

Data and profile of migrant workers in Malaysia.

"Malaysia currently has about 1.8 million foreign workers. At the same time, local employers are submitting a large number of applications monthly to the Home Affairs Ministry to employ more foreign workers.

"If this problem is not addressed now, it is highly probable that the number of foreign workers in this country may well exceed five million by 2010,"

(Human Resources Minister of Malaysia, Dr Fong Chan Onn, 11, August 2006)

The total workforce in Malaysia is about 11.3 million out of a total population of 26.75 million. In a recent reported released by the Ministry of Home Affairs, as of March 2006 the number of legal foreign workers in Malaysia is 1,850,063. The breakdown of this work force is as follows:

Country	Number of workers
Indonesia	1,215,036
Nepal	200,220
India	139,716
Myanmar	92,020
Vietnam	85,835
Bangladesh	58,878
Philippine	22,080
Pakistan	15,071
Thailand	7,282
Cambodia	6,637
Sri Lanka	5,076
Others	2,262
Total	1,850,063

According to the Deputy Prime Minister of Malaysia, Najib Tun Razak, who is also the Chairman of Cabinet Committee on Foreign Workers, as of January 31, 2006 the number of legal foreign workers increased from 1,615,863 (figure from July 5, 2005) to 1,820,680. Foreign workers account for about 16% of the total employed work force. The break down of foreign workers in terms of the industries they work are as follows:

- Manufacturing 22.48% (591,363)
- Plantation 22.68% (412,923)
- Domestic Workers 17.54% (319,383)
- Construction 15.51% (282,361)
- Servicing 8.84% (161,015)
- Agriculture 2.95% (53,635)

These figures only represent the so-called legal foreign workers or in other words the migrant workers who are documented and issued with Temporary Working Permits. There was no official data for the number of undocumented migrant workers in Malaysia. The Deputy Prime Minister estimates that there are around 300,000 to 500,000 undocumented migrant workers. The Ministry of Home Affairs on the around believe this figure to be around 1 million. Some unions and NGOs believe that the figure is much higher---exceeding possibly 2 million, particularly due to the situation in Sabah. Thus, we can conclude that Malaysia is the largest importer of labour in the region.

Overview: Timber Industry in Malaysia

The timber industry is one of the sectors contributing significantly to the Malaysian economy. Malaysia is one of the major countries exporting tropical wood products especially to Europe, Japan, Thailand, Singapore and the Middle East. Total exports earning of wood-based products from Malaysia amounted to RM21.4 billion in 2005 compared to RM19.7 billion in the previous year. In 2003 the industry generated about 4.4% of the total export earnings and Malaysia was the world's third leading exporter of logs after Russia and the United States; second largest exporter of plywood after Indonesia; and eighth leading exporter of sawn timber.

The timber industry's contribution to the country's GDP is approximately 5%. This industry also offers job opportunities to about 337,000 people or nearly 3.4% of the country's work force. The industry is among the sectors with the highest dependency on foreign workers.

The wood-based industry in Malaysia can be classified into wood and wood products and furniture fixtures. The wood and wood products sub sector includes saw milling, plywood/veneer and blackboard, moldings, builder carpentry and joinery and reconstituted wood-based panels.

Currently, there are more than 5,000 manufacturers involved in the industry. It is estimated that more than 80% of these companies are SMEs and predominantly Malaysian-owned. The SMEs in the wood-based sector provide the largest employment followed by the food and textiles sectors.

More than 70% of the 154 plywood mills are located in Sabah and Sarawak, while for moldings, out of the 177 mills in operation, 85 are in Sabah and 26 in Sarawak. The downstream processing mills for the production of moldings, fibre board, BCJ as well as furniture and furniture components are mainly located in Peninsular Malaysia. These mills mainly utilise rubber wood (Malaysian Oak), which are sourced from sustainable plantations.

The wooden furniture sub-sector is one of the major contributors in the wood-based industry, accounting for 33% per cent of total export earnings in 2005 for the wood sector. In 2004, Malaysia exported RM5.4 billion worth of wooden furniture mainly to the USA, United Kingdom, Japan, Australia and Singapore. Malaysia ranks as the 10th largest exporter of furniture and the third in Asia after China and Indonesia, with exports to more than 160 countries.

Malaysian furniture companies numbering more than 2,000 are mainly located in Peninsular Malaysia. A high concentration of furniture establishments are in Johor (Muar and Kluang), Selangor (Klang and Sungai Buloh) and Melaka (Bukit Rambai). The size of these mills ranges from 1,000 to 130,000 square meters. The number of workers employed by these plants ranges from 30 to 1,300 workers with 70% of factories employing between 100 to 200 workers. The total workforce is about 150,000 to 170,000 and almost 90% are migrants mainly from the Nepal, Vietnam, Myanmar and Bangladesh.

Organizing effort by Timber Employees Union Peninsular Malaysia (TEUPM)

The economic boom in the wooden furniture sub-sector has created a huge pool of migrant workers in the manufacturing industry. Due to the tremendous and rapid growth in this sub-sector, TEUPM has embarked a concentrated effort to organize the workers in the area. This project started 2 years ago with the assistance of the Building and Wood Workers International (BWI). The objective is to empower the migrant workers by organizing them into the trade union as well as to increase the

membership to strengthen the union. Principally, we believe that the trade union is the only platform for the migrants to fight for their rights towards the improvements of their working conditions.

This project is concentrating in the three main furniture industrial areas as mentioned. The approached method involved four steps that are:

Step 1: Laying the foundation and creating a base: Entry point into the industrial area.

Since the furniture factories are located in major industrial areas, it is important to create a base to for organizing workers in the entire area. To begin this, we begin the “entry point” to the industrial area by targeting one of two small sized furniture factories. Once these factories have been organized and a claim for recognition has been filed, then from this base the organizing plan to organize the entire area begins to go in full force.

Step 2: Forming Organizers Team

At this organizing process, workers that can take the lead or assist in the organizing campaign will be identified. These workers will form an organizing team, which will consist of representatives from various migrant groups that makes up the work force in a particular plant. Thus migrant workers regardless of country of origin are represented from the beginning.

In the formation of the organizing team, the migrant groups are incorporated as the representatives or leaders of various groups composed of the organizing team. It should be noted that the leaders of the migrant workers based on country of origin (i.e. Nepalese, Vietnamese, Indonesian, etc.) are not necessary the organizers. **The organizing team is formed at the company level because they all work in one company.**

Step 3: Forming Area Core Group

This group assists in the development of the union in the respective area. It is also a platform for the workers to discuss their problems and plan their activities. The group comprises of various workers from the other factories and it is the main organizing team in the particular industrial area. After the formation of the team, it then expands to the establishment of a core group that is comprised of organized and non organized workers. However from our experienced, interesting enough the core group seems to “separate” according to country of origin. Thus, there is a separate core group for Nepalese workers, Indonesian workers, Vietnamese workers, etc.

Step 4: Education programme.

Throughout the entire organizing process education activities on labor laws and basic union rights are conducted. The education program is integrated into the organizing campaign in an effort to empower the workers and to be better skilled. Education is critical to not only inform the migrant workers about their rights but it serves as an important empowering mechanism for migrant workers. As they are more informed about their rights, they are inclined to be more active and organize.

It should be noted that through the different steps of the organizing campaign, evaluation is done to assess the campaign strategy and to see if changes are to be made.

Lessons learned

Although there is a perception that it is difficult to organize migrant workers, we have found that this is not true, as evident by the following points:

1. Migrant workers are very effective organizer for the union due to the following reasons:
 - They have very good ties among their own nationalities from different factories.
 - They maintain these ties through regular meetings especially during the weekends.
 - They trust each other among their own nationalities.
2. Workers stay at a hostel provided by the employer in one central area near the factory. Thus, it is easy to meet the workers, coordinate meetings in a bigger group, and conduct trainings at the hostel, where they are temporarily based.
3. The poor treatment and exploitation of the migrant workers is an important issue to be focus on organizing migrant workers
4. There is strong solidarity amongst migrant groups regardless of their country of origin. In addition, each migrant group community has a leader they respect and follow. Because of this, the organizer needs to outreach and recruit the leader so that he can in turn outreach and recruit the rest of the migrant workers. This is in many ways both a advantage and disadvantage to the organizer.
5. There are some workers among the respective migrant groups who are aware about trade unionism. This is clearly helpful to the organizer.

Case Study 1:

Organizing Perabut Chip Hong Sdn. Bhd. in Malaysia Furniture Village, Muar, Johor.

In this particular furniture company, key issues of concern to the migrant workers were the following:

1. Occupational Safety and Health

The occupational safety and health issues in Perabut Chip Hong Sdn. Bhd. were a key concern for the majority of the migrant workers. There were many safety and health procedures not being followed by the employer, thus leading to many accidents including death. There were also a number of workers who it is believed to have suffered from occupational diseases. An example of this is the case involving Maya Ram Sharma, a Nepalese migrant workers from the spraying department of the factory. As a result of his job, which involved exposure to many toxic chemicals, he became severely sick.

During the organizing campaign, it became clear to the union that the occupational safety and health issues were extremely bad. The union lodged several complaints to the Labour Department and the Department of Occupational Safety and Health (DOSH). Due to the union complaints, the authorities took action by conducting several inspections of the work site. DOSH issued a “stop work” order to a specific department within the factory that was in clear violation of OHS regulations including noncompliance of providing Personal Protective Equipment (PPE). DOSH also issued a warning letter to the company. Since then, some improvements have taken place in which the company began to provide PPE.

As for Maya Ram Sharma, unfortunately, the case resulted sadly. When Maya Ram Sharma went to the hospital to seek medical attention, he found out from early tests conducted at Muar Hospital that he was suffering from bronchopneumonia. However, this diagnosis was later changed to tuberculosis because bronchopneumonia is an occupational disease whereas tuberculosis is not. Due to the sudden changes in the diagnosis, he was not entitled for compensation under the Foreign Workers Compensation Scheme. In addition the company immediately sent him back to Nepal after he was discharged from the hospital. Although DOSH is supposed to conduct a medical examination by the state's occupational doctor, this was not carried out because Maya Ram Sharma was no longer in the country. The authorities (DOSH and Labour Department) also did not have any power to retain workers if the employer sent them back home. Only the Immigration Department has the power to retain them. This clearly shows that there are weaknesses in the legal system in protecting the workers.

2. Remuneration and annual leave

A common problem for all migrant workers in Malaysia is that they are often paid less than the monthly salary as indicated in their work contract. The employer will often deduct many unauthorized charges such as water and electricity expenses. In addition, migrant workers are rarely given any annual leave or are given any medical benefits. This was the case at the furniture factory. Thus the union intervened on behalf of the migrant workers and filed a complaint to the Muar Labour Department on August 19, 2005. Several discussions were held between the union and the Labour Department to resolve the matter. As a result of this complaint, the issue around annual leave has been resolved; however, the dispute concerning the salary is still under investigation by the authorities.

3. Company Intimidation and Repression.

In an effort to stop the union's organizing activities at the furniture factory, the company engaged in high handed and unwarranted tactics to force the workers to do daily work. The company appointed a new supervisor whose main role was to intimidate the workers, creating a tense situation amongst the workers. There were several occasions when the supervisor physically assaulted the workers even in the presence of the Managing Director of the company. The union filed a police report on September 12, 2005.

The situation at the company became more heightened when Chandran Narayan Pandit, a Nepalese migrant worker at the factory was beaten after the supervisor refused to let him return to Nepal following the death of his father. Initially the supervisor had agreed for him to return home but after his annual contract had expired. At this time, Chandran approached his supervisor who refused to allow Chandran to return home and stated that he had to complete his initial three year contract. During the confrontation, one of the supervisors suddenly beat Chandran. Angered by the brutal treatment of one of their colleagues, 150 other migrant workers supported Chandran by launching a strike. The management responded by cutting off the water supply and electricity and dismantled the roof of their hostel. The company also threw molotov cocktails at the workers. Despite the efforts of the union to intervene on behalf of the workers, in the end the employer deported the majority of the workers back to their home countries.

This action proves once again that when migrant workers organize to change their conditions, and regardless of the support of unions and NGOs, in the end employers have the ultimate power to deport the workers. Clearly one of the ways to rectify this situation is for the government to implement policies that would make it conducive for workers to organize and to punish employers when they use such tactics to undermine migrant workers to organize.

Evaluation and Suggestions

- It is a myth that migrant workers are difficult to organize. Once migrant workers are informed about their rights and they recognize that there is support and the commitment to support their efforts, they are more than likely to join unions, particularly around issues of importance to them---OHS, working conditions, wages, etc. It should be noted that the working conditions that migrant workers must work every day are so horrendous that they are in many ways ready to organize.
- It is also a myth that workers from different nationalities will not join together. More often than not, they will unite together for a collective effort. Interestingly enough, the word “repression” sounds the same in several languages. However, it should be noted that there should be separate education trainings at the initial stage for workers from different countries of origin mainly due to the issue of language.
- In the case of Malaysia, despite the efforts of unions, NGOs, and the courageous stance of migrant workers to organize, ultimately it is a losing battle because the employers will deport migrant workers. The loop holes in the legal framework, makes it difficult to organize migrant workers. Thus, there needs to be a clear government policy to rectify these loop holes. Unless these loop holes are rectified, it will be difficult to organize migrant workers in large numbers.
- There needs to be stronger collaboration between unions and NGOs in advocating for migrant workers’ rights and organizing migrant workers.
- Organizer exchanges between sending and receiving countries to design and implement organizing campaigns.
- Development and creation of trade union rights materials and translated into various languages.
- Since migrant workers are in essence temporary, contract workers, the union’s organizing efforts should be continuous. More importantly, the union needs to implement an educational component to its organizing campaign.
- The reality is that migrant workers are not permanent workers in the receiving country, thus, the union needs to also initiate educational campaigns targeting native workers to support the union’s efforts in organizing migrant workers.