



International
Labour
Organization

Final Progress Report

27 June 2017 – 31 December 2019

**Improved Migration Governance (IMG) Project:
Protecting the rights of migrant domestic workers
and plantation workers through improved labour
migration governance**

Project Code (MYS/16/03/USA)



Donor: U.S. Department of State, Bureau of Democracy Human Rights and Labor
Admin Unit: ILO Regional Office for Asia and the Pacific)

Project title: **Improved Migration Governance (IMG) Project: Protecting the rights of migrant domestic workers and plantation workers through improved labour migration governance**

Report type	Final Progress Report incorporating Self Evaluation Components
Reporting period:	From 27 June 2017 to 31 December 2019

Linkages:

Strategic Policy Outcome: Outcome 7: Adequate and effective protection at work for all

Country Programme Outcome: DWCP Priority 3: Labour migration: Strengthening labour migration governance

Sustainable Development Goal: SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

UNDAF Outcome: The UNDAF in Malaysia has yet to be finalised, and so does not apply to this project.

Preparation and Review

Report prepared by: Jenna Holliday and Josh Man Fatt: 24 March 2020

Report reviewed by: Nilim Baruah and Catherine Laws: 26 March 2020

Report approved by: Panudda Boonpala: 2 April 2020

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1 Executive Summary

The IMG made notable contributions to migrant workers in the domestic work and plantation sectors being better protected through standard employment contracts and improved recruitment and employment practices.

The IMG project **strengthened the knowledge base on migration costs and admission policies and recruitment**, through the production of three key reports on the costs of migration and admission policies and recruitment practices. The analysis and information from all of these reports will support further policy and advocacy work on improved labour migration governance, including reducing the charging of costs and fees to employers, and eliminating those to workers.

With contribution from the IMG project, the **ILO played a role as a key technical advisor to the Government of Malaysia** during their strategic review of their labour migration governance approach, providing direct briefings to the government, and leading the UN Country Team's response to a request for technical inputs.

The IMG **provided migrant domestic workers and plantation workers with better access to information, support services and remedies**. 22,027 migrant workers received information materials; and 1,717 (94 per cent women) were provided with direct support services, including rescue and shelter services, post-arrival orientation training, and counselling and legal support. The project further trained organizations, lawyers and migrant community leaders to build their capacity to manage and pursue cases of labour exploitation and abuse brought by migrant workers. This resulted in two significant test cases being pursued by project partners; one on the definition of workplace illness to include mental illness; and the other on the ability of undocumented migrant workers to pursue claims for non-payment of wages. The work to support migrant workers directly, was further complemented by the training of labour inspectors, and other partners, towards institutional capacity development of the labour inspectorate to better respond to the rights and conditions of migrant workers in the plantation sector.

The IMG project **identified and promoted improved practices and standard contracts for the employment of migrant workers and plantation workers**. The project produced recommended terms for inclusion in employment contracts in the domestic and plantation sectors, that built on current global guidance. This created a substantive, contribution to the knowledge base and advocacy tools that can directly influence the national governance framework, and the multilateral frameworks, through MOUs and bilateral labour agreements. With the project also building a logical and clear argument for employers to improve their practices, especially in the plantation sector, in particular on the role of standard contracts in retention of workers, there is now an increased awareness in the industry of the direction of travel towards the labour conditions required to establish sustainable business. This is further supported by the institutional capacity development of the labour inspectorate.

The IMG project **improved coordination of efforts to address human trafficking and promote labour standards in Malaysia**, through the convening of quarterly stakeholder meetings, marking out the ILO as a key focal point for coordination on these issues in Malaysia.

With more workers unwilling to proceed with employment that does not benefit from protective contracts; and more recruiters and employers being held accountable in law for their practices, the project contributed to a change in the recruitment and employment environment, towards one that reduces the acceptance of detrimental practices and reduces the ability of the actors that practice them to do so with impunity.

2 Basic Information

Countries covered:	Malaysia
Donor:	US Department of State, Bureau of Democracy Human Rights and Labour (DRL)
Budget:	US\$ 493,827
DC Symbol:	MYS/16/03/USA
Administrative unit:	ILO Regional Office for Asia and the Pacific
P&B Outcome:	Outcome 7: Adequate and effective protection at work for all
DWCP outcome:	DWCP Priority 3: Labour migration: Strengthening labour migration governance
Start date:	27 June 2017 27 June 2017
End date:	31 May 2019 31 December 2019
Project Duration in months:	12 18

3 Summary outputs

Output	Output status	Analysis of Output Delivery ^a
Outcome 1: Knowledge base strengthened on migration costs and admission policies and recruitment		
1.1 Improved knowledge base and awareness of labour migration stakeholders on migration costs	Completed	<p>Two reports were prepared, and their findings disseminated, under this output, exceeding the anticipated delivery. The information from these reports consists a significant improvement of the knowledge based on migration costs. (1) Earthworm, Cost of Recruitment in the Malaysia-Indonesia Migration Corridor: Employers Perspectives from the Participating Palm Oil Industry; (2) PE Research, Migration Cost Survey: Indonesian Plantation Workers, Filipino and Indonesian Domestic Workers in Malaysia.</p> <p>Challenges in securing the required survey respondents resulted in a delay in publishing the products; the ILO will use the publications to make IEC materials in 2020.</p> <p>Indicator: Number of knowledge products published on migration costs BASELINE = 0 TARGET = 1 RESULT = 2</p>
1.2 Improved knowledge base and awareness of labour migration stakeholders on	Completed	<p>Two reports contributed to the improved knowledge base under this output: (1) Study on admission policies and recruitment</p>

^a Compare actual against planned indicator targets

	admission policies and recruitment practices in the plantation and domestic work sectors		<p>practices in the plantation and domestic work sectors for policy advocacy on efficient and less costly admission procedures and recruitment. This knowledge product comprises a substantive piece of research and analysis that improves the knowledge base on admission policies and recruitment practices, in particular, the paper identified that the requirement for two medical tests raises the migration costs and made recommendations on addressing this duplication;</p> <p>(2) the Technical Paper on Labour Migration in Malaysia, prepared by the ILO for the UN Country Team in Malaysia, which brought together UN agency inputs on labour migration, and contribute to the government commissioned independent review of labour migration.</p> <p>Indicator: Number of knowledge products published on efficient migration policies and recruitment practices BASELINE = 0 TARGET = 1 Report RESULT = 2 Report</p>
1.3	Studies on migration costs and on admission policies and recruitment practices in the plantation and domestic worker sectors disseminated	Completed	<p>The three studies in output 1.1 and 1.2 were presented at a multi-stakeholder consultative workshop, which included a discussion of the findings: (1) National Workshop at PARKROYAL Hotel, Kuala Lumpur, on 20 December 2019.</p> <p>Indicator: Number of government officials, social partners and CSOs participating in consultations on migration costs and migration policies & recruitment practices BASELINE = 0 TARGET = one national workshop to disseminate two reports – 30 participants RESULT: one national workshop consulting on three reports – 43 participants</p>
Outcome 2: Domestic workers and plantation workers have better access to information, support services and remedies.			
2.1	Support services extended to domestic workers and plantation workers, including legal assistance, information and training, networking.	Completed	<p>The delivery of support services to domestic and plantation workers far exceeded the anticipated delivery for this output. More migrant workers than anticipated, were able to access rescue, shelter and legal services; workers were provided with information and training on their rights and how to access services; and migrant community leaders received training to be able to continue delivering such information and</p>

		<p>support to their community.</p> <p>The delivery of this output occurred despite significant challenges facing implementing partner AMMPO's work with the Embassy of the Philippines.</p> <p>Number of migrant domestic workers and plantation workers reached with IEC materials BASELINE = 0 TARGET = 10,000 migrant workers (50% women) RESULT: 22,027</p> <ul style="list-style-type: none"> - IMG distributed 17000 infographics (data not disaggregated by sex); - AMMPO distributed 3,500 leaflets (100% women); - Tenaganita provided information and leaflets to 1527 workers (43% women). <p>Number of migrant domestic workers and plantation workers provided with support services BASELINE = 0 TARGET = migrant workers provided with support services: 1,100 (50% women) (this target was increased from an original target of 200) RESULT = 1,717 (94% women)</p> <ul style="list-style-type: none"> - Tenaganita 420, 76% women (rescue and shelter; counselling and legal support; training on worker rights and case management); - AMMPO 1297, 100% women (Post Arrival orientation Seminar; Back for Good Program; Basic Orientation on Migration; training for leaders on organizing and case handling).
2.2	Strengthened cross-border networks of case workers and lawyers to facilitate improved access to remedies for Indonesian plantation and domestic workers	<p>Completed</p> <p>The programme delivered as anticipated against this output. On August 26-27, Justice Without Borders (JWB) conducted a workshop for 37 representatives of select Indonesian and Malaysian organizations to discuss both countries social insurance schemes that cover migrant workers, challenges in claiming insurance, examples of existing cases, and how organizations can work together to help migrant workers claim insurance benefits.</p> <p>JWB provided mentoring and coaching over a six-month period to 12 case workers and</p>

		<p>lawyers from Human Trafficking Watch, Serantau, and Migrant Care from Malaysia and ADBMI, Panca Karsa, and SBMI from Indonesia. Mentoring was delivered to eight individuals in Malaysia in person; and online to four case workers and lawyers in Indonesia.</p> <p>Four case referrals were effectively made between the Malaysian and Indonesian counterparts.</p> <p>Indicator: Number of individuals who have received coaching and mentoring. BASELINE = 0 TARGET = 10 individuals who have received coaching and mentoring RESULT = 12 individuals</p> <p>Indicator: Number of case workers and lawyers participating in the workshop BASELINE = 0 TARGET = 30 participants RESULT = 37 participants</p>
2.3	Capacity of labour inspectors to detect and report on cases of child labour, forced labour and other unacceptable forms of work (due wages, working time and occupational safety and health) in the plantation sector is enhanced.	<p>Completed</p> <p>In collaboration with the USDOL-funded Labour Law Reform team at ILO Malaysia, IMG conducted a labour inspection workshop and training in the plantation sector on 2 – 5 December 2019, facilitated by Mr. Rene Robert, ILO Labour Inspection Specialist for Asia and the Pacific.</p> <p>A total of 25 participants attended the 3 ½-day event, including eight labour inspectors from East and West Malaysia; others included representatives from the Ministry of Human Resources, Malaysian Employers Federation and Malaysian Trades Union Congress.</p> <p>The output was not delivered as anticipated, in that the number of labour inspectors receiving training under IMG was lower than expected. However, the participants from Ministry of Human Resources, the Malaysian Employers' Federation and the Malaysian Trades Union Congress form a national tripartite dialogue which works to reinforce the strategic compliance planning of the labour inspection authorities within this sector and to further develop the capacity of inspectors</p>

		<p>Indicator: Number of labour inspectors who received training.</p> <p>TARGET = number of labour inspectors receiving training: 20</p> <p>RESULT: 8</p>
Outcome 3: Recruitment agencies and employers apply improved practices and standard employment contracts to employ domestic workers and plantation workers.		
3.1 Improved standard employment contracts for domestic workers and plantation workers.	Completed	<p>A consultation meeting was held at Grand Millennium Hotel, Kuala Lumpur, on 13 & 14 November 2019, to discuss and find consensus on recommended terms for inclusion in employment contracts for the plantation and domestic work sector. The event was attended by representatives from the Ministry of Human Resources, Malaysian Employers Federation, Malaysian Trades Union Congress, embassies of key labour-sending countries, recruitment agencies, and civil society partners. The outcome was a set of recommendations for terms for inclusion employment contracts.</p> <p>Indicator: Percentage of Government, employer and industry, recruitment agency, worker and civil society representatives participating in consultations</p> <p>BASELINE = 0</p> <p>TARGET = % of stakeholders from different areas, participating (Government: 20% Employers and industry: 20% Recruitment agencies: 20%; Workers: 20%; CSOs: 20%)</p> <p>RESULT</p> <p>Government: 28%; Employers and industry: 7%; Recruitment agencies: 10%; Workers: 17%; CSOs: 38%</p>
3.2 Standard employment contracts and good practices in employment of domestic workers and plantation workers disseminated	Partially completed	<p>The development of the Earthworm report and supporting film, Good Practices in Migrant Workers Retention Management in the Plantation Sector promoted standard employment contracts and good practices. An updated version of the Guidebook for Employers of Domestic Workers was not taken up by MOHR as it was subject to adoption of revised rules and regulations on employment of domestic workers which was delayed. Dissemination of the recommended terms for inclusion in an employment contract will be followed up in continuing ILO migration projects in Malaysia.</p> <p>Indicator: Number of media references to standard employment contracts or guidelines</p>

		<p>BASELINE = 0 TARGET = 10 media references to standard employment contracts or guidelines RESULT: Not completed Early delays in the project, meant that there was not sufficient time to attract media attention to recommendations on standards employment contracts.</p> <p>Indicator: Number of likes / shares on social media platforms BASELINE = 0 TARGET = 500 likes or shares on social media platforms RESULT = 98 engagements (likes/shares) Social media engagement was limited to the video on good employment practices in the plantation sector. In addition to the social media engagement, the video was seen by 5,215 people (Facebooked; Linkedin; Twitter and YouTube).^b</p>
Outcome 4: Efforts to address human trafficking and promote labour standards in Malaysia are better coordinated.		
4.1 Improved coordination among international development actors, their local partner organizations and other stakeholders on anti-trafficking and labour standards related work.	Completed	<p>The output was achieved through the quarterly stakeholder meetings, which were well attended, and proved to be significant in improving the understanding of the work of different stakeholders in the sector, and encouraging partnership and strategic coordination.</p> <p>Indicator: Number of persons subscribed to periodic newsletter mailings BASELINE = 0 TARGET = 200 subscribers subscribed to periodic newsletter RESULT = 25 organizations No periodic newsletter was issued. Instead, the project shared updates through a mailing list and a WhatsApp group featuring 25 partners/organizations.</p> <p>Indicator: Number of organizations participating in coordination meetings BASELINE = 0 TARGET = number of organizations participating in quarterly networking meeting: 15</p>

^b The M&E framework includes four indicators for this output. The language of the indicators indicates duplication and that the intention was to measure against two indicators for the output. This report is based on that intention.

		<p>RESULT = Five quarterly meetings were held with an average of 15 organizations participating.</p> <p>1st meeting: 22 June 2018 / 20 organizations;</p> <p>2nd meeting: 27 September 2018 / 11 organizations;</p> <p>3rd meeting: 18 January 2019 / 12 organizations;</p> <p>4th meeting: 26 April 2019 / 15 organizations.</p> <p>5th meeting: 8 August 2019 / 19 organizations.</p>
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OUTPUTS: Overall delivery assessment	
<input type="checkbox"/> Highly satisfactory Almost (>80%) outputs have been implemented on schedule as envisaged in the implementation plan and almost all (>80%) indicator targets have been met.	<input checked="" type="checkbox"/> Satisfactory Some (60-80%) of outputs have been implemented on schedule as envisaged in the implementation plan and the majority (60-80%) of indicator targets have been met.
<input type="checkbox"/> Unsatisfactory Some (40-60%) outputs have been implemented on schedule as envisaged in the implementation plan and only some (40-60%) indicator targets have been met.	<input type="checkbox"/> Very unsatisfactory Few (<40%) outputs have been implemented on schedule as envisaged in the implementation plan and only a few (<40%) indicator targets have been met.

4 Summary outcomes

OUTCOME ACHIEVEMENT		
Indicator	Baseline (before project start)	Outcome summary ^c
Outcome 1: Knowledge base strengthened on migration costs and admission policies and recruitment		
No indicator.	N/A	<p>The project successfully strengthened the knowledge base on migration costs and admission policies and recruitment. In particular, the research included findings that have contributed to the understanding around the impact of duplicated medical checks on migration costs and made recommendations on how to address this. The achievement of this outcome is based on the contribution of the research and knowledge products, along with the participation of stakeholders in the workshop to discuss findings. 43 participants from the Ministry of Human Resources, Ministry of Home Affairs, the Malaysian Employers Federation, the Malaysian Trades Union Congress, the Association of Malaysian Recruitment Agencies, International Domestic Workers Federation, the Bar Council, civil society groups and migration workers' organizations.</p> <p>The project also made notable contributions to the knowledge and understanding around rights-base labour migration, by providing direct technical advice to the Ministry for Human Resources through briefings; the project also led the production of the UN Country Teams' Technical Paper on labour migration, which contributed to the Government instructed independent review of labour migration. This paper later formed the basis of a policy brief on labour migration in Malaysia prepared by the UN for input into the 12th Malaysia Plan.</p>
Outcome 2: Domestic workers and plantation workers have better access to information, support services and remedies.		
Percentage of complaint cases filed by migrant domestic workers and plantation workers that are resolved to the satisfaction of the complainants	BASELINE = N/A	<p>The project successfully increased access for domestic workers and plantation workers to information, support services and remedies. Particularly in states where CSO support available to migrants was previously low. This is demonstrated by the number of cases lodged on behalf of migrant workers, by the two implementing partners. The outcome also included a test case that confirmed the rights of undocumented migrant workers to pursue claims for unpaid wages.</p> <p>TARGET = 20% of migrant complaint cases that are resolved</p>

^c Compare achievement against planned target as per indicator.

		<p>RESULT = 97%</p> <p>Tenaganita handled 70 cases for domestic workers and plantation workers handled, with 97% resolved satisfactorily. AMMPO submitted 30 cases to the Embassy of the Philippines, but have not been able to get information on resolution (not included in result).</p>
Number of cross-border claims resolved as a result of ILO support	BASELINE = 0	<p>The work to build relationships and capacity of organizations in Indonesia and Malaysia to work together to pursue cross-border claims, resulted in four claims being pursued, with one of potential test case significance. Whilst the implementation of this part of the project produced many lessons on the documentation required and time needed to pursue cross border cases, one of the cases still underway is testing the very law on labour related illness and injury, by pursuing the argument that the definition should include mental injury. This part of the project was subject to significant disruption due to the change in the nature of social protection introduced by the Indonesian government after the project had started, which resulted in significant challenges in pursuing cases in Indonesia. However, ultimately, it produced results that will see migrant workers better able to pursue insurance claims in Malaysia going forward.</p> <p>TARGET = Three cross-border claims resolved</p> <p>RESULT = Four cases were brought to the Labour Department for filing. However, three cases lacked the minimum level of documentation in order to file a case. One case among these has been lodged with the Indonesian consulate office in Penang for further intervention</p>
Percentage of training participants who demonstrate increased knowledge on legal assistance	BASELINE = 0	<p>This indicator is intended to show the percentage of training participants who demonstrated an increased knowledge on legal assistance. The intention by project partner JWB, was to undertake pre and post testing, in order to assess the increased knowledge. The pre and post testing would be undertaken before and after the initial training. What transpired, however, was that the results of the pre-testing showed that the level of understanding and capacity among participants was lower than expected. JWB responded to this by changing the content of the training. Whilst the change in content and approach meant that the training was successful, it was not possible to demonstrate this, as the post-test questions were no longer relevant. A key result of this was that JWB – who had previously been working with partners on cross border claims between the Philippines and Hong Kong – realised that their training methodology needed to better reflect the context of the countries the trainees were coming from. In the context of organizations and trainees from Malaysia and Indonesian, there had been resentment and mistrust that needed to be addressed, and relationships built, before the work on partnering towards pursuing cross border claims could be started. Trust was a necessary precondition for the success of the project.</p>

		TARGET = 80% training participants who demonstrate increased knowledge on legal assistance RESULT = 0
Outcome 3: Recruitment agencies and employers apply improved practices and standard employment contracts to employ domestic workers and plantation workers.		
Number of standard contracts adopted with stakeholder input (domestic workers)	BASELINE = 0	The project produced recommended terms for inclusion in employment contracts in the domestic and plantation sectors, that built on current global guidance. These terms as well as broader recommendations were discussed and adopted in a multi-stakeholder dialogue over two days, and represented significant progress towards achieving consensus between stakeholders on the how and why to strengthen standard contracts for migrant workers in Malaysia. TARGET = One standard contract adopted with stakeholder input RESULT = 1
Number of standard contracts adopted with stakeholder input (plantation sector).	BASELINE = 0	Summary as above TARGET = One standard contract adopted with stakeholder input RESULT: 1
Outcome 4: Efforts to address human trafficking and promote labour standards in Malaysia are better coordinated.		
No outcome indicator	N/A	The programme was successful in delivering this outcome, with the introduction of the quarterly stakeholder meeting resulting in improved coordination between the actors engaged with human trafficking and labour migration.

OUTCOME: Overall outcome summary

- | | |
|--|--|
| <input type="checkbox"/> Highly satisfactory
Based on the indicators & the risk assessment, all outcomes have been achieved by the end of the project. | <input checked="" type="checkbox"/> Satisfactory
Based on the indicators & the risk assessment, the majority of outcomes have been achieved. |
| <input type="checkbox"/> Unsatisfactory
Based on the indicators & the risk assessment, only some outcomes have been achieved. | <input type="checkbox"/> Very unsatisfactory
Based on the indicators & the risk assessment, only a few outcomes have been achieved |

5 Narrative Report: Managing for Results

5.1 Result summary

The IMG project strengthened the knowledge base on migration costs and admission policies and recruitment, as anticipated in the project design. It also contributed to the strategic approach of the government on labour migration. The two knowledge products on migration costs will contribute to the knowledge base and understanding of the dynamics facing migrants and their employers in Malaysia. In particular, it improves the ability of the ILO and other partners to be able to advocate for, and design, policy and programming that responds to the pressure that costs places on workers; but also the impact that employer borne costs can also have, especially in relation to the practices related to restriction of migrant movement. Similarly, the research on processes for migrant worker admission and recruitment made critical recommendations, both in relation to how to address duplicated migration costs related to medical checks, and advice to move towards government to government recruitment agreements and the importance of standard contracts. The analysis and information from all of these reports will support further policy and advocacy work on improved labour migration governance; and also supported the IMG's work on standard contracts and good practices.

With contribution of the IMG project, the ILO played a role as a key technical advisor to the Government of Malaysia during their strategic review of their labour migration governance approach. The government established an inter-ministerial Special Committee on Foreign Workers to look into the country's labour migration issues and commissioned the Institute of Labour Market Information and Analysis (ILMIA) to act as Secretariat to the Committee to develop a paper that would outline issues related to the employment of migrant workers and refugees, and provide strategies on how to improve Malaysian policies and regulations. This was a significant opportunity that was taken advantage of by the ILO, who not only provided written comments (leading the production of the UN Country Teams' Technical Paper on labour migration), but also provided a briefing direction to the Labour Ministry, as well as a briefing to with representatives of the Institute of Labour Market Information and Analysis (ILMIA) and representatives of the Ministry of Human Resources. ILO was further invited to present at both a workshop convened by the Malaysian Bar Council to support the ILMIA's consultative process; and to a Focus Group Discussion of select stakeholders. The Technical Paper on labour migration later formed the basis of a policy brief on labour migration in Malaysia prepared by the UN for input into the 12th Malaysia Plan.

The IMG provided migrant domestic workers and plantation workers with better access to information, support services and remedies, through increased outreach and dissemination of reliable information; direct legal and social support for workers experiencing labour and human rights abuses; and building the institutional capacity of the labour inspectorate to recognize and respond to breaches of the labour and human rights of migrant workers.

The project produced IEC materials, which were widely distributed to 17,000 migrant workers; in addition to the outreach and distribution of IEC materials from project partners, the project reached 22,027 migrant workers, including in geographic areas where information is less available. The information included in materials was on how migrants can better understand and defend their labour and human rights. The increased awareness of migrant workers was complemented by direct information and outreach services provided through project partners AMMPO and Tenaganita. These services included post-arrival orientation seminars, and basic orientation on migration for domestic workers by AMMPO, and outreach and information sharing and discussion delivered by Tenaganita in migrant communities. It was further complemented by the training of migrant community leaders to continue education migrant workers on their rights and the procedures to engage with where complaints need to be raised.

The work that partners undertook to reach out and raise the awareness in the migrant communities, also provided the opportunity for migrant workers to identify themselves as experiencing labour and human rights abuses. Both AMMPO and Tenaganita were able, through IMG, to respond directly to these cases and provided direct support. AMMPO handled 30 cases, which were referred to the Embassy of the Philippines for resolution. Tenaganita provided 134 migrant workers with rescue and shelter services; and 245 workers with counselling and legal support pursuing 70 claims on the behalf of migrant workers that resulted in 68 resolving to the migrant workers' satisfaction. One of the cases pursued successfully by Tenaganita established the right of undocumented migrant workers to claim for unpaid wages.^d

The ability of migrant workers to access remedies in the event of labour or human rights abuses was also increased by the IMG project through the work of project partner JWB, on building the capacity of partners to pursue cross border claims. Through this work, JWB worked with five organizations from Indonesia and Malaysia, providing 12 mentees with support and training over six months to pursue migrant worker insurance claims on both sides of the Indonesia/Malaysia migration corridor. Changes in the law on the Indonesian side, ultimately meant that there was no ability to pursue claims through the Indonesian process. However, four claims were pursued on the Malaysian side, providing partners with significant experience in pursuing claims. Two very key outcomes came from this work. One being the increased understanding on behalf of partners, as to the process of making a claim in Malaysia, the information required, and where to get it. Previous to IMG, a lack of understanding of these elements had resulted in a barrier to Indonesian workers pursuing claims. A further outcome was a test case, still in process in the Malaysian system, which is testing the legal definition of "workplace injury" by advancing the idea that this can include mental injury.

In supporting the institutional capacity development of the labour inspectorate, the IMG Project also worked towards reducing the risks for migrant workers of labour and human rights abuses in the workplace. In partnership with the ILO's Labour Law Reform and Industrial Relations Project Team, the IMG project worked with 25 participants, including eight labour inspectors, and representatives from the Ministry of Human Resources, Malaysian Employers Federation and Malaysian Trades Union Congress to build their understanding and capacity to identify labour and human rights abuses against migrant workers in the plantation sector. The work included a mission to a plantation, discussions with workers, and was guided by the ILO's Labour Inspection Specialist for Asia and the Pacific. The increased understanding and capacity of participants will inform their work by ensuring that the labour inspectorate is accurately identifying compliance parameters related to the context of migrant workers, and that the labour inspectorate's capacity development strategy incorporates the experiences and specific rights abuses facing migrant workers in the plantation sector.

The IMG project identified and promoted improved practices and standard contracts for the employment of migrant workers and plantation workers. In particular, a multi-stakeholder group, featuring representatives from government, employers and industry, recruitment agencies, worker organizations, and civil society, worked together for two days to identify the key priority terms to be included in employment contracts for migrant workers in the plantation and domestic work sectors. This work was supported by an independent Migration Specialist, who provided a technical background paper and facilitated the multi-stakeholder dialogue. The outcome was broad consensus on recommended terms for inclusion in employment contracts, that can be used in advocacy with the Government, recruitment agents and employers going forward.

The importance of standard employment contracts was identified as key in the work the IMG project did to promote good practices in employment of domestic and plantation workers. In particular, it was

^d <https://www.nst.com.my/news/nation/2019/07/508442/malaysian-court-sides-forced-labour-victims-over-unpaid-wages>

identified in the Earthworm work on good practices, that employers who use standard contracts – and encourage workers to understand their contracted terms – will benefit from a higher retention of workers. The work on good practices undertaken by Earthworm, focused on the practices of one employer in the plantation sector, and was turned into a practical tool (and video) that can guide employers in the sector, towards good practices in employing migrants. The video has been seen by over 5,000 people over Facebook, LinkedIn, Twitter and YouTube. Earthworm continues to show the video to Malaysian palm oil companies in their work to promote good recruitment and employment practices in the sector. Under the IMG project, the ILO further advocated for good practices in the sector at the Malaysian Palm Oil Board's Labour and Mechanization in Plantation Conference, attended by 300 from the plantation industry and focused on how to make the sector more sustainable.

The IMG project improved coordination of efforts to address human trafficking and promote labour standards in Malaysia, through the convening of quarterly stakeholder meetings. Five quarterly meetings were held, with participants representing an average of 15 organizations, and covering a range of topics. The meetings were used as an opportunity to validate the content of IEC materials and the logic of the methodology of the cost studies. Partners were also invited to speak at the meetings, with the Ministry of Human Resources presenting their approach to new regulations for migrant domestic workers, and a special advisor to the Ministry presenting changes in the labour law. UNHCR also provided information on the labour rights of refugee workers and presented arguments supporting policy reforms to allow refugees the right to work in Malaysia. These meetings were the first of their kind in Malaysia and proved a significant opportunity to raise the awareness of partners to ILO's work as well as providing a platform for stakeholders to exchange information and coordinate efforts to work on this area. The meetings were hugely successful and there is appetite from stakeholders to continue with such coordination. In addition to the meetings, the IMG project circulated updates and news through a mailing list of 25 partner organizations, and a WhatsApp group.

The IMG made notable contributions to migrant workers in the domestic work and plantation sectors being better protected through standard employment contracts and improved recruitment and employment practices. The improved knowledge base will directly influence the policy work that governs the charging of costs and fees to workers and employers, in addition to the technical advice given directly to the Minister, and the recommendations around how to improve recruitment to protect workers, the project has produced a suite of recommendations that can directly improve the policy framework in Malaysia on recruitment. The work produced under this programme on standard employment contracts for workers in the plantation and domestic work sector is a further, substantive, contribution to the knowledge base and advocacy tools that can directly influence the national governance framework, and the multilateral frameworks, through MOUs and bilateral labour agreements. Partners from across the sector were able to work through, and identify priorities for these contracts, ultimately reaching consensus on a list of terms, which can inform advocacy in this area. With the project also building a logical and clear argument for employers to improve their employment practices, especially related to the role that standard contracts can play in retention of workers, there is now an increased awareness in the industry of the positive impact that good labour conditions can have on sustainable business. This is further supported by the institutional capacity development of the labour inspectorate, which will contribute to the employers in the plantation sector being held to a more accurate standard in relation to the employment of migrant workers. By working to build the understanding of workers themselves, and by increasing the ability of workers to pursue claims against abusive employers, the project also contributed significantly to the demand for standard contracts, and improved recruitment and employment practices. With more workers unwilling to proceed with employment that does not benefit from protective contracts; and more recruiters and employers being held accountable in law for their practices, the project contributed to a change in the recruitment and employment environment, towards one that reduces the acceptance of detrimental practices and reduces the ability of the actors that practice them to do so with impunity.

The outcomes of the project further contribute to progress towards the Malaysian Decent Work Country Programme. The Malaysia Decent Work Country Programme comprises a framework for cooperation between Malaysia and the ILO. Country Programme Priority 3 is Labour Migration: Strengthening labour migration governance. The IMG project specifically contributed to all three outcomes under this area. By increasing the knowledge base (Output 3.1.2), and working to improve standard contracts (Output 3.1.3), the project contributed to Outcome 3.1: implementation of labour migration governance is strengthened in line with the ILO Multilateral Framework and standards and ASEAN instruments. By undertaking research into recruitment and employment of migrant workers (Output 3.2.1), engaging in dialogue with tripartite stakeholders (Output 3.2.2), and implementing capacity development to improve services, in particular legal services (Output 3.2.3), the project contributed to Outcome 3.2: Increased capacity to improve implementation of labour migration governance. In addition, by improving access to reliable and relevant information and services (Output 3.3.1), the project contributed to Outcome 3.3: Increased access to and enhancement of support services for migrant workers.

In addition the project outcomes support Malaysia in implementation of the Sustainable Development Goals (SDGs), with respect to target 8.8 (to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment); and target 10.7 (to facilitate orderly, safe and responsible migration and mobility of people including through implementation of planned and well-managed migration policies). Indicator 10.7.1 is Recruitment cost borne by employee as a proportion of monthly income earned in country of destination.

Relevance - *Were the project objectives and strategy consistent with beneficiaries' requirements, country needs, ILO priorities and partners' and donors' policies?*

The original project was designed in response to a call for proposals and in consultation with the MOHR based on the context and need of the country at the time vis-à-vis labour migration. As the project started, this contextual need changed, both with a shift away from MOUs towards development of guidelines that would apply to all countries of origin; and then later with a change of government bringing a change of strategy. The project responded flexibly to these changes, placing itself as a key technical advisor to the government as they undertook a review of their labour migration system and governance.

At all times, the project also responded well to the country context in relation to its focus on the rights of migrant workers in the plantation and domestic work sectors. In a country where migrant workers make up over 20 per cent of the labour force,^e migrant labour accounts for over 70 per cent of the plantation sector workers and there are an estimated 300-400,000 migrants working as domestic workers.^f These two sectors are also the two most isolated sectors to be employed in. Domestic workers work often on their own in private households. For those domestic workers who are not provided with a day off, they risk being completely cut off from peer networks and support services. Plantation workers benefit from working in groups, but are geographically isolated, making it a challenge for labour inspectors and trade unions (and other service providers) to reach them. As such, it was appropriate to focus the project on these sectors.

The objective of working towards migrant workers in the domestic work and plantation sectors being better protected through standard employment contracts and improved recruitment and employment practices, was appropriate in the context on migrant workers facing inequitable access to labour rights

^e UN Malaysia (2018). Technical paper on labour migration in Malaysia (UN Country Team Malaysia).

^f UN Malaysia (2018). Technical paper on labour migration in Malaysia (UN Country Team Malaysia).

across the sectors. Poor recruitment practices, high costs, and lack of standard contracts had all been found to leave migrant workers in these sectors without adequate protection. Workers face poor labour conditions, non-payment of wages, restriction on movement and withholding of documents. Such labour conditions can be prevented through better information on recruitment and costs, clear use of standard contracts (and work to ensure they are understood), and transparent and safe admissions policies. Improved use of standard contracts, further contributes to workers being able to pursue claims against employers. This in turn increases the demand for improved recruitment and employment practices, and the accountability of recruiters and employers to the rights of migrant workers. Focusing in on recruitment practices, migration costs and standard contracts was also a strategic way for the IMG project to work with a variety of stakeholder across the sector, continuously pursuing evidence based advocacy for improved practices in the recruitment and employment of migrant workers.

Working with the migrant workers themselves was also a particularly relevant strategy, responding to the low levels of information provided to them before departure. By working to improve their awareness and understanding of their rights post arrival, the project was able to provide workers with the understanding and space to identify where they were experiencing exploitation and abuse; with the project further being able to support these workers directly where needed. In this way, the project design not only dealt with improving the rights-based approaches to recruitment and employment going forward, it also provided support for those workers who had not benefited from rights-based recruitment and employment.

Effectiveness - *To what extent can changes in the observed outcomes be attributed to the project? To what extent has the project contributed to changes in the project's ultimate beneficiaries? How effective was the project in advancing gender equality and inclusion of people with disabilities within the context of project's objectives?*

The project has contributed to significant changes for the ultimate beneficiaries, being the migrant workers in domestic and plantation work. In particular, through the AMMPO work and in collaboration with the Embassy of the Philippines, the project has directly delivered post arrival training and basic orientation training for migrant domestic workers who previously had very low levels of information provided to them on their rights and what to expect from migration. The information provided in pre-departure orientation often does not provide information specific to the country context. As a result of AMMPO's intervention, 1,297 domestic workers benefited from specific, accurate and useful information that will help them to identify when their rights are being breached, and provide them with the information to be able to access services where breaches occur. The support to AMMPO and their partnership with the Philippines Embassy also enabled the Embassy and, in particular the labour attaché, the opportunity to reach out and address the concerns of migrant domestic workers in Malaysia. That this work resulted in 30 cases being referred to the Embassy of the Philippines, is a significant indicator that the workers had increased their understanding of their rights.

By working with migrant domestic workers, the project engaged proactively with a key issue in gender equality, being the low value placed on domestic and care work. As an area of work that is not fully protected by labour laws, less value is placed on domestic work in Malaysia than other sectors of work, with women working long hours for lower wages, as a result. Gender discrimination also informs employers decisions to restrict the movement of migrant domestic workers – both because they do not see the labour of domestic workers as real work, and because some employers think that freedom of movement will lead to abscondment or pregnancy. By working to improve the recruitment and employment practices of migrant domestic workers, the IMG project directly addressed many areas of gender discrimination with partners, addressing concerns and misunderstandings, and challenging conceptions that supported detrimental norms. In doing so, this project was able to build the understanding and capacity of stakeholder towards understanding the benefits of providing full labour

rights to domestic workers, and the critical value of domestic work to society and the economy.

The current test case being pursued as a result of project partner JWB's work, is also demonstration of the effectiveness of this project. In addition to providing clarity to the process and required documentation to be able to pursue cross border cases in Malaysia, this element of the project also lodged what has ultimately become, a test case, on workplace injury. By pursuing the argument that metal illness derived from poor working conditions is a workplace injury, this project could make significant contributions to the level of accountability that employers are held to in terms of their workplace conditions.

A similar level result came through the work of project partner Tenaganita, who successfully pursued a claim, and several appeals, for unpaid wages for an undocumented worker. The case, originally lodged with and refused by the Labour Department, subsequently went through the court system with the court finding that the migrant worker had the right to claim for unpaid wages through the labour department despite being an undocumented migrant. The court decided that, as the worker had no control over her undocumented status, she should not be penalized for having such status. This case is a significant outcome for the rights of undocumented workers in Malaysia, and directly attributable to the support IMG gave to Tenaganita to pursue legal cases.

Partners also identified the work that IMG did to coordinate partners as being particularly beneficial and effective. Earthworm reported that these meetings brought their work into the open and gave them the opportunity to network with other partners in the sector. Stakeholder meetings were found to be particularly effective because representatives from the tripartite partners were all present, which meant that issues raised were addressed from all perspectives. Other partners identified that the ability to network and work in coordination with grassroots organization and representatives of government at the same time, proved a unique space for advocacy and strategizing.

Sustainability – *To what extent has the project produced durable results that can be maintained, or scaled up and replicated, within the local development context, or as a global approach or policy, after the completion of the project? Are there any internal or external factors that may affect the sustainability of results?*

A significant and durable result from the IMG project is the increase in membership of AMMPO. AMMPO is a domestic workers association, working towards unionization. The association was established in Malaysia in 2016, around a year before the project started. At that time, it had no members. As a membership organization, membership is critical to AMMPO's ability to do its work, as each member pays membership dues. During the two-year period working with the IMG project, AMMPO received support to provide training to 1,297 migrant domestic workers. As a result, the membership of AMMPO increased to 257. This membership will ensure that AMMPO can keep working to protect and inform domestic workers, reaching out to find new members and grow towards its goal of being the first domestic workers union in Malaysia. The IMG project also strengthened the capacity of AMMPO to conduct post-arrival orientation seminars, as well as safe migration and labour rights trainings, which in turn built its capacity to provide a service to migrant workers that both the workers, and Embassy consider necessary and important.

The IMG project left a legacy of capacity, specifically in relation to the capacity to pursue claims in cases of labour exploitation and abuse of migrant workers. The work with partner JWB, unlocked the knowledge needed for Indonesian migrant workers to be able to pursue insurance claims in Malaysia; and it supported the forging of partnerships between organizations across borders that have since continued working together in pursuing cross border claims. The work that project partner Tenaganita did with 30 young lawyers also had a strong and powerful impact. The lawyers were trained to improve

their awareness of the legal rights of migrant workers and the challenges migrant workers face, particularly those in domestic work and the plantation sector. In working with lawyers early in their career, Tenaganita can inspire a passion in the lawyers to support migrant workers. This early engagement has been seen by Tenaganita to inform lawyers later in their career, many of whom come back to offer pro bono services. In addition to building a legacy of lawyers who understand and can identify and address the specific needs of migrant workers, Tenaganita also had the opportunity to focus on cases through the IMG funding that significantly developed their own capacity. This was seen in particular with the test case that they pursued for the undocumented worker (case referred to above).

The outputs of the project itself will also have lasting impact and contribute to the national, and global knowledge on recruitment, costs, good practices and costs. The costs work adopted a replicable methodology from the ILO's KNOMAD project, and will be able to be compared to studies globally in order to understand how work borne migration costs apply in different contexts. The work on standard contracts, was informed by all the latest international guidance and is arguably the most up to date advice on standard employment contracts for migrant workers in this sector, globally. Similarly, the toolkit on good practices for employers of migrant workers in the plantation sector has the potential to be used across the sector for advocacy towards building understanding that there is a link between business efficiency and good employer practice.

The IMG project also contributed to strengthening the ILO as a key technical focal point for work on labour migration, and forced labour in Malaysia. Both in terms of the position that the ILO played in coordinating UN technical advice for the government, and the role of the project in bringing together partners through the quarterly meetings; this funding ensured that the ILO could establish and grow in Malaysia.

5.2 Monitoring, evaluations and other reviews

The primary method for collecting information relating to project outcomes and challenges was through regular partner reporting. Implementing partners submitted quarterly progress reports, the information from which was reviewed against the output and outcome indicators to analyse the results of the project.

Quarterly reporting included gender-disaggregated quantitative data on the number of beneficiaries reached, the number of participants in workshops and trainings and the number of IEC materials disseminated. Tenaganita were additionally required to track outcomes of their legal assistance cases using ILO's standard templates. In addition to quantitative results reported by the partners, they were asked to collect qualitative information in the form of pre-and post-testing. In the majority of cases, the approach of pre-and post-testing presented a challenge. JWB reported that the pre-testing demonstrated that the level of capacity of the participants was lower than expected and led to a change in the nature of the workshop. This meant that much of the content in the post-test was not relevant. For Tenaganita, there was an issue of trust when working with migrants, especially those that were undocumented. In both cases, the partners used methods of evaluation to inform the content of their training, but were not able to collect data on the change in knowledge or capacity.

Whilst the project proactively assumed a decentralized M&E approach which relied on implementing partners' actions to collect and analyse the majority of the quantitative and qualitative monitoring data for the project, ILO staff provided technical backstopping and validated their progress reports. The information in these reports was then compiled and further analysed for submission in the project's quarterly reports.

5.3 Main challenges, risks and corrective action

The main challenges, risks and corrective actions are listed below. The project's risk register has been reviewed as a result of these challenges and an update is included in Annex A.

- **ILO HR capacity**

Recruiting and maintaining competent national staff proved to be a challenge for the project. The project was initially led by an international Technical Officer, who was funded on a 50 per cent basis for one year, and was in post between November 2017 and November 2018. Due to challenges in finding suitable candidates, the project went through two rounds of recruitment for the National Project Coordinator (NPC) position. The NPC started in June 2018 and managed the project until its close. Trainings on ILO project management, and financial and administrative systems were provided to the NPC by the Technical Officer and ILO regional office. Nevertheless, the NPC needed a fair amount of technical and managerial backstopping. Following the departure of the Technical Officer, technical support was provided from the regional office.

- **Change in government and strategy**

In December 2017, the MOHR advised the project that they were not going to pursue MOUs, but instead were intending to develop guidelines on migrant domestic workers that would apply to all countries of destination. In addition to this initial change in direction, the May 2018 election, resulted in a change of government, which sent the national strategy on migration into flux. Very quickly, the new administration made it clear that they wanted to conduct a comprehensive review of their labour migration strategy. The review (helped in part by the ILO as discussed elsewhere in this report) took a few months. The new direction to developing guidelines instead of MOUs, impacted activities under Outcome 1 of the project. The legislative developments that came out of the new government's strategic review also impacted the progress of activities under Outcome 3, in particular because the guidelines included under Outcome 3, were now contingent on the government finalising their new regulations on domestic workers. As a result, the project amended Outcome 1 and applied for a no cost extension to December 2019.

- **Law and policy changes**

Delays in the adoption of new legislation (following the change of government) impacted delivery under Outcome 3. The project had intended to publish the MOHR-ILO Guidelines and Tips for Employers of Domestic Helpers, however, the government tabled amendments to a series of related labour laws, including regulations on domestic work, and the Guidelines could not be published until the regulation was finalised. Ultimately this did not happen during the project period. In addition, the project delayed the commencement of the work on standard contracts, with the intention that this work would incorporate the amended laws. When it was clear that the amendments would not be finalised within the project period, the work on standard contracts was initiated based on the legal framework at the time.

The JWB work was struck by an unforeseen challenge when the Indonesian government put in place a new social protection scheme. Whereas JWB's project was focused on building the capacity of organizations to pursue cross border social protection claims through the Indonesia Malaysia corridor, this change in the system effectively shut down the ability to make claims in Indonesia during the time of the project. The social protection insurance system in Indonesia changed from being dealt with by a private consortium of insurers, to being dealt with under a new public system. The system moved to being handled by a government branch that only had the capacity to deal with severe and catastrophic injury. The earlier private system was robust and could deal with all forms of claims. The new system proved difficult to access and navigate, primarily because the sub-regulations setting out the process for claims had not yet been put in place. This limited the project to only being able to make claims on the Malaysian side, which effectively halved the potential results under this output.

- **Implementing partner in plantation sector**

The IMG project intended to pursue a contract with the National Union of Plantation Workers (NUPW) for support services to workers. As the NUPW is not a member of the MTUC, the national labour centre, concurrence was not given. This challenge was partly addressed by the IMG project collaborating with an existing ILO partner, Tenaganita to provide case management services and conduct outreach activities to migrant workers in the plantation sector. In addition, NUPW was engaged in the development work related to standard contracts and admission policies/recruitment practices.

- **Delays in identifying respondents for research**

Partners experienced delays in identifying respondents for the research. Initially, Earthworm felt confident that their previous relationships with employers in the plantation sector would make it easy to find respondents for the costs study. As a result, PE Research agreed to undertake their research with workers from the same companies identified by Earthworm. Earthworm faced challenges, however, with the companies not wanting to be subject to research that would end up in a public study (much of Earthworm's earlier work, and their previous relationship building, had been done under the protection of non-disclosure agreements). As a result, PE Research instead sought out other employers willing to let them speak to their workers, and Earthworm in fact ended up working with the employers found by PE Research. In addition, PE Research experienced difficulties finding a sufficient number of Indonesian domestic workers to take part in the study who fit the methodological criteria. The primary reason for this being that the Malaysian employers were not giving their Indonesian workers a day off (to date, Malaysia still does not have a policy that provides domestic workers with the right to rest days). Instead the employers were paying the worker to work the day off. Because the methodology of finding the respondents was to find them outside of their workplace, this made it a challenge to find the required number. PE Research sought support from civil society organizations, trade unions, recruitment agencies and the Indonesian embassy but to no avail. In the end the ILO suggested that the study could include Filipino domestic workers. There was a sense that the cost of migration was not much different between Indonesian and Philippines, but Filipino workers were easier to identify, either as they took their day off, or because they could be contacted through the embassy. Delays in securing respondents for both of these studies meant that they were completed later in 2019 than anticipated, and were not available for use for policy advocacy within the project period. Further refinement of both studies is underway, and there are plans for other ILO projects to convert the findings into policy advocacy.

- **Changes in partner/stakeholder relationships**

AMMPO's work was initially heavily reliant on their ongoing relationship with the Embassy of the Philippines, which co-facilitated and provided the venue for the post-arrival orientation seminars (PAOS). At the outset, AMMPO was able to establish very good working relationship with the labour attaché, who supported them in mobilizing embassy support for their activities and called on private recruitment agencies to bring in newly arrived migrant domestic workers to the PAOS. On this basis, the original plan was to deliver nine post-arrival orientation seminars. The labour attaché incumbent at the start of the project left and a new attaché arrived. As a result, AMMPO had to re-establish their engagement with both the Embassy and their connection with the workers through the new attaché. At this time, AMMPO engaged in some advocacy about a case of a domestic worker who had experienced abuse. The labour attaché was not supportive of the advocacy approach taken by AMMPO. This resulted in a change in the relationship between AMMPO and the embassy and only six seminars being held. Unable to hold the remaining seminars at the embassy, AMMPO changed its approach, and held two different forums for domestic workers, providing information on their rights in both. Ultimately AMMPO were able to meet the output target for workers reached.

5.4 Opportunities and corresponding strategy adjustments

In response to a call for proposals, the project was originally envisaged to focus on providing support to the government in establishing new MOUs. After the project started, however, the government advised that they were changing their strategy and, instead of pursuing MOUs, would focus on developing guidelines on migrant domestic workers that would apply to all labour sending countries. This change resulted in the project making amendments under Outcome 1. Following the elections and the change of government, the new government sought ILO technical support in reviewing the migration policies and strategies. The ILO provided written advice and technical briefings and led the coordination of the UN Country Team's technical paper on labour migration. The IMG project was an integral part of and supported all these ILO actions.

Specifically, in the last quarter of 2018, the Independent Committee, set up by the government to review the migration strategy, conducted town hall meetings and stakeholder consultations that would inform the development of their paper. In support of this review process, ILMIA (secretariat for the Committee) invited the International Labour Organization (ILO) to submit its recommendations on how to improve Malaysia's labour migration governance system with a focus on international labour standards and labour migration frameworks. The ILO provided recommendations through a presentation to the labour minister and key MOHR and ILMIA officials and through an ILO Technical Paper that, ultimately, was developed further (on the request of the UN Resident Coordinator) into a UN Country Team paper. It was ILO's technical advice, that provided the opportunity for comprehensive UN Country Team inputs to this process. This technical paper later formed the basis of a policy brief on labour migration for input to the 12th Malaysia Plan.

The challenges facing AMMPO, in particular in relation to their partnership with the embassy, were turned into opportunities. AMMPO responded to the change in their relationship with the embassy, by conducting information dissemination activities and capacity building activities for migrant domestic workers independent of the embassy. In doing this, AMMPO was able to move into a new phase of its own growth, now able to host successful forums and directly secure participation of domestic workers from their network and the wider community.

The opportunities to significantly change the law with respect to the rights of migrant workers were taken advantage of by project partners JWB and Tenaganita. Through JWB's work, there is a test case that challenges the scope of workplace illness to expand to mental illness. Under the Tenaganita project, they successfully ran a test case that found that undocumented migrant workers had the right to claim for unpaid wages.

5.5 Overall Budget Analysis

	Project Funding	Share of Expenditures	Share of Unliquidated Obligations	Balance
Federal (USDOS)	USD 493,827	USD 419,043.84	USD 24,942	USD 49,841.16
Recipient (ILO)	USD 68,355.88	USD 68,355.88	0	0
Total	USD 562,182.88	USD 487,399.72	USD 24,942	USD 49,841.16

Based on figures generated on 31 March 2020, the IMG project had a fund utilization rate of 91.13 per cent. Unliquidated obligations will be reconciled in the system and the final financial report will be provided by the ILO by 31 May 2020.

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On the basis of current figures, the utilization rate for the USDOS share of funds is 89.91 per cent. The ILO's USD 68,355.88 cost-share was fully utilized.

The ILO cost-share was used to cover work days provided by various ILO staff in the regional office who provided technical, financial and administrative support to the project team. It also covered travel costs of the regional specialists from Bangkok to Malaysia to participate and provide technical advice at key project activities and consultation meetings with constituents.

Efficiency – *How optimally were the resources and inputs (e.g. funds, expertise, time, etc.) used to produce results? Do the expected project results justify the costs incurred? To what extent did the project leverage resources (financial, partnerships, expertise) to promote gender equality and non-discrimination?*

Whilst the project experienced some changes in scope and delays in implementation (detailed above), the utilization rate of the project was high.

Outcome 1 comprised 11 per cent of the total project budget (and 26 per cent of programming budget) and produced significant results in building the knowledge base on migration costs, recruitment and admissions.

The largest proportion of programming budget was allocated under Outcome 2 (20 per cent of the total budget, and 50 per cent of the programming budget). This was a reasonable proportion as this outcome included the partnerships and interventions that directly benefited the workers themselves, and invested in the capacity development of national stakeholders to be able to continue the work that benefits migrant workers directly.

Around a quarter of the programming budget was allocated to Outcome 3 (23 per cent of the programming budget and 9 per cent of the total project budget). This was around the same as allocated under Outcome 1 and produced a similar level of results, namely in building consensus and producing tools to improve employment practices, in particular, recommended terms for inclusion in employment contracts.

A small proportion of the programming budget (one per cent) was allocated to Outcome 4, which had significant results in terms of building coordination between stakeholders in anti-trafficking and labour standards related work.

The results across the project, comfortably justify the costs incurred.

The staffing resources that were provided for were optimally used under the project. Technical support through the role of the Technical Officer was provided at 50 per cent for one year only, leaving the national officer with no project-based technical officer for the rest of the project. Whilst the ILO cost-share supported the provision of technical support from the regional office, it is reasonable to suggest that, on such a technically heavy project such as this, having continued technical support at the project office level, would have further improved the efficiency of the project delivery.

5.6 Lessons learned and Good Practices

The project facilitated and supported UN inter-agency collaboration and joint advocacy in the

production of the technical paper on labour migration and policy brief.

The paper, Enhancing Standard Employment Contracts for Migrant Workers in the Plantation and Domestic Work Sectors, was the first such paper in the region recently prepared by ILO and put forward recommended terms for inclusion in employment contracts.

The paper and workshop on admission policies and recruitment costs made some key recommendations – for example: the requirement of two medical tests – one in the origin country and one in Malaysia after arrival – raises migration costs for workers and also for recruitment agencies when they have to repatriate and replace workers who have failed tests. It is also unfair for workers to be deported immediately after arrival, given the heavy investments they have made in migration. Since a Malaysian private agency (Bestinet) coordinates a network of accredited medical test centres in Indonesia to streamline the medical check-up process, it is difficult to understand why the results do not always tally with tests carried out by FOMEMA in Malaysia. One option is for FOMEMA itself to accredit medical institutions and strictly supervise the medical tests of workers in Indonesia, and make it the only test required.

The project also drew greater engagement from the businesses and employers in the plantation sector. This included taking into account employer costs in recruitment/migration costs and the need to reduce this element along with eliminating worker paid costs.

The approach of Tenaganita to case management, capacity development of case officers, support to migrant workers, channels for lodging claims, and challenging the position of the labour department, led to a high proportion of cases resolving satisfactorily.

There were significant lessons learned about the process and information needed to pursue cross-border insurance cases in Malaysia. This will mean that partners are able to support migrant workers in pursuing more of these cases.

The initial partnership between AMMPO and the Philippines Embassy resulted in the Philippines Embassy asking recruiters to direct newly arrived migrant domestic workers to the Embassy for PAOS. This was a very empowering partnership between a government institution and a migrant worker organization that could be considered a model for partnership for the delivery of training to migrant workers going in other contexts.

The lessons for the project and JWB were largely around how the context can affect the pursuit of cross-border claims. Whereas JWB had previously worked on claims between the Philippines and Hong Kong, the various contextual issues in the Indonesia-Malaysia corridor made it clear that it is not just as simple as applying the model of cross-border claims to a new corridor, but more work is needed to understand the corridor, the practical challenges facing claimants, and the capacity of partner organizations.

In addition, in the course of this project, the partner JWB identified a new approach to training organizations. Following the lessons learned on this project, JWB now no longer train large groups of organizations in one sitting, but instead work with multiple, smaller group trainings and individual mentorships over a longer period of time.

One of the lessons from this project is around programming for legal support. In particular, project partner JWB identified that more complicated and contested cases might take up to three to five years to resolve through the formal justice system. As a result, going forward, it is recommended that projects with a timeline of less than three years, are designed to recognize that not all cases started within the project period will conclude during the project. In such cases, it would be recommended to

identify the specific element of support that the project intends to give to the justice process, for example, strengthening the ability of organizations to identify and secure the documentation necessary to have a claim accepted.

The delays experienced in securing respondents for the costs research resulted in the research products being produced at the end of the project. This meant that there was limited time for them to be used in policy advocacy within the project period. Further work will be required to convert them into policy advocacy materials. The ILO has responded to this by ensuring the continued use of research findings by the regional office and ongoing projects in Malaysia, in particular through the publication of policy briefs and factsheets.

Whilst the work on gender under this project was strong as a result of the focus on domestic workers, both PE Research and Tenaganita reported that there was not much focus on gender issues in the plantation sector. This was not so relevant to Peninsular Malaysia (the focus of this project) where women comprise only around three per cent of plantation workers. But it may be more relevant But it may present an opportunity for projects in Sabah and Sarawak (where the number of women is higher) going forward to build in a substantively gender-responsive element into work on the plantation sector, addressing gender-based exploitation and discrimination, issues around sexual and reproductive health rights, and on increasing understanding and response to sexual harassment and violence in the workplace in the plantation sector.

5.7 Visibility & Communication

The results of the research and knowledge products were communicated to stakeholders through the quarterly coordination meetings, consultation workshop and events. This followed earlier dialogue with stakeholders at the quarterly coordination meeting, where the methodology of the research and reports was discussed. A multi-stakeholder dialogue was also used to share the project's work on recommendations for standard contracts. The work on good practices was shared through the video, published on YouTube.

Annex B includes the infographics for migrant workers, published under this project, as well as pictures from different activities; and a screenshot of the video developed on good practices.

5.8 Conclusions and Recommendations

<i>Conclusions and recommendation from the self-evaluation</i>	
Conclusions ^g	<ol style="list-style-type: none">1. Relevance<ul style="list-style-type: none">• The project responded to a call for proposals and was designed in response to the country context. The project was developed in consultation and with the support of the government and social partners with an original focus on MOUs; but was amended when the approach on MOUs changed.• The project focus on recruitment; costs and contracts for plantation and domestic workers was consistent with the needs of migrant workers in these sectors;• It was reasonable to focus the project on migrant workers, due to the limited information and support available to them.2. Effectiveness

^g Conclusions should synthesize the main findings into statements of merit and worth. As such, judgments need to be fair, impartial, and consistent with the findings

	<ul style="list-style-type: none"> • The project contributed to significant changes for the project's ultimate beneficiaries – being the migrant workers in domestic and plantation work – through the provision of information and support services; • The project advanced gender equality through its focus on protection of domestic workers and advocating for equal labour rights for women migrants and domestic workers; • The test case on mental illness as a workplace injury could have a significant impact; as could the test case for undocumented workers having the right to make claims; • The project showed that there is appetite for partners to coordinate and a benefit to them doing so. <p>3. Sustainability</p> <ul style="list-style-type: none"> • The strengthening of AMMPO's membership and institutional capacity will have a direct impact on their sustainability; • The capacity development work across the project, along with the knowledge products and tools, will have an impact in increasing the base capacity and knowledge level of key stakeholders; • The training and support provided to the migrant workers will change the accuracy of information and support exchanged in the community, improving the ability of migrant workers to identify and claim their rights; • The project contributed to strengthening the ILO as a key technical focal point for government and partners; ILO will ensure that the IMG's results will continue to be used in policy advocacy and training through other projects in Malaysia and the region. <p>4. Efficiency</p> <ul style="list-style-type: none"> • The project delivered strong results, comfortably justifying the costs incurred; • The project optimally used staff across both the project and regional offices. It is reasonable to suggest that, on a technical project such as this, there was scope to incorporate more direct technical support to the project office. 	
Recommendations ^h	1. Facilitate further inter-agency and partner collaboration and joint advocacy on labour migration, forced labour and trafficking.	Responsible entity: <i>ILO</i>
		Priority (<i>high, medium, low</i>): <i>Medium</i>
		Resources (<i>high, medium, low, NA</i>): <i>Low</i>
		Timeframe (<i>long-, medium, short-term</i>): <i>Short-Medium</i>
	2. Actively pursue programmatic opportunities (new and existing) to	Responsible entity: <i>ILO</i>

^h Recommendations should follow from conclusions; link to lessons learned; and describe a time-frame (short-, medium-, long-term), the degree of priority (high, medium, low), who is called upon to act and acknowledge whether there are any resource implications.

	disseminate research findings and pursue policy advocacy around key recommendations, in particular the recommendations from the admissions and recruitment study; and the recommended terms for inclusion in employment contracts.	Priority (high, medium, low): High
		Resources (high, medium, low, NA): Medium
		Timeframe (long-, medium, short-term): Short
3.	Identify ways to maintain and build engagement with businesses and employers	Responsible entity: ILO
		Priority (high, medium, low): Medium-Low
		Resources (high, medium, low, NA): Low
		Timeframe (long-, medium, short-term): Long
4.	Identify and share key good practices with new and existing programmes, for example accessing newly arrived domestic workers for the purpose of post-arrival orientation and service provision, through supporting partnership building between embassy and migrant worker association.	Responsible entity: ILO
		Priority (high, medium, low): Medium
		Resources (high, medium, low, NA): Low
		Timeframe (long-, medium, short-term): Medium
5.	Capitalize on the expertise of experienced civil society leaders and project partners, to lead training activities to increase the application of good practice, for example, Tenaganita’s case management work; and JWB’s approach to mentoring.	Responsible entity: ILO
		Priority (high, medium, low): Medium
		Resources (high, medium, low, NA): Medium
		Timeframe (long-, medium, short-term): Medium
6.	Reevaluate approaches to programming for cross border case management in future projects, addressing the realistic time needed to build relationships, as well as the average time taken to resolve cases.	Responsible entity: USDOS
		Priority (high, medium, low): Low
		Resources (high, medium, low, NA): Medium
		Timeframe (long-, medium, short-term): Medium
7.	Require a gender analysis to be incorporated into the design stage of future projects, to ensure that all potential interventions maximise their ability to be gender responsive.	Responsible entity: USDOS
		Priority (high, medium, low): Medium
		Resources (high, medium, low, NA): Low
		Timeframe (long-, medium, short-term): Medium
8.	Incorporate direct technical support across the lifetime of the project.	Responsible entity: USDOS & ILO

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		Priority (<i>high, medium, low</i>): <i>Medium</i>
		Resources (<i>high, medium, low, NA</i>): <i>Low</i>
		Timeframe (<i>long-, medium, short-term</i>): <i>Medium</i>

6 Annexes

A. Project risk registerⁱ

Risk Identified	Mitigating Measures	Additional risk response ^j	Change ^k	Impact ^l
Engagement of relevant government departments, embassies, employers, recruitment agencies, trade unions and civil society is weak.	Project partners and stakeholders will be involved in all aspects project design, implementation, monitoring and evaluation to guarantee their robust support. The multi-stakeholder consultative approaches and network building are expected to promote ownership and sustainable cooperation.	After the commencement of the project, the new administration sought to review their labour migration strategy. The ILO provided direct technical advice. Further, the establishment of the DWCP which incorporated IMG's objectives in its Outcomes, secured commitment of the tripartite partners	Decrease in the total level of risk	The ILO is now positioned as the key technical focal point for labour migration in Malaysia; reflected in Outcome 3 of the DWCP.
Target countries experience social, political or economic instability, and project activities cannot proceed because of security considerations,	As the proposed project works with a diverse group of partners and stakeholders, disruption to project activities under one	The project worked directly with multiple	No change in the total level of risk	Continued to work with, and secure ownership of,

ⁱ Use the existing project risk register for filling in this table

^j Outline any additional mitigating measures or any change in the planned mitigating strategy and provide a rationale

^k The change column summarizes any change in the identified risk as a result of the corrective/mitigating measures

^l Outline the impact on project objectives once the mitigating measures were put in place

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unavailability of government officials, etc.	outcome are unlikely to affect activities under other outcomes.	stakeholders. Where there was disruption of the design of Outcome 1, the project was able to continue with programming under the other outcome areas and amend Outcome 1.		multiple stakeholders, including the labour inspectorate, private sector MEF, MTUC, CSOs, notwithstanding changing administrations.
Outcome 1. Effective MOUs are not adopted due to lack of political will.	The ILO will provide technical support and undertake advocacy both in Malaysia and countries of origin to promote the strengthening of MOUs. The ILO's global expertise will be brought in and the evidence-base for MOUs reinforced to support these efforts. Alternative measures will be explored to supplement protection under MOUs, where necessary. Capacity building will enable stakeholders negotiate better MOUs even after closure of the proposed project when political will returns.	The change of outcome meant that this risk was, in part, realised. The risk was mitigated through the programme amendment and continued focus on strengthening the knowledge base on costs, recruitment, good employment practices and standard contracts, all of which will be critical elements for any ultimate MOUs.	No change in the total level of risk	The research and technical work undertaken under IMG on costs, recruitment practices, good practices and standard contract., contributes to the knowledge base that will ultimately inform MOUS.
Outcome 2. Support services do not reach domestic workers and	Training and on-site coaching will be provided to trade union, NGO and migrant community	The partners delivering the support services	Decrease in the total level of risk	The IMG delivered high levels of information and

plantation workers, or are not of sufficient quality.	partners to ensure quality of support services and develop innovative strategies to reach out to domestic workers and plantation workers.	used innovative means, both by going farther geographically, and by developing innovative partnerships to access workers (e.g. the partnership between AMMPO and the Philippines Embassy to access newly arrived migrant domestic workers) to ensure that they reached workers that had not benefited from such information and services before.		support to migrant workers who would not otherwise have received it. This resulted in a significant number of cases, with two cases having the potential to impact the rights of migrant workers in a fundamental way.
Outcome 3. Recruitment agencies and employers not committed to improving recruitment, contracting and employment practices.	The proposed project will work with groups capable of applying pressure (e.g. buyers, media, government, civil society, trade unions, etc.) in order to encourage greater commitment to improved practices.	Recruitment agents, employer representatives and the private sector were engaged through consultation, on the work on standard contracts and recruitment	No change in the total level of risk	The project secured strong engagement from employer representatives and recruitment agents on improving practices related to recruitment, employment and standard contracts

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		practices.		
Outcome 4. International and local development actors are unwilling to cooperate and share information.	The proposed project will seek to quickly demonstrate the added value of cooperation and information sharing.	The first quarterly meeting demonstrated the benefit and value of the coordination.	Decrease in the total level of risk	Multiple tripartite plus stakeholders and development partners were engaged in quarterly coordination meetings throughout the project
Delay in design and delivery of project outputs and activities risks achievement of project objectives	The ILO has established partnerships with most project partners and stakeholders. Technical and administrative support is available to the project team to ensure timely implementation and high quality of project outputs and activities.	Ultimately delays did occur, due to external and unforeseen factors – the project team were able to respond to them by amending project partner activities.	No change in the total level of risk	The risk was realised but mitigated leading, ultimately, to the completion of the relevant activities.
Terrorist attack or other security incident in Kuala Lumpur.	ILO project office is moving to a less vulnerable location in Kuala Lumpur, either independently or as part of the planned UN House relocation.	The ILO office completed the move in 2018. The ILO coordinated with the UN Department of Safety and Security to ensure compliance with UN security	Decrease in the total level of risk	The risk of operational interruption and security risk is reduced.

		requirements.		
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B. Images of the infographics, video and photos from activities.



Infographics for migrant domestic workers and plantation works.



Earthworm video: <https://www.youtube.com/watch?v=FrYN7nRGvVE&t=1s>

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AMMPO Back for Good Forum



AMMPO Forum of Migrant Workers' Rights and Responsibilities



Quarterly Stakeholder Meeting: Refugee Worker Rights



Consultative dialogue on research reports



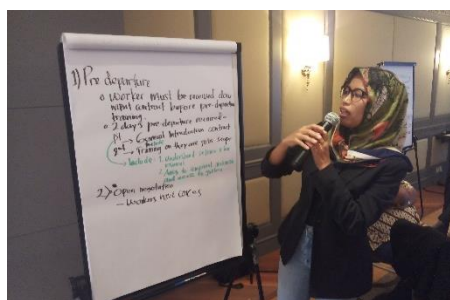
Mission to Plantation



Migrant plantation workers' kitchen



Consultative dialogue on standard terms to include in employment contracts.



AMMPO post-arrival orientation seminars.