

Papyrus Sweden AB's purchase of Nitrile gloves from Malaysia - a compliance report by Swedwatch commissioned by Region Västra Götaland



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1. Company's Profile

Papyrus Sweden AB buys Nitrile gloves from a Malaysian company, here called Supplier A. It is situated in Selangor, Malaysia.

This supplier is owned by a Malaysian company which also runs two other companies. Together they have several plants. The Papyrus Sweden's products (supplied to Region Västra Götaland) had been made in one plant before it was burnt down on Nov 17, 2009. This audit had to be postponed in the last minute due to the fire. At the date of the next audit, the production had been moved to another plant (Plant C) in the same industrial area.

1.2 Workforce

Presently, there are 515 permanent workers which are all foreign guest workers (mostly Bangladeshi, Nepalese and Vietnamese) and additional 80 contractual workers hired through a labour contractor (these were guest workers from Burma, Cambodia and Indonesia). Malaysians are in charge for line leader and supervisory level and above. No production workers are Malaysian, whilst all the supervisors and managers are local Malaysian. All of them work in Plant C where the Papyrus 'Sweden's products (supplied to Region Västra Götaland) are produced.

Some of them were relocated from the burnt factory. The marketing director has told the auditor in November, that about 210 out of 450 workers would be moved to work in Plant C while the rest of the workers were assigned to work in different plants under Supplier A. There might be additional movement of workers in the near future according to the production plan.



Quality Control department

1.3 Production process

The processing in plant C is separated into 4 departments: Compounding, Dipping, Stripping, QC/Testing and Packing and Warehouse, the majority of the workforce is working in Stripping and Packing departments. All plants (A-C) are sharing the utilities and facilities such as Chemical store, R&D, Wastewater treatment, Steam boilers, Canteen & Medical clinic, and Worker dormitory.

1.4 Position in the market, clients

The company produces goods for a variety of labels. The management said they could not disclose the name of other clients. According to the marketing director, the company is ranked as second largest glove manufacturers in Malaysia and is among top five global glove's suppliers. The US buyers are 60% of the total production while EU buyers are 20% and Japanese buyers are about 10%. Papyrus Sweden buys about 0.008% of the 20% products sold in Europe. Papyrus Sweden buys through a trading agent.

According to the trading agent, the type of products Supplier A produce for Papyrus Sweden is as following:

1. Powdered Latex Exam Glove
2. PF Polymer Coated, non-chlorinated Latex Exam Glove
3. Powder Free Nitrile White
4. Powder Free Nitrile White
5. Non Tro PF Nitrile Exam Glove
6. Accelerator Free Blue Nitrile Exam Glove

1.5 Previous audits by other

The company has been audited on social standards a couple months ago by a US buyer. This is the second social audit for the company.

1.6 Subcontracting

According to the management, the company did not use subcontractor for the production, but for manpower.

2. Methodology

2.1. Members of the team

Swedwatch is the project leader and responsible for the investigation. Swedwatch has commissioned Kenan Institute Asia¹ to conduct the local social audit including workers off-site interviews at Supplier A. Kenan Institute, has in their turn used an experienced Malaysian social auditor as consultant. Totally three persons have been involved in the local audit, one man and two women.

2.2. The process of auditing

This audit was announced to the supplier in advance. The first audit was held in November 21st to 25th 2009. However, due to the fire accident, the audit team could not complete the audit process in the first visit. The team came back to complete the audit between December 22nd -23rd, 2009.

In the first visit, the team visited Supplier A (the burnt factory) and the dormitory behind the company. The team did the following activities:

- Meeting with Marketing Director of Supplier A and representative from the Papyrus Sweden's trading agent to understand about the business situation.
- Brief discussion with the Senior R&D manager of the Supplier A on the company's plan to cope with the relocation of workers from the burned plant to the new one.
- Brief discussion with HR personnel responsible for wage and payroll on the company's plan to cope with the relocation of workers from the burned plant to the new one.

¹ <http://www.kiasia.org/web/>

- Visiting the male workers' dormitory for site inspection and having brief talk with workers and two HR officers who are responsible for the dormitory.
- Surveying the nearby area of the factory and dormitory.
- Meeting with two local NGOs to discuss on the labour situation especially regarding the migrant workers and possible cooperation in the future on off-site workers' interview. The details of discussion are below under "NGO's consultation meeting".

In the 2nd visit, the team visited Plant C of Supplier A, where the Papyrus Sweden's products are manufactured and conducted the following activities:

- Interview the management team
- Interview workers inside and outside of the production areas
- Interview the relevant staff from HR and production sections
- Review the relevant documents
- Walk through the factory including production and other shared facilities; canteen, clinic, chemical storage area, dormitory and other production related areas.

During the walkthrough, the team also talked with several responsible persons in the production areas including production manager, compounding manager and assistant manager and also other production related staff.

2.3. List of documents consulted

Supplier A was asked to provide the following documents to verify their labour, safety, health and environment management system (including policy, procedure, implementation and process monitoring).

Labour issues	
List of all workers, including date of appointment, gender, function	Available
Working hour records over the last 3 months of selected, and possibly longer, and attendance register	Available
Records of all employees / personal files specifying names, birth dates (including proof of age), identity document number, sex, function, wage scale, date of employment	The 80 workers employed by subcontractor are not available
Leave register, including leave payments and leave applications	Available
Company's regulations and Disciplinary notices	Available
Employee manuals, (certified) standing orders or factory rules	Available
Contracts between management and recruiting agencies	The management refused to provide as it is considered confidential document
Payroll journals, or wage lists showing base wages, incentive or bonus earnings, gratuity, hours, deductions, net pay and gross pay	The subcontractor workers are not available
All piecework rates and piecework calculations and other incentive system rates and calculations such as attendance bonuses, quality incentives, etc.	The subcontractor workers are not available
Copies of payslips as handed out to workers.	Payslip for subcontractor workers are not available
Occupational Health and Safety	

Accidents register	Available ²
Sickness register ³	Available ⁴
Fire certificate	Available
Proof of payment for inspection of fire extinguishers, electric appliances, elevators	Available
Maternity leave register	Not applicable
List of pregnant workers	Not applicable (No evident of any pregnant workers. The Malaysian law does not permit pregnant migrant workforce, otherwise they will have to be sent back to their own country).
Any other legally required registers concerning the labour laws and labour situation	Inspection records by Department of Occupational Safety and Health are available : <ul style="list-style-type: none"> - Pressure vessel inspection certificate valid till 5/4/10 - Goods hoist (certificate of fitness & inspection) valid till 8/2/11 - Approved of Thermal Oil Heater after hydrostatic test, dated 13/8/08
Environment	
Wastewater effluent testing report	Available Cert of water analysis, 16/11/09. Comply with the Department of Environmental, Standard B requirements.
Permit for treated wastewater discharge into public waterway	Available
Document of solid waste management (such as contract with the local authority for handling of solid waste management)	Available

2.4 List of consulted local stakeholders and information received

The local audit team met with representatives from the two organizations named Tenaganita and MTUC. They did not know Supplier A because they have not been dealing with labour issues in the glove industry specifically. Therefore, the information they provided was not specifically about the company, but it was about the general labour issue, particularly about the migrant workers.

² There was a small amount of accidents reported and only one big case was reported about a truck which crashed the fence, however, no one was injured.

³ Supplier A had registered all its employees to the national health care system, which means that they got free medical care if sick (this is not valid for the subcontracted workers though).

⁴ Sicknesses are recorded at the medical clinic with a doctor and nurses available. Two medical clinics are available for the sickness in the facility during the regular working hour.

Each meeting took about two to three hours at their offices in Subang, Selangor and Kuala Lumpur.

2.5 MTUC

MTUC is the sole national private sector labour union congress. It receives and represents cases of migrant workers to the Government authorities and courts, engages with diplomatic missions of migrant sending countries, and conducts advocacy on laws and regulations affecting workers, including migrant workers. The local audit team interviewed Mr. G. Rajasekaran, secretary general of the organization.

2.5.1 Discussed and Received Information:

- There isn't any national minimum wage, so the wage can only be fixed in the collective bargaining agreement between the union and the management. In the company that does not have a union the minimum wage is fixed by the employer.
- There are presently about 2 millions legal migrant workers in Malaysia and about 1 million workers are hired illegally (without working permit). Workers mainly come from Bangladesh, Nepal, Indonesia, Vietnam, Cambodia and Burma.
- Recently there was problem of labour shortage, so the government relaxed the rules by giving more quota of working permits to some industries including Electronics, Glove, Plantation and Construction.
- The major problem for migrant workers is about the labour suppliers. There are now 272 labour suppliers registered with the government. MTUC insisted that this system must be banned as it's the human trafficking which makes the life of migrant workers worse. Those suppliers charge the fee from the employer who later deducts the expenses from the workers' wage.
- The workers signed the contract in their home country and their passports were retained by the employer to ensure that they would not flee. They will only receive the copy of passport and work permit. If the police found them without those documents, they will be caught and sent back home. The contract workers' travelling document is with their recruitment agent in Malaysia.
- The employer has rights to terminate the contract at anytime, so the workers will do their best to ensure that their contract is not terminated prior to the term otherwise they have to go back home empty hand with debts (the money they borrow to pay for recruitment fee to the labour supplier in their home country).
- The government agencies: Manpower, Home Affair and Police Department do not work together and their rules are in conflict. For instance, according to the Trade Union Act and the Industrial Relations Act, it is possible for a migrant worker to join an existing labor union and participate in its activities⁵, but the Ministry of Home Affairs (MHA) sets out a series of conditions connected to the issuance of work permits to migrant workers and one of these conditions is an absolute prohibition on migrant workers joining any sort of association.⁶ Or the other case is that the Manpower Ministry asks the employer to keep workers' passport for security reasons, but the police and RELA (voluntary enforcement officers appointed by the local authority) will get workers into trouble if they go out of the area without passport.

⁵ However, Article 28(a) of the Trade Union Act requires that any union officer must be a citizen of Malaysia, effectively disqualifying migrant workers from serving as leaders of a union.

⁶ Migrant Workers in Malaysia – Issues, Concerns and Points for Action *Commissioned by the Fair Labor Association*, Philip S. Robertson Jr., Consultant: page 8.

- MTUC requests that the employer recruits the workers directly, not through the labour suppliers. For the buyers, they should ask question to the employer where the workers come from and how they are treated to make employer aware that they have responsibility toward the migrant workers and ensure that they are treated legally and fairly.
- The buyers should also have dialogue with the other stakeholders including International Labour Organization, Ministries and Employer association to support the direct recruitment practices which will solve the problem of human trafficking by the labour suppliers.
- Mr Rajesh said that “we should ensure that we don’t use the migrant workers just as cheap labour. We have to ensure that they are treated and paid well”.

FACTS:

Malaysian labour law

Major issues of terms and conditions of work are regulated by the Employment Act and the Workman Compensation’s Act, overseen by the Labour Department. Issues regarding relations between employers and workers are covered by the Industrial Relations Act, while labour unions are regulated by the Trade Union Act. These laws are all overseen and implemented by the Ministry of Human Resources.

Malaysia and ratifications of international conventions

Malaysia has ratified five of the eight core ILO Conventions.

Freedom of Association: Malaysia has not ratified Convention No. 87 on Freedom of Association and Protection of the Right to Organise, but has ratified Convention No. 98 on the Right to Organise and Collective Bargaining.

Discrimination: Malaysia ratified Convention No. 100 on Equal Remuneration but has not ratified Convention No. 111 on Discrimination (Employment and Occupation).

Child Labour: Malaysia ratified Convention No. 138 on the Minimum Age and Convention No. 182 on the Worst Forms of Child Labour.

Forced Labour: Malaysia has ratified Convention No. 29, the Forced Labour Convention, but not Convention No. 105 on the Abolition of Forced Labour.

Source: Migrant Workers in Malaysia – Issues, Concerns and Points for Action *Commissioned by the Fair Labor Association*, Philip S. Robertson Jr., Consultant. International Trade Union Confederation (ITUC), International Recognised Core Labour Standards in Malaysia, Report for the WTO General council, review of the Trade Policies of Malaysia, (Geneva, 18 and 20 January, 2010).

2.6 Tenaganita

Tenaganita is the oldest and most experienced of the organizations working on issues of migration in Malaysia. It works on all aspects of migration, has literally represented thousands of migrants in resolving problems ranging from wage and work matters, human trafficking, detention center conditions, RELA abuses, shelter and support for women, etc. Tenaganita also serves as the co-coordination of the Migration Working Group, a coalition of NGOs and trade unions that meets monthly and coordinates work on migration issues of all kinds. The local audit team met with the two persons in charge of labour protection program.

2.6.1 Discussed and Received Information:

- **Recruitment Process:** Tanaganita has the same position as MTUC regarding the labour supplier. They disagree with the current process and think that it creates a lot of abuse to migrant workers.
- **High recruitment fee:** The workers have to pay a recruitment fee ranged between RM10, 000-12,000⁷ or up to RM 5,000 for Bangladeshi and between RM 8,000-15,000 for Vietnamese. For this issue, Tanaganita insisted that the employer should pay or at least check how much workers have to pay in their home country to ensure that the fee they paid is fair and reasonable (it should take less than 6 months of basic salary for workers to pay off this amount).
- Normally, workers have to pay the recruitment fee to the private agent in their home country. These agents have to be registered with the government. However, with the lack of enforcement and corruption, the workers have to pay a high fee. Tanaganita demand is that if there has to be the fee charged to workers for the recruitment process, the government should take responsibility so that workers are protected and not overcharged and abused by the private agent.
- The recruitment fee is higher for work in companies producing premium brands. The recruitment agency take advantage of this in order to charge more from workers, and the workers are willing to pay more because they expect they will be treated better than in other places because the company produce premium brands. However, what happens is that they are sent to the other factories and do not get better protection as they expected. Hence, the workers' abuse take place right in their home country at the recruitment process.
- **Labour supplier:** Even though the employer uses a labour subcontractor, the employer should be responsible for all the workers' treatment and compensate workers if they are having an accident at work. There are many cases where workers are neglected and sent back home with disability.
- **Health and safety in the workplace and residence:** The employer treats migrant workers poorly because migration work is defined as temporary. Hence, the employer tries to minimise the investment for these workers which result in poor working and living conditions.
- **Retrenchment:** By law, the employer has the right to terminate workers at anytime. The workers could not return home before the contract ends because they borrow money to pay for the recruitment fee, so the employer should reserve a fund to cover the financial issues for workers who are terminated either for the business or health purpose. Normally, the contract does not say that the employer has any responsibility if a worker gets sick. For the health issue, the legal requirement is that the employer should register the migrant workers to the government health care system. But there are some cases where the employer does not register and workers do not have any health insurance. (Supplier A have registered all its employees).
- **Discrimination:** By the government's procedure, it's easier to recruit male workers than female workers. In case of female, they have to pass the pregnant test and there are conditions that if they get pregnant, they have to be sent back home immediately. Therefore, the company prefers to hire male before female workers.
- **Harassment:** There are cases of physical and sexual abuses of female workers. There is not any mechanism for workers to voice their complaint in case they are abused by their supervisors or others in the company.
- **Wage and benefits:** The basic payment is low. In general, the workers get paid about RM 46⁸ or 15 US\$ per day (12 hours of work).

⁷ Approx 25 000 Swedish cronas. Forex 2010-03-03.

⁸ 1 Malaysian Ringgit = 2.30 Swedish cronas. 46 RM = 106 Swedish cronas. Forex 2010-03-03.

- The levy must be paid by the company, not the workers because they have already paid a large amount of money to come to work here.
- **Freedom of Association:** By law, the migrant workers can join the union but they can't hold any position.⁹ The employer should be encouraged to support and follow the collective bargaining agreement dealt with the union.
- **Role of buyer:** Buyers should get engaged in the recruitment process to ensure transparency and fairness. They should deal at the early stage in the recruitment process and put preventative measures to ensure the contracts are fair and workers are not abused.
- Tenaganita strongly urges the buyer to raise their social demands above national laws because the laws are sometimes discriminatory and not in line with international standards and practices.

Malaysian and international law in conflict, examples:

- the Universal Declaration of Human Rights declares that all human beings has the right to form and to join trade unions for the protection of his interests.
- Malaysian law, however, restrict this fundamental right by stating that migrant workers are not allowed to form unions.
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families prohibits employers to withhold the passports of its employees.
- Malaysian legislation, however, partly prescribes the employer to keep workers' passport for security reasons.

3. Findings

3.1 Findings from workers interviews

The team interviewed 20 workers; 4 in the production lines, 9 in the stairways, 6 in the dormitory and 1 in the canteen. They are both individual and group interviews. Individual meetings were held at the dormitory. The identity of the workers who were interviewed at the dormitory was mostly not disclosed to the management. At some of the interview occasions, the management or their representative followed the team, even though the local team wanted them to leave the area and tried to divert their interest. It certainly affects the interview when the management or their representative is around and the workers do not seem to be comfortable during the interview when observed by the management and his representative.

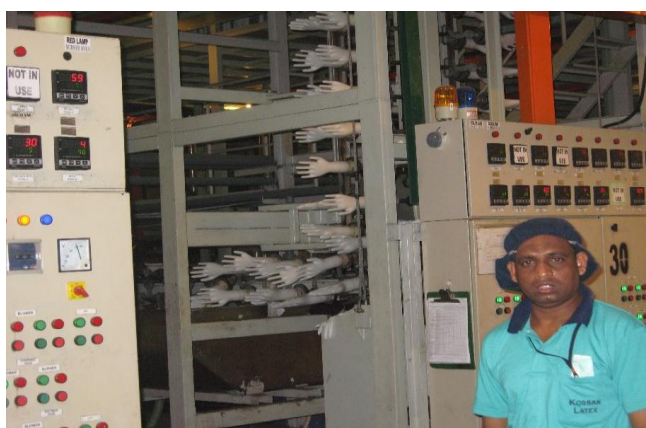
Short interviews were also conducted with several workers in the shop floor on the days of the factory visit - these were aimed at selecting the workers for the interview and get the first-hand information for more in-depth research. In addition, two hour-long meetings were held with randomly selected workers of the factory at the dormitory. This group included workers from different nationalities. Most of the interviews were conducted in the presence of an administrative assistant as per instructions from the HR manager to escort the local

⁹ However, as written above, the Internal Affair law often referred to in the migrant workers contracts, states that workers can't join the union, otherwise they will send back home.

audit team to the dormitory. A total of 6 interviews were made at the dormitory. Initially the presence of the administrative assistant made everyone a bit uncomfortable. Despite escort from the management, the auditors could finally find ways to interview workers in the private areas to ensure the total confidentiality.

Production working hours:

- a) 7 am – 7 pm & 7 pm – 7 am (operating 2 shift with 12 hours / shift)
- b) Mostly working 7 days a week due to tight production schedule. By law, employees should have at least one day off per week and work no more than 48 hours per week.¹⁰ However, there are certain scenarios that could give the employer permission to allow longer working hours. Thus, this permission must be requested and given by the Director General of Labour. It is not known if Supplier A got permission for its working hours. It is common in Malaysia that the migrant workers work a lot of OT, including 7 days a week and that this is regulated in their contracts.



Worker in glove dipping department

Nationality of workforce:

- a) A majority are from Bangladesh, Nepal and Vietnam. Others are from Pakistan, Indonesia, Cambodia, Burma etc. Supervisors are Malaysian and In-charges are senior migrant laborers so they are able to communicate with their peers with same nationality.
- b) Most of the workers at the packing section are contract workers with 1 year contract. It was found that some 80 workers are employed directly through a recruitment agent and only work temporary day to day at this factory. Supplier A has no employment relationship with these workers. No employee pass or uniform were provided to these workers and their identification is not traceable as all are handled by different agents. According to the security guard, these temporary contract workers are not required to register upon working hours as their leader just has to inform the security guard these are the workers supplies on the day. Everything is taken care of by the agent.
- c) All travelling documents like passports are kept by the company (either Supplier A or the recruiting agents) and workers only have their photocopy of the document. They are not aware of the right to keep their own passport. In Malaysia it is partly

¹⁰ Malaysia Employment Act 1955, 60A on Hours of work, Please find relevant laws at: http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=MYS.

prescribed by the authorities to keep the migrant workers passport if it is done with the permission from the worker; however, according to the International Convention on the Protection of the Rights of All Migrant Workers, it is not.¹¹ There is not either any evidence that the employees have given Supplier A or the agent their permission for holding their passport. They are also restricted by other laws to move freely without their passports which mean they are bound to remain within the factory compound not able to go outside this area.

Wages paid:

- a) Contract workers at the packing department normally are supplied by different recruitment agents in Malaysia. These workers were paid through the agent, who also provided the workers accommodation, transport to workplace and handle their traveling document as well as working permits.
- b) No pay slips are provided by the recruitment agent upon issue the pay to them. They are earning daily wages and it is subject to the agreement with the agent for the pay. No pay slip or M.O.U. provided by the company to those temporary workers, they are paid in cash.
- c) No extra rate is paid for overtime work to any migrants workers (full time or contract) as it is part of the contract to work for extra hours by either the factory or the recruitment agent. The same goes for working on the 7th working day of the week. Basic daily pay is RM18.50¹² + RM1 allowance (not clear with the type of allowance and determine by the supervisor, subject to their judgment). One temporary foreign worker, without working contract said that he was paid RM30 per day but he has to take care of his own accommodation, transport and working legal document.
- d) 2 times of Pay day in a month on 18th and 7th of the month. The workers normally take advance pay in every 2 weeks salary issued.
- e) RM 100 will be deducted from workers month pay for levy. Even though the company management said they bear some of the cost, however, the audit team noticed that workers monthly pay slip would have deduction like:
 - water and electricity bill (share among workers stay within a block / dormitory) RM 16.50 (it is consider on higher side as not many high electricity consumption's electrical appliances in the room)
 - miscellaneous allowance RM30
 - levy RM200
 - Workers also have to bear the medical check up (FOMEMA test required by the Ministry of Health to ensure the migrant is healthy and not carry any disease to the country). This is requirement by the Ministry of Health for migrant workers come in to work in Malaysia.
- f) Workers do not have any copy of the M.O.U. / contract with the factory. Some temporary workers said they do not sign any contract document. The audit team was not able to access the contract between the factory and workers or recruitment agent and workers that we have interviewed.

¹¹ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 21, <http://www2.ohchr.org/english/law/cmw.htm> Malaysia has not ratified this convention; however it is international recognised law. The Malaysian Passport Act from 1964 also prohibits the holding of an individual's passport by others however some Consular Requirements in contrary prescribe employers to withhold the employee's passports.

¹² 1 Malaysian Ringgit = 2.30 Swedish kronas, 18.50 RMB=42.55 Swedish kronas.

Feedback from workers on other facilities:

- a) Canteen food is expensive as charge a meal about RM4 to RM5 (equal to the outside restaurant price). Workers cannot afford to pay the food. Normally they share the cook among themselves by paying RM150 per month to their cook (selected among the worker).
- b) At the Dripping Area the ceramic hand mould is very hot when the employees have to remove the glove on it. One worker spontaneously told the auditors how this work cause finger pain and skin peel off. The auditors also observed that the workers sitting on the producing line removing glove were very conscious and slow and could also by themselves sense that the environment were hot. The local auditors found that the hand mould is still hot upon workers removing the glove.
- c) Found cockroaches all over the cooking area at the ground floor as well as the bedroom area as some of the food at cook and store at the bedside. Poor hygiene at dormitory, and cooking area as where they suppose to have their meal. Sighted supervisor warned some of the Nepal and Bangladesh workers eating their lunch in the room where they cook as they are not allow eating in the bedroom.
- d) No place to hang the wash cloths and all are hanged above the bed frame. Sighted cloths and cables are cross over.



Crowded living floor in the dormitory.



Unhygienic kitchen at the ground floor.

Communication:

Workers feedback or any request was canalized through their leader (who speak their month tongue), then the leader were able to respond to the supervisor or manager. Normally it will be settled by the supervisor or manager.

3.2 The details of Occupational, Safety and Health's on-site investigation

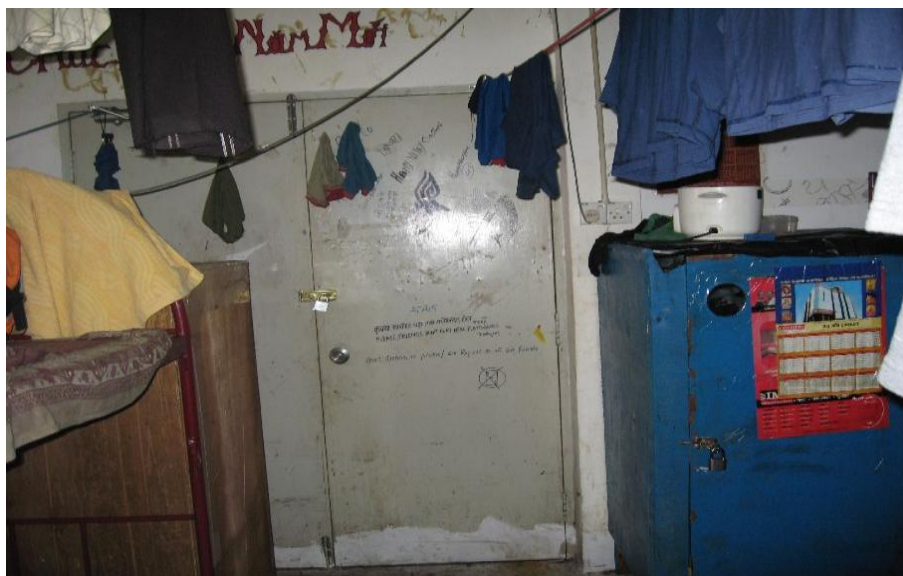
The information was collected from the walk through of the shop floor in Plant C, sharing utilities and facilities of the company, the reviewed and verified documents regarding to the OSH such as the Health and Safety policy, the meeting report of Health and Safety committee, the Safety Manual and other documents which is associated with the Health and Safety.

The management appointed a safety officer to be responsible for the OSH management system in Supplier A which included Plant A-C. Besides, OSH committee has also been established and the members, appointed by the top management, came from the management and worker representatives from each plant. The committee has held the meeting among the group at least twice a year. From reviewing the record of meeting minutes, it's found that the most recent meeting was held in July 2, 2009. According to law the OSH committee shall meet not less than every third month.¹³ The safety officer informed that he has conducted the walkthrough of the facility in regard to the health and safety manner regularly. He also has to investigate the root cause of accident once occurred in the workplace in order to prevent of reoccurrence. Such records are presented to review.

Fire Safety: During the walkthrough, it was observed that there are at least 2 emergency exits in the production area. There were emergency lightings above each exit and they are unlocked during the working hours during the auditing hours. It was observed that the

¹³ Occupational Safety And Health (Safety And Health Committee) Regulations 1996 Part Iv - Meetings Of Safety And Health Committee, regulation 21 : Frequency of meetings of committee. (1) A safety and health committee shall meet as often as may be necessary commensurate with the risks attendant on the nature of work at the place of work but shall not meet less than once in three months.

evacuation routes and emergency exits are cleared and easy to passage in emergency case at all times.



Locked emergency exit.

The safety plan is requested to review in order to assure that the company establishes and maintains the safety system properly. The safety plan including the fire safety plan is presented; it was found that each work floor has assigned a person who is in charge of emergency case. The fire drill report revealed that it was conducted in October 7, 2009 in each plant. The fire fighting training was arranged and provided to the selected workers from each plant in December 15, 2009.

Health: Every department installed a first aid box and sufficient medical supplies are maintained. The person in charge passed the training on the basic first aid treatment. The latest first aid training was conducted for 18 staffs in January 21, 2009. Besides, the 2 medical treatment rooms with a nurse and doctor are available for workers to consult and treatment. This facility operates during 9.00-10.00 and 11.00-12.00. If employees are seriously ill or have serious accident, they will be referred to the contracted hospital nearby.

Workers will be received annual medical examination according to the legal requirements. If any serious illness was found, the workers will be terminated and send back to their country. The reviewing of this record revealed that there are 2 cases that workers being sent back to their home country because the results of medical check-up were failed.¹⁴

Drinking Water: The chillier drinking water machine was installed in the work place and canteen; workers are bringing individual bottles by themselves. Workers informed that they are free to take drink any time they want. There was not any restriction of movement in this case. Canteen facility was observed in acceptable level of cleanliness.

Working Condition: The temperature of the work floor is maintained at the comfortable level and there was adequate ventilation system. Functional and adequate lightings are

¹⁴ A compulsory medical check, FOMEMA, is required for all migrant workers in Malaysia. In that way The Ministry of Health ensure that migrants do not carry any disease to the country.

equipped for safety and sufficient use for worker stations. Restroom (15 units) supplies soap and the water supply are sufficient. Restrooms are separated by gender and are maintained in a sanitary condition. Overall, facility is clean and maintained comfortable working environment.

Document Keeping: The documents in regarding to the Health and Safety system is requested for review (particular regarding in plant C). It's found that 4 elevators are inspected by officer from government and maintenance by staffs; such records are kept. Fire extinguishers and fire equipments are inspected by internal and the supplier. Boiler and Air compressor machines are inspected once a year lasted was conducted in Jan 6-7, 2009 and those were maintained by the internal maintenance team regularly.

Chemical handling and PPE: The chemical warehouse was observed that it was quite well maintained as all chemicals are classified into types and are kept in the proper area. Workers in this area wore proper PPEs while performing their tasks with the chemical. Besides, the Chlorination utility and section are inspected and it was observed that those areas are maintained in acceptable condition. There were few staffed assigned to work in these areas. The vacuum tower with air filter was installed to prevent the leakage of chlorine gas.

Training: The workers are trained the safety program by the safety officer regarding the OSH system in the factory such as Chemical safety handling was conducted for particular group in Mar 6, 2009, Forklift driving in Nov 5, 200 and Using the PPEs in July 29, 2009.

Waste Water Treatment: The wastewater plan and documents regarding the environment management system was inspected and found that factory assigned one person to be maintenance and environment officer who will be in charge with the environment management at Supplier A. The wastewater plan appeared to be well maintained system, and the result of discharged water was in line with the legal limits. Besides, the license of solid waste management which was approved by the government (such as contract with the local authority for handling of solid waste management) was also presented that factory complied with the law requirements.



Waste water treatment system

3.3 Finding incorporated from all sources of information

The report provides the findings based on factual observations and recommendations are given to solve the problems raised. The observations refer to the concrete articles in laws¹⁵, the management system principle and The Code of Conduct for suppliers from the County council in Stockholm, Region Västra Götaland and Region Skåne¹⁶ and the relevant international conventions referred to in this Code of Conduct.

Paragraph	Compliance/deviation
1. Human rights	Deviations found
2. National legislation	Deviations found
3. Child labour	In compliance with Code (however there are indications of deviations and better systems are needed to ensure no child labour)
4. Forced labour	In compliance with Code (however, not guaranteeing the workers free access to the their passports, could be seen as a sort of forced labour since the employee cannot move freely) ¹⁷
5. Discrimination	Deviations found
6. Wages and working hours	Deviations found
7. Freedom of association and organisation of labour	In compliance with Code (there are indications of deviations)
8. Environment	In compliance with Code
9. Health and Safety	Deviations found

Topic	Observations	Recommendations
Management System	The only policy that the company has regarding the labour standard is on sexual harassment. They have written procedures on recruitment, training, attendance, salary and disciplinary. However, not all of these procedures are	It's recommended that the company develops the procedure to be in line with the policy. With the written procedure, the company ensures that they follow what the procedure says and every concerning people in the company clearly understand and follow

¹⁵ Malaysia Employment Act, 1955, Malaysia Employment Regulations, 1957, Malaysia Trade Union Act, 1959, the Industrial Relations Act, 1967, Malaysia Industrial Relations Act, 1967, Human Rights commission of Malaysia Act, 1999. Please find relevant laws at:

http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=MYS.

¹⁶ The Code of Conduct for suppliers, SLL, Region Västra Götaland and Region Skåne, <http://www.sll.se/upload/Miljö/Code%20of%20Conduct%20for%20suppliers.pdf>

¹⁷ Castan Centre for Human Rights Law, International Business Leaders Forum, and Office of the United Nations High Commissioner for Human Rights, Human Rights Translated: A Business Reference Guide, 2008, p 17.

	<p>implemented in the company. For instance, regarding the recruitment, the procedure says that in the event of insufficient manpower, the factory manager shall discuss and liaison with the HR/Admin Department for recruitment.</p> <p>However, what it's found is that the HR manager did not acknowledge the hiring of contractual workers in the packing department.</p> <p>During the interview, the HR managers only identified the three nationalities of workers. However, during the walkthrough, the Burmese and Cambodian workers (who are not identified) were found sitting on the stairway during their lunch hour.</p> <p>When asked, the manager of packing department (where those workers work) said that he contacted the registered agent directly to get these contractual workers without informing HR. The whole situation revealed that the procedure was not followed and implemented.</p>	<p>the same procedure. The company should also develop the oversight mechanism to ensure the policy and procedures are implemented correctly.</p>
Documentation	<p>HR manager was not able to provide and verify all information regarding workers. HR manager could not explain the incentive system and relevant documents of the production section. The administration department which is responsible for payment of workers is not under HR department. Therefore, in order to get the overall picture of the company's management system and their documentation system, we need to verify information with several people and several documents.</p>	<p>It's recommended that the policy, procedures and implementation throughout the human resource management lines are centralized and well documented so the company has the overall picture of its management system especially the human resource management and be able to evaluate their strengths and weaknesses for further improvement.</p>
Code Awareness	<p>According to the marketing director, this is the first social audit done by Papyrus Sweden and the objective is well understood. According to the HR and QA manager, this is the second social audit of the company, so his understanding toward the code was not clear. They also did not understand the</p>	<p>It's recommended that the buyer explained the business case and this relevant business relationship and its expectations clearly to its trading agent and the supplier so the audit could fully benefit their business and workers. Then it's important the management explained further to their team so they clearly understand about the process</p>

	<p>business case of this audit and the relationship between Swedwatch, Region Västra Götaland, Papyrus Sweden and Supplier A. However, they were well cooperative throughout the process.</p> <p>There was not any code of conduct of any clients posted in the production or office areas. Supplier A was not aware about the ethical demands and did not know about Region Västra Götaland's code and demand from Papyrus Sweden on social compliance.</p>	<p>and expectations from those involved.</p> <p>It's recommended that the buyer send the supplier the code or expectations regarding labour, health, safety and environment issues so they can develop plan to meet requirement for the long term.</p>
Employment Contracts	<p>The employment contract was written in English which is not the native language of the workers.</p> <p>Workers feedback that there was not contract signed or they were not aware that there was contract because some of them are hired through the recruitment agent without contract. Permanent workers interviewed are not able to show their contract and some said they had no contract.</p>	<p>It's recommended that the company translates the contract into the local language of the workers and gives a copy to the workers. The company also ensures that the contracting company also follows the same procedure to ensure that every workers working in the company are treated similarly with respect to their rights and obligations.</p>
Workers Communication System	<p>There is no suggestion box or any system for workers to voice concerns, complain or give suggestion to the management. The only channels they have are to talk with their direct supervisor or go to the HR office.</p>	<p>It's recommended that the company creates a channel for workers to voice their complaints, concerns or give suggestion directly to the HR especially when they have problems with their direct supervisors.</p>
Disciplinary Process and Action	<p>There are written company's regulations in English kept in the file. The workers are only informed with the major ones. The company does not have progressive disciplinary measures. What they imposed is based on the personal judgement. For instance, according to HR manager, if the workers came back to the dormitory later than midnight, they will be called to the HR office and stand there up to 2 hours to make them feel embarrassed. The HR manager did not feel that this action could harass workers.</p>	<p>It's recommended that the company has the progressive disciplinary procedure including verbal and written warnings. Workers are clearly informed about the process and understand the objective of the regulations and disciplinary measures the management use. The disciplinary actions should be translated into workers' local language.</p> <p>Disciplinary measures as the one explained is not acceptable.</p>
Discrimination	<p>The direct hired migrant workers are</p>	<p>It's recommended the company consider</p>

	<p>male only. According to the management, they said the reason was that they only provided dormitory to the male workers. According to HR manager, he said that having female workers might cause some problems in the factory such as personal affairs issues.</p> <p>However, for the temporary contracted workers hired to work in the packing department, there were also female workers who were provided dormitory by the contracting company.</p> <p>The performance evaluation does not have written criteria on how to pay performance allowance, miscellaneous and incentive to workers. Each department has different ways to evaluate workers and give different allowances to each worker. This can lead to power abuse of the supervisors which might cause the discrimination and unfair treatment.</p> <p>Generally the migrant workers were found to be discriminated since their working conditions are worse than the locals, for example working 12 hours a day without extra paid for the OT.</p>	<p>hiring workers based on the performance, not the gender to ensure that female workers are not discriminated.</p> <p>In terms of the performance evaluation, the company has the clear procedure for every manager to follow to ensure that there is not discrimination and workers are fairly treated and paid. Workers have to be clearly explained on criteria used by the management and be able to voice concerns through other channels if they think that the evaluation done by their directly supervisors is not fair.</p>
Recruitment Process	<p>There are two types of migrants workers; directly hired by HR manager in the home country of workers and contractual workers supplied by the contractor. For the contractual workers, the company does not have any information of workers. The labour supplier is solely responsible for workers including payment, benefits and residence.</p>	<p>Regarding the recruitment process of temporary or contractual workers, it's recommended that the company establishes a system to ensure that the contents in the contract the workers signed with the agent are fair and comply with the law and the human rights. The company should be responsible to ensure that the workers are treated and paid fairly by developing the oversight mechanism to follow up with the labour supplier.</p> <p>Direct employment should be required in the future. Using the company temporary contract workers from agency should not be encouraged in the long run and Supplier A should provide a future plan how it arrange their human resources.</p> <p>Supplier A must urgently set up a procedure</p>

		<p>ensuring the migrant workers free access to their own passports, since withholding their passports is prohibited by the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹⁸ It is also illegal according to The Malaysian Passport Act from 1964.</p> <p>The procedure has to be implemented in a transparent way with well-functioning communication to the workers and the set-up should be supervised by experts.</p>
Child Labour	<p>The company confirmed that the directly hired migrant workers are more than 18 years old because by law, the migrant workers have to be at least 18 years old.</p> <p>However, during the dormitory walkthrough, it was observed that there were some young looking workers staying in the company dormitory. When asked, the management could not guarantee the age of the temporary contracted workers because they don't have information of those workers. The company said that this is sole responsibility of the contracting company to handle the workers issue.</p>	<p>It's recommended that the company has complete list of workers both directly and indirectly hired. The information include the name of workers, nationality, age, wage and other relevant data needed to ensure that they are fairly treated according to the law and agreement made in their home country and their age comply with the law.</p> <p>The company needs to develop a system to cross check the age of contracted workers to ensure that they are not under aged because in some countries, there might be issue of fake document.</p>
Freedom of Association	<p>There is not the union in the company. By law, the migrant workers can't form the union, but can join the union. Workers hardly knew about their basic rights and no one mentioned about this right. The auditors discussed with the company on this issue by asking if Supplier A had the union and their response was that "lucky that we don't have".</p>	<p>It's recommended that Supplier A change its negative attitude towards union organising through for example organising training on union rights with an outside labour expert. This could eventually lead to that the company adopts a policy showing their employees that it is positive about employees wanting to organise and to collective bargaining.</p>
Wage and Benefits	<p>There is no minimum wage law in Malaysia. The company paid RM16¹⁹ plus RM2 allowance for 8 regular hours</p>	<p>It is recommended that the company establishes written guidelines for the supervisor to gage individual performance</p>

¹⁸ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 21, <http://www2.ohchr.org/english/law/cmw.htm> Malaysia has not ratified this convention; however it is international recognised law.

¹⁹ 1 Malaysian Ringgit = 2.30 Swedish krona.

	<p>and 8 RM for 4 hours of overtime per day to workers. The company will pay RM18.5 plus RM1 allowance and 3 overtime hours (6.9 RM) to the new workers who are hired after January 2010. Monthly wages for most production migrant workers would be around 730 RM. The rate to workers is a common rate provided by most of the factories in this industry and region. Supervisory level rate is higher, average above RM 1000.</p> <p>There are several incentives, however, the HR manager can't clearly explain because it's the supervisor's discretion to pay the incentive to the workers. So, the incentive payment scheme is not clear.</p> <p>Daily wages paid to workers are varied from senior to new recruited; different nationality; temporary, contract and direct hire workers. The allowance paid to individual workers is subject to the type of works assigned to them and supervisor judgment.</p> <p>The company paid the levy in advance and deducted RM100 from the worker's fee every month. For manufacturing industry the annual levy is 1200 RM. Please see the Malaysian government's website for the explanation of Levy.²⁰</p>	<p>instead of personal judgment which will help to motivate workers to achieve the target set in the guidelines.</p>
	<p>Wage Payment</p> <p>Payslip given to workers direct under the company, except temporary hire or contract workers supplied by recruitment agent. Deduction on the pay slip not specifically mentioned on the miscellaneous allowance. The company also deduct workers earning for levy and electricity bill. Difficulty to retrieve the calculation for the electricity bill.</p> <p>For the temporary contracted workers, the company paid lump-sum amount to the contracting company and allowed the contractor to pay to the workers</p>	<p>It's recommended that the company has complete list of workers working in their company both the directly hired and indirectly hired migrant workers and have a monitoring system with the contractor to ensure that the workers get paid and treated fairly and in accordance with the contract.</p> <p>And in the case that contracted workers get accident from work; the company has to ensure that workers are not responsible to bear the costs charged back by the labour suppliers.</p>

²⁰ http://www.mida.gov.my/en_v2/index.php?page=employment-of-foreign-workers

	<p>while the company does not have monitoring system to ensure that those temporary contracted workers get paid according to the agreement made with the contractor.</p> <p>In addition, if the contractual workers get sick and use the clinic service of the company, all the cost will be charged back to the agent although it is work related. It can't be confirmed if the agent charges these expenses with the workers.</p> <p>When interviewed, a Burmese worker said that could earn RM1 per packed carton. He said he could pack about 25 cartons per day. However, when asked how much he earned at the end of the month, he said he got about RM300. In this case, he should at least get 25 cartons x 1 RM1x 6 days x 4 weeks, which should mean that he received at least 600 RM.</p>	
Working Hours	<p>The overtime is compulsory as it's stated in the contract. The workers could not refuse the overtime. The workers were not paid OT rate for extra 4 hours (12 hours working daily) as it's within their daily working hours.</p> <p>The workers should however receive double payment if they work on Sunday and get 1.5 times for OT hours.²¹</p> <p>There is a lunch break for about 45 minutes to 1 hour and a morning / tea break for about 15 min. There is a 30 minutes break before OT.</p>	<p>The overtime hours have to be voluntary. Although workers prefer to work overtime because they want better payment, it's recommended that the company establishes the overtime request system and allows workers to refuse if they can't do it and they should not be punished of not working overtime.</p> <p>Supplier A must see to that overtime is always compensated at legal rates.</p>
Occupational, Health and Safety	<p>Fire prevention system:</p> <p>It was observed that a number of fire extinguisher and fire host in Plant C, particular in finishing & packing area are blocked by the cartoon boxes which are not easy to access if any emergency occurs.</p>	<p>It's recommended that the fire safety equipments shall be kept clear without obstructed and ready to use at all time.</p> <p>Fired drill training shall be arranged</p>

²¹ Employment Act 1955 (Act 265), Sec. 60A: 60A(3)(a). For any overtime work carried out in excess of the normal hours of work, the employee shall be paid at a rate not less than one and half times. Please find the law at: http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=MYS.

	<p>The fire drill has arranged and conducted at least once a year; the last one was conducted in August 10, 2009 included 881 workers in the day shift; however, factory have never arranged the fire drill training for the night shift work.</p> <p>During the walkthrough in the production floor, it was observed that no evacuation plan posted in plant C, while other building posted already.</p> <p>Fire Accident According to the Marketing director, there were two fire accidents in Plant C where producing the Papyrus Sweden products two times within 6 months. The fire started from the warehouse. The latest accident's damage cost could be up to 60 million US\$ for the loss of 9 production lines and the products in the warehouse. It could take up to 1-2 years for reconstruction of the site.</p> <p>Personal Protective Equipments: In the noisy production area (Striping department) where workers are provided earplug, the workers will be give one earplug per year. If they lose it before, they will be charged RM5 per person.</p> <p>It's found that many workers in Frapping area could not wear the earplugs correctly.</p> <p>Chemical Management: During the walkthrough in the sharing facility of compounding section, it was discovered that in the chemical warehouse and area of compounding & mixing are not posted the Material Safety Data Sheet, MSDS. The company only established the simple of safety instruction posted in this area. While the official MSDS are kept in the office and those are also in English.</p> <p>Besides, it was observed that in the</p>	<p>for the night shift and evacuation plan shall be posted in each worker section.</p> <p>It's recommended that the company clearly inform of the cause of accident and develop systematic preventative measures of fire accident.</p> <p>It's recommended that the company revises the term of providing new earplug and other necessary PPE to the workers and provide training on how to use it correctly.</p> <p>It's recommended that the company posts the MSDS in the worker's native language in the area of using and keeping the chemical; besides, those group shall be trained the OSH regarding the chemical handling. Standardization of spill and leak of chemical devises shall be installed in these areas. Workers in Chlorination area shall be received the special medical check up annually.</p>
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	<p>chemical storage area where keeping the chemical containers, company only provided the simple Safety devices (sand pail and gloves) for handling in case of the chemical leaking.</p> <p>Since factory assigned 2 workers in charge to monitor the area of Chlorination; however, the reviewing of these workers annual health check up is found that they are not provided the special health check up.</p> <p>Health Check and Working condition The reviewing of OSH records was found that no report of workplace condition (noisy, total dust, lighting and temperature) testing/ inspecting was conducted.</p> <p>The maintain record of chillers drinking machine and the certification of drinking water testing was not available as no such activity has been done before.</p> <p>Occupational Health and Safety committee There is an Occupational Health and Safety committee established which consist of 7 management representatives and 15 workers representative in each production line and plant (those are the leader in each department). The reviewing of OSH records revealed a lack of workers representative in Plant C in this committee.</p> <p>The meeting shall be conducted within 3 months according to the Occupational Safety And Health (Safety And Health Committee) Regulations 1996 Part Iv - Meetings Of Safety And Health Committee, regulation 21.</p> <p>Dormitory: One block consists of 4 levels with 2 rooms on each level. Total 3 blocks with separate workers from different nationalities. Each floor consists of 2</p>	<p>It's recommended that the working condition (noisy, total dust, lighting and temperature) shall be inspected regularly. And the inspection of chillers drinking machine and the certification of drinking shall be conducted regularly.</p> <p>The OSH committee should meet at least every 3rd month as according to law.</p> <p>It's recommended that Supplier A shall appoint elected workers in Plant C to participate in the OSH committee; with the condition that they make workers being aware of the roles and responsibilities of their selected representative and make sure that this committee functions according to the principle of the law.</p> <p>It's recommended that the company shall maintain the worker dormitory in good condition, safe, clean and hygienic. The emergency exit shall not be locked and the sufficient facilities (drinking water, rest room,</p>
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	<p>lavatories that cater for 160 workers as each room stay 80 persons. Workers are provided with double decked bed frame. The ground level is a cooking area for the workers. All dormitories are catered for male workers only.</p> <p>One cleaner is hired to take care of one block.</p> <p>Both water dispensers at dormitory are malfunction, only notice one dormitory equip with water filter.</p> <p>In the building, there are two rooms in each floor and each room is about 400 square meters accommodating about 80-90 workers.</p> <p>The kitchen is at the ground floor where workers are allowed to cook their food. It was observed that the area is not hygienic. It's wet and there was bad odour, having lots of cockroaches in the food cabinet and on the floor.</p> <p>The number of restroom and toilet in the dormitory are not many when comparing with the number of workers; as each floor has 4 main washing areas with 10 restrooms. And the washing and restroom area are not clean and hygienic.</p> <p>Insufficient number of drinking station provided for workers in the dormitory. It was observed that there is only one drinking station in the building. In addition, there was not certificate of testing drinking water is presented. There was no record of water filter inspection, so it is not possible to indicate that the drinking water is clean and hygienic.</p> <p>No first aid kits installed in the dormitory for the workers.</p> <p>One of the floors in dormitory where Vietnamese and Bangladeshi workers are segregated by a door (which is</p>	<p>first aid kit and others) are provided to the workers.</p> <p>It is strongly recommended that Supplier A invest in better conditions in the dormitories, especially the kitchen area at the ground floor.</p> <p>Generally it is needed to maintain and increase the cleanliness at all sharing utilities.</p> <p>The water dispensers need to be fixed and it is recommended that more water filters are installed in the dormitory areas.</p> <p>It is recommended to increase the number of restrooms and toilets in the dormitory and increase the hygienic standard.</p> <p>Increase the number of drinking stations. Implement testing of the quality of the drinking water to ensure safe drinking water.</p>
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	<p>supposed to be the emergency exit), it was locked all the time and only one of the workers holding the key.</p> <p>A worker staying in dormitory closer to the construction site has to pass the site to enter their dormitory as it is the only route. The construction area and pathway are not segregated with hoarding, and found nail and sharp objects. Workers expose to risk like falling objects which can cause injury to them.</p>	<p>Install first aid kits in the dormitories.</p> <p>Urgently see to that the emergency exit is opened up and not blocked.</p> <p>Segregate the construction area and the dormitories to ensure safe trespassing for the workers.</p>
Environment	<p>It was observed that the sludge and rubber waste are kept in dumping area; however, no label posted nearby to indicate the type of those material.</p> <p>Based on to the observation and documentation that we have investigate, factory seem to management the environment according to the legal limits.²²</p>	<p>It's recommended that company shall post the label nearby the containers of sludge and waste material.</p>

²² Note that Swedwatch did not have a specific assignment to monitor compliance for outer environment.



Conclusion

The evidence gathered indicate that Supplier A needs to implement both urgent and long term improvements in order to fulfil the ethical code of conduct set out by the county Council. The fire safety is the most urgent need for corrective actions.

It is of utmost importance to immediately unlock the fire exit in the dormitory as well as ensure that fire safety equipment is kept clear of all obstruction and ready to use at all time.²³

The more long term actions needed are those pertaining to Supplier A's heavily reliance on migrant labour force. Migrant workers are a particularly vulnerable group in Malaysia (as in many countries around the world) as described by the two organisation representatives in the report. Employing migrant workers from several Asian neighbouring countries constitute high-risk areas for companies operating in Malaysia. The high numbers of persons who work under coercive conditions make this problem one of grave concern.

Supplier A should make sure to at least employ the migrant workers directly so as not to subcontract the responsibility as employer. Supplier A must also ensure that the migrant workers should have free access to their own identity documents in order to be free to move. Migrant workers should also be given overtime compensation at premium (legal) rate, be guaranteed one day off per seven days and improved occupational safety and health. The possibilities for the employees to influence and improve their working conditions need to be improved.

Given that Malaysian law is partly discriminating towards migrant workers, Supplier A should foremost strive to comply with UN Convention on migrant workers rights while as much as possible keeping in compliance with applicable national legislation. With many other international buyers in US and Europe, this strategy could prove a good business opportunity for the Malaysian supplier. Failing to grasp the corporate social responsibility might instead lead to missed business opportunities.

Swedwatch strongly recommends that Papyrus Sweden, as the buying actor, discusses openly the above recommendations with their supplier. Papyrus Sweden should be open for cooperation on finding the best solutions for changing practices, even if this also could mean slightly higher costs or other changes in the terms of business.

In the end, Region Västra Götaland as the final customer of the products must show that it is ready to pay the price for improved working conditions.

²³ Swedwatch has taken contact with Region Västra Götaland already in the writing process, 2010-02-11, to get this implemented urgently.

List of References

Fair Labor Association, Migrant Workers in Malaysia – Issues, Concerns and Points for Action, Commissioned by the Fair Labor Association, Philip S. Robertson Jr., Consultant.

Immigration Act 1959/63, Act 155, Incorporating all amendments up to 1 January 2006, provided by Kenan Institute to Swedwatch.

International Trade Union Confederation (ITUC), International Recognised Core Labour Standards in Malaysia, Report for the WTO General council, review of the Trade Policies of Malaysia, (Geneva, 18 and 20 January, 2010).

ILO, International Labour Organisation, Malaysian legislation, downloaded at:
http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=MYS

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 21, UN, <http://www2.ohchr.org/english/law/cmw.htm>

Kenan Institute, Regulation and law for Foreigner workers (list of Consular Requirements for migrant workers provided by Swedwatch consultant, Kenan Institute).

Malaysian government's website, Employment of foreign workers,
http://www.mida.gov.my/en_v2/index.php?page=employment-of-foreign-workers,
downloaded 2010-02-15.

MTUC, Country Report Migrant Workers situation in Malaysia, Overview and concerns, A.Balasubramaniam, Vice-President, MTUC Malaysia.

Occupational Safety And Health (Safety And Health Committee) Regulations 1996, provided by Swedwatch consultant, Kenan Institute.

The Code of Conduct for suppliers, SLL, Region Västra Götaland and Region Skåne,
<http://www.sll.se/upload/Miljö/Code%20of%20Conduct%20for%20suppliers.pdf>

Appendix 1. Contact information:

Malaysian Trades Union Congress (MTUC)

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