

## INTERNATIONAL TRADE UNION CONFEDERATION

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### Spotlight interview with Pari Moses (Malaysia – MTUC)

"Working with placement agencies opens up new perspectives"

Brussels, 8 February 2012 (ITUC OnLine): The vast majority of domestic workers in Malaysia are migrants, mainly from Indonesia. The MTUC (1) is running a project aimed at preventing the abuses and exploitation they often face. Interview with project officer Pari Moses.

How is the MTUC coming to the aid of domestic workers?

The MTUC project for domestic workers is devoting a great deal of energy to helping domestic workers strengthen their capabilities in terms of advocacy, awareness raising, securing representation before the authorities, and establishing mechanisms to coordinate with embassies and civil society organisations. We also inform domestic workers about their rights. In October 2010, for example, we held a workshop bringing together 45 Indonesian domestic workers who had been given a day off during a Muslim festival. We used role play and dialogues to educate them about their rights, about the do's and don'ts in Malaysia, and how to handle problems they may have with an employer, etc. Two months later, we brought together another 35 Indonesian domestic workers, but this time the meeting was held on the premises of a placement agency and was also attended by their employers, the labour attaché from the Indonesian embassy and five other embassy officials. There were many exchanges between the different groups. The domestic workers were really eager to meet the labour attaché from their embassy and asked him countless questions; he was also happy to be able to talk to them and to their employers. We want to expand on this type of education and training in the future.

We organised a gathering in a cathedral at Christmas, bringing together around 120 Filipino domestic workers and their families. There were games, dance performances, food, and the ambassador of the Philippines came to speak to them. I was able to talk to the women about our action plans and we handed out a guide to help them better understand and defend their rights. The MTUC believes that organising events like these on the workers' day off promotes greater understanding between them and their employers, a better atmosphere between them, and contributes to achieving greater recognition for the value of the work done by these women.

We also held an information meeting at the Indonesian embassy's shelter with 90 women who have fled their employer's home. They are all going back to Indonesia, but it is worth informing them about their rights because they may come back to Malaysia one day; they can also pass on the information and the MTUC's contact details to people they know who are coming to work here, etc. It is important that the information be disseminated in the countries of origin.

Can you still represent these migrant workers before the courts when they have returned to their countries?

The legislation prohibits us from representing a person who is not in Malaysia. As a result, some of the women stay for as long as six to nine months in their embassy's shelter waiting for their case to be heard and only leave the country once they have received compensation from the employer. The MTUC can provide them with legal assistance during this period.

Do you work with trade unions in migrant domestic workers' countries of origin?

We have signed a bilateral agreement with the Indonesian union KSBSI (2), so that it informs migrant workers about their rights and the laws in Malaysia before they leave the country and gives them pamphlets with the contact details of organisations that can help them. The MTUC works closely with the KSBSI in areas such as campaigns, social dialogue, capacity building and assistance for domestic workers. We have drawn up a specific action plan calling on our Indonesian colleagues to press their government to take measures to address the many problems facing Indonesian migrant workers. On our side, we document the cases of abuse and the non-payment of wages and organise campaigns such as the postcard campaign regarding the minimum wage.

Is it hard to convince a placement agency to work with a union?

Yes, but some of them are willing to try. Having embassy officials come to their offices gives these agents a better reputation among employers. They are all the more interested in cooperating with us because I offer them a bit of training about aspects of the labour legislation that apply to them. Many of them have no knowledge of the regulations on working hours or no idea what to do when a domestic worker has not been paid for a number of months; they are not aware that an employer cannot dismiss a domestic worker without severance pay, etc. The agent needs to be able to tell the employers when they are at fault and to be able to offer the workers some protection. This is often not the case. In some instances, even agents that are aware of the regulations decide to ignore them, such as the right to one day off a week, of which no mention is made to employers. The agents are happy to receive such training from us, but they have to realise that the MTUC will be watching their conduct.

For the MTUC, working with placement agencies is very beneficial to us, as Indonesian domestic workers often have no opportunity to leave their employers' home, and I am not able to contact each one of them individually in each household. Thanks to this cooperation, I am able to find the workers that are in their database; they can help me to meet up with the newcomers, which means I can give them my calling card, documentation, maybe some advice, etc.

For this reason, it is very important that, in addition to our work with the government authorities, the union keeps up this work with placement agents, as it opens up new perspectives. There are over 277 officially registered agents in Malaysia, and perhaps another 500 that are operating without being registered.

How do you convince employers to take part in their migrant domestic workers' training sessions?

We have to understand that they are sometimes reticent to send them to these meetings, so we want to build a sense of trust among these employers, make them understand that we can also help them, for example, if they encounter a problem in their relations with their domestic worker. Employers are also curious to hear what is said during these sessions, which explains their presence.

Are you raising public awareness about the plight of migrant domestic workers?

We regularly distribute pamphlets on specific topics: the definition of decent work, the utility of an ILO Convention on domestic work, etc. We distribute them at taxi ranks, bus stations, at our workshops, conferences and meetings, and we publish them in the daily papers so that both employers and domestic workers see them, we put them in the letters the union sends out, leave them at the embassies, etc. We give them to Filipino migrants during our awareness raising events at Filipino centres, so that they pass them on to the Indonesian women who work near them. We also create small booklets developing themes linked to domestic work in greater detail.

We also hold postcard mailing campaigns. The latest campaign was about the demand for one day off a week for domestic workers, which was secured through a memorandum of understanding signed between Indonesia and Malaysia, but we will keep on campaigning until this right is guaranteed by law. Every month, I also present the project for domestic workers at training courses on labour relations held by the MTUC. It is important, because trade unionists also employ migrant domestic workers.

How is your project funded?

We are receiving funding from the Netherlands through FNV-Mondiaal (3), which will run until December 2012.

Can domestic workers' unions be set up in Malaysia?

On paper, Malaysian legislation does not discriminate against migrant workers, but their rights in practice are not altogether protected. Their right to unionise is guaranteed by the Trade Unions Act of 1959, but administrative practices and unscrupulous employers often dissuade them from joining a union.

As regards domestic workers, they do not have the freedom to form or join a trade union in Malaysia. The MTUC submitted an application to set up an association of migrant domestic workers, but the Registrar of Societies rejected it, without giving its motives. So we adopted an alternative strategy, setting up a Migrant Worker Forum, on 20 March 2011, under the auspices of the MTUC, to identify the problems of all migrant workers and propose solutions to the authorities. It already has around 250 members. Its main aim is to identify and document the problems encountered by migrants (including domestic workers) and to relay them to the Ministry of Human Resources and the Ministry of the Interior. The Forum is going to register migrant workers, stay in contact with them to keep track of their problems, meet regularly with domestic workers, etc. It is essential that support be given to migrant domestic workers who flee their employers' home after being faced with abuse, as some find themselves being caught up in human trafficking rings. Some are taken to Thailand, where they may end up working in massage parlours, as prostitutes, etc.

Access to labour inspection is an important right set out in the new ILO Convention adopted in June 2011 (4)...

Yes, but Malaysia doesn't accept this Convention, the authorities claim that many of its provisions are too detailed. We, on the contrary, feel that its adoption was a historic moment

that has sealed the recognition of domestic workers' rights, that it is a source of pride and of inspiration for future generations.

Interview by Samuel Grumiau

- (1) Malaysian Trades Union Congress
- (2) Konfederasi Serikat Buruh Sejahtera Indonesia
- (3) Federatie Nederlandse Vakbeweging (Dutch Trade Union Federation)
- (4) Convention 189 on domestic workers

Following the historical adoption of ILO Convention 189 on domestic workers at the ILO Conference in June 2011, the ITUC launched the '12 by 12' Campaign aiming at 12 ratifications by 2012 of ILO Convention C189. The campaign is organised in partnership with IDWN, IUF, PSI, ETUC, Human Rights Watch, Solidar, Migrant Forum Asia and World Solidarity. Check out the '12 by 12' campaign webpage: <http://www.ituc-csi.org/travailleurs-euses-domestiques,513.html> and find us on Facebook '12 >12': <http://www.facebook.com/profile.php?id=739448849#!/groups/231305920281513/>

The ITUC represents 175 million workers in 153 countries and territories and has 308 national affiliates.

Website: <http://www.ituc-csi.org> and <http://www.youtube.com/ITUCCSI>

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