



Call for Applications Open to Internal and External Candidates

Position Title: **Consultant (To conduct research on the situation of Nepalese workers employed in the security sector of Malaysia)**
Duty Station: **Malaysia**
Appointment: **Consultancy Contract**
Estimated Start Date: **5 August 2024 to 10 March 2025**
Last day to apply: **22 July 2024, 12 pm, Malaysia time**

Established in 1951, The International Organization for Migration (IOM) is a Related Organization of the United Nations, and as the leading UN agency in the field of migration, works closely with governmental, intergovernmental and non-governmental partners. IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants.

1. Project context and Scope

Malaysia's strategic location in Southeast Asia, coupled with a steady economic growth, makes it a destination country for migrant workers in the region. Documented migrant workers in Malaysia make up 2.2 million of the total 14.4 million employees in the labour force as of 2022.¹ The total number of migrant workers in Malaysia, regardless of their documentation status, could amount to 5.5 million based on an unofficial estimation of 2016. Labour intensive sectors such as construction, agriculture, manufacturing, services, mining and quarrying have driven demand for migrant workers. Majority of migrants are from Bangladesh, Indonesia and Nepal.

Labour migration in Malaysia is governed by national regulations, mainly under the purview of the Ministry of Human Resources (MOHR) and the Ministry of Home Affairs (MOHA). All companies operating in Malaysia are required to adhere to national standards and procedures when recruiting and employing migrant workers from their country of origin. Despite existing laws and policies, many studies have found that key sectors and supply chains in Malaysia, which employ large numbers of migrant workers, are at heightened risk of exploitation. This is due to factors including irresponsible business practices, lack of monitoring and enforcement, xenophobia, and lack of access to grievances and remediation. Several companies in Malaysia have even received Withhold and Release Orders from the US Customs and Border Protection (CBP) to ban the import of goods associated with forced labour. With the forthcoming EU Corporate Sustainability Due Diligence Directive (EU CS3D), this legislation will raise the bar for positive corporate human rights globally. It will directly apply to enterprises that generate certain amounts of revenue in the EU and impact business partners and enterprises within ASEAN, including Malaysia.

All sectors and industries involved in the global supply chain will soon adopt human rights due diligence as a requirement of corporate responsibility. This will entail increased scrutiny and oversight by international buyers to ensure compliance with relevant international human rights standards.

¹ Department of Statistics Malaysia (DoSM). 2022, Second Quarter. Labour Market Review.



Companies have the responsibility to respect human rights throughout their supply chains, as outlined in international frameworks such as the UN Guiding Principles on Business and Human Rights. This responsibility extends to indirect suppliers, requiring companies to identify, prevent, and mitigate human rights risks associated with their operations, including those of indirect suppliers. Moreover, Malaysian companies involved in EU supply chains will soon be required to comply with human rights due diligence and regulations under the forthcoming EU CS3D. Indirect suppliers will also be integrated into human rights due diligence as part of the companies' supply chains, as they pose risks to human rights and have the responsibility to respect human rights throughout their operations.

In Malaysia, most industries of indirect suppliers, such as security service are highly dependent on migrant workers. The security service industry operates by providing security personnel and services to various clients, including businesses, residential complexes, government facilities, and events. It relies heavily on manpower, with security guards comprising the majority of the total workforce. According to available data from the Ministry of Home Affairs (MOHA), the workforce is primarily composed of Malaysians and Nepalese, estimated at 136,628 and 28,321 respectively (Ibrahim, 2016)². With the current policies, the Nepalese workers are specifically permitted only to be hired as security guards.³ In 2016, due to shortages of Nepalese workers with military backgrounds, the Malaysian government allowed the hiring of security guards from other countries of origin. Currently, it is considering continuing this policy.⁴ Despite playing a significant role in Malaysia's security service industry, contributing to the protection of assets, properties, and people across various sectors, Nepalese security guards are vulnerable to labour abuse and exploitation. There are reports^{5 6} that have exposed instances of Nepalese security guards facing physical abuse, debt bondage, and poor working conditions, including long working hours, inadequate accommodations, and delayed or unpaid wages. These anecdotal incidents highlight the vulnerabilities faced by Nepalese security guards in Malaysia.

IOM Malaysia aims to strengthen the evidence base on the situation of Nepalese security guards to inform the policy makers and businesses as key duty bearers for the protection of migrant workers. This exploratory study addresses knowledge gap on the migrant labour situation in an under-researched sector, particularly businesses as part of the indirect suppliers. Indirect suppliers are businesses or entities that provide goods, services, or products that are not directly incorporated into the final product but are necessary for the operations of a company. The research will provide insights into the modus operandi of recruitment and employment model of these suppliers, with a specific focus on the security service sector. From the findings, recommendations will be prepared for both businesses and the Malaysian government in upholding the rights of migrant workers employed in the security service sector. Ensuring that migrants are not left behind is essential to achieving the objectives of the Sustainable Development Goals (SDGs) and the Global Compact for Safe, Orderly and Regular Migration (GCM).

² Ibrahim (2016). Certified security guards training programme: Towards security service industry reform. *Journal of Public Security and Safety* Vol. 5 Siri 1/2016. Retrieved from https://www.moha.gov.my/images/maklumat_bahagian/ipsom/jurnal/volume5/3_v5.pdf

³ <https://www.nst.com.my/news/nation/2020/02/564985/only-nepalese-given-green-light-work-security-guards-malaysia>

⁴ <https://www.freemalaysiatoday.com/category/nation/2022/05/24/non-nepalese-security-guards-are-now-allowed-says-hamzah/>

⁵ <https://www.malaysiakini.com/news/328153>

⁶ <https://focusmalaysia.my/time-to-accord-nepalese-guard-respect-they-deserve-for-their-sacrifices/>



Objective

The overall objective of this research is to support the Government of Malaysia in developing evidence-based policy making and planning processes in migration-related sectors, targeting the security service industry. This study will be carried out using a migrant-centred and gender sensitive approach. The specific objectives of this assignment are as follows:

- To provide comprehensive understanding on the regulatory frameworks of Nepal and Malaysia in relation to the recruitment and employment of Nepalese workers in the security service sector by identifying the current practices and existing gaps
- To understand the migration experience of Nepalese security guards, from recruitment in Nepal to employment in Malaysia
- To explore supply chain dynamics, from the outsourcing model of the security service in Malaysia, identify responsibilities of businesses in upholding the rights of migrant workers where the Nepalese security guards are employed, and assess the risks of human and labour violations faced by Nepalese security guards
- To provide recommendations to the international organization such as UN agencies, businesses, the Malaysian government, and the Nepal government with the aims to strengthen the management of labour migration

Research Questions

The study will be guided by the research questions below:

- What are the current national rules, regulations and processes governing the recruitment and employment of Nepalese security guards in the security service industry in both Nepal and Malaysia? Under which laws are the rights of these migrant workers protected?
 - What are key gaps in the current rules, regulations and processes governing the recruitment and employment of Nepalese security guards in Malaysia?
- How are Nepalese security guards recruited?
 - What are challenges faced by Nepali migrant workers during the recruitment and deployment stage?
- How does the outsourcing model operate within the security service in Malaysia?
 - How do supply chain dynamics look like?
 - How and on what agreements do businesses engage with security service company?
 - How do involved businesses ensure respect of rights of migrant workers employed under security service company?
- What are the potential and ongoing human and labour violations faced by Nepalese security guards under the outsourcing model?
- Based on the identified gaps and challenges, what policy interventions are needed to improve and strengthen the recruitment and employment regulations in Malaysia in relation to security service sector?
- Based on identified gaps and challenges, what actions and measures are needed by private sector actors, including employers, recruiters, brands, etc to enhance respect of the rights of Nepali migrant workers in indirect suppliers?

2. Research approach

To carry out the research, the identified candidate is expected to conduct mixed method approach:

- Carry out document review



- Carry out a legal review
- Collect data through:
 - Questionnaire survey, in-person interviews, and focus group discussion with Nepalese migrant workers in the security service sector
 - Key Informant Interviews with businesses in the security service sector and businesses utilizing the services of security guards, including recruiters, suppliers, and brands
- Analyze data through:
 - For quantitative data, using descriptive statistics and break down by gender, year, etc.
 - For qualitative data, using thematic or content analysis to identify patterns and relationships within the data.
 - Data from coded segments can be identified and summarized based on pre-defined themes.
 - To enhance the credibility and validity of the findings, triangulation can be used.

Ethical Consideration

The consultant should follow the principles outlined in the UNEG - Ethical Guidelines for research and/or study. Under the ethical consideration, special care will be taken to respect the confidentiality of the information provided and rights to responding or not responding. The information and data assembled in this study process will only be used for the objective of this project and not for other any kind of uses without the express authorization of IOM. The consultant will be held to the highest ethical standards and follow IOM’s data protection principles.

3. Organizational Department/Unit to which the Consultant is contributing:

Labour Migration and Social Inclusion (LMI) Unit under the Migration, Business and Human Rights (MBHR) programme

4. Tangible and measurable outputs of the assignment:

Stages	Action	Proposed payment
First Deliverable	Develop and submit an inception report including comprehensive research framework, clearly outline the research design and methodology, delivered by 30 August 2024.	First instalment payment (20%)
Second Deliverable	Undertake data collection, and submission of draft report, in close coordination with the LMI team, delivered by 16 December 2024.	Second instalment payment (40%)
Third Deliverable	Finalized and submission of final report, including maximum of 3 rounds of report reviews, in close coordination with the LMI team;	Final instalment payment (30%)

	Submission of three draft policy briefs, specifically for the Malaysian Government, the Nepal Government, and the private sector, delivered by 31 January 2025.	
Final Deliverable	Finalized and submission of policy briefs, specifically for the Malaysian Government, the Nepal Government, and the private sector, 10 March 2025.	Final instalment payment (10%)

5. Performance indicators for the evaluation of result

Output 1:

Develop and submit a comprehensive research framework, clearly outlining the research design and methodology, including stakeholders identified to be included in the study.

- Activity 1.1: Onboarding and document review
- Activity 1.2: Develop research framework
- Activity 1.3: Submit the inception report including the literature review, research framework, and research design for approval

Output 2:

Undertake data collection, and submission of draft report, in close coordination with the LMI team.

- Activity 2.1: Undertake data collection with stakeholders and conduct data analysis
- Activity 2.2: Debrief on initial findings at the end of data analysis with LMI team
- Activity 2.3: Draft the research report
- Activity 2.4: Provide periodic progress updates to LMI team
- Activity 2.5: Submission of draft report

Output 3:

Finalized and submission of final report, including at least 3 report reviews, as well as three draft policy briefs, in close coordination with the LMI team.

- Activity 3.1: Revise the draft report, taking into account input received from IOM team, including maximum of three rounds of review
- Activity 3.2: Draft the policy briefs, specifically for the Malaysian Government, the Nepal Government, and the private sector based on the finalized report
- Activity 3.3: Submit the final full report that is ready to be published and three draft policy briefs for review

Output 4:

Finalized and submission of three policy briefs, specifically for the Malaysian Government, the Nepal Government, and the private sector, in close coordination with the LMI team



- Activity 4.1: Revise the draft policy briefs, taking into account input received from IOM team, including maximum of two rounds of review
- Activity 4.2: Submit the final policy briefs that is ready to be published

6. Education, Experience and/or skills required

- Master's degree in Social Sciences, Economics, Law, International Relations, or a related field from an accredited academic institution with at least 5 years of relevant professional experience; or
- University degree in the above fields with 5 years of relevant professional experience.
- Excellent quantitative and qualitative data analysis skills and demonstrated ability to produce high quality research report, especially in relation to research and study on migration, business and human rights topics, preferably prior experience working with research institution, UN agencies, government agencies or ministries, non-profit organizations as well as participatory research;
- Demonstrate experience in draft research studies, for technical and non-technical audiences, and strong writing skills
- Strong understanding of issues pertaining to the security sector/industry, human trafficking, slavery, forced labour and labour migration.
- Excellent time management skills and the ability to produce outputs as per agreed deadlines;
- Experience in engaging with migrant workers
- Oral and written fluency in English; Oral and written fluency in Bahasa Malaysia and Nepalese are an asset.

7. Travel required

May be required for sites visits during data collection.

8. Required competencies

Values

- Inclusion and respect for diversity: respects and promotes individual and cultural differences; encourages diversity and inclusion wherever possible.
- Integrity and transparency: maintains high ethical standards and acts in a manner consistent with organizational principles/rules and standards of conduct.
- Professionalism: demonstrates ability to work in a composed, competent and committed manner and exercises careful judgment in meeting day-to-day challenges.

Core Competencies – behavioural indicators *level 2*

- Teamwork: develops and promotes effective collaboration within and across units to achieve shared goals and optimize results.
- Delivering results: produces and delivers quality results in a service-oriented and timely manner; is action oriented and committed to achieving agreed outcomes.
- Managing and sharing knowledge: continuously seeks to learn, share knowledge and innovate.
- Accountability: takes ownership for achieving the Organization's priorities and assumes responsibility for own action and delegated work.
- Communication: encourages and contributes to clear and open communication; explains complex matters in an informative, inspiring and motivational way.



9. Submission of applications

To apply, interested candidates are requested to submit the following:

- ✓ A detailed and up-to-date CV
- ✓ A cover letter (one page maximum), specifying clearly the qualifications and suitability.
- ✓ Detailed curriculum vitae with information on previous assessment and/or research work;
- ✓ Samples of previous assessment and/or research reports;
- ✓ A description of the approach, methodology, work plan and budget for performing the assignment. The work plan should be consistent with the timeline stated above. The work plan should be consistent with the timeline stated above.

The above document should be sent via email to yniomkualalumpur@iom.int, with sng@iom.int in cc, no later than 22 July 2024, 12 pm, Malaysia time.