

Media Statement by Dr. Ong Kian Ming, MP for Serdang, on the 2nd of August, 2015

Strongly Urge US Secretary of State, John Kerry, to raise the possible presence of North Korean forced labor in Malaysia in his discussion with his Malaysian counterpart, Anifah Aman

I read with interest in a recent newspaper report stating that the US Secretary of State John Kerry will press Malaysia to improve its efforts to combat human trafficking in his upcoming visit to Kuala Lumpur.¹ Recently, Malaysia was upgraded from its previous Tier 3 status under the US State Department Trafficking in Persons (TIP) Report 2014 to its current updated Tier 2 Watch List status in the 2015 TIP report.

Earlier last month, a group of 19 Senators, led by Senator Robert Menendez of New Jersey, wrote a letter to Secretary John Kerry expressing their concern of a premature upgrading of Malaysia's status in the TIP report.² Their concerns were validated when Malaysia's status was indeed validated in the 2015 TIP report. It should also be noted that Senator Menendez was the author of an amendment to the Trade Promotion Authority (TPA) legislation – or better known as 'fast track' – that would have disallowed the US from making any trade deals with a country with a Tier 3 status on the TIP report. This obviously would have affected Malaysia's inclusion in the Trans Pacific Partnership (TPP) Agreement.

I strongly urge Secretary Kerry to bring up an issue that was ignored in the Malaysian section of the 2015 TIP report which concerns the possible presence of North Korean forced labor in Malaysia. The issue of forced labor involving North Korean workers were highlighted in the country reports for Russia, China and Mongolia in the 2015 TIP report. But no mention was made of the possible presence of North Korean forced labor in Malaysia even though reports by the Asian Institute for Policy Studies³ and the Database Center for North Korean Human Rights⁴ had reported that there were approximately 300 North Koreans working in Malaysia.

The presence of North Koreans working in Malaysia was reported in the local press in November 2014 when a deadly mine explosion in Sri Aman, Kuching, claimed the lives of 3 miners (out of whom 1 was North Korean) and injured a further 29 (out of whom 7 were North Korean). It was further reported that a majority of the 119 workers at the mine were from North Korea.⁵ A visit by two local journalists indicated that the mine was not only hard to find but that it did not seem to be run and managed professionally.⁶ I note that this accident occurred before the March 2015 cut off date for the TIP 2015 evaluation.

The presence of North Korean workers in Sarawak was confirmed by the then Deputy Minister for Home Affairs, Wan Junaidi, shortly after the coal mining accident was reported.⁷ It was also confirmed to me in a parliamentary reply dated on the 17th of June, 2015, that 3 companies involved in construction and 1 in mining had received approval from the Human Resources Department in Sarawak to employ a total of 348 North Korean workers, out of which 287 permits had been used at the time of the parliamentary reply.

The use of North Korean forced labor abroad has been well documented. I hope that the exclusion of the possible presence of North Korean forced labor in Malaysia in the latest TIP 2015 report was not

¹ <http://www.themalaysianinsider.com/malaysia/article/kerry-to-press-malaysia-on-human-trafficking-not-scandal>

² <http://www.menendez.senate.gov/imo/media/doc/071515%20Letter%20to%20Kerry%20re%20Malaysia%20TIP%20Upgrade.pdf>

³ <http://en.asaninst.org/wp-content/themes/twentythirteen/action/dl.php?id=30324>

⁴ http://nkdb.org/en/library/Books_list.php

⁵ <http://www.thestar.com.my/News/Nation/2014/11/23/Sarawak-mine-blast/>

⁶ <http://www.thestar.com.my/News/Nation/2014/11/23/Mine-has-no-signage-and-is-difficult-to-find/>

⁷ <http://www.theguardian.com/world/2014/nov/24/sp-north-korea-malaysia-mine-labour>

because of political expediency to allow Malaysia to enter into the TPP agreement at the end of this year. If this was the case, then it would call into question the accuracy of the TIP report and the commitment on the part of the US State Department to combat trafficking in persons in Malaysia and around the world.

Reply given by Ministry of Human Resources on 17 June 2015 (English Translation)

Question:

Dr. Ong Kian Ming [Serdang] requests the Minister of Human Resources to state the number of foreign worker permits given to North Koreans and whether this has violated ILO's Forced Labour Convention.

Answer:

1. The application to employ non-resident employees from the Democratic People's Republic of Korea (DPRK) was approved by Localisation Committee for Other Non-Resident Employees which was established by the Sarawak State Government to address issues of worker shortages for specific sectors in Sarawak. The Committee acts as *one stop committee* comprising of members representing several relevant government agencies which are involved in processing applications from employers.
2. Applications are assessed according to existing guidelines and policies made by Sarawak State Government with regards to employment matters of non-resident employee. The committee is chaired by State Secretary of Sarawak.
3. Applications to recruit workers from DPRK is assessed and evaluated on a case to case basis for employers involved in development projects which are considered as priorities for the state government and also require specific expertise for the projects which are to be carried out.
4. According to the *Standard Operating Procedures (SOP)* of Department of Labour, Sarawak, all employers interested in hiring foreign workers must adhere to the following three criteria before their application can be considered in order to give priority to the locals in terms of job opportunities.
 - (a) to advertise the job vacancies in a local newspaper on a Sunday;
 - (b) to advertise the job vacancies in the portal Jobsmalaysia¹ and local radio stations, and
 - (c) to hold open interviews at the Labour Office to closest to the job opportunity.
5. In the event that the abovementioned measures have been taken and the employer still could not successfully recruit qualified local workers or a sufficient numbers of local workers to fill the respective vacancies, then the employer can begin to apply to hire foreign workers.
6. Information regarding the recruitment of workers from DPRK in Sarawak is shown as follows:-

¹ www.jobsmalaysia.gov.my

Bil.	Company name/ Working location	Sector	Approval according to Position and Number	Balance of hired worker
1.	Silantek Resources Sdn Bhd., Batu 81, Jalan Sri Aman/ Serian, Pantu, Sri Aman	Coal mining	Senior Coal Miner 100 people	43
2.	Soonhup Construction Sdn Bhd., Lot 5271, (P/L 61). 73, 74, 4926, 4920- 4923, (P/L 49), Lot 4924, Blok 225, KNLD, Jalan Batu Kawa, Kuching.	Construction	Construction carpentry worker 49 people	47
3.	TFH Construction Company d/a UNIMAS Hostel, Universiti Malaysia Sarawak (UNIMAS) Kota Samarahan	Construction	Construction carpentry worker 70 people	69
4.	Idaman Prima Sdn. Bhd., d/a Bau Chung Hua School Lot 592 Lee Khoi Choo, Bau Town District, Bau	Construction	Construction carpentry worker 129 people	128
		Total	348	287

7. Department of Labour Sarawak will issue Licence to Employ Non-Resident Employee under Section 119, Labour Ordinance (Sarawak, Cap. 76) to hire non-resident workers after the application is approved by the Localisation Committee for Other Non-Resident Employee and also after a security screening conducted and clearance granted by The Royal Malaysia Police.

SOALAN NO: 16

PEMBERITAHUAN PERTANYAAN BAGI JAWAPAN LISAN
MESYUARAT KEDUA, PENGGAL KETIGA,
PARLIMEN KETIGA BELAS,
MAJLIS MESYUARAT DEWAN RAKYAT

PERTANYAAN: LISAN

DARIPADA: YB DR. ONG KIAN MING

TARIKH: 17 JUN 2015

SOALAN:

Dr. Ong Kian Ming [Serdang] minta **MENTERI SUMBER MANUSIA** menyatakan bilangan permit pekerja asing yang diberikan kepada pekerja-pekerja Korea Utara dan sama ada ini adalah melanggar Konvensyen Buruh Paksa ILO.

PR-1332-L68121

JAWAPAN:

Tuan Yang Di Pertua,

1. Permohonan untuk menggaji pekerja bukan pemastautin daripada Republik Rakyat Demokratik Korea (DPRK) telah diluluskan oleh Jawatankuasa Lokalisasi Bagi Pekerja Bukan Pemastautin Yang Lain yang ditubuhkan oleh Kerajaan Negeri Sarawak untuk mengatasi masalah kekurangan tenaga kerja dalam sektor tertentu di negeri ini. Jawatankuasa ini bertindak sebagai *one stop committee* di mana ahlinya terdiri daripada wakil agensi-agensi yang berkaitan untuk mempertimbangkan sebarang permohonan daripada majikan.

2. Permohonan dipertimbangkan berdasarkan garis panduan, polisi dan dasar sedia ada yang ditetapkan oleh Kerajaan Negeri Sarawak mengenai penggajian pekerja bukan pemastautin. Mesyuarat dipengerusikan oleh Setiausaha Kerajaan Negeri Sarawak.

3. Permohonan untuk merekrut pekerja dari DPRK dipertimbangkan berdasarkan '*case to case basis*' bagi majikan yang terlibat dengan pembangunan projek yang ada kepentingan Kerajaan serta yang memerlukan kepakaran tertentu bagi projek yang dikendalikan.

4. Mengikut *Standard Operating Procedures (SOP)* Jabatan Tenaga Kerja, Sarawak, semua majikan yang berminat menggaji pekerja dari luar Negara wajib mengambil tiga tindakan seperti berikut sebelum permohonan boleh dipertimbangkan bagi tujuan untuk memberi keutamaan peluang pekerjaan kepada rakyat tempatan.

- (a) mengiklankan kekosongan jawatan dalam surat khabar tempatan pada hari Ahad;
- (b) mengiklankan jawatan kosong dalam Portal *Jobsmalaysia* dan juga radio tempatan; dan
- (c) mengadakan temuduga terbuka di Pejabat Tenaga Kerja yang terdekat dengan tempat pekerjaan.

5. Sekiranya setelah mengambil langkah-langkah di atas, pihak majikan masih tidak berjaya merekrut pekerja tempatan yang layak atau mencukupi bagi mengisi jawatan kosong berkenaan, barulah pihak majikan boleh mengemukakan permohonan untuk menggaji pekerja asing.

6. Maklumat mengenai pengambilan pekerja dari Republik Rakyat Demokrat Korea (Korea Utara) di Sarawak adalah seperti berikut:-

Bil.	Nama Syarikat/Tempat Pekerja	Sektor	Kelulusan Mengikut Jawatan dan Bilangan	Baki pekerja yang digaji
1.	Silantek Resources Sdn Bhd., Batu 81, Jalan Sri Aman/Serian, Pantu, Sri Aman	Arang Batu	Senior Coal Miner 100 Orang	43
2.	Soonhup Construction Sdn Bhd., Lot 5271,(P/L 61),73,74, 4926 ,4920 -4923, (P/L 49), Lot 4924, Blok 225,KNLD, Jalan Batu Kawa, Kuching	Pembinaan bangunan	Pekerja Pertukangan Pembinaan 49 Orang	47
3.	TFH Construction Company d/a UNIMAS Hostel, Universiti Malaysia Sarawak (UNIMAS) Kota Samarahan	Pembinaan bangunan	Pekerja Pertukangan Pembinaan 70 Orang	69

Bil.	Nama Syarikat/Tempat Pekerjaan	Sektor	Kelulusan Mengikut Jawatan dan Bilangan	Baki pekerja yang digaji
4.	Idaman Prima Sdn Bhd., d/a Bau Chung Hua School Lot 592, Lease 9599 & 1138, Jalan Lee Khoi Choo, Bau Town District, Bau	Pembinaan bangunan	Pekerja Pertukangan Pembinaan 129 Orang	128
		Jumlah	348	287

7. Jabatan Tenaga Kerja Sarawak akan mengeluarkan Lesen Penggajian di bawah Seksyen 119, Ordinan Buruh (Sarawak Bab 76) untuk menggaji pekerja-pekerja bukan pemastautin setelah permohonan diluluskan oleh Jawatankuasa Lokalisasi Bagi Pekerja Bukan Pemastautin Yang Lain dan juga setelah diluluskan tapisan keselamatan oleh pihak Polis DiRaja Malaysia.