

Action Plan on Responsible Recruitment in Malaysia

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As part of the apparel, footwear, and travel goods industry's effort to combat forced labor in their supply chains, companies have pledged to work with their sourcing factories to create conditions ensuring that no worker pays to secure his or her job. A collaborative, industry-wide approach is essential to ensure that all employers adhere to the same high standards.

Malaysia is considered a high-risk country for forced labor due to the high number of migrant workers that work across many industry sectors. This risk is exacerbated by gaps in the legal and regulatory environment for recruitment and employment of migrant labor in Malaysia. Therefore, companies sourcing from Malaysia should exercise additional due diligence with their suppliers on forced labor indicators; support legal and regulatory changes that create more favorable conditions for migrant workers; and support efforts to create a more transparent and responsible recruitment system in both sending and receiving countries.

To effectively address these forced labor risks in Malaysia, our industry and individual companies should:

Company-level action

1. Immediately take steps to work with their suppliers so that employers are:
 - a. Aware and knowledgeable of the company's standards on forced labor, including the no fees for workers policy;
 - b. Working with ethical recruitment agencies;
 - c. Following or surpassing Malaysian laws and regulations;
 - d. Paying the foreign levy for each worker;
 - e. Interviewing workers to ensure they did not pay a fee for the position;
 - f. Providing education to workers about the policy on no-fee recruitment;
 - g. Reimbursing workers who have paid a fee;
 - h. Providing all employment documents in the native language of the worker;
 - i. Providing notice to employees who live in employer-provided housing regarding their rights surrounding freedom of movement;
 - j. Not charging workers for the cost of their return trip home; and
 - k. Implementing policies and procedures on working with recruitment agencies to uphold responsible recruitment practices.

2. Work with their supply chain partners to ensure migrant workers retain their travel documents, including:
 - a. Providing a safe space for workers to store their travel documents;
 - b. Providing round-the-clock access to the documents, without a fee, and without monitoring by the employer;

- c. Prohibiting the collection of a deposit, or other type of monetary fee, or a guarantor for allowing the worker access to their travel documents; and
- d. Providing a confidential reporting channel for workers to report forced labor concerns.

Industry-level action

3. Encourage the Government of Malaysia to enact laws and regulations that will further incentivize responsible recruitment, including advocating for:
 - a. Unrestricted access to travel documents for workers;
 - b. A ban on recruitment fees for workers;
 - c. The elimination of rules requiring pregnancy tests for female migrant workers;
 - d. Any additional specific commitments pertaining to forced labor, such as amendments to laws and regulations on retention of, and access to, travel documents; employer-provided housing; recruitment contracts, etc.

4. Work with international organizations and other key stakeholders to support the development of responsible labor recruitment agencies in Malaysia and in sending countries; and to support training for prospective migrant workers in the sending country regarding job requirements, applicable laws and policies, and other information that will ensure the migrant worker is sufficiently informed prior to leaving home. Targeted agencies for cooperation include:
 - a. International Organization on Migration (IOM) IRIS Initiative;
 - b. IOM CREST Fashion Initiative; and
 - c. International Labor Organization (ILO).

5. Create and make available to the industry tools and resources to implement the Commitment to Responsible Recruitment in Malaysia and throughout their supply chains, including the development of a industry webinar series, covering the following issues:
 - a. Adopting the Commitment into actionable social compliance language within your company;
 - b. Understanding recruitment in the home country/corridor;
 - c. Remediation of recruitment fees at the supplier level;
 - d. Uncovering forced labor in your supply chain—beyond tier one;
 - e. Effective audit tools and effective auditors;
 - f. What are recruitment fees (ILO standard, what it means in practice); and
 - g. Effective reporting channels for workers.

This document will be updated as additional activities are identified.