

FOREIGN WORKERS

The Law And Practice In Malaysia

*Ashgar Ali Ali Mohamed
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EXPLOITATION OF NATIONAL OR LOCAL WORKERS AND THE LIABILITY OF THE EMPLOYER*

12.1 INTRODUCTION

All forms of exploitation and abusive practices against workers in the workplace are prohibited. Incidents of exploitation in the workplace are numerous and these includes *inter alia*:

- withholding wages without valid reasons;
- non-payment of wages on time;
- long working hours without any overtime payment;
- failure to provide adequate rest days, public holidays or annual leave;
- poor and hazardous working conditions;
- arbitrary discipline;
- verbal or physical abuse;
- child labour; and
- human trafficking.

In order to promote basic labour standards in the member states, the International Labour Organisation (ILO) has adopted many Conventions and Recommendations and these includes *inter alia*, the Maternity Protection Convention 2000 (Convention 183), Part-Time Work Convention 1994 (Convention 175), Night Work Convention 1990 (Convention 171), Safety and Health in Construction Convention 1988 (Convention 167), Occupational Safety and Health Convention 1981 (Convention 155), Minimum Wage Fixing Convention 1970 (Convention 131), Minimum Age Convention 1973 (Convention 138) and Employment Injury Benefits Convention 1964 (Convention 121), amongst others.

* This Chapter is contributed by Ashgar Ali Ali Mohamed.