Subject :	Recruitment Procedure for Foreign Workers	**Document No.:**	YGD SA 002
Effective:	01/07/2023	**Revision :**	4
Revised By:	Roszalina Roslan	**Approved By:**	Ravi Ragunathan

1.0 OBJECTIVE

To ensure that foreign workers from designated Countries are recruited ethically and comply with International Labour Organization (ILO) principles.

2.0 SCOPE

The procedure is applicable for the recruitment of foreign workers.

3.0 REFERENCE

a) YTY Responsible Labor & Employment Policy Manual
b) Government of Malaysia's Employment Act 1955
c) Government of Malaysia's Passport Act 1966
d) ILO Indicators of Forced Labour

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4.0 DEFINITION

a) **Force Labour :** Any work or services which people are forced to do against their will under the threat of some form of punishment. Almost all slavery practices, including trafficking in person and bonded labour, contain some element of forced labour.

b) **Passport :** Means a valid document issued to a foreign worker by or on behalf of the government of which said foreign worker is a citizen, which is viewed as a valid form of identity for international travel by the Government of Malaysia.

c) **Foreign Worker :** Any employee who is not a citizen PR of Malaysia assigned to do a direct labour job in the Company.

d) **MYEG :** The Malaysian E-Government Service Provider.

e) **ePLKS :** The immigration of Malaysia e-Portal service Provider

f) **PR** : Permanent resident

g) **MoHA** : Ministry of Home Affairs

5.0 RESPONSIBILITY

The Head of Human Resources and Manager are responsible for this procedure and shall ensure the policy stated herein is appropriately followed.

6.0 PROCEDURE

6.1 GENERAL

Company shall ensure the hiring of Foreign Workers is executed in accordance with the laws of Malaysia and ILO standards.

6.2 CHILD LABOUR

6.2.1 The Company does not engage in child labour, where the person is below the age of 15 years or under the age for completing compulsory education.

6.2.2 In the event if a child labour was recruited the Company will take remedial action as soon as discovered.

6.3 FORCE FOR COMPULSORY LABOUR

6.3.1 The Company does not engage in or support the use of forced labour be it victims of circumstance, asylum seeker under UNHCR, political civil war refugees, including prison labour making community time as defined in Convention 29 where their original identification papers shall not be retained nor required to pay "deposits" for commencement of work.

6.3.2 All passports are kept by the Foreign Workers and only held temporarily by the Company to comply with administrative matters relating to renewals and reapplication of work permits.

6.3.3 Foreign workers shall not be required to bear any recruitment fees or costs, whether in whole or partially.

6.3.4 The Company shall not engage in or support human trafficking, including any entity that supply labour to the Company.

6.3.5 The worker shall have the right to leave the workplace upon completion of duty and is allowed to terminate their employment within a reasonable notice period being served to the Company.

6.3.6 The Company or any entity that supply labour to the Company shall not withhold any part of the worker's salary, benefits or documents and force the worker to continue working for the organization.

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6.4 FOREIGN WORKER

6.4.1 All recruitment of foreign workers is carried out in accordance to the Malaysian Immigration regulations.

6.4.2 Every foreign worker is allowed to stay in the country according to the dates set in the work permit. He/she is required to undergo medical check-up upon arrival in the country and prior to the renewal of work permit.

6.4.3 The Company is required to insure foreign workers under an approved insurance scheme in respect of any liability that may incur under the Workmen's Compensation Act, 1952.

6.4.4 The foreign worker will be repatriated to his/her country of origin upon completion of employment, dismissal or when work permit has expired or revoked or when the foreign worker has failed to obtain a health clearance. It is also the Company's responsibility to report to Immigration Department if the foreign worker has absconded from the place of work.

6.4.5 Upon employment of foreign workers, full information will be furnished to the nearest Labour Office regarding their arrival and as well as upon termination of service.

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6.5 RESTRICTIONS UNDER LAW

6.5.1 The Malaysian Government restricts the formation of single unions within Organizations. If at all employees wanting to join and organize trade union (s) of their choice and to bargain collectively it must be done through the organized manufacturing trade union bodies' set-up by the government. Any negative consequences such as retaliations, riots or to disrupt the peace and harmony of the country can be subjected to imprisonment (as in the case of a foreign national or citizen) or deportation (as in the case of a foreign national) under the Police Act or Immigration Act of Malaysia or Anti-Terrorism Act of Malaysia.

6.5.2 An employee who has left the Company can be considered for re-employment. However, this will be dealt with on a case-to-case basis with the approval of the Head of Department & the Head of Human Resources.

6.5.3 Being an Equal Opportunity Employer (EOE), the Company will not discriminate any individual employee on their status, gender, religion or race.

6.5.4 The Company shall not engage in or support discrimination in hiring, remuneration, access to training, promotion, termination, or retirement based on race, national or territorial or social origin, caste, birth, religion, disability, gender, sexual orientation, marital status, union membership, opinions, age, or any other conditions that could give rise to discrimination.

6.5.5 The Company shall not allow any behaviour that is threatening, abusive, exploitative, or sexual coercive, including gestures (including through hand-phone or emails), abusive language be it written or verbal (including email bashing made openly to others that are on copy) and physical contact, in the

workplace and in all residences and property leased or owned by the Company from a service provider.

6.5.6 The Company shall not subject any employee to pregnancy tests, x-ray tests, lie-detector test under any circumstances unless the employee has given their written consent.

6.5.7 The Company shall treat all employees within kindness as in dignity and respect be they foreign nationals or citizens.

6.5.8 The Company will not engage in or tolerate any use of corporal punishment in accordance to the laws of Malaysia stipulated in the Human Right Act that can be mental or physical coercion or verbal abuse of an individual.

6.5.9 No harsh or inhumane treatment is allowed in accordance to the Human Rights Act of Malaysia.

6.6 EMPLOYMENT OF FOREIGN WORKERS

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6.6.1 Interview & Selection at Source Country

6.6.1.1 Agent shall ensure that pre-selection and due diligence documents are being scrutinized appropriately in between Company and agents.

6.6.1.2 Representative from the Company shall conduct the interview at source country. An appointed agent shall assist to coordinate the overall interview process at the said country.

6.6.1.3 Detailed presentations are showed and briefed to the foreign workers before the interview in order for them to understand the overall process of the Company. Foreign workers shall also be briefed about zero recruitment fees, avoidance of child labour, salary packages and other relevant issues that is under the Company's code of conduct.

6.6.1.4 Face to face interview is conducted with the presence of a translator.

6.6.1.5 Interviewer will conduct a simple test with the foreign worker in order to assess their communication abilities or basic mathematical understanding.

6.6.1.6 The interviewer shall summarize and inform the agents the number of foreign workers selected and rejected.

6.6.1.7 Agents shall inform successful workers to apply for passport and arrange health examination for them at their source country. This health examination results lasts for only 3 months; therefore, agents will ensure that workers reach the country before the health examination report expires.

6.6.2 Pre-Arrival

6.6.2.1 The Company shall apply for Visa with Reference (VDR) under Foreign Workers Division, Malaysian Immigration Department either manually or via online through the E-Services application, upon obtaining quota approval from their parent department, Ministry of Home Affairs (MoHA).

6.6.2.2 Prior to VDR Application, once the quota application is approved, the Company shall prepare levy payment for all the headcounts approved by MoHA.

6.6.2.3 Attestation process on the Employment Contract, Demand Letter, Power of Attorney and Recruitment Agreement from the source country embassy need to be notarized by a lawyer and endorsed by Malaysia Labour department.

6.6.2.4 The Agent shall conduct pre-departure briefing, recruitment fees verification and also investigation if any violation on the process for all the foreign workers who are prepared for departure.

6.6.2.5 If the foreign worker has paid any form of fees, such fees shall be re-paid to the workers.

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6.6.3 Upon Arrival

6.6.3.1 Foreign workers who arrive at the airport will be picked up by the appointed agent and transported to the Company via bus or van.

6.6.3.2 The foreign workers will be placed in the Company's hostel and provided with basic amenities in accordance with Act 446.

6.6.3.3 HR shall conduct registration process and orientation for the foreign workers.

6.6.3.4 Passports will be taken for permit application and returned to the worker once Page 5 of 9 all processing work is completed, including opening of bank account.

6.6.4 Post Arrival

6.6.4.1 Foreign workers shall be referred for medical check-up under FOMEMA for the first year of arrival followed by yearly permit renewal process.

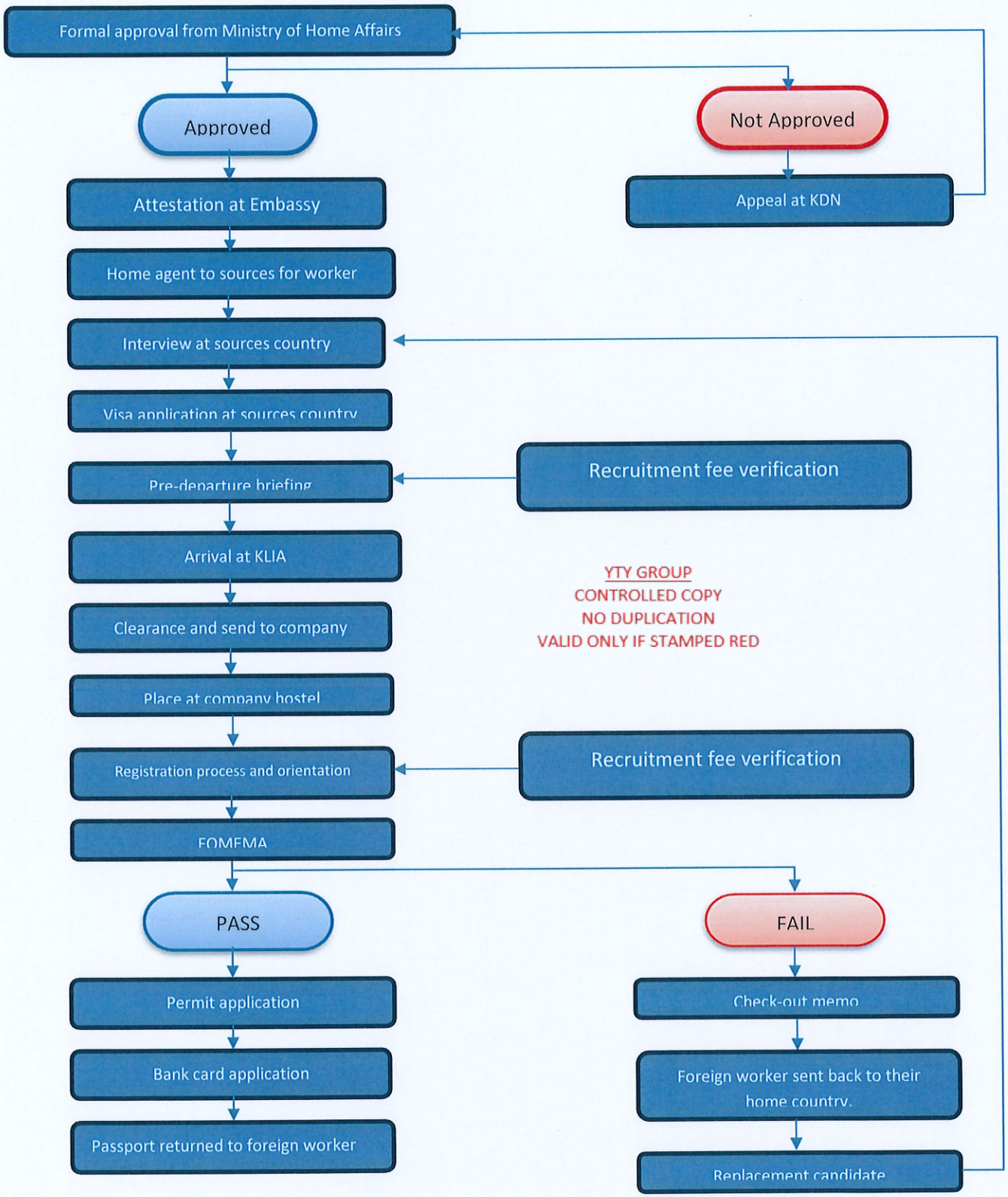
6.6.4.2 Foreign workers who fail the FOMEMA medical examination shall be sent back to their home country.

6.6.4.3 HR will make all the necessary arrangements including Check-Out memo for those who have failed the medical examination and are required to be sent back to home country.

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6.7 PROCESS FLOW OF EMPLYMENT OF FOREIGN WORKERS



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7.0 RECORDS

Nil

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Reason For Change

Old Revision	*Current Revision*	*Effective Date*	*Page Affected*	*Revision Description*	*Revised By*	*Approved By*
Nil	0	03/06/2015	All	New Procedure	Raymonde	Zahari
0	1	01/11/2019	All	Additional Procedures / Process Flow	Ahsha	Ravi
1	2	01/09/2020	5,6&7	Additional Procedures / Process Flow	Ahsha	Ravi
2	3	10/03/2022	2	Additional Procedures / Process Flow	Ahsha	Ravi
3	4	01/07/2023	1,2,3,4,5, & 7	Revise the procedure and process flow of employment of foreign workers as per current practices	~~Roszalina~~	Ravi

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