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INTERNATIONAL TRADE UNION CONFEDERATION

ITUC OnLine...  
005/160107

## Spotlight on A. Balasubramaniam (MTUC-Malaysia)

"The exploitation of migrants is also affecting local workers"

Brussels, 16 January 2007 (ITUC Online): Malaysia is one of the favourite destinations of migrant workers in South-East Asia. The MTUC (Malaysian Trade Union Congress) is trying to protect them from the exploitation and pressure they face. It recently signed a cooperation agreement with the Indonesian Trade Union Confederation, the main source country of the migrants working in Malaysia. A. Balasubramaniam, the MTUC Vice-President, explains the situation faced by these migrant workers and his union's efforts to help them.

How would you describe the immigration situation in Malaysia?

Malaysia has around 3 million migrants and a population of 25 million. Roughly 1.5 million of those migrants are legal residents but some 1.2 to 1.5 million do not have the right papers. The latter mostly arrived legally in Malaysia but as their unscrupulous employers deliberately failed to renew their work permits they are now in an illegal situation. Most migrants work in plantations, the construction sector and domestic work. The majority are from Indonesia, with others principally from Nepal, India, Cambodia, Vietnam and Bangladesh.

How are they recruited?

Most migrant workers come here via recruitment agencies. The MTUC has made many suggestions to the government on this issue. We are asking for all migrant workers to be recruited through agreements between governments, since these agencies are exploiting them. They are extorting huge sums of money. Often migrants have to work for six months to a year without earning anything for themselves, simply to repay what they owe to the agencies. The promises they were given in their home countries bear no relation to the true situation in Malaysia. Most migrants have two different contracts: one received in their home country, promising them a good wage, and another received here in Malaysia mentioning a much lower wage. Once they are here in Malaysia they are forced to accept what is offered.

The international press reported some attacks on migrant workers a few months ago. What actually happened?

In 2004, the government offered an amnesty to all migrants staying illegally. They could be repatriated without punishment and were given three months to leave. However, many were unable to leave the country as they had not been paid their wages. So the MTUC insisted that the deadline be extended by several months. The deadline was set for 31 December 2004 and then extended for another month owing to the tsunami. More than 327,000 migrant workers left Malaysia under those terms. Others suffered repression. A group of volunteers set up by the government, the so-called "relas", got 50 ringits (10 euros) for every

illegal migrant they discovered. These "relas" abused migrant workers and some beat them up. The "relas" come from all walks of life, they wear a uniform and they help the police with a whole series of tasks. The MTUC tried telling them in public speeches what they could or could not do, and passing on migrants' complaints, etc.

Now that these 327,000 migrants have left the country there are no longer enough foreign workers in Malaysia! The government has said they can return as tourists and that if they find a job they can get themselves registered at the Labour Ministry, but that system is not working well. The authorities are also supposed to be issuing visas at the airport but here too the recruitment agencies are using the procedure for their own benefit. At the moment those migrants wanting to work in Malaysia have to do so through the agencies, but we want inter-governmental agreements instead.

What is the MTUC membership like? Do you organise migrant workers?

The MTUC has 172 affiliated federations, with a total of some 592,000 members, half of whom are women. Our wood-working and building federations have recruited just under 2,000 migrant workers. Most migrants are very scared of joining a union as their contracts state that they are not supposed to get involved in unions. That is illegal: in Malaysia, migrant workers have the right to join any trade union, with the only restriction being that they are not allowed to hold leadership posts.

What services does the MTUC provide migrant workers in Malaysia?

Largely through the media we are trying to inform migrant workers about their rights. We also help them with problems with their employers, such as dismissals. We have represented migrant workers in a lot of court cases. Every week we get migrants in our offices asking for help, and we always provide an answer. We are supposed to focus on our members but we also spend time on migrants' problems and make sure they are treated correctly, since otherwise local workers would be affected. They know about us through the media but also through the public meetings we hold.

Domestic workers can be hard to contact. Do you try to help them?

Thanks to a project funded by international donors, we have managed to recruit a full-time worker to contact domestic workers, with a view to setting up an association of domestic workers. These people are not allowed to form a trade union since the national law does not recognise them as workers. We have applied to the government to set up this association. Whilst we await their reply, we have been helping those domestic workers whose rights are abused. In a recent case, a woman domestic worker had not been paid for 22 months, so we complained to the industrial tribunal which forced the employer to pay up; afterwards she returned home. In that particular case it was her recruitment agency that had told us about the situation.

Have you made any agreements with trade unions in the source countries?

The first agreement was made with the Indonesian Trade Union Confederation (ITUC) in Indonesia, on 16 September. That agreement encourages us to exchange views and information and to provide mutual assistance. The idea is also for the ITUC to tell Indonesian emigrants

before their departure about Malaysian culture, the existence of the MTUC, various laws, etc. In the longer term we want agreements covering all migrant workers, not just Indonesians. One problem is that we do not have the financial resources needed to employ anyone to do this on a full-time basis, so we are hoping to find a donor to help us with this.

Interview by Samuel Grumiau

Founded on 1 November 2006, the ITUC represents 168 million workers in 153 countries and territories and has 304 national affiliates.

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