case management files was useful for the organization's advocacy efforts, potentially a positive unintended consequence of the project's detailed reporting requirements.

**MWEA was slow to complete its mapping, select implementing partners, and finalize grant agreements.** According to ILO and its implementing partners, MWEA took a significant amount of time to complete preparatory activities before finalizing its agreements with implementing partners. Although the project was approved in late 2015, the first grant agreement with MTUC was not signed until April 2017, followed by the agreement with Tenaganita in June 2017. MWEA management highlighted several internal issues that delayed implementation. These included those presented below.

- **Initial ILO delays in recruiting MWEA key personnel and subsequent turnover in management.** According to the ILO, the international and national project managers did not take up their posts until August 2016 and September 2016, respectively. Furthermore, the international project manager left the project to take another ILO regional position in July 2017, with the understanding that she would continue to manage MWEA until a new project manager was hired. The second international project manager did not take up her post until November 2017 and left approximately one year later (as planned, leaving the national project coordinator to manage the project until its close).

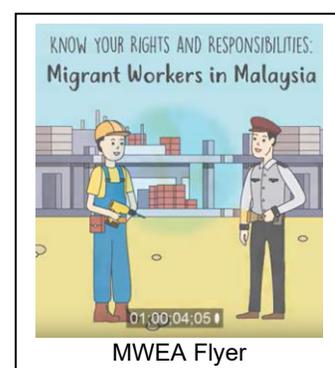
- **High turnover among ILAB project oversight personnel**, which delayed some needed approvals.
- **Delays in the final project document approval** due to extensive back and forth between ILO and ILAB. According to the ILO, ILAB did not provide final approval of the project document until December 2017.
- **Slow approval processes** in part due to delays on the ILO side (including lengthy consultations with the partners on development of the TORs and the project's administrative dependence on the ILO regional office) and in part due to the requirement that ILAB approve each implementation agreement before the ILO signed contracts with implementing partners. According to the ILO, ILAB clearance for implementation agreements with NSI and Project Liber8 (MWEA partner for the communication component) took seven months.
- **Challenges associated with the rapid expansion of the ILO activities in Malaysia** and establishing needed administrative mechanisms, such as a local bank account.

### 3.2 To what extent did foreign migrant workers benefit from the services provided by project partners?

In this section, the evaluation team reviews MWEA progress implementing planned activities and reaching its targets for service delivery and outreach activities to migrant workers. It then summarizes findings on the outcomes of these activities, as well as some of the external challenges that affected them.

**MWEA exceeded expectations for the volume of outreach conducted and support services provided to migrant workers.** MWEA Long-term Objective 2 set out to empower migrant workers to realize their rights. Under this objective, the project planned to produce three outputs: (1) developing and diffusing information, education, and communication (IEC) materials for migrant workers, including flyers, videos/infographics, and a mobile application; (2) providing services to migrant workers, including legal counseling, advice, case management, legal representation, and shelter; and (3) carrying out outreach visits to migrant communities to educate migrant workers on their rights and support community organizing.

MWEA produced three sets of infographics for migrant workers in a series called *Know your Rights and Responsibilities: Migrant Workers in Malaysia* and a video featuring the same content.<sup>22</sup> Both the infographics and video were produced in multiple languages spoken by migrant workers and used illustrations to convey key messages, taking into consideration the limited education of many migrant workers. The materials informed workers on common labor law and human rights violations, including those related to the employment contract and contract termination; personal documents; minimum wage; working hours including overtime work, days off, and leave; wage deduction; getting paid; working conditions; injuries; freedom of movement; what to do when stopped by the police; and where to seek help. These materials were being distributed in September 2019 and, therefore, were not finalized in time to be used in most project-supported outreach activities. Implementing partners also produced and diffused their own IEC materials during outreach events.



MWEA Flyer

<sup>22</sup> One set contained general information relevant to all migrant workers in Malaysia. The other sets had specific content for the rights and responsibilities of migrant workers in the plantation and domestic work sectors.

According to MWEA management and progress reports, the mobile application planned under the project output on the production of IEC materials is in progress. MWEA has engaged a service provider to build a mobile application to assist migrant workers in calculating their salaries overtime pay. The application is designed to make it easier for workers to check whether or not their employer is following wage laws governing the payment of overtime. MWEA management expects the application to be ready for diffusion before the end of the project. According to project management, the delay was caused by the need to adjust calculations based on sector differences. Although the app will be finalized too late to be promoted via most MWEA project activities, it may still be distributed by MWEA implementing partners in their regular activities and/or in other ILO projects, which will continue to provide services to migrant workers after the close of MWEA (these include *TRIANGLE in ASEAN* and the Safe and Fair projects, see Section 3.4 for additional information).

As shown in Exhibit 6, MWEA exceeded most of its targets related to migrant worker outreach and the provision of case management services. Based on project reports, demand for case management services surged in 2018 following a government crack-down on undocumented workers, which, coupled with the responsiveness of CSO staff, community leaders, and volunteers, may partially explain why case management targets were largely surpassed.

Although MWEA exceeded many targets, implementing partners still indicated they felt the initial targets to be ambitious relative to the budget allocated for activities. According to ILO, targets were based on what was accomplished in previous implementing agreements with MTUC and Tenaganita and discussions with the NGO partners. However, one ILO program manager agreed some grant activities were underbudgeted and proposed to increase the budget in future implementing agreements.

PMP data show that MWEA met or exceeded its targets for female participants, an outcome that may be explained by MWEA's choice of (two out of four) implementing partners with a strong gender orientation (Tenaganita, PSWS), which balanced out MTUC's relatively greater challenges reaching female workers. In addition, project-supported shelters were only provided to female migrant workers.

### Exhibit 6. PMP Achievement for Service Delivery and Outreach

Indicator	End Target	Achieved March 2019
Number of outreach, advocacy, and training activities conducted by the project's implementing partners	48	93
Number of women and men migrant workers provided with case management services	692 (277 female)	1,247 (510 female)
Percentage of migrant worker complaints resolved within six months of the complaint being filed	60% of cases resolved	As of September 2019, overall success rate is 50.67% (864 out of 1,705) <sup>23</sup>

<sup>23</sup> MWEA reported that between April and September 2019 Tenaganita resolved 95% of its case files, while MTUC resolved 36.76% of its cases. NSI and PSWS refer their cases to either Tenaganita or MTUC for resolution.

Indicator	End Target	Achieved March 2019
Number of migrant workers who have joined workers' organizations and migrant associations	1,320 (528 female)	1,104: (807 female) <sup>24</sup>
Number of migrant workers who are trained to be community leaders	90 (29 female)	130 (84 female)
Number of women and men migrant workers who participated in outreach and advocacy activities organized by NGOs, trade unions, and migrant associations	5,200 (2,080 female)	8,817 (3,789 female)
Number of women and men migrant workers who received training from NGOs, trade unions, and migrant associations on labor rights or case management	880 (352)	1,041 (724 female)

*“There is an average of six to eight human and labor rights violations in each case, as such each violation needed to be handled separately as it was an offense under different laws, different agencies, and required different forms of investigations and interventions.”*

- NGO leader

**MWEA implementing partners helped hundreds of migrant workers handle their cases and resolve their complaints.** As of March 2019, the project reported providing services to 1,250 workers (740 males, 510 females), reaching nearly double the planned number of beneficiaries with services still ongoing.<sup>25</sup> Together, Tenaganita and the MTUC handled a significant proportion of the reported cases. Based on these partners' accounts, common complaints by migrant workers included unpaid wages, unpaid overtime, no

rest day, no freedom of movement, passport retention, poor working and living conditions, unfair dismissal, and unsafe workplaces. Both organizations reported that individual migrant workers' rights were violated in multiple ways. Services provided by MWEA implementing partners, sometimes in collaboration with migrant worker CBOs, included rescuing workers from abusive labor situations, providing temporary shelter, providing advice and support presenting their cases to Malaysian authorities, and linking their fellow workers to home-country consular services for support and repatriation.

Based on project TPRs and FGDs, many of the workers who received services from MWEA implementing partners were domestic workers or in other, predominantly informal sectors that are often considered difficult to reach because of the workers' isolation and/or lack of organization in the sector. For example, between June 2017 and June 2018, Tenaganita reported that it rescued 251 women engaged in domestic work or other informal sector work. Of these, 164 were sheltered (Penang: 59, KL/Selangor: 105).<sup>26</sup> Rescues usually entailed assisting workers in leaving abusive working conditions in situations where the workers were impeded by employers from leaving on their own, either through retention of legal identification, physical restraints, or threat of punishment.

<sup>24</sup> Based on MWEA reporting, 96% of workers reported to have been organized were organized by MTUC and joined trade unions.

<sup>25</sup> The interim evaluation of MWEA indicated that some services were co-funded by MWEA and the *TRIANGLE in ASEAN* project. Up to the interim evaluation, MWEA reports did not report service recipient numbers separately, so that the same numbers were reported to two different donors. Since the evaluation, MWEA rectified this error. MWEA signed a new implementation agreement for the period June–December 2019 with Tenaganita, including service delivery. The contract was co-funded by another ILO project, the *Improved Migration Governance in Malaysia* (IMG) project. MWEA management indicated that it is distinguishing between services funded by the MWEA and IMG projects. IMG specifically provides services to domestic and plantation workers, who will not be included in the MWEA list of beneficiaries.

<sup>26</sup> As reported in Tenaganita's final technical report on its June 2017–June 2018 implementing agreement with ILO.

The MWEA PMP measured the percentage of migrant worker complaints resolved within 6 months of the complaint being filed. Based on its reporting (up to March 2019), project partners were able to resolve about half of the cases within the specified period. Based on KIIs, from October 2017 to August 2019, the MTUC obtained compensation stemming from migrant worker cases amounting to USD 150,000. Tenaganita reported 95% of the cases it handled between June 2017 and June 2018 resulted in the workers receiving compensation that amounted to nearly USD 120,000.<sup>27</sup>

Based on KIIs with MWEA implementing partners and FGDs with migrant workers, resolution of migrant workers' cases often does not result in full remediation for violations. Case workers reported that they systematically try to recover unpaid wages by negotiating with employers, involving labor inspectors, or filing cases in the Industrial Court, but they are not always successful for a variety of reasons including issues related to immigration laws (see more information below).

*“Workers have 60 days after dismissal to file a case in Malaysia. Usually workers are sent straight to the airport by their employers to avoid legal action.”*

- NGO Leader

*“The Immigration Act gives the employer the power to unilaterally obtain, renew, and cancel the work permit. This is clearly problematic when migrants seek to pursue cases against their employers ...”*

- ILO, Mapping of Migrant Rights  
Civil Society Organizations in  
Peninsular Malaysia

**ILO and NGO representatives highlighted that Malaysian immigration policies heighten the vulnerability of migrant workers to exploitation.**

Representatives from all key stakeholders highlighted that entering Malaysia through the legally sanctioned labor migration system was complex and expensive for both workers and employers. The 2019 US Trafficking in Persons report likewise highlighted that corruption related to obtaining work permits in Malaysia was pervasive. ILO personnel, NGO leaders, and an employer representative indicated that this situation created incentives for illegal labor migration, as well as conditions favorable to trafficking in persons.

NGO leaders reported that the potentially dire consequences that follow the arrest of undocumented workers<sup>28</sup> are one factor that makes migrant workers vulnerable to abuse. According to NGO leaders and workers themselves, in many cases, undocumented workers are forced to choose between accepting exploitative labor conditions or facing arrest, detention, fines, and deportation by Malaysian immigration authorities. According to NGO representatives, many choose the former until abuse becomes severe.

In addition, NGO and trade union leaders reported that once a worker is ordered to leave the country, because their employment contract has either expired or been cancelled by their employer or due to the worker's undocumented status, the deportation process is usually swift and does not include a process to ensure labor rights issues (such as unpaid wages) are resolved before the worker leaves the country. According to several NGO leaders interviewed during the evaluation, working with the Ministry of Home Affairs (MHA) presents challenges because labor migration is largely treated as a security issue instead of a labor or human rights issue. Moreover, when a case is brought to the Industrial Relations Court, NGO leaders reported that the process takes a long time and workers are often not allowed to stay in Malaysia, or if they are granted a

<sup>27</sup> *Ibid.*

<sup>28</sup> Workers may be undocumented because they did not obtain employment through legal means, because they left their employment without retrieving their identification papers, and/or because employers cancelled their work permits.

stay, they are rarely allowed to work while waiting. According to one NGO leader, this is one reason why project-supported shelter services were so important.

**MWEA implementing partners' outreach activities reached thousands of workers.** Based on MWEA reporting and implementing partners' accounts, all four partners distributed flyers and conducted training to inform migrant workers about their rights, reaching nearly 10,000 workers as of March 2019 (9,000 flyers distributed, nearly 1,000 workers trained). According to MWEA implementing partners and migrant worker participants in FGDs, more migrant workers came forward following outreach activities to report cases and ask for case management services from MWEA implementing partners (or their migrant worker CBO partners). In addition, migrant worker CBO representatives reported an increase in their respective memberships. MTUC also reported an increase in trade union membership among migrant workers, especially in the electronics sector.

*"In Malacca, we conducted two training workshops involving 60 migrant workers from Indonesia. The union grew from 10 to 235 members."*  
- MTUC representative

*"For Serantau [Indonesia-worker CBO], outreach activities have expanded its membership and, to some extent, formalized the group. It recently held its second congress, where participants debated the organization's purpose, constitution, and vision."*  
- NGO leader

*"The main challenge to creating a union is the law that governs the recognition of unions. When we conduct a secret ballot, the companies challenge the union. The second issue is the migrant worker's contract may stipulate that they are not allowed to join a union. Third, the local union may not want to include the migrant workers."*  
- Trade union representative

**ILO, NGO, and trade union representatives highlighted that Malaysian laws governing how unions are formed, as well as employers' union busting behaviors, are significant challenges to organizing workers.** Key informants highlighted that these laws and employer behaviors affect trade union efforts to organize all workers in Malaysia. Migrant workers faced additional social and, in some cases, contractual barriers to joining trade unions. Several key informants likewise noted that, although migrant workers may join a trade union in Malaysia, current laws restrict them from taking up leadership positions. An MTUC official reported that the Solidarity Center had

recently started providing support to the union on organizing and that MTUC had included migrant workers in some of its related training activities. ILO capacity building for MTUC through MWEA did not have a specific focus on improving the union's organizing activities, but rather focused on case management, similar to the capacity building provided to the project NGO partners.

### **3.3 Were project-supported awareness-raising activities effective in increasing empathy for and understanding of the contribution of foreign migrant workers among Malaysian youth?**

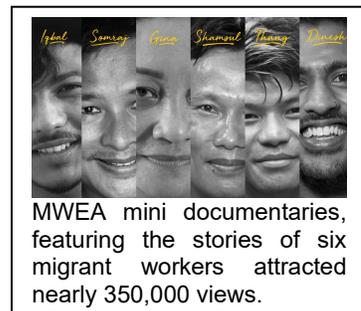
In this section, the evaluation team summarizes some key findings from ILO studies and stakeholder reports about public attitudes toward migrant workers in Malaysia. It reviews MWEA achievements related to its planned communication activities to promote greater public empathy for migrant workers, especially among Malaysian youth. Finally, this section provides feedback from project stakeholders on the outcomes and effectiveness of MWEA communication activities.

**ILO research carried out prior to MWEA and stakeholder reports highlighted widely held negative attitudes and perceptions of migrant workers in Malaysian society.** According to

an ILO official, surveys conducted by the ILO in 2010 and 2013<sup>29</sup> showed that public attitudes toward migrant workers in Malaysia were largely negative and that this was a factor enabling exploitative labor practices. Among other findings, the 2010 survey highlighted that a significant proportion of Malaysian respondents associated migrant workers with crime and believed they were damaging the country's national identity. Furthermore, the study showed most Malaysians believed that migrant workers should not expect the same pay as Malaysian workers for the same job, nor should undocumented workers expect to have "any rights at work." Feedback from representatives of various stakeholder groups likewise affirmed the importance of changing negative societal attitudes toward migrant workers in Malaysia.

- Following the 2018 Government of Malaysia (GoM) crackdown on undocumented workers, MWEA NGO partners issued a communique affirming that: *"The Government must play a more active role in educating the Malaysian people that migrant workers are not their enemies or the cause of their own financial or employment problems."*
- During KIIIs, one employer representative likewise remarked, *"I think there are a lot of negative views in our society toward foreign workers. People have the idea that they are taking away their jobs and don't want them to live in their neighborhoods. Not all ideas are unfounded. Changing perceptions is very difficult and needs to come from both sides."*
- Workers, NGOs, and trade union leaders also highlighted that "xenophobic" attitudes among some Malaysian trade union members limited efforts to increase trade union membership among migrant workers. For this reason, a trade union representative reported conducting outreach to Malaysian trade union members to sensitize them on the need for solidarity among foreign and Malaysian workers.

**MWEA online and face-to-face communication activities reached thousands and are expected to meet most project targets by project end.** MWEA Long-term Objective 3 set out to promote increased support for the rights and welfare of migrant workers among Malaysian youth by instilling empathy for and understanding of the workers' contributions to Malaysian society. To contribute to this objective, MWEA planned to achieve three results: (1) a study on public attitudes toward migrant workers in Malaysia, (2) mini web documentaries to illustrate migrant workers' contributions to Malaysian society, and (3) an awareness-raising campaign to create understanding and empathy between Malaysians and migrant workers.



MWEA canceled the first output, opting to use existing studies (highlighted above) to inform planned awareness-raising activities. For the second and third outputs, MWEA contracted organizations with relevant communication experience, as described in Exhibit 7.

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<sup>29</sup> ILO, Regional Office for Asia and the Pacific. *Public Attitudes Toward Migrant Workers: A Four Country Study*. [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/presentation/wcms\\_159851.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/presentation/wcms_159851.pdf) and ILO and UN Women. *Worker, helper, auntie, maid? Working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia*. [https://www.ilo.org/asia/publications/WCMS\\_537808/lang--en/index.htm](https://www.ilo.org/asia/publications/WCMS_537808/lang--en/index.htm)

## Exhibit 7. Communication Campaign Implementing Partners

Contract	Implementation	Organization description and role in MWEA
Liber8	February 2018– September 2019	Project Liber8 is a nonprofit organization that aims to shift attitudes and behavior toward the issue of human trafficking and exploitation through youth mobilization, public education, technology, research, and creating strong partnerships. MWEA supported Liber8 to conduct <i>Migration Works</i> , a campaign to promote positive attitudes toward migrant workers.
R.Age	July 2018– December 2018	R.Age is the youth news and lifestyle platform of <i>The Star</i> , Malaysia’s top English daily newspaper. R.Age does investigative and impact journalism and runs campaigns. MWEA supported production of six video documentaries and a photo essay on migrant worker lives in Malaysia.

Project Liber8 received a grant to conduct a youth-oriented, face-to-face, and social media campaign known as *Migration Works*. *Migration Works* used a [website](#), [Facebook](#), Instagram, and Twitter as well as university and community activities to promote greater understanding of migrant workers’ contributions and the challenges they face in Malaysia. As of the end of June 2019, MWEA reported the Liber8 social media campaign reached over 154,000 people and directly engaged 5,661 students (approximately 41% women and 50% aged 18-35 years) at university or community events.

R.Age produced a multimedia documentary series and a photo essay called *Work in Progress*. Although not specifically part of its contract with ILO, R.Age also wrote an article to accompany the audio-visual content highlighting misconceptions about migrant workers in Malaysia. The mini documentaries featured six migrant workers, five men and one woman, of different nationalities and occupations, focusing on the workers’ feelings, motivations, and insights on their lives. The videos attracted nearly 350,000 views between December 2018 and September 2019. R.Age created a [mini website](#) to host *Work in Progress* content linked to its own web platform, a strategy that contributed to increasing the visibility of the content, according to ILO and R.Age personnel (see Section 4.2 for additional detail). In the same period as its MWEA commissioned work, R.Age conducted its own investigative journalism projects on relevant migration issues.<sup>30</sup>

**Viewer/participant reactions to awareness-raising activities suggested increased understanding of migrant workers’ contributions and empathy for the challenges they face.** Participants in the FGD with students suggested Liber8 activities on university campuses increased awareness of migrant workers’ economic and social contributions, as well as knowledge of some of the labor and human rights abuses migrants face in Malaysia. Three-quarters of participants indicated they were more concerned about migrants’ rights after their participation than before, with one participant indicating that she had already been sympathetic before the campaign. Some FGD participants reported taking more interest in issues surrounding migrant workers and making conscious efforts to be more friendly to migrant workers they encountered in their daily lives. According to MWEA reports, after attending Liber8 events, 455 individuals “pledged” for migrant workers to receive better and fairer treatment using #KindnessWorks and #MigrationWorks.

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<sup>30</sup> R.Age documented a student visa scam that attracted young people to Malaysia to study and then forced victims into forced labor situations. See <https://rage.com.my/trafficked/>. Part of the documentary series covered the unhealthy living conditions of construction workers, most of whom are migrants, in Kuala Lumpur.

According to R.Age, the mini documentaries received several hundred comments, which were overwhelmingly positive. R.Age journalists were surprised by this outcome, indicating they were *“accustomed to getting some rather hateful comments when we post content about migrants (workers or refugees).”* They believed the positive tone of the documentaries and the focus on shared human experiences contributed to the video’s positive reception.

*“Malaysia is known internationally for its skyscrapers such as the KL Tower and the Petronas Twin Towers, which were built using migrant labor. Malaysia would not have been able to develop so rapidly without the help of migrant workers.”*  
 - Student participant in Liber8 activity

Exhibit 8 shows MWEA progress against the communication campaign–related indicators as of March 2019. The table shows the project is close to meeting many of its targets with some activities still ongoing. Liber8 highlighted that disappointing results achieving the indicator on youth participating in online “pledges” may have been influenced by declining popularity of Facebook among youth.

*“We need to realize that we are more alike than we are different. And the “others” who come here seeking economic opportunities want the same things we do. I hope this series will inspire Malaysians to treat migrant workers with the respect they deserve.”*  
 - Comment on R.Age documentary

**Exhibit 8. PMP Achievement for Communication Activities**

Indicator	Target	Achieved March 2019
Number of Malaysian youth who have pledged online to support the rights of migrant workers in Malaysia	5,000	455 (reported in June 2019)
Number of Malaysian youth who have participated in online discussions about migrant worker issues in Malaysia	42,000	29,661
Number of people reached by the <i>Migration Works</i> campaign contents on its website, Facebook, Twitter, and other social media platforms	173,000	157,644
Number of views of the mini web documentaries disseminated through various online platforms	No Target	346,000 (reported in September 2019)
Number of Malaysian youth who have participated in awareness-raising events organized by the <i>Migration Works</i> campaign	8,160 (3,264 female)	7,044 (3,874 female)

**The MWEA communication campaign linkages with other project components were limited.** R.Age journalists expressed regret that MWEA did not do more to promote R.age content through its implementing partners’ online networks. However, an MTUC leader indicated that the R.Age videos were “excellent” and that the union was using these in its face-to-face outreach activities. The evaluation team observed that online communication campaign content did not highlight organizations that provide services to migrant workers and that related “pledges” did not promote support for the work of these organizations. For example, besides Liber8, university student FGD participants were not aware of any Malaysian organizations that defend migrant workers’ rights, although some FGD participants indicated they endorsed a pledge advocating giving domestic workers one day off a week, a campaign initiated by Tenaganita.

Other project stakeholders had mixed views about the communication campaign. Most believed changing negative attitudes was important. Some thought MWEA communication activities should be scaled up, while a few informants indicated the approach could be improved. One key informant with extensive experience working on migrant worker rights issues said, *“These approaches don’t really fundamentally change your beliefs. Instead of trying to reach a vast*

population, we need to identify core collaborators and have sustained efforts. Rights-based education versus social charity.” Another suggested that MWEA invest more in targeted advocacy campaigns, “The scale of MWEA’s communication campaign was too small to have a significant impact. What we need is systemic change. This means getting policy makers to change laws.”

### 3.4 What were the key internal or external factors that limited or facilitated the achievement of project results?

In this section, the evaluation team analyzes key stakeholder perceptions and relevant study findings about external factors that limited or facilitated MWEA progress in improving respect for the rights of migrant workers in Malaysia.

**MWEA stakeholders identified many complex factors that affect the extent to which migrant workers’ rights are respected in Malaysia.** Exhibit 9 provides an overview of challenges that stakeholders highlighted during KIIs and FGDs.

**Exhibit 9. Key Issues Affecting Migrant Workers’ Rights in Malaysia**

<b>Problems</b>	<b>Key Issues</b>
1. Demand for cheap labor is high in Malaysia	<ul style="list-style-type: none"> <li>• High demand for low-skill, cheap labor in Malaysia</li> <li>• Pressures within some global supply chains to keep costs low by suppressing labor costs</li> </ul>
2. Labor migration policies increase vulnerability of migrant workers	<ul style="list-style-type: none"> <li>• Limited economic opportunities in source countries encourage high-risk migration strategies by individuals seeking to provide for themselves and their families</li> <li>• Administrative processes to employ foreign workers legally are complicated and expensive, creating incentives to use illegal channels</li> <li>• Recruitment and other fees paid in both source and destination countries are often high: payment of fees by workers increases their risk of debt bondage, while payment of recruitment fees by employers increases employers’ interest in controlling workers’ freedom of movement (e.g., passport retention, tying workers to one employer)</li> <li>• Workers are highly dependent on employment agencies for job placement, obtaining and renewing work permits, and in some cases for housing, food, and wage payments, which makes them vulnerable to exploitation</li> <li>• Workers’ work permits do not allow them to change employers</li> <li>• Undocumented workers (workers without legal employment status or workers who leave legal employment without their proper documentation) are under threat of detention, fines, and deportation by immigration authorities</li> </ul>
3. Gaps in labor laws, unregulated working conditions in sectors with large numbers of migrant workers	<ul style="list-style-type: none"> <li>• Trade union formation is difficult, and there is limited coverage by trade unions, especially in the informal sector</li> <li>• Limitations of migrant worker leadership in existing trade unions and illegality of creating migrant worker trade unions</li> <li>• Domestic workers do not receive equal protection under current labor laws</li> <li>• Lack of regulation of occupational safety and health (OSH) and worker housing conditions</li> </ul>
4. Law enforcement agencies and labor courts with limited capacity and effectiveness	<ul style="list-style-type: none"> <li>• Limited monitoring of working conditions by labor inspectors</li> <li>• Challenges obtaining speedy redress through labor courts, especially for undocumented workers</li> <li>• Limited awareness of trafficking and forced labor indicators among labor inspectors</li> <li>• Variations in Ministry of Human Resources (MOHR) personnel willingness to investigate migrant worker complaints</li> </ul>

**ILO, CSOs, and employer representatives affirmed the need for economic and employment policy reforms.**

Based on the evaluation team’s literature review, the structure of the Malaysian economy still features high demand for “low-skill” workers unmet by the supply of Malaysian workers willing to accept such jobs. One CSO leader underlined that the country’s dependence on foreign, “cheap” labor to power its economy was a systemic problem contributing to migrant worker exploitation. An employer representative likewise indicated that pressure from buyers to keep prices low in global supply chains was a factor affecting demand for low-cost workers. According to an ILO analysis of labor migration policies in Malaysia, economic development and other policy documents have sought to reduce dependency on migrant workers through a variety of strategies, including charging a levy for their employment, introducing a minimum wage common to all workers regardless of nationality, raising the retirement age, and increasing the number of women entering paid employment. However, ILO reports indicated that changing the composition of the labor force has proven difficult to achieve, with employers complaining of severe shortages in some industries when more restrictive policies have been applied.<sup>31</sup>

*“The government needs to think through employment strategies in Malaysia, especially the economy’s dependence on cheap labor. We don’t want migrant labor to be cheap labor ... If this doesn’t happen, the problem won’t be solved.”*

- NGO leader

*“Malaysia’s transition to a high-income and developed nation is at risk, as long as firms are still engaged on a ‘race to the bottom’ in relation to labor costs and are unwilling to pay more.”*

- Central Bank of Malaysia  
“Low Skilled Foreign Workers Distortions to the Economy”

**CSO and employer leaders advocated for policy to eradicate the involvement of private agents and outsourcing companies in the recruitment and supply of migrant workers.** In FGDs and KIs with migrant workers, many of whom were domestic workers, several participants reported being brought to Malaysia by recruitment agents (both licensed and unlicensed), based in Malaysia and in their home countries, who misled them through fraud and deception about the type and conditions of their employment. CSO as well as employers’ association representatives agreed that the system currently used to recruit migrant workers creates conditions in which forced labor could occur. ILO personnel, CSO leaders, and migrant workers also pointed to other factors contributing to forced labor, such as employer and agent practices following recruitment, including passport retention, controlling migrant housing, monitoring workers’ movements, and failing to renew work permits on time.

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<sup>31</sup> ILO. 2016. Review of labor migration policy in Malaysia, TRIANGLE II Project, ILO Regional Office for Asia and the Pacific (Bangkok).

*"I came here through an agent as a domestic worker. I was promised a factory job. When I told my employer that, she sent me back to the agent. The agent was angry and abusive. She took my papers and my phone and locked me up in an apartment until I escaped."*

- Migrant worker

*"Employers pay a lot of money to secure a foreign worker. Because of that, the practice is to restrict the worker to that employer for a period of two years. I suggested that we follow the system in Europe where workers come on their own."*

- Employer representative

Payment of excessive recruitment fees by the migrant workers and/or the employer are also factors leading to forced labor, according to representatives from all stakeholder groups and ILO reports. Key informants highlighted that debt bondage may be created when the worker borrows money to cover migration costs. However, key informants also indicated that when employers pay high recruitment costs, they may try to restrict workers' movements until their investment is "amortized." Mandatory licensing of recruitment agencies is required under the provisions of the Private Employment Agencies Act but, based on project stakeholder feedback and ILO reports, compliance with and enforcement of rules and regulations is weak.

According to the ILO, the recruitment sector has proven a major regulatory challenge for the GoM.<sup>32</sup> In response to widespread complaints about deceptive and abusive practices, attempts have been made to reduce the role

of recruitment and outsourcing agencies in facilitating labor migration. Examples include the Government to Government (G2G) agreement on labor migration signed between Malaysia and Bangladesh, which eliminated private recruitment agencies; the recent GoM measure outlawing the employment of foreign workers through outsourcing agencies; and MOUs signed between the GoM and origin countries that define the sectors where migrants may work and set standards for their employment contracts.

*"Employment legislation is consistently ignored, not least with regard to the prompt payment of wages, calculation and payment of overtime, statutory rest periods, rest days, and annual paid holidays; a host of health and safety provisions/concerns; the right to unionization; and the right to redress."*

- Towards a Comprehensive National Policy on Labor Migration for Malaysia, Migrant Workers Right to Redress Coalition

**ILO project management and CSO leaders likewise highlighted the need for better labor laws, as well as stronger enforcement.** CSO leaders highlighted that gaps in the Employment Act limit protection for some categories of workers (for example, domestic workers). They likewise noted that the Employment Act is poorly enforced due to both limited labor inspectorate capacity and the discriminatory attitudes of some labor inspectors regarding migrant workers. NGO, trade union, and migrant worker key informants reported violations of migrant workers' labor rights in areas such as correct payment of wages and overtime; provision of statutory rest periods, rest days, and paid leave; as well as lack of

attention to OSH. In addition, according to NGO leaders, many labor inspectors, police, and judicial officials are unable to recognize indicators of forced labor and trafficking. As a result, legal provisions designed to protect migrant workers from deportation while their cases are adjudicated are unevenly applied. According to a US Embassy official, the Embassy has been conducting training of police and judicial officials on indicators of forced labor and trafficking in the last year.

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<sup>32</sup> Ibid.

**By supporting its implementing partners' organizational capacity, MWEA addressed policy-related issues indirectly through its partners' advocacy activities.** MWEA indirectly supported civil society advocacy efforts for policy reform by supporting implementing partners' work with migrant workers and facilitating networking with like-minded organizations. According to KIIs with CSO leaders and ILO personnel, MWEA as well as other ILO projects on labor migration enabled joint-advocacy activities. During evaluation consultations, CSO leaders highlighted their participation in various coalitions advocating for policy and legal reforms:

*"Grassroots initiatives, if managed well, can lead to systemic change in policies that will help better protect migrant workers in Malaysia."*

- ILO, Mapping of Migrant Rights Civil Society Organizations in Peninsular Malaysia

*"We fought for employment injury coverage for foreign workers. Now they are covered. With the new government they were able to get it."*

- Trade union leader

- MTUC and other CSOs advocated for reform of laws governing migrant worker access to the national social security insurance plan compensating workers and their dependents for work-related accidents and death.
- The Migrant Workers Right to Redress Coalition produced "Towards a Comprehensive National Policy on Labor Migration for Malaysia," a policy-oriented document advocating for extensive reforms in Malaysia's employment and immigration policies.<sup>33</sup>
- Joining Hands Against Modern Slavery (JHAMS), a coalition of CSOs, advocated for increased efforts by the Malaysian government to combat trafficking.
- Ke Arah 189 and the Domestic Workers Campaign Coalition advocated for a new stand-alone act to regulate domestic workers' working conditions.

*"We have contributed an article recently which talks about the recruitment process, how they [migrant workers] are cheated, and get into debt. This was covered in a few English dailies."*

- NGO leader

*"Our organization has a reputation of being vocal (naming and shaming). New media has helped with coverage."*

- NGO leader

In addition to forming coalitions to advocate for policy and other changes to address the rights of migrant workers, NGO leaders reported that they actively engaged with the media to get their messages out to decision-makers as well as the general public. Based on NGO leader accounts, MWEA and other ILO projects on labor migration also facilitated NGO leader interaction with GoM officials. For example, one NGO partner reported being invited by the ILO to the Safe and Fair Migration Regional Consultation in Bangkok where s/he met with representatives from the Malaysian Women's Ministry, the Ministry of Home Affairs (MHA), the Labor Department, and the Council for Anti-

trafficking in Persons. In addition, several NGO leaders and ILO officials reported that the ILO helped facilitate consultations between the newly elected Malaysian government and migrant workers as part of a GoM fact-finding exercise on the status of migrant workers in Malaysia.

<sup>33</sup> The report was an outcome of four round tables held in 2016, which brought together a range of civil society stakeholders to discuss labor migration in Malaysia. It contains a series of recommendations on topics including recruitment, employment policies, undocumented workers, arrest and detention, women migrant workers, health and social security, and housing.

### Other ILO projects overlapped and complemented

**MWEA interventions.** According to ILO personnel, since 2011, the ILO has been providing technical assistance to the GoM and social partners to strengthen labor migration governance in Malaysia. Since MWEA was awarded in late 2015, the ILO portfolio of projects in Malaysia has significantly increased. In addition to the areas covered by MWEA, other key areas of work have included contributing inputs for broader reforms of the labor code, support for the development of bilateral

*“MWEA is part of a holistic approach, which includes policy-legislative work, capacity building (not only of CSOs and trade unions, but also employers and government), support services to migrant workers and promotion of international labor standards.”*

- ILO Official

agreements between Malaysia and migrant origin countries on labor migration, improving the collection of labor migration statistics, building the capacity of authorities on the labor dimensions of trafficking, organizing consultations for labor attachés and consular officials, conducting research on labor migration and recruitment practices, and developing practical guidelines and training for social partners. MWEA national personnel reported receiving effective technical backstopping from the Regional Labor Migration Specialist based in Bangkok, who made frequent missions to Malaysia in support of ILO’s portfolio of labor migration projects.

At the time of the final evaluation fieldwork (September 2019), the ILO was implementing six other projects with activities relevant to addressing migrant worker rights in Malaysia. Two of these are funded by ILAB, and a third is funded by the US Department of State. Exhibit 10 provides summary information on these projects. Through these projects, the ILO produced relevant research,<sup>34</sup> developed capacity building materials,<sup>35</sup> and provided technical assistance to orient legal and policy reforms.<sup>36</sup> Three projects, *TRIANGLE in ASEAN*, *Improved Migration Governance* (IMG) and *Safe and Fair* have components on migrant worker service-provision and awareness-raising. IMG is specially focused on domestic work and plantations.

### Exhibit 10. Other ILO Projects Relevant to Labor Migration in Malaysia

#### **TRIANGLE in ASEAN**

**Goal:** Maximize the contribution of labor migration to equitable, inclusive and stable growth in ASEAN.

**Donor:** Global Affairs Canada (GAC) and Australia Department of Foreign Affairs and Trade (DFAT)

**Budget:** CAD 5,500,000 and AUD 20,000,000 (budget for Southeast Asia managed and dispersed through the ILO’s regional office)

**Implementation period:** 2015–2025

**Main Strategies:** *Assistance for development of policy instruments; Training for ILO tripartite constituents; Funding for migrant-worker support services; Research*

<sup>34</sup> For example the Triangle project produced studies on labor migration policy in Malaysia, worker-paid migration costs in the Viet Nam-Malaysia corridor, working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia, and the Government-to-Government mechanism for the employment of Bangladeshi workers in the Malaysian plantation sector. The Bridge project produced a situation and gap analysis on Malaysian legislation, policies, and programs and the *ILO Forced Labor Convention and Protocol*. The Reframe project mapped the recruitment practices along the Nepal-Malaysia corridor, with a focus on the electronics sector.

<sup>35</sup> The Bridge project published training guides for employers, judges, prosecutors, and legal aid practitioners on forced labor.

<sup>36</sup> The ILAB-funded *Improving Labor Laws and Labor Administration* project has assisted the GoM to prepare amendments to the Trade Union Law, which would make it easier for migrant workers to organize in trade unions. It also proposes reforms to extend the coverage of regulations on worker housing to include new sectors, such as construction, which is especially relevant to migrant workers. In addition, the project is providing assistance to improve the efficiency of the labor inspectorate. For example, it is promoting new approaches to prioritizing inspections based on an assessment and prioritization of industries and enterprises that are considered at “high risk” of labor rights and OSH violations. Most “high-risk” industries employ migrant workers in large numbers.

<p><b>From Protocol to Practice: A Bridge to Global Action on Forced Labor (Bridge Project)</b></p> <p><b>Goal:</b> Increase compliance with international labor standards with regards to forced labor and child labor.  <b>Donor:</b> ILAB (Office to Combat Child Labor, Forced Labor and Human Trafficking)  <b>Budget:</b> \$1,500,000 (Malaysia budget)  <b>Implementation period:</b> 2017–2020  <b>Main Strategies:</b> <i>Research; Capacity building</i></p>
<p><b>Improving Labor Laws and Labor Administration</b></p> <p><b>Goal:</b> Increased compliance with labor law and ILO fundamental principles and rights at work.  <b>Donor:</b> ILAB (Office of Trade and Labor Affairs)  <b>Budget:</b> \$1,550,000  <b>Implementation period:</b> 2016–2020  <b>Main Strategies:</b> <i>Technical assistance on labor law reform; Capacity building to improve labor inspection system; Capacity building to improve labor dispute settlement system</i></p>
<p><b>Improved Migration Governance (IMG) Project</b></p> <p><b>Goal:</b> Protection of domestic workers' and plantation workers' rights in Malaysia.  <b>Donor:</b> US Department of State (Bureau for Democracy, Human Rights and Labor)  <b>Budget:</b> \$494,000  <b>Implementation period:</b> 2016–2019  <b>Main Strategies:</b> <i>Research to support labour migration policy reforms; improving access to information and services by migrant workers; advocacy for enhanced standard employment contracts; and improving recruitment and employment practices for migrant workers in the plantation and domestic work sectors</i></p>
<p><b>REFRAME</b></p> <p><b>Goal:</b> Preventing and reducing abusive and fraudulent recruitment practices and maximizing the protection of migrant workers in the recruitment process and their contribution to development.  <b>Donor:</b> European Union  <b>Budget:</b> 8,400,000 Euros (global project budget)  <b>Implementation period:</b> 2017–2020  <b>Main Strategies:</b> <i>Implement and assess the social and economic impact of a pilot fair recruitment intervention to supply workers for the electronics sector focused on the Nepal-Malaysia immigration corridor</i></p>
<p><b>Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region</b></p> <p><b>Goal:</b> Address women migrant workers' vulnerabilities to violence and trafficking.  <b>Donor:</b> European Union, Multi-partner Trust Fund  <b>Budget:</b> EU 26,000,000 (budget for Southeast Asia managed and dispersed through the ILO's regional office)  <b>Implementation period:</b> 2018–2022  <b>Main Strategies:</b> <i>Technical assistance and capacity building to develop gender-responsive labor migration laws, policies, practices, and services; Support the organization and representation of women migrant workers</i></p>

### 3.5 What is the likelihood that project activities and their results will continue absent ILAB resources?

In this section, the evaluation team examines the factors that affect the sustainability of MWEA activities and results following the end of the project.

**“Demand” for migrant worker support services and outreach activities is unlikely to diminish significantly in the short to medium term.** To date, the “supply” of migrant workers wanting to work in Malaysia remains high, despite well-publicized cases of trafficking and labor exploitation. Many key stakeholders highlighted that conditions in sending countries

*“The situation for migrant workers is the same now as it has been for the last three decades, maybe even worse. ... The fact is that there are no jobs back home so they [migrant workers] have no choice but to come. If the legal way is difficult, then they will use the illegal way.”*

- NGO leader

that push workers to leave their homes in search of a better living and, in many cases, to adopt “high-risk” migration strategies remain largely unchanged. Similarly, to date, systemic issues that enable migrant worker exploitation in Malaysia also remain largely unchanged. As highlighted in Section 3.4, all evaluation stakeholder groups confirmed that significant reforms in Malaysia’s

immigration policies and labor policies, as well as improvements in their enforcement, are needed to address systemic issues that contribute to the abuse of migrant workers in Malaysia.

**Both the ILO and its implementing partners remain committed to their work combatting labor rights abuses against migrant workers.** Malaysian NGOs, trade unions, and CBOs affirmed strong commitment to continuing the activities for which they received MWEA support. Based on their activities predating MWEA support, as well as the commitment voiced by their leaders, MWEA implementing partners, to differing degrees, are likely to continue defending migrant workers' rights. ILO officials likewise highlighted their ongoing commitment to helping national stakeholders in Malaysia address the key issues affecting migrant workers' rights, including extending its collaboration with some MWEA partners. ILO officials reported that this year, the GoM, workers', and employers' organizations, and the ILO agreed on the first Decent Work Country Program (DWCP) for the period 2019–2025. The DWCP plans for strengthened ILO engagement in Malaysia, and labor migration is identified as one of the three prioritized areas of work. In the short term, ILO personnel indicated that their organization will continue to support some MWEA partners' support services and additional communication activities through ongoing projects in the country.

**MWEA implementing partners indicate they will continue to need external support to strengthen their organizational capacity, including access to financial resources to carry out their missions.** Based on their accounts, MWEA implementing partners' capacity to mobilize funds from diverse sources varied. All implementing partners indicated they were dependent on ILO funding and other support to some extent, highlighting limited other sources of funding for the type of work they carry out. Several external experts consulted by the evaluation team recommended that the NGOs explore collaboration with the private sector to fund some types of activities, citing demand from corporate social responsibility initiatives. However, most NGO leaders indicated they were not comfortable working directly with the private sector for fear of becoming co-opted by the companies' economic interests. Based on one NGO's report, government funding for sheltering trafficking victims ended a year ago but could potentially be restarted.

A US Embassy official consulted during the evaluation highlighted that some ILO implementing partners have been involved in many projects and programs funded by the US government on migrant worker issues in Malaysia in recent years. During a discussion on the funding constraints facing NGOs in the sector, the official suggested that more innovative and sustainable funding mechanisms to fund the activities of these organizations be considered in the future. For example, he suggested foundation/trust type models, although he expressed doubt that US Government regulations would allow the government to directly fund this type of institutional support. In addition, MWEA counterparts highlighted legal restrictions on organizations like theirs that could likewise affect the feasibility of some funding models. For example, the NGOs have faced challenges registering as an NGO in Malaysia, with most explaining they were currently registered as a business because the registration process was less time consuming and easier to achieve.

According to both NGO and trade union officials, migrant workers who choose to join trade unions are likely to benefit from ongoing support from their union based on the relative power and stability of the MTUC in Malaysia. However, when ILO funding for MRC activities was interrupted, the activities of these centers were significantly downscaled, suggesting that MTUC's case management services for migrant workers are largely dependent on ILO funding. According to trade union leaders, MTUC does not use its core funding to fund its migrant worker support services, but it is willing to target migrant and Malaysian workers alike in its outreach and organizing activities. As reported in Section 3.1, although migrant worker CBOs indirectly

supported by MWEA face challenges formalizing their organizations, they are largely voluntary and organized effectively at the grassroots level to offer solidarity and some services to their fellow workers, even without external funding. In addition, through MWEA support, at least one migrant worker CBO reported stronger relations with their home-country consulate, a source of support for their activities.

## 4. LESSONS LEARNED AND PROMISING PRACTICES

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This section highlights lessons learned and promising practices based on evaluation findings.

### 4.1 Lessons Learned

**Project designers and MWEA project management needed to differentiate organizational development capacity building strategies to better account for the needs and aspirations of its partner organizations.** The MWEA capacity building strategy partially accounted for differences in the needs and capacities of its implementing partners, but there was ample room to go further. MWEA might have tailored its support more effectively by being more flexible in the types of activities it would fund and diversifying its training and coaching activities to meet the specific needs of its implementing partners. For example, given its experience, Tenaganita could have led case management training, instead it was invited to participate in the same project-led training as other implementing partners. Tenaganita is the only NGO to manage shelters and is struggling to maintain funding for this activity, a specific need MWEA might have helped them address in ways other than through short-term funding. NSI appeared to be more focused on empowering migrant worker organizations than were the other implementing partners and might have been supported further to develop this specific dimension of the project strategy by piloting and testing innovative strategies.

**Project designers and MWEA project management needed to distinguish project capacity building strategies more specifically to account for differences in trade union and NGO mandates.** According to the project PMP, an intended MWEA result was an increase in migrant worker membership in trade union and/or informal migrant worker organizations. However, design stage analysis did not discuss the different roles of various types of organizations defending migrant workers' rights or the challenges to achieving organizing objectives, nor did it suggest key gaps to be filled by intervention strategies. The CSO mapping, while assessing the organizational landscape, focused narrowly on service-provision. Evaluation findings outline specific opportunities and challenges facing trade unions in their role to protect migrant workers' rights and more generally all workers' rights in Malaysia. The design of this project treated MTUC largely the same as other service-provision CSOs and did not fully account for specific trade union-specific comparative advantages, such as MTUC's mandate to organize workers in formal sector industries. This approach may have contributed to the perception of competition between the different partners on the part of the trade union. Moreover, given the particular challenges that hinder organizing migrant workers into trade unions, MWEA might have been more effective with a more tailored organizational capacity building strategy for MTUC to use in addressing these challenges.

**MWEA management or, more generally, the ILO project office needed to intensify collaboration between MWEA implementing partners and other types of organizations/services—embassies and consulates, origin-country NGOs, other social service NGOs, origin-country unions, and the private sector.** MWEA chose its implementing partners well and made modest efforts to include other CSOs in its activities. However, project reporting and MWEA accounts also suggest that MWEA efforts to promote coordination and dialogue between its CSO partners and other entities involved in addressing the needs of migrant workers were limited. According to one ILO program manager, this need was recognized and incorporated in another project - IMG – through the organization of quarterly migration network meetings. Discussion during the stakeholder workshop between NGOs and the employers' federation, and the ongoing cooling of relations between the MTUC and MWEA NGO partners,

suggest that the ILO can play a useful role promoting more productive dialogue between its tripartite constituents and labor rights NGOs.

**MWEA management needed to integrate project communication and service-provision and outreach components more holistically.** MWEA was effective in leveraging the existing, large online audience of R.Age and initiating face-to-face encounters with youth through Liber8's university network to increase its engagement with audiences not typically involved in labor rights programming. In particular, project communication activities gained significantly by hosting mini-documentaries and related content on migrants' lives on R.Age's online platform, drawing in a large youth audience. Given the campaign's objective of changing public attitudes, the wider reach of this dissemination strategy greatly increased the potential impact of the campaign compared to the alternative of hosting the documentaries on a platform more specifically targeted to NGO/human rights activists. However, MWEA could have been more effective in using its communication campaign to direct participants and viewers to NGO social media sites as part of a "call to action."

## 4.2 Promising Practices

**Setting a realistic number of objectives, outcomes, and outputs.** MWEA set a reasonable number of objectives and proposed a largely realistic intervention strategy that aligned with the allocated budget. Although the abuse of migrant workers' rights is a complex problem in Malaysia, ILAB (and ILO) did well to take MWEA's more focused approach to the issue rather than spread project resources too thinly by trying to address all issues, all at once.

**Carrying out a mapping to inform project design.** Through its mapping study, MWEA took a systematic approach to identifying what kinds of services are currently available for migrant workers, which organizations are offering them and where, and then used this information to determine MWEA's final project design.

**Working with CBOs that are run by migrant workers.** Feedback from workers and NGOs suggests that migrant worker CBOs are effective in reaching fellow workers, offering support, and/or connecting workers to other support organizations. Their effectiveness is largely credited to the CBOs' ability to capitalize on shared language, culture, and geographic roots to create and maintain solidarity networks among workers from same country/region.

**Mobilizing young lawyers to assist with case management.** Tenaganita reported a successful partnership with the Malaysian Bar Council. Through their collaboration, each quarter, the NGO receives 35 to 40 young lawyers (66 percent of whom are female) who volunteer one day a week to help with legal aid. A participant in the program recounted that as a volunteer s/he participated in activities to rescue an Indonesian domestic worker and facilitated the release of a migrant worker from a Malaysian detention center. The volunteer affirmed, "*The program is really good because it exposes you to many things. You may read about exploitation online but you are not exposed to it firsthand. It opened my eyes.*" The MTUC likewise reported receiving young lawyer interns in collaboration with the Bar Council.

**Migrant worker organizations collaborating with home-country consulates.** The Indonesian CBO partner of NSI developed strong ties with the Indonesian Consulate, which provides shelter and facilitates repatriation of migrant workers from the country. A representative of the Indonesian Embassy attended a meeting of the Indonesian workers' association, also attended by the evaluator. MWEA implementing partners cited examples of the consulate becoming involved in some workers' cases to recover unpaid wages after workers' repatriation. Because they are state-

funded, the consular services are less vulnerable to project funding than are the Malaysian NGOs. However, one MWEA CSO partner cited a case of a corrupt consular official who cheated a worker by keeping the worker's recovered wages, highlighting the value of the CBOs acting as an intermediary organization, defending the rights of migrant workers and holding government services accountable.

**Collaboration between home-country unions, CBOs, and CSOs.** One trade union representative described a good practice facilitated by an agreement between the governments of the Philippines and Malaysia, executed via the intermediary of trade unions in both countries. Based on the G2G agreement, all Filipino domestic workers are required to attend an orientation meeting upon arrival in Malaysia before taking up their jobs. The orientation, delivered by the MTUC, provides workers with an overview of their rights and obligations as workers in Malaysia and informs workers on how and where to seek help in case their rights are infringed. According to an ILO program manager, recognizing the good practice, post-arrival orientation meetings for migrant domestic workers are supported by the ILO in Malaysia through other on-going projects which include collaboration with trade unions, CBOs, CSOs, and the Philippine embassy.

**Use of social media and hotlines in CSO outreach and reporting cases.** Several MWEA implementing partners, as well as migrant worker CBOs, reported using social media to increase the visibility of their services and facilitate information sharing among their members. In a few cases, the organizations reported receiving requests for assistance from migrant workers through Facebook. In addition to social media, Tenaganita also maintains a hotline to facilitate the reporting of cases of migrant worker exploitation by concerned neighbors, family members, and workers themselves.

## 5. CONCLUSIONS AND RECOMMENDATIONS

In this section, the evaluation team presents its main conclusions about the MWEA project's overall implementation and its progress on each evaluation criterion. The team also makes recommendations based on the evaluation findings presented in Section 3.

### 5.1 Conclusions

**Evaluation findings largely validated MWEA's theory of change.** By supporting NGOs, trade unions, and CBOs, MWEA was able to address many critical needs of migrant workers in Malaysia. MWEA contributed to helping migrant workers defend their rights by providing funding and technical support to mission-driven organizations that defend migrant workers, including undocumented workers, and enable them to access legal services and seek redress for labor rights abuses. According to PMP data, NGO, trade union, and migrant worker CBO outreach activities reached nearly 9,000 migrant workers, which resulted in a reported increase in migrant workers seeking assistance to defend their rights. In addition, according to PMP data, with MWEA support, over 1,000 workers joined trade unions to defend their rights. Finally, MWEA-supported communication campaigns reached large audiences both online and through face-to-face events. Based on FGDs with participants, comments posted online, and implementer reports, exposure resulted in positive societal perceptions of migrant workers even if evidence is limited on the effect of changes on practices.

Evaluation findings also highlight additional, complex factors that contribute to an environment where migrant workers' labor rights are frequently abused with few or no negative consequences for the abusers. Notably, the evaluation highlights deficiencies in the recruitment of migrant workers, immigration policies, labor laws, and their enforcement. MWEA did not directly address these significant issues in its theory of change, although findings suggest it contributed to advocacy efforts in favor of larger systemic reforms by backing CSOs who document abuses and advocate for needed reforms in Malaysia's labor migration policies. Moreover, while its strategies did not address the full gamut of factors affecting migrant workers' labor rights in Malaysia, MWEA complemented other ongoing projects to promote greater respect for migrant workers' rights in the country. Given the size of the MWEA budget, the significant and pressing need for assistance from migrant workers currently experiencing exploitation, as well as the existence of other complementary ILO projects and activities focusing on larger systemic issues, MWEA designers' decision to keep the project relatively focused on a limited number of objectives was appropriate.

The evaluation team assessed the extent to which MWEA achieved the results that comprise its theory of change. The exhibit below provides a performance achievement rating for objectives based on the performance data for each indicator under that result. The rating scale is: Low, moderate, above-moderate, or high.

**Exhibit 11. Performance Ratings by Project Objective**

Objective	Number of Indicators	Performance Rating	Sustainability Rating
<b>Objective 1: Malaysian civil society is empowered to better support migrant workers in realization of their rights.</b>			
Increased capacity of civil society to deliver services to migrant workers.	2	Moderate	Moderate

Objective	Number of Indicators	Performance Rating	Sustainability Rating
<b>Objective 2: Women and men migrant workers are empowered to realize their rights.</b>			
Increased knowledge of migrant workers regarding their rights and how to claim them.	8	High	Above Moderate
<b>Objective 3: Malaysian youth demonstrate increased support for the rights and welfare of migrant workers.</b>			
Malaysian youth have increased empathy for and understanding of the contribution of migrant workers.	6	Above Moderate	Moderate

**MWEA collaborated with relevant implementing partners, providing grant funding that supported core activities, fostered learning by doing, and reinforced partner networks.** MWEA worked with complementary organizations with missions that were closely aligned with the project objective. Implementing partners' accounts highlighted that MWEA grants filled a critical need for core funding, allowing the organizations to implement activities closely related to their missions. Less experienced MWEA implementing partners noted that project activities provided a learning opportunity to improve their services. MWEA implementing partners reported indirect benefits from the project, which included strengthening their networking and collaboration with other key stakeholders on labor migration issues. However, MWEA could have been more effective in facilitating dialogue between its NGO partners and trade union constituents, based on ongoing disagreements on the causes and solutions to migrant workers' troubles in Malaysia. Both MWEA and ILAB could have been more efficient finalizing the project design and implementing partner grant agreements, possibly by streamlining hiring and approval processes.

**Beyond grant funding for activities, other MWEA capacity building efforts were limited in scale and impact.** MWEA made substantive effort to coach its implementation partners on grant management, project implementation and M&E, mainly through targeted training and hands-on coaching. These activities focused on practical topics relevant to partners' activities and generally met participants' expectations. However, the scope of MWEA other capacity building activities was relatively limited. Both the budget allocated to this objective and project progress spending down the budgeted amount suggest that MWEA designers did not see organizational capacity building as a high priority, even though project analysis showed CSOs played a critical role in defending workers' rights. In addition, MWEA did not adequately tailor its capacity building interventions to meet some key organizational capacity needs of its partners. Notably, MWEA did not adapt its organizational capacity building interventions significantly to align with the needs of its mature versus less mature implementing partners or with the specific mandates of its trade union versus NGO partners.

**ILO and ILAB efforts to establish a workable monitoring and evaluation (M&E) framework provided useful data to measure MWEA progress.** Although MWEA implementing partners found MWEA reporting requirements heavy and, in some cases, needing simplification, they received adequate support from MWEA project management to meet these reporting obligations. As a result, MWEA reporting provided useful data to evaluate project performance. In addition, reporting requirements related to case management yielded information on migrant worker rights abuses that has been used by NGOs in advocacy activities, an unintended positive outcome.

**MWEA-supported case management services benefited migrant workers, reaching greater numbers than planned.** According to PMP data and project TPRs, MWEA implementing partners provided needed assistance to nearly 1,250 migrant workers, including large numbers of hard-to-reach workers, such as domestic and other informal sector workers. Project reports and testimonials from workers and other key informants highlight that project support addressed

migrant workers' critical needs for legal support, temporary shelter, and safe repatriation. Through legal support, many workers were able to obtain some form of redress, including recovering unpaid wages. Notwithstanding these positive results, MWEA implementing partners indicated that redress was often incomplete and that their efforts to defend migrant workers come up against significant challenges, notably punitive immigration laws that treat migrant workers as a security risk.

**Similarly, MWEA outreach and migrant worker training activities reached thousands of workers and produced some positive outcomes.** MWEA outreach activities provided relevant information to migrant workers and contributed to greater numbers of them seeking the help of support organizations. FGDs with workers showed that they found strength in the solidarity afforded by membership in migrant worker CBOs. MTUC representatives also suggested that, through MWEA-supported outreach activities, approximately 1,000 migrant workers joined trade unions, which afforded them greater protection. However, migration worker organizations likewise experienced significant challenges related to their members' immigration status. Moreover, both migrant workers' and Malaysian workers' efforts to organize are adversely affected by current economic policies, laws regulating trade union formation and activities and anti-union activities.

**MWEA communication campaigns were relevant and, with some activities still ongoing, will likely reach or surpass most of their targets before project end.** Campaigns were generally effective highlighting the positive contributions of migrant workers, countering negative public perceptions that link migrant workers to crime or "stealing" employment from locals. Although evaluation evidence suggests that the campaigns were effective in increasing positive perceptions of migrant workers, the scope and effect of these changes proved difficult to measure. MWEA presented limited evidence of changed practices, such as participants signing online "pledges" promising to show kindness to migrant workers or to give domestic workers a day off. Moreover, MWEA may have missed an opportunity to link communication campaign audiences with its implementing partners, either by directing traffic from its campaign's online platforms to CSO social media sites or by actively promoting youth engagement with CSOs through volunteering and/or advocacy activities.

**MWEA activities and results are likely to continue beyond the end of the project, but maintaining or increasing the scale of activities will likely be challenged by implementing partners' lack of funding.** Evaluation findings highlight the strong commitment of the ILO and MWEA implementing partners to continue defending migrant workers' rights in Malaysia. In the absence of significant political and economic reforms, the need for the types of services and activities provided through MWEA is unlikely to diminish significantly. The ILO has pledged that other ongoing projects will continue to provide funding for some activities. Findings show that sources of funding for migrant worker support services are limited and highlight the need to support implementing partners' capacity to find and implement more diverse resource mobilization strategies.

## **5.2 Recommendations**

### **Recommendations for ILO and ILAB**

1. In future projects, ILAB and ILO should again collaborate on the development of the project's PMP, which in the case of MWEA provided a good foundation for collecting useful data to evaluate project performance. Based on feedback during implementation, ILAB and ILO may in future projects consider revising the PMP, taking into consideration

unanticipated challenges in collecting data or when an indicator proves less useful in assessing impact.

2. In the design of projects with important organizational capacity building objectives, ILAB and ILO should include initial analysis of internal challenges facing stakeholder organizations and ensure that the project implementation strategy addresses and allocates adequate resources to these challenges.
3. In future projects, ILAB and ILO should pay greater attention to ensuring adequate continuity in project management personnel and explore ways to streamline approvals to avoid significant delays in project start-up.

## **Recommendations for ILO**

4. Develop comprehensive capacity building strategies for key long-term CSO partners based on a participative assessment of key needs and challenges. Future or other ongoing ILAB or ILO projects should consider conducting CSO partner organizational development assessments to determine needs to be addressed through capacity building interventions. In addition to funding for activities, ILO should make stronger efforts to ensure that its key CSO partners end their engagement with ILO on a stronger foundation to continue their activities without ILO support.
5. Capitalize on expertise of experienced CSOs/CSO leaders to lead some training activities in future capacity building activities.
6. Facilitate dialogue among NGOs, CBOs, and trade unions on protocols for collaboration. The dialogue should include discussion of how ILO partners have worked and may work together in the future to defend migrant workers' rights, as well as discussion of the comparative advantages of various organizations in line with their mandates and missions.
7. Reevaluate budget allocations for services, especially case management, in future projects. Include a budget for helping migrant workers to cover other costs associated with case management and repatriation.
8. Differentiate strategies for working with MTUC and other CSOs on migrant worker support services, including by providing more focused support to MTUC and its affiliated union to strengthen organizing activities among migrant and Malaysian workers.
9. Develop additional strategies to extend services to underserved geographic areas, including hard-to-reach rural areas in East Malaysia where severe labor rights violations of migrant workers have been reported.
10. Consider support for additional communication campaigns building on MWEA lessons learned, which include strengthening linkages between public awareness-raising activities and (1) specific advocacy campaigns for needed reforms and (2) soliciting public support for CSOs that defend the rights of migrant workers.

## **Recommendations for ILAB and US Embassy**

11. In future projects, as in MWEA, align the number and scope of objectives and outputs with available resources.
12. Continue to highlight the need for reform of Malaysian immigration and labor policies through support for relevant research and diplomatic efforts.
13. Continue support for programs designed to support legal reforms and capacity building for improved enforcement of laws that protect migrant workers' rights.
14. Continue support for CSO migrant worker support services, exploring more sustainable approaches to funding services (facilitating private/public partnerships, endowment models).