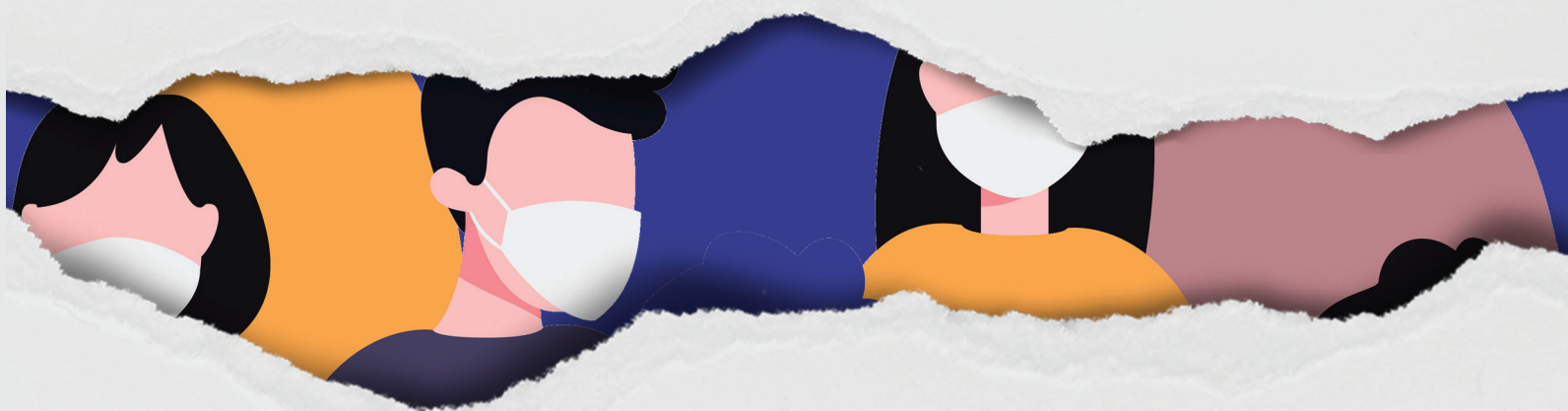


No Contracts, No Rights: Undocumented Indonesian and Filipino Migrant Workers in Malaysia Before and During the Pandemic



Asia Pacific Mission for Migrants

**This is a project of the Asia Pacific Mission for Migrants (APMM) and
INFORM (Interfaith Network for the Rights of Migrants) with the support of:**



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The Asia Pacific Mission for Migrants (APMM)

About us

APMM is a regional institution supporting the empowerment of migrants and their movement-building through advocacy and lobbying, education and research, and organizing and network-building. It believes that empowered migrants are central to upholding migrants' rights, instituting policies favorable to them and their families, and contributing to development that serves the people's interests. Since 1984, it has been with grassroots migrants in the Asia Pacific and Middle East regions, working with migrant organizations, migrant-serving institutions, and migrants' rights advocates across various sections of society like trade unions, faith-based institutions, and women's organizations. In Hong Kong, the APMM is a registered non-profit limited company with charitable status.

INFORM (Interfaith Network for the Rights of Migrants) is a network of faith communities of Christian, Muslim, Hindu, and Buddhist believers supporting the struggle of migrants for justice, human rights, and decent work, and against all forms of abuse, exploitation, trafficking, and modern slavery.

Research Highlights

- Describes the situation of Filipino and Indonesian migrant workers from entry and becoming undocumented in Malaysia to their exit from the country during the pandemic.
- Analyzes the vulnerability of Indonesian and Filipino migrant workers in Malaysia to exploitation and repression.
- Provides statistics on the sources and sectors of the migrant workforce, as well as anecdotal information about migrant workers' conditions.

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Introduction

On International Labor Day 2020, amidst the Covid-19 pandemic, Malaysia started arresting hundreds of refugees and migrant workers who were alleged to be staying illegally in the country. The arrests were reportedly carried out in the context of government efforts to prevent the spread of COVID-19 infections.

The arrests, which resulted in the apprehension of more than 2,000 people by the end of May alone, immediately drew international attention and criticism.¹ Human Rights Watch and other international human rights organizations condemned the arrests. The United Nations issued a statement appealing to the Malaysian government to release the children and caregivers among the arrested. It also warned the Malaysian government that such arrests that pack up detention centers and force migrants to go into hiding could further cause the spread of infections.²

An initial report from the Koalisi Buruh Migran Berdaulat states that there were at least 2,877 undocumented immigrants who were sent to detention centers and 7,673 who were deported in 2020.³

The crackdown calls attention to the dire situation of migrant workers in Malaysia, which is often characterized by forced labor and human trafficking. While such a condition has been made more visible by the pandemic, observers say that it is systemic, and will most likely persist even in a post-pandemic world.

For the undocumented migrant workers, all the rhetoric on upholding labor rights coming from the governments of Malaysia and sending countries remain empty talk. That is, unless migrants are considered

as formal workers and national policies are enacted that recognize and uphold the rights of migrant workers and institute redress for rights violations. Also needed are binding agreements between workers and employers and between governments of sending and receiving countries that uphold migrant workers' rights.

For more than 40 years now, the global economy has been operating under a neoliberal paradigm, in which Asia has been playing the role of a major labor supplier in manufacturing, agricultural, and service sectors. Fulfilling the demand for labor in different countries has entailed the transnational flow of workers.

Labor migration is deeply built into the global economy, and has been increasingly so under so-called "free market" globalization. Work opportunities have become available where the capital and production sites of global players -- multinational corporations and investors -- move in search of bigger profits.

Forced migration of millions to find work abroad is deeply rooted to national economies mired with poverty, unemployment and lack of opportunities under the dictates of global players. The need for higher income and forced evacuation are the biggest drivers of migration all over the world. Workers transfer to countries where wages are relatively higher or where they find themselves captives of forced labor and human trafficking. Individuals and even communities become refugees and asylum-seekers because of state repression, genocide, and xenophobia largely instigated by economic interests, local and foreign.

¹Wahab, Andika. (2020). *The outbreak of Covid-19 in Malaysia: Pushing migrant workers at the margin*. *Social Science and Humanities Open*, Volume 2, Issue 1, 2020. <https://www.sciencedirect.com/science/article/pii/S2590291120300620>

²Malaysia rounds up migrants to contain coronavirus, U.N. warns of detention risks. May 2, 2020. <https://www.reuters.com/article/us-health-coronavirus-malaysia-migrants-idUSKBN22E04A>

³Koalisi Buruh Migran Berdaulat. October 2020. *Report of the Fact-Finding Team on the Condition of Indonesian Migrants Deported during the Covid-19 Period from Sabah, Malaysia to Indonesia*

Scope and Methodology

This is a research carried out by the APMM and INFORM on undocumented migrants in Malaysia focusing on migrants from Indonesia and the Philippines. It describes the situation of undocumented migrant workers in Malaysia from their entry to their exit and how government policies and response exacerbated the already vulnerable situation of undocumented migrants under the pandemic crisis. It regards the situation as a structural issue of global exploitation and control of migrant workers taking place in both receiving and sending countries.

Methodology

Case studies were presented and data were gathered from primary and secondary sources, including research articles in the Internet. Key informant interviews and focus group discussions (FGDs) were conducted with leaders of migrant organizations and local government representatives. Indonesian and Filipino migrant workers were interviewed and participated in FGDs and are referenced in this research using nicknames for their protection.

Limits of the research

Data on migrant workers' condition in available publications and research papers are limited. This research therefore sought anecdotal, not yet quantitative, data on the topic. This can be deepened in the future by more focused studies, especially those on specific industries.

Situation of Migrant Workers in Malaysia

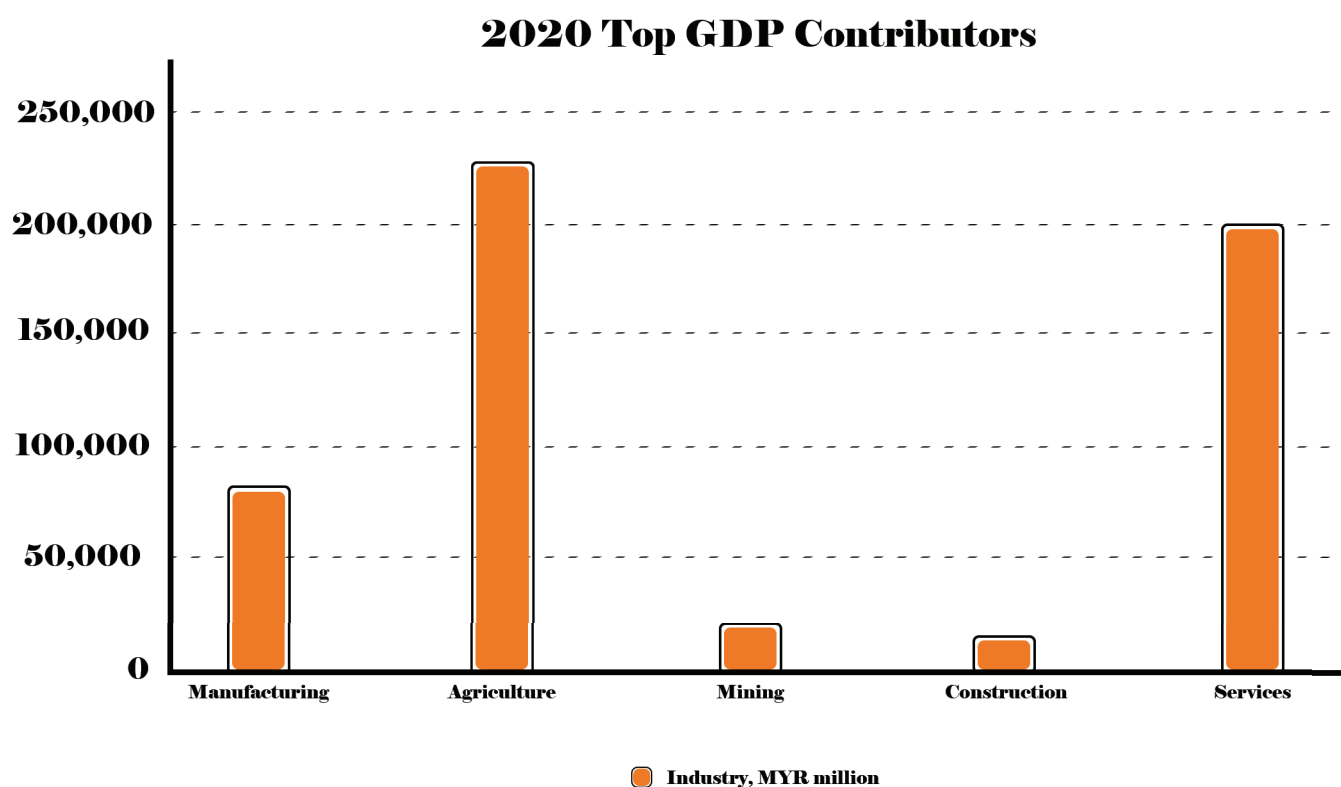
A. Context

1. Malaysia's Economy

The World Bank views Malaysia as one of the more open economies in the world with a 40% employment linked to export activities. Its export market constitutes 73% of its gross domestic product (GDP).⁵

The contribution of economic sectors to the GDP is shown below:

Table 1. Top contributors of Malaysia's GDP, 3rd quarter report ⁶



The contribution of migrant workers in Malaysia is significant. According to World Bank estimates, for every 10% increase in the inflow of foreign workers, the Malaysian economy receives a 1.1 % increase in its GDP.⁷

⁴ The World Bank in Malaysia, April 2020. <https://www.worldbank.org/en/country/malaysia/overview>

⁵ Human Rights Due Diligence in Malaysia's Manufacturing Sector. Ethical Trade Initiative. December 2019. https://www.ethicaltrade.org/sites/default/files/shared_resources/ETI%20Malaysia%20HRDD.pdf

⁶ Department of Statistics, Malaysia. Trading Economics. <https://tradingeconomics.com/malaysia/gdp-from-services>

⁷ Dewanto, P. (2020). Labouring Situations and Protection among Foreign Workers in Malaysia. Heinrich Boll Stiftung Southeast Asia. <https://th.boell.org/en/2020/08/20/labouring-situations-malaysia>

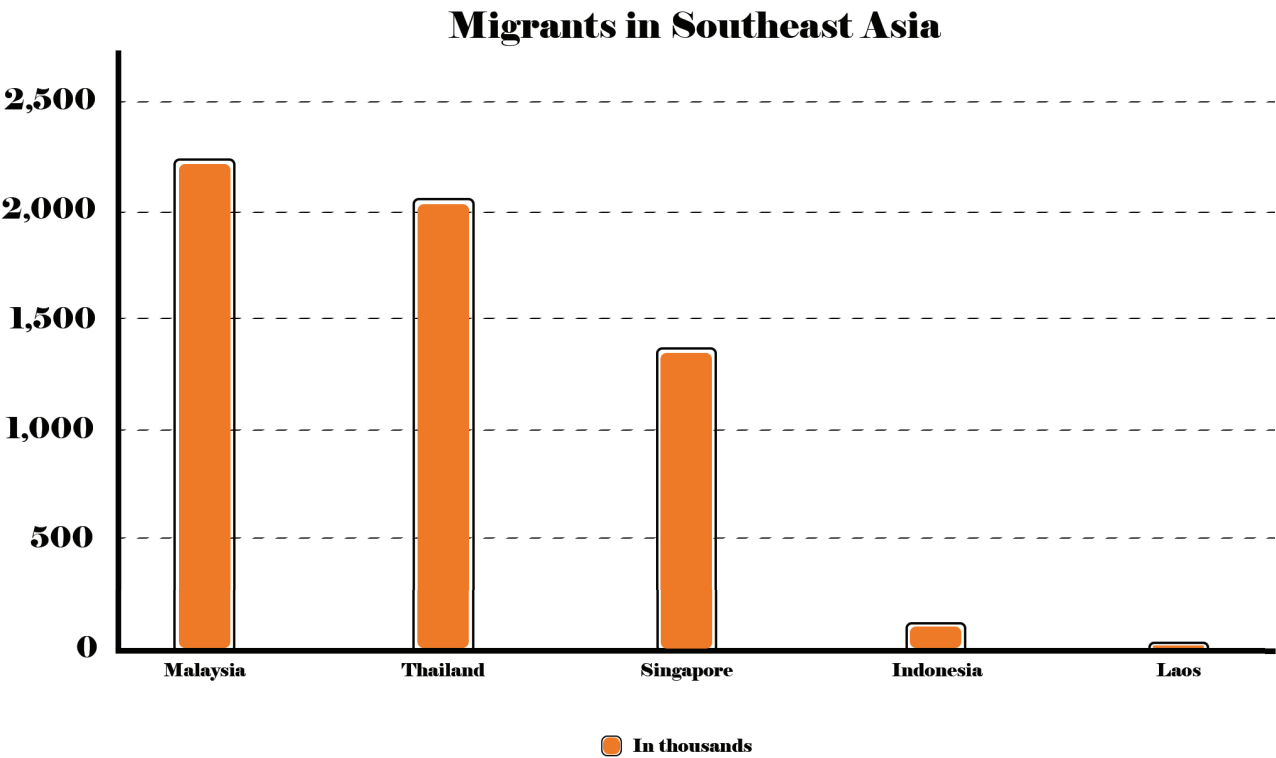
2. Malaysia's Workforce

Malaysia has a huge workforce. Out of its 32.73 million population, 15.71 million people are included in its labor force. Official statistics show that there are 1.98 million migrant workers in the country, comprising approximately 20% of its workforce.⁹

The World Bank's 2019 estimate is even higher, placing the number of migrant workers at 2.96 to 3.26 million. The UN Migration Agency estimates that by the end of 2018, there were around 2 to 4 million undocumented migrant workers in Malaysia. This is in addition to the 1.7 million to 2.2 million documented workers there since 2010.¹⁰

Malaysia is the largest receiving country of migrant labor in the Southeast region.

Table 2. Number of migrants in Southeast Asia, 2017 ¹¹



Source: Statista, 2021

⁸ Department of Statistics, Malaysia, September 2019. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_614381.pdf

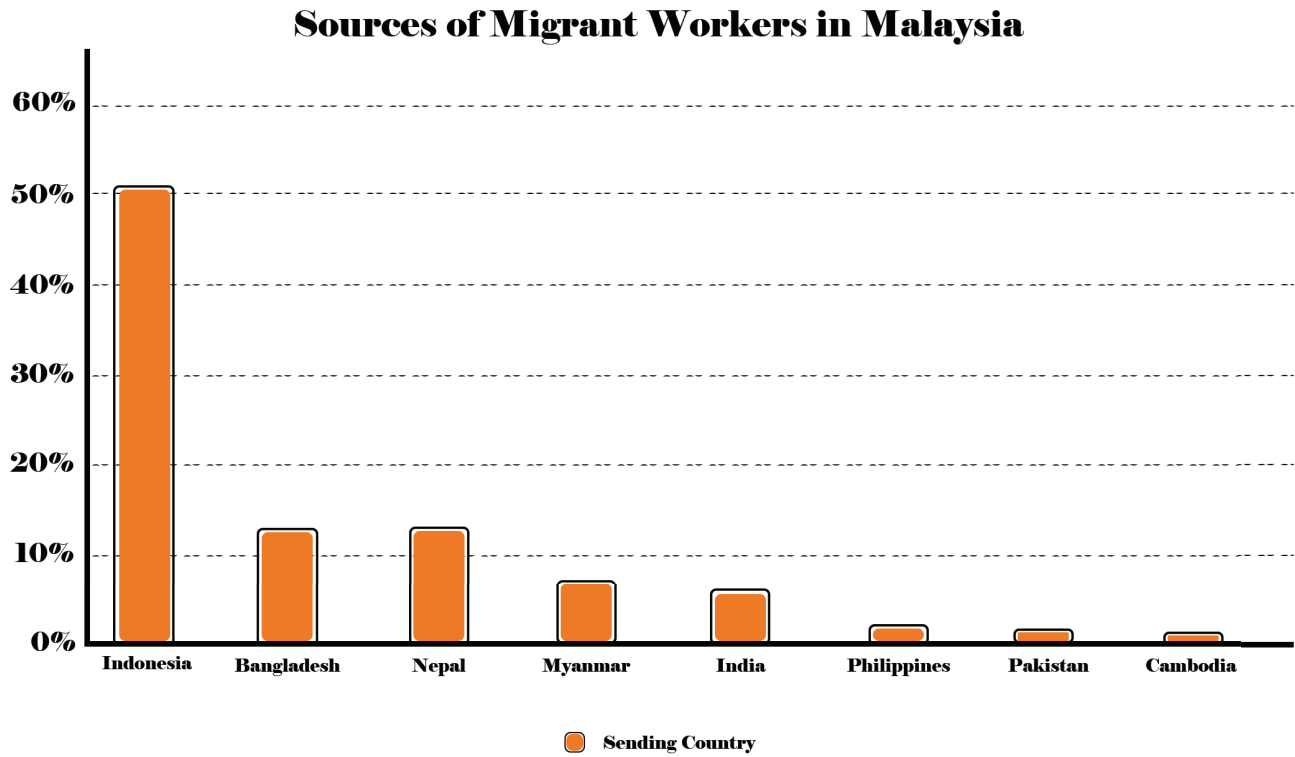
⁹ Ministry of Affairs, September 2019. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_614381.pdf

¹⁰ IOM UN Migration. https://www.iom.int/countries/malaysia?qt-country_tabs_2=1#qt-country_tabs_2

¹¹ Moore, M. (2020). Number of migrant workers in South East Asia 2017 by country. <https://www.statista.com/statistics/711513/asean-number-of-migrant-workers-by-country/>

The graph below shows the biggest sources of migrant workers in Malaysia. It shows that most workers in Malaysia are from countries in Southeast and South Asia.

Table 3. Percentage of migrant workers in Malaysia and their sending country, 2006-2012¹²



Source: Immigration Department, Malaysia, 2014

The graph below focuses on the number of migrant workers from Southeast Asian countries. It shows that Indonesia, Myanmar and Philippines send the most number of workers in the country.

Indonesia sends the biggest number of migrant workers to Malaysia, thrice bigger than all the number of migrants from Southeast Asian countries combined.

The high number of migrant workers from Myanmar can be attributed to the big volume of refugees and asylum seekers from the country. The United Nations High Commissioner for Refugees (UNHCR) says that 142,000 out of the 163,000 refugees from different countries that come to Malaysia are from Myanmar. Malaysia

makes no distinction between undocumented workers on the one hand and refugees and asylum seekers on the other. They are both considered illegal in the country.

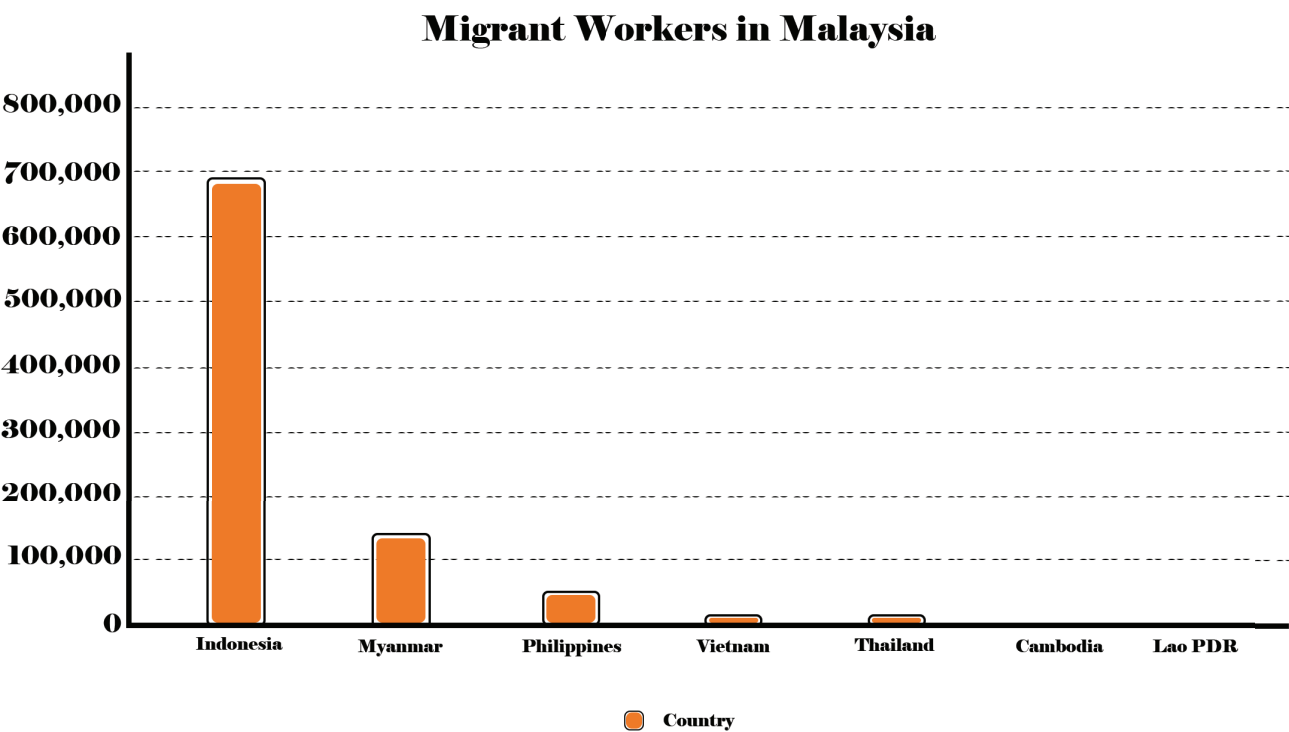
Malaysia has no written immigration policy managing the flow of migrants, refugees and asylum seekers entering and residing in the country. Aside from that, the Malaysian government is not a party to various international instruments recognizing the civil and political rights of both migrants and refugees like the 1951 Convention relating to the status of Refugees nor to 1967 Protocol Relating to the Status of Refugees. It also has not ratified the International Convention on the Protection of All Migrants Workers and Members of Their Families (ICPMW).

¹² Hamza, I., Sarifin, M., Aziz, M., & Abdullah, M. (2020). Malaysia as Attraction of International Foreign Workers. *Journal of Critical Reviews*. Volume 7, Issue 8, 2020. <http://www.jcreview.com/fulltext/197-1592664665.pdf>

The high rate of migrant workers from the Philippines, meanwhile, can be attributed to its labor-export policy. The share of Filipino migrant workers’ remittances in the country’s GDP in 2019 is 9.8%. The Philippines is the fourth largest destination of remittances globally according to World Bank.¹³

It can be said that Indonesia and the Philippines are the biggest sources of migrants from Southeast Asia. Combined, they comprise more than half of the providers of migrant labor in Malaysia.

Table 4. Migrant workers in Malaysia from Southeast Asia¹⁴



Source: ILO, 2020

¹³ Ochave, R. (2020). *Phl fourth largest remittance destination in 2019*. *Business World*. February 10, 2020. <https://www.bworldonline.com/phl-fourth-largest-remittance-destination-in-2019/>

¹⁴ TRIANGLE in ASEAN Quarterly Briefing Note. (2020). https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/generic-document/wcms_614381.pdf

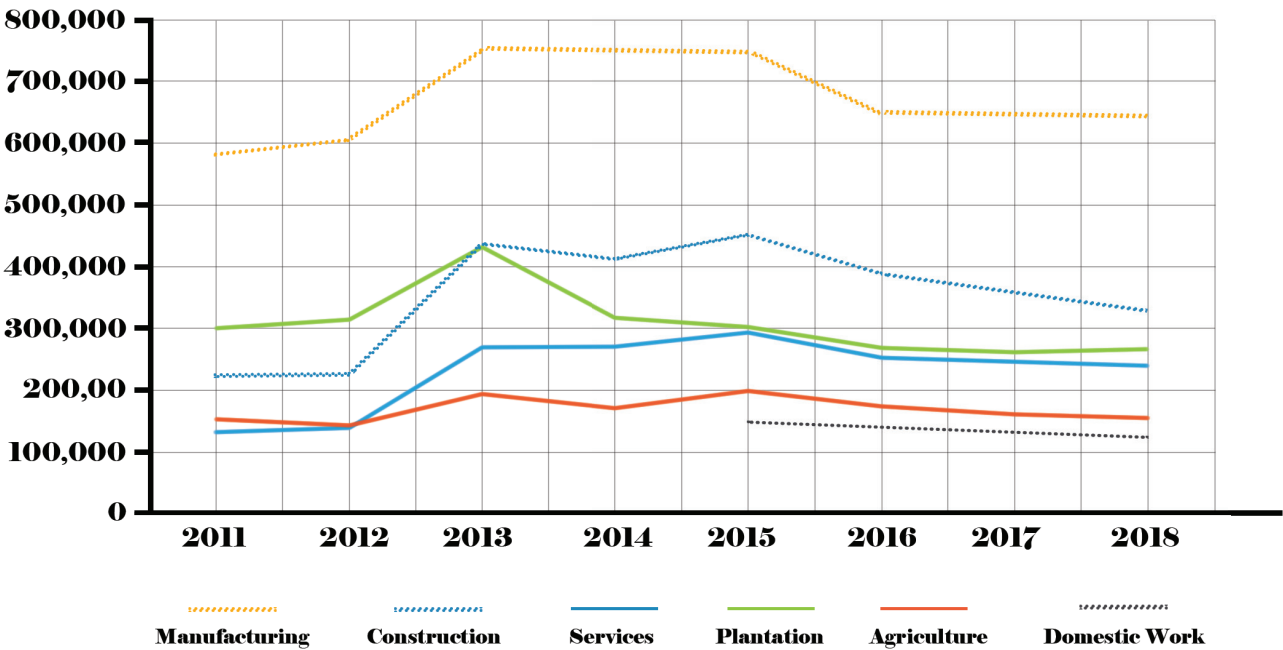
3. Role of Migrant Workers in Malaysia's Economy

In relation to Malaysia's internal workforce, migrants can be seen as temporary fillers for relatively unwanted jobs in a country that has a low unemployment rate and a high literacy rate. In relation to the huge demand for output in key industries operating in the country, however, migrants can be viewed as nothing less than necessary labor reserves. Malaysia is South-east Asia's center of transnational corporate activities.

The graphs below show the presence of migrant workers in Malaysia's major industries. The first graph shows the volume of migrant workers per industry in the last ten years.

The second graph shows the percentage of foreign workers in Malaysia per industry in 2016.

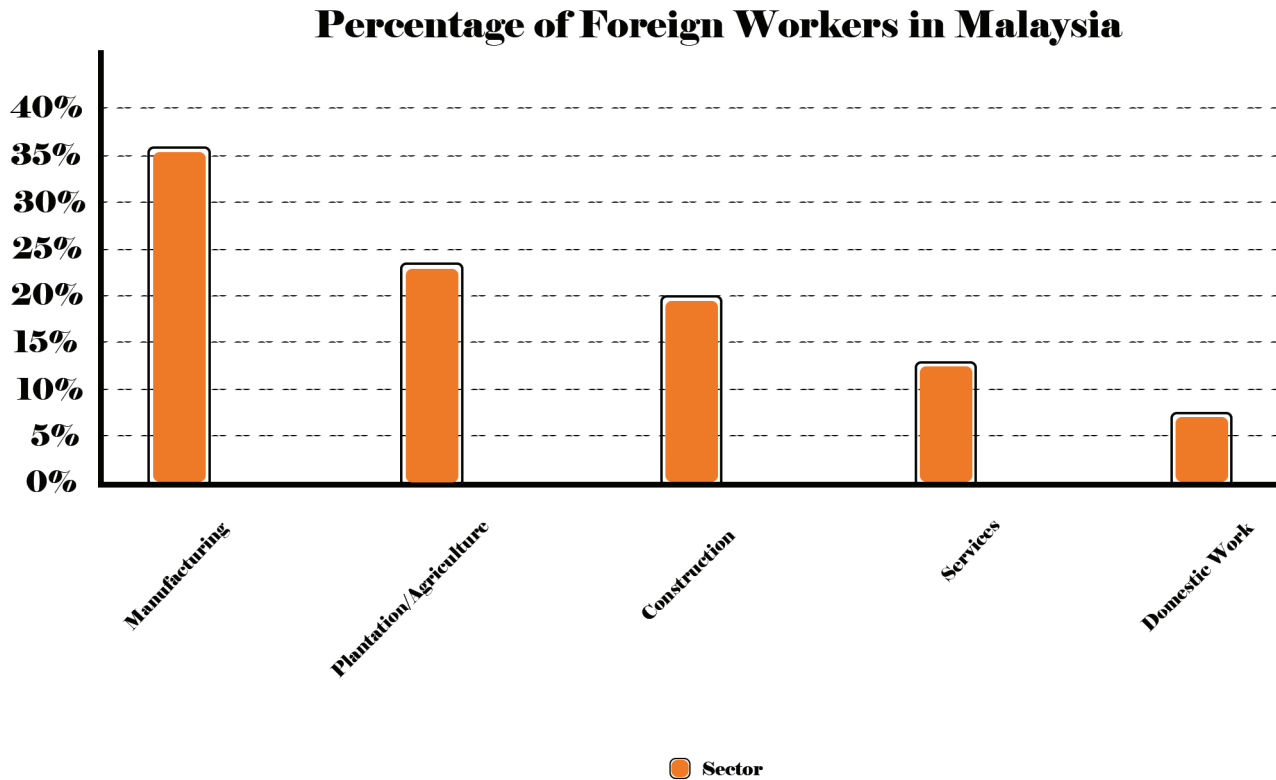
Table 5. Distribution of migrant workers, by sector and year, 2011-2018.¹⁵



Source: Malaysia's Open Data Portal (data.gov.my), 2016

¹⁵Building Partnerships for Effectively Managing Labor Migration. (2019). Asian Development Bank Institute, Organisation for Economic Co-operation and Development, and International Labour Organization. <https://www.oecd.org/migration/mig/ADBI-Labor-Migration-2019.pdf>

Table 6. Percentage of foreign workers active in Malaysia's employment sector ¹⁶



Source: Department of Foreign Workers Management Division (2016)

The data above show that migrant workers do not just fill unwanted jobs in the country. Their numbers are significantly high in major industries. They can be said to be fueling the operations of multinational corporations and foreign investments in Malaysia.

The data below describes how migrant workers in Malaysia are deeply integrated in the global supply chain of production.

¹⁶ Hamza, I., Sarifin, M., Aziz, M., & Abdullah, M. (2020). Malaysia as Attraction of International Foreign Workers. *Journal of Critical Reviews*. Volume 7, Issue 8, 2020. <http://www.jcreview.com/fulltext/197-1592664665.pdf>

1. Manufacturing

Malaysia's manufacturing industry records the highest number of migrant workers, coming mainly from Indonesia, Nepal, and Myanmar.¹⁷

In 2018, the manufacturing sector recorded one of the highest percentages of establishments (63%) that employed migrant workers.¹⁸

Electronics is a key manufacturing industry and has secured the country's top position in the global supply chain of electronics products. The World Bank considers Malaysia as a leading exporter of electrical appliances, electronic parts, and components, according to its updated April 2020 report.

These are some of the multinational corporations operating in Malaysia¹⁹:

- Electronics -- Intel, Texas Instruments, AMD and STMicroelectronics, and Sony.
- Chemicals -- BASF, Eastman Chemicals, Mitsubishi, Idemitsu, and Shell
- Pharmaceuticals -- Bayer, GlaxoSmithKline, Johnson & Johnson, Pfizer, Roche

Medical products -- Malaysia is also one of the world's leading manufacturers of natural and artificial rubber products. The country is the world's largest producer of natural rubber and nitrile, or synthetic, gloves. Most of the exports go to Europe and North America. During the pandemic, the demand for these products have increased.

2. Plantation/Agricultural

Agriculture is the second biggest economic sector in Malaysia when it comes to employing migrant workers. Many workers come from Bangladesh.²⁰

Malaysia is second in the world in palm oil production, next to Indonesia.²¹ The World Bank and the International Monetary Fund both pushed for the commercial production of palm oil in the region starting in the 1960s.

Because of the high demand for the product by multinational corporations, some of the world's biggest financial institutions have invested in its production in Malaysia and Indonesia. The industry is financed by Asian and Western banks, lenders, and investment companies. These include Bank of America, JPMorgan Chase & Co., and Citigroup Inc., Europe's HSBC, Standard Chartered, Deutsche Bank, Credit Suisse, and Norway's government pension.

¹⁹ Hamza, I., Sarifin, M., Aziz, M., & Abdullah, M. (2020). Malaysia as Attraction of International Foreign Workers. *Journal of Critical Reviews*. Volume 7, Issue 8, 2020. <http://www.jcreview.com/fulltext/197-1592664665.pdf>

²⁰ Tan Theng Theng and Romadan, J. (2020). The economic case against the marginalisation of migrant workers in Malaysia. *The London School of Economics and Political Science*. October 1, 2020. <https://blogs.lse.ac.uk/seac/2020/10/01/the-economic-case-against-the-marginalisation-of-migrant-workers-in-malaysia/>

²¹ Oxford Business Groups. <https://oxfordbusinessgroup.com/overview/growth-leader-manufacturing-sector-expanding-faces-challenges>

²² Hamza, I., Sarifin, M., Aziz, M., & Abdullah, M. (2020). Malaysia as Attraction of International Foreign Workers. *Journal of Critical Reviews*. Volume 7, Issue 8, 2020. <http://www.jcreview.com/fulltext/197-1592664665.pdf>

²³ Hirschmann, R., (2020). Palm Oil Industry in Malaysia- statistics and facts. *Statista*. December 8, 2020. <https://www.statista.com/topics/5814/palm-oil-industry-in-malaysia/>

Big global banks and financial institutions maintain ties with Malaysia's biggest bank, Malaysian Banking Berhad or Maybank. They have financed Southeast Asia's palm oil industry between 2015 and 2020.²²

While Malaysia and Indonesia still account for a majority of the global supply of palm oil, many countries in Southeast Asia have converted also their agricultural lands for palm oil production.

In Sabah, Malaysia in particular there is an estimated more than 150,000 workers at 1,160 estates and 33,034 plantations of oil palm smallholders. As early as January this year all the plantation workers in Sabah have been ordered to undergo Covid-19 screening test within 30 days due to rise of COVID infection in plantation industries. The situation of plantation workers in Sabah is not as nice as the fruitful profit generated by the plantation oil industry. In tandem with the exacerbating exploitation, migrant workers are in perpetual fear due to their status as undocumented migrants.²³

3. Construction

Construction projects in Malaysia include the building of factories, houses and structures in real estate, and major infrastructure projects under the public-private partnerships (PPPs) program.

Recap of the Malaysian Context

Migrant workers play an important role in the Malaysian economy. They are integrated into the supply chain of multinational corporations or in private investments, both foreign and local, that flow through different industries and development projects.

This was highlighted during the COVID-19 pandemic. In an effort to boost local employment after the lockdowns in the early part of the pandemic, the Malaysian Human Resource Ministry said that all economic sectors except agriculture and construction should stop hiring migrant workers. Business groups, however, warned that such a policy will be detrimental to sectors dependent on migrant workers and will only hinder, not speed up, economic recovery.²⁴

²² Palm oil labor abuses linked world's top brands, bank. September 25, 2020. <https://www.voanews.com/east-asia-pacific/palm-oil-labor-abuses-linked-worlds-top-brands-banks>

²³ Exploited and Illegalized: The lives of palm oil migrant workers in Sabah, https://www.amrc.org.hk/sites/default/files/Exploited%20and%20Illegalised_AMRC%20%28160120%29_New.pdf

²⁴ Zsombor Peter. (2020). Malaysia loosens migrant labor ban after business blowback. August 21, 2020. <https://www.voanews.com/east-asia-pacific/malaysia-loosens-migrant-labor-ban-after-business-blowback>

B. Entry of Migrant Workers

"I didn't have documents and I went through backdoor means. We went to the middle of the sea. There were more than 100 people inside the boat that we were riding, and it was not comfortable. I was sad and feeling tense. When we finally reached Malaysia, we stayed in the forest and waited for 24 hours. We ran away when we saw a patrol on the beach.

- Abdul, worker employed in electronics factory, welding shop, and vegetable plantation

Undocumented workers can enter Malaysia through many doors. According to non-government organization Tenaganita, 80% of the migrants come to Malaysia through legal channels. The remaining 20% enter through the Jalan Tikus or the illegal channel along the borders. This is the case for undocumented migrants from Myanmar, Indonesia, the Philippines, and Cambodia.

Non-government organization Migrant Care estimates that there are 103 doors to Malaysia that migrants can enter by sea, through the border in the Kalimantan area which stretches along borders with Tawau, Sabah, Sarawak, Batam, and which opens more doors. Undocumented workers can also go through cross-border posts where members of criminal syndicates are staying and waiting.²⁵

In terms of middle men, migrant workers' most common means for entering Malaysia are manpower companies or agencies in the sending country, or through brokers. Some workers choose to go through brokers for faster and cheaper processing and to avoid huge wage deductions when they get to work in Malaysia.

"The process of applying is through an agency. Agency people came here looking for people. I have many friends here who were unemployed. We had the same fate. All the document fees were shouldered by the agency. This is how we describe ourselves: no money, only skill. The only condition that the agency set is that there will be deductions in our salary for six months. That is around 10 million Rupiah (718 usd)."

- Aris, construction worker in East Malaysia

²⁵Tenaganita (NGO) and Migrant Care (NGO). October 16, 2020

"We go to Malaysia directly through brokers. We use a tourist visa then when we get there, we find work ourselves. We already know some people there. Friends and family are there. We ask them where the job vacancies are.

From here to Surabaya airport, we took a plane to Batam, then a ship to Malaysia."

- Sahideh, Yanti and Habibah,
restaurant workers in Johor, Malaysia

C. Becoming Undocumented

Undocumented migrant workers are commonly defined as workers whose work documents are incomplete. The most important among these documents are work visas and passports.

There are many reasons why migrant workers in Malaysia become undocumented. Below are some of them:

1. Migrants undergo procedures recognized by law and begin working with proper documents, but documents are confiscated by their employers upon arriving in Malaysia. Some workers run away from their employers after suffering physical, verbal and other forms of abuses. Workers cannot change their employers so many simply choose to run away. With their work documents and passports in the hands of their employers, they become undocumented.²⁶
2. The second reason is related to the first. Migrant workers come to Malaysia through illegal means of recruitment. Recruiters deceive workers with promises of long work permits, good employment contracts, and decent wages and working conditions. There are also many workers who come to Malaysia using tourist and student visas and trusting agents' assurance that these can be converted into work visas. They, however, get caught in labor trafficking and thus become undocumented in the receiving country.²⁷
3. Migrants' documents expire after a certain period. The workers then encounter difficulties arranging for an extension of their documents because of the numerous requirements and long and tedious process.

Workers have no control over the renewal or non-renewal of the work permit. The renewal of work permits is the responsibility of employers. The latter have to renew permits every year. If the employer does not renew a worker's contract, the latter becomes undocumented. This situation is prevalent in the construction industry and in domestic work.²⁸

²⁶Tenaganita (NGO) and Migrant Care (NGO). October 16, 2020

²⁷Tenaganita (NGO) and Migrant Care (NGO). October 16, 2020

²⁸Tenaganita (NGO) and Migrant Care (NGO). October 16, 2020

D. Workers' condition before and during the pandemic

These are some of the conditions that migrant workers in Malaysia face in their workplaces²⁹:

1. Low wages or non-payment of wages

- Some undocumented workers report that they receive wages lower than those received by regular workers.
- High wage deductions are made for the cost of work permits and charges for food and rent.
- Workers most frequently complain about non-payment or late payment of wages. Some workers are not paid for months of work, making them fail to pay for work permits, food and rent.
- Some employers make a deduction in wages if production quotas are not met by the workers.

2. Long working hours

- Many work for more than eight hours a day, and six to seven days a week.
- Most workers complain about not getting enough rest.

3. Abuse and violence

- Verbal and physical abuse by employers is common. Some migrant workers have faced the threat of violence or of being reported to the police for being undocumented. This has happened in manufacturing, plantation, construction and services, usually when production targets or quotas are not achieved.
- Some women workers face sexual harassment and assault. This situation is most common in the service sector, particularly in restaurants and shops, and in domestic work.

²⁹ *Trapped, The Exploitation of Migrant Workers in Malaysia. Amnesty International. 2010. <https://www.refworld.org/pdfid/4bb05b812.pdf>*

4. Unsafe workplaces

- Many workers face unsafe working conditions in the factory, plantation, and construction site. When they suffer accidents or get sick, many workers shoulder the expenses for hospital treatment from their wages. Some are sent back to their countries. Unable to access social protection, many workers feel that they are like robots that can be disposed of when they are no longer useful.

5. Poor housing

- Many workers are forced to live in overcrowded, unhealthy, or unsanitary conditions.
- Many live in containers and makeshift housing near their work area. These spaces frequently lack proper facilities for sleeping, cooking and dining, and bathroom use.
- There is a minimum standard for worker accommodation set by the law. According to reports from migrant NGOs and international human rights organizations, however, most housing for migrant workers are in substandard conditions.

When workers are forced into accepting low wages and wage deductions, heavy workloads, and poor housing, this situation can be considered as forced labor. Many employers have argued that paying workers below the minimum wage and obliging them to work beyond the standard working hours are not illegal and cannot be considered forced labor. The problem is that despite the fact that the Malaysian government ratified the International Labor Organization (ILO) convention on forced labor, national policies in Malaysia still do not have a clear definition of forced labor.³⁰

³⁰Sharma, P. (2020). *COVID-19 and the vulnerability of migrant workers to forced labour trafficking in Malaysia*. *Lens*. August 17, 2020. Monash University. <https://lens.monash.edu/@politics-society/2020/08/17/1381044/covid-19-and-the-vulnerability-of-migrant-workers-to-forced-labour-trafficking-in-malaysia#:~:text=As%20a%20legal%20concept%2C%20forced,Forced%20Labour%201930%20in%201957>

Workers during the Pandemic

When the Malaysian government imposed a lockdown in mid-March, early in the pandemic, migrant workers faced many violations in their human and labor rights. These include:

- **Unfair termination.** Losing work meant losing one's work permit. This forced many retrenched migrant workers to become undocumented and to risk being arrested by authorities.
- **Unpaid wages.**³¹ With the imposition of the lockdown, many workers were unable to get their wages and many employers were unable to pay their employees. Many workers therefore faced food insecurity, if not outright hunger. They did not have the income to buy food and, when going out to buy food, they risked being seen and arrested by the authorities.
- **High risk of being infected with COVID-19.** Since many workers are housed in cramped and closed spaces, the risk of getting the infection was high. Some who felt the symptoms of the disease simply evaded treatment, fearing that they will be arrested. This further increased the risk that the deadly disease would spread in migrant workers communities.
- **While the country was in lockdown migrant workers are forced to work particularly in plantation areas and construction industries.** It dovetails to Malaysian government decision to continue the economic activities in the aforementioned industries. Moreover, forcing migrant workers to work while the country is in lockdown has direct connection with the movement control order (MCO) that the Malaysian government implemented to control the movement of migrants while the country is in quarantine.

"I used to build factories and multi story apartments. I've built a factory many times.

I worked for nine hours which means 52 Ringgit (13 usd). Operation is 24 hours. Some work at night. Some work in the afternoon. I worked overtime as much as I could. We wanted to work for long hours (We tried to be as strong as we could be."

- Nono. factory worker

"The people who have an agency. they have low wages. There are many permit deductions and other fees. If migrant workers do not have an agency. there will be no deductions from their salary.

There is a sense of anxiety when going out to the market or anywhere. Feeling afraid. like a fugitive."

- Abdul. worker employed in an electronics factory. welding site. and vegetable plantation

³¹Tan Theng Theng and Romadan, J. (2020). The economic case against the marginalisation of migrant workers in Malaysia. The London School of Economics and Political Science. October 1, 2020. <https://blogs.lse.ac.uk/seac/2020/10/01/the-economic-case-against-the-marginalisation-of-migrant-workers-in-malaysia/>

"We kept on hiding. We were not allowed to go out because we were avoiding immigration [authorities].

When we're not at work, we stay home.

I avoided speaking in my language because we were not allowed to speak it. If authorities find out that you're Filipino, you get arrested, so I just used the Malaysian language.

I encountered a Filipina once, who seemed like she wanted to cry while at work because customers were asking her to do things like in a game. They tried to kiss her. Then they took her to a dark section of the bar to dance. She kept removing their hands when they were touching her. Then, her customers took her to a hotel. I never saw them again."

- Jenny, worker employed as saleslady and waitress in a recreation club

"It's difficult if there are no documents. Running here and there, in the middle of the forest.

It was harder during the pandemic. All of my friends are having difficulty finding work. Some even did not work for one to two months."

- Irfan, worker employed in palm oil plantation, manufacturing factory, construction

"It was difficult always being chased by the police. When you meet the police, it is not good.

Before Corona, many people invited me to work in palm oil plantations and factories. During Corona, no work even up to two to three months. There are no work vacancies. For daily meals, I have to borrow money from friends who still have money."

- Dani, worker employed in a welding factory and palm oil plantation

"During Covid-19, the work stopped. The company only gave me noodles, cooking oil, eggs, and 350 Ringgit (87 usd)."

- Ahyar, worker in construction and plumbing company

E. Repressive measures against migrant workers

Before the pandemic

If arrested by authorities, undocumented workers faced penalties in the form of fines, imprisonment, different kinds of physical punishment, and deportation.

During imprisonment, authorities can use caning or whipping as corporal punishment. This means a specified number of powerful strokes with a big rattan cane across the offender's bare buttocks.³² The process, aside from degrading, is extremely painful and creates deep wounds. International human rights organizations have condemned this cruel, inhuman, and degrading punishment and have called for an end to its practice.³³

"Those who do not have a passport face the risk of being arrested. They will be detained. They will be whipped. Some were lashed three times. Some were lashed six times. The longer the time as an illegal worker in the country, the punishment gets harsher."

- Nono, factory worker

"If the workers are arrested, they will be put in prison. Then the police will whip them twice with rattan on their buttocks. When the detention period is completed, they will be deported."

The route to my home was Malaysia to Tanjung Pinang to Batam to Surabaya, and then I finally arrived in Lombok."

- Abdul, worker employed in an electronics factory, welding site, and vegetable plantation

³² Farrel, C. Corporal Punishment in Malaysia. Page updated June 2020. <https://www.corpun.com/counmy.html>

³³ Trapped, The Exploitation of Migrant Workers in Malaysia. Amnesty International. 2010. <https://www.refworld.org/pdfid/4bb05b812.pdf>

"Operations by the police and immigration authorities are not really frequent. They raid the safehouses or hideouts of aliens twice a year. As for these deportees, they say that they really do not go to the towns and just stay in remote places to avoid getting arrested. The reason they were arrested is that they went to the big towns where they were caught by the police.

Most of them work in the logging industry so they choose to stay there in the forests where they won't get arrested by the police. They only get arrested when they go down to the towns.

Those arrested get punished by being struck with three lashes using a rattan. Only the men are struck. After arrests, they are brought to police precincts. They are treated better there. The problem is after that, they were brought to the main detention center where it was really hard. Food was scarce and they were maltreated."

- Tanya, worker in services

"What I know, since I've met many of them, they are really sent right away to prison. They call it Rumah Mera. That's where they take Filipinos set for deportation.

Their documents are processed before deportation. There are times when jail wardens or Malaysian policemen find out that a woman worked as a GRO (guest relations officer) or in a videoke bar, they rape her before she gets deported."

- Jenny, worker employed as saleslady and waitress in a recreation club

During the pandemic

In 2020, multiple government agencies collaborated in an operation that involved a series of arrests of undocumented migrant workers.

In Sabah, the operation involved 3,493 agents, 10 ships, and 54 smaller speedboats. In 2020 alone, 7,673 undocumented immigrants have been deported, and 12,877 undocumented immigrants had been detained. Of them, 5,204 are still in detention centers by the end of November. Among the detainees, 4,456 were from the Philippines, 618 from Indonesia, and 130 from other countries.

The operation was conducted by the Malaysian Armed Forces (ATM), Royal Malaysian Police, Malaysian Enforcement Agency, Immigration Department of Malaysia, Royal Malaysian Customs Department, and the Malaysian Border Control Agency.³⁴

Koalisi Buruh Migran Berdaulat (KBMB), an alliance upholding migrant workers' rights, released a report on the raids in Sabah that were conducted between June and September 2020. The fact-finding team reported that undocumented migrant workers experienced prolonged detention at the Temporary Detention Center (PTS), or Immigration Depot, because of complicated deportation procedures.

Repatriation went through a long process. The Indonesian government postponed the deportation because there were no funds for receiving the deportees.

These were the major findings of the KBMB:³⁵

- 1** From the process of arrest and investigation to trial, there is no fair trial. No deportee received access to legal counsel or received copies of judicial documents.
- 2** The deportees faced various kinds of treatments and punishments that are inhumane and degrade human dignity. Some have experienced extortion, seizure of personal property, and exploitation of children.
- 3** Detention centers were overcrowded and detainees were vulnerable to COVID-19, other physical illness, and mental health problems. Detention centers did not provide special facilities and assistance for vulnerable persons such as pregnant women, children, and the elderly.
- 4** There were many delays in the deportation process. Many who have actually served their sentence for immigration violations have to spend longer periods of detention.

³⁴ Carruthers, A. (2020). *Movement Control and Migration in Sabah in the Time of COVID-19*, ISEAS- Perspective. 27 November 2020

³⁵ Koalisi Buruh Migran Berdaulat. October 2020. *Report of the Fact-Finding Team on the Condition of Indonesian Migrants Deported during the Covid-19 Period from Sabah, Malaysia to Indonesia*.

F. Government Response and Repatriation

The Indonesian government through its embassy in Kuala Lumpur said it provided financial assistance to Indonesian migrant workers who were sick. Assistance included medical expenses, meal packs during the lockdown, shelter, and legal assistance in dealing with employers. Some migrant workers who rushed to the consulate said that the process was a tedious one. Some did not receive assistance because the consulate said it lacked the budget.³⁶

The government also asked the migrants to postpone travel during the lockdown. It did not have a repatriation plan and to prevent those who wanted to go home for Ramadan and Idul Fitri, it provided logistical assistance in the form of food packages.³⁷

The Philippines, meanwhile, issued a circular on March 2020 asking labor agencies to coordinate with the government's labor offices overseas. The Philippine government also reported providing medical and financial assistance to migrant workers who returned home. These included free testing, accommodation, and food packs.

The International Organization for Migration (IOM) said that although the Philippines responded to the needs of migrant workers, the preparations were lacking.³⁸ Some migrant workers said that the government response including repatriation was slow. In May last year, the country closed its airport due to a lack of testing capacity for returning migrant workers.

Many workers also did not receive medical and financial assistance. The DOLE-AKAP is the one-time government financial aid given to migrant workers. The maximum amount was PHP 10,000 or USD 200. Many workers said they were not given aid because the program lacked funds. Some who received aid said the amount was insufficient.

Most migrant workers who left Malaysia were not able to access health care before they left and upon returning to their home countries. Many were stuck for a long period in Malaysia's detention centers because the governments of their home countries did not provide legal counsel and travel assistance. Many had to raise money on their own.

³⁶ Walden, Max and Wijaya, Sastra (2020). *Millions of Indonesian migrant workers face hardship in Malaysia amid coronavirus fallout*. July 26, 2020. <https://www.abc.net.au/news/2020-07-26/indonesians-face-hardship-in-malaysia-amid-coronavirus-fallout/12486548>

³⁷ Pinandita, Apriza (2020). *High influx of Indonesian migrant workers from Malaysia*. *The Jakarta Post*. April 23, 2020. <https://www.thejakartapost.com/news/2020/04/23/high-influx-of-indonesian-migrant-workers-from-malaysia-despite-call-to-stay-amid-outbreak.html>

³⁸ Asis, Maruja (2020). *Repatriating Filipino migrant workers in the time of pandemic*. *Migration Research Series No. 63*. IOM. <https://publications.iom.int/system/files/pdf/mrs-63.pdf>

"We called brokers and asked them how much it would cost to go home to Indonesia. Then they picked us up. We stayed in the forest for two nights and went to the coast to ride a boat. After arriving in the territory of Indonesia, we directly continued to Tanjung Pinang, and then to Batam.

- Ahyar, worker in construction and plumbing company

"I called a broker. When we agreed on the price, they picked us up and brought us to the forest. For about three days, we stayed in the forest.

- Dani, worker employed in a welding site and palm oil plantation

"I called a broker. When we agreed on the price, they picked us up and brought us to the forest. For about three days, we stayed in the forest.

- Dani, worker employed in a welding site and palm oil plantation

"I was miserable when I returned from Malaysia to Indonesia. During the trip, we moved from one place to another. After two days in the middle of the forest, we crossed the sea to Tanjung Pinang. When I arrived at Tanjung Pinang, I had to get a medical certificate. Then I directly returned to Lombok.

- Irfan, worker employed in palm oil plantation, manufacturing factory, construction

"I went home using the sea route via Entikong. I was transferred to the Government Social Service in Pontianak. The Malaysian and Indonesian governments collaborated, so it was the Indonesians who picked us up.

"I did not get my last salary when I left."

- Surip, electronics worker

When migrant workers arrived in their home countries, many had to stay long in arrival areas before they were able to reach their hometowns, because there were no transportation services provided by their governments. Many became hungry and sick, some with COVID-19 itself.

The governments of Indonesia and the Philippines did not issue a statement on the arrests of their migrant workers in Malaysia. They did not even remind the Malaysian government to safeguard the human and labor rights of their migrant workers.

These governments did not recognize their migrant workers as victims of injustice and economic dislocation. They have not offered legal counsel or pushed for inquiry to seek justice or compensation for the workers. They did not facilitate their quick return to their hometowns, access to health care services including psychological counseling.

Analysis

Migrant workers, including undocumented ones, are essential to the economy of Malaysia. This can be gleaned from facts about migration to the country and the country's economy. This was also highlighted by the pandemic.

While they are essential to Malaysia's economy, the previous discussion also shows that they are marginal when it comes to the Malaysian government's protection of human and labor rights, let alone provision of social protection.

Migrant workers, especially the undocumented, face many dangers and payments in going to Malaysia. There, they face the danger of being caught and punished severely. They labor under poor working conditions. Their exit from Malaysia is also fraught with dangers. There is no assistance or protection from the governments of sending countries. The COVID-19 pandemic has exposed and aggravated their dire condition.

There is a need to understand and present the underlying systemic causes of the situation of migrant workers, including undocumented ones, in Malaysia.

1. Deregulation as national policy to ensure the supply of cheap labor

Malaysia, Indonesia and Philippines are member states of the Association of Southeast Asian Nations (ASEAN), a regional intergovernmental organization that aims to facilitate the free flow of capital, investments, labor and goods.

Economic policies of the three countries follow the neoliberal paradigm. The global deregulation of the labor market is translated into their labor policies. The policies on migrant workers in the three countries are also aimed at enhancing the efficiency of the labor market while ensuring the regulation of fees. These laws facilitate investors' access to cheap labor. Thus, while they encourage good practices among employers, they do not clearly state adherence to migrant labor rights, indicators of violations, and rules for redress and justice.

Many aspects of the labor laws in Malaysia, Indonesia and Philippines can be cited to prove this. Below are just some of the examples which show how the laws operate under the framework of a deregulated labor market.

a. Malaysia. The Employment Act of 1955 prohibits contract substitution, excessive overtime, withholding of wages, debt bondage, abusive working and living conditions as these are considered forced labor.

While it is stated in the Act that employees are entitled to a written employment contract stating the terms and conditions of work, there are no guidelines on how and when employees can get it and what they can do if they do not. The Act also states that limitations on overtime are to be decided via independent regulation.³⁹ The Act also has unclear and contradicting provi-

³⁹ Situation and gap analysis on Malaysian legislation, policies and programmes, and the ILO Forced Labour Convention and Protocol. International Labor Organization. 2018. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_650658.pdf

sions that can be interpreted in different ways. This could mean that a worker can work as long as the employer wants to. The policies supposedly protecting migrant workers were not crafted to enforce strict regulations on exploitative working conditions.

b. Indonesia. Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers states that workers can only work in destination countries that have: (a) legislation that protects foreign workers, (b) written agreement between Indonesia and the receiving country, and (c) social security or insurance that protects foreign workers. The recently approved Job Creation Law has only moved the licensing authority for Indonesian migrant worker placement companies from the Minister of Manpower to the Central Government.⁴⁰ The Job Creation Law which came into force in November 2020 is working under the framework of relaxing labor laws to improve conditions for foreign investments to be attracted into the country.

c. Philippines. The Migrant Workers and Overseas Filipinos Act of 1995 states that the country will deploy workers only in countries where the rights of Filipino migrant workers are protected. Any of the following can be taken as a guarantee of such: (a) the country has existing labor and social laws protecting the rights of migrant workers, (b) it is a signatory to multilateral conventions, declaration or resolutions relating to the protection of migrant workers, (c) it has concluded a bilateral agreement or arrangement with the government protecting the rights of overseas Filipino workers and (d) it is taking positive, concrete measures to protect the rights of migrant workers.⁴¹ The law has no definition of what these guarantees should contain. There is no mention of indicators of violations of migrant worker rights.

Furthermore, the said act has a provision on the deregulation of recruitment activities which states that there should be a phase-out of regulation and that migration of workers should strictly become a matter between the worker and his foreign employer. This is pursuant to a heightening policy of deregulation and takes into account labor market trends and economic conditions in the country.⁴² This provision is clearly saying that the Philippine government has no responsibility for its workers when they face human, labor and migrant rights violations at the hands of their foreign employers in all countries.

Because the laws are aimed to ensure the efficiency of migration so that employers can have access to cheap labor, regulations focus on providing licenses merely to regulate migrant workers and get fees from them, not to ensure their rights.

2. Malaysia is a large industrial hub for cheap labor

By law, Malaysia's Ministry of Labor requires employers to register their companies and their migrant workers in order to obtain contracts or permits. Top corporations operating in Malaysia claim to be compliant with such national regulations. The government and big corporations often cite the abusive practices of subcontractors and agencies as those most harmful for unregistered migrant workers.

⁴⁰ Waroka, S. and Yuriutomo, I. (2020). *Omnibus Job Creation Law - Changes to Indonesian Employment Laws*. Lexology. December 4, 2020. <https://www.lexology.com/library/detail.aspx?g=25397004-a334-4f13-b1f4-14a1cd723d39>

⁴¹ Philippine Overseas Employment Administration. [http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20\(RA%208042\).html](http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20(RA%208042).html)

⁴² Philippine Overseas Employment Administration. [http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20\(RA%208042\).html](http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20(RA%208042).html)

Being a documented worker is to have a contract of employment or work permit. Without a contract or permit, there is no proof of employer-employee relations. The importance of a contract is to determine the principal employer accountable for workers' wages, benefits and working conditions. A contract is an agreement on the terms of employment including working hours, work description, output expected, and remuneration.

Migrant workers are subjected to multiple levels of employment schemes – from recruiter and manpower agency in the sending country to subcontractors and employers in the receiving country. Formal registration to become documented is a business, apart from a means for regulation, for the government, employers, and subcontractors.

The proliferation of undocumented workers is part of the outsourcing and short-term contractual schemes prevalent in global business operations in Asia. Employment schemes are not only products of weak labor laws and enforcement but are part of a systematic attempt to eliminate any binding agreement between capitalists and workers, in order to press down the value of labor.

Having no contract means employers are free to dictate the wages and work arrangements so they can save up on labor costs and maximize profits.

Extracting profits from cheap labor is the main factor for poor working and living conditions experienced by migrant workers. In the value chains of multinational corporations and foreign investors, work that is labor-intensive is often labeled low-skilled to justify the low cost of labor. Migration has been used to facilitate the transfer of so-called low-skilled labor to various countries.

Malaysia is a large industrial hub of cheap labor in Southeast Asia. It has used migrant workers as leverage in the global market. Indonesia and the Philippines, on the other hand, are major suppliers of labor. They have labor-export policies that generate national income through remittances.

3. Repression as a tool to limit workers' access to social services

The imposition of repressive measures during the COVID-19 pandemic can be seen in various countries. Those with significant migrant population implemented policies that heightened border control and mobility control of migrants. Owing to the international nature of the pandemic, governments like Malaysia view foreigners or migrants as potential carriers of the virus, and additional costs and competition to those who need social services.

On the other hand, many sending countries have provided little support to their migrants abroad. These countries often see their citizens working abroad as relatively better off compared with other citizens, and therefore not priorities in the provision of financial, healthcare and other assistance.

As such, many migrant workers are denied public spending for mass testing and treatment. They are arrested and deported by the receiving country, or are forced to go home because of being laid off from work or facing wage cuts. Their countries, however, are slow to repatriate them and provide them with unsafe facilities and meager services when they go home.

Even before the pandemic, receiving countries like Malaysia have effectively blocked a significant number of migrants from gaining access to social services like health and education, by keeping workers undocumented or without contracts.

Decades of cuts in public spending serve the general direction of transferring basic utilities and vital services into the hands of large private corporations for profit. Governments have been slow in increasing funds for social services and corporations have been adamant in continuing to gain profits even amidst the pandemic.

4. Repression as a tool to control migrant flows and deter possible resistance

In many migrant-receiving countries, the situation of being undocumented is equated to being illegal. This status gives license to authorities to conduct arrests, detain people in facilities, and impose various punishments.

In these countries, measures regarded as repressive from the perspective of human rights are seen as justified from a legal perspective. Repressive measures against migrant workers serve economic interests.

Through repression, Malaysia gains control over migrant flows. It can dictate the number and type of laborers it deems necessary for a particular type of work and those laborers that it can dispose of and deport.

Repressive measures employed by the state and employers are also tools for controlling production. The higher the stakes in production, the more repressive is the labor regimen. This can be seen in export-processing zones in the Philippines and factory belts in Indonesia. The same situation is happening in Malaysia, a regional centerpoint of global production.

Through repressive measures, the state is able to silence dissent -- in workplaces in particular and in society in general. It can instill fear in the population of migrant workers and deter their possible resistance.

The condition of undocumented Indonesian and Filipino migrant workers in Malaysia is dire. It is systemic, endemic to the system of migration. As such, it is institutionalized and largely operates within the legal framework. Low wages, poor working conditions, repression and other violations of labor rights are not isolated events but are the result of the labor system set in both sending and receiving countries.

Conclusion

Having no contract between workers and employers and a binding agreement between the governments of sending and receiving countries mean having no rights at work for undocumented migrant workers. The undocumented workers are most vulnerable to low wages, poor working and living conditions, forced labor, and other forms of abuse.

The policies of Malaysia, Indonesia and Philippines are aimed at making money from workers through the profits that their labor generates, fees relating to work contracts, and remittances. The approach of these governments is to criminalize those who do not follow the regulations; not to protect workers' rights.

The global corporations and investors operating in the Southeast and South Asian regions are the biggest principal employers in Malaysia. They stand to gain the most in reproducing the system of hiring an undocumented workforce.

Workers and other stakeholders in receiving and sending countries could form unities and engage with the global players. They can plan interconnected strategies and coordinated actions with the focus of resisting the exploitation and oppression of migrant workers at the national level: fighting for higher wages and benefits, opposing layoffs, asserting workplace health and safety, and building unions.

Even as the accountability of global and national actors for the working conditions of undocumented migrant workers is highlighted, the need for national strategies and actions should also be stressed. While these conditions are driven by global forces, exploitation and oppression are institutionalized at the national level through national policies, programs, and agencies.

The sending countries adhering to the neoliberal paradigm of labor deregulation and labor migration must be held accountable for subjecting workers to these exploitative and oppressive policies. They have abandoned their responsibility to their workers and to the people.

The policy of deregulation of the labor market operating in these three countries should be replaced with one based on the national development of domestic industries -- manufacturing, agriculture and service -- that would provide decent wages and free social services. Without changing the framework of economic policies, poverty, exploitation and oppression in sending countries will continue to drive people to migration to other countries where they will be subjected to varying levels but the same nature of conditions.

Workers should define their rights according to their needs, and beyond the existing laws in the countries they are working. Most importantly, they should work together to assert these rights. It is largely up to the workers and people of sending and receiving countries to advance their conditions and pave the way for system changes.

Recommendations

These are the possible points of unity and engagements for different stakeholders -- Malaysian workers and migrant workers, employers, government agencies, grassroots organizations, international organizations:

- 1** Asserting the right of all workers to form a union or other forms of worker's organisations that can assert their collective rights
- 2** Abolishing forced labor using clear indicators of labor rights violations beyond existing laws
- 3** Formulating the demands on state action regarding work permits and criminalization of undocumented workers with the goal of protecting migrant workers' rights.
- 4** Strengthening the protection of human rights by ensuring laws on imposing fines, detention and deportation comply with international standards of human rights.
- 5** Demanding state regulation of the operations of multinational corporations and foreign investors which include designating principal employers' accountability across their supply chains.
- 6** Building regional cooperation based on cooperation and national development. Developing international agreements on migration that are focused on defining and protecting workers' rights wherever they are located.
- 7** Working to address the social and economic root causes of migration, by pushing for an economic development that puts the interests of people first in terms of their necessities and rights at work: land reform and industrialization.

Different stakeholders, sectors, organizations, and movements, can come together in specific campaigns and struggle for changes.

Sources

Interview with Migrant workers

Aris
Nono
Abdul
Ahyar
Irfan
Surip
Sahideh
Yanti
Habibah
Susi
Muhammad
Jenny
Tanya

Interview with non-government organizations, local governments and employers

Tenaganita
Migrant Care
Kabara Bumi
Migrante

National Commission on Violence against Women
Commission on Human Rights, Regional Office IX, Zamboanga, Philippines
Loka Placement and Protection Service for Indonesian Migrant Workers, Surabaya, Indonesia

Glorene A. Dass, Executive Director, Tenaganita (NGO in Malaysia)
Anis Hidayah, Head of the Center for Migration Studies, Migrant Care

Chairul Saleh
Jumadil Akhir
Happy Mei Ardeni
Johan Marhani
Bing
Satyawanti

Published Works

Koalisi Buruh Migran Berdaulat. October 2020. Report of the Fact-Finding Team on the Condition of Indonesian Migrants Deported during the Covid-19 Period from Sabah, Malaysia to Indonesia

Asis, Maruja (2020). Repatriating Filipino migrant workers in the time of pandemic. Migration Research Series No. 63. IOM. <https://publications.iom.int/system/files/pdf/mrs-63.pdf>

Carruthers, A. (2020). Movement Control and Migration in Sabah in the Time of COVID-19, ISEAS- Perspective. 27 November 2020

Dewanto, P. (2020). Labouring Situations and Protection among Foreign Workers in Malaysia. Heinrich Boll Stiftung Southeast Asia. <https://th.boell.org/en/2020/08/20/labouring-situations-malaysia>

Farrel, C. Corporal Punishment in Malaysia. Page updated June 2020. <https://www.corpun.com/counmy.htm>

Hamza, I., Sarifin, M., Aziz, M., & Abdullah, M. (2020). Malaysia as Attraction of International Foreign Workers. Journal of Critical Reviews. Volume 7, Issue 8, 2020. <http://www.jcreview.com/fulltext/197-1592664665.pdf>

Hirschmann, R., (2020). Palm Oil Industry in Malaysia- statistics and facts. Statista. December 8, 2020. <https://www.statista.com/topics/5814/palm-oil-industry-in-malaysia/>

Moore, M. (2020). Number of migrant workers in South East Asia 2017 by country. <https://www.statista.com/statistics/711513/asean-number-of-migrant-workers-by-country/>

Ochave, R. (2020). Phl fourth largest remittance destination in 2019. Business World. February 10, 2020. <https://www.bworldonline.com/phl-fourth-largest-remittance-destination-in-2019/>

Pinandita, Apriza (2020). High influx of Indonesian migrant workers from Malaysia. The Jakarta Post. April 23, 2020. <https://www.thejakartapost.com/news/2020/04/23/high-influx-of-indonesian-migrant-workers-from-malaysia-despite-call-to-stay-amid-outbreak.html>

Rukowski, M. (2020) Making migration safer and more productive for South Asia. World Bank blog. February 28, 2020. <https://blogs.worldbank.org/endpovertyinsouthasia/making-migration-safer-and-more-productive-south-asia>

Sharma, P. (2020). COVID-19 and the vulnerability of migrant workers to forced labour trafficking in Malaysia. Lens. August 17, 2020. Monash University. <https://lens.monash.edu/@politics-society/2020/08/17/1381044/covid-19-and-the-vulnerability-of-migrant-workers-to-forced-labour-trafficking-in-malaysia#:~:text=As%20a%20legal%20concept%2C%20forced,Forced%20Labour%201930%20in%201957>

Tan Theng Theng and Romadan, J. (2020). The economic case against the marginalisation of migrant workers in Malaysia. The London School of Economics and Political Science. October 1, 2020. <https://blogs.lse.ac.uk/seac/2020/10/01/the-economic-case-against-the-marginalisation-of-migrant-workers-in-malaysia/>

Wahab, Andika. (2020). The outbreak of Covid-19 in Malaysia: Pushing migrant workers at the margin. Social Science and Humanities Open, Volume 2, Issue 1, 2020. <https://www.sciencedirect.com/science/article/pii/S2590291120300620>

Walden, Max and Wijaya, Sastra (2020). Millions of Indonesian migrant workers face hardship in Malaysia amid coronavirus fallout. July 26, 2020. <https://www.abc.net.au/news/2020-07-26/indonesians-face-hardship-in-malaysia-amid-coronavirus-fallout/12486548>

Waroka, S. and Yuriutomo, I. (2020). Omnibus Job Creation Law - Changes to Indonesian Employment Laws. Lexology. December 4, 2020. <https://www.lexology.com/library/detail.aspx?g=25397004-a334-4f13-b1f4-14a1cd723d39>

Zsombor Peter. (2020). Malaysia loosens migrant labor ban after business blowback. August 21, 2020. <https://www.voanews.com/east-asia-pacific/malaysia-loosens-migrant-labor-ban-after-business-blowback>

Malaysia rounds up migrants to contain coronavirus, U.N. warns of detention risks. May 2, 2020. <https://www.reuters.com/article/us-health-coronavirus-malaysia-migrants-idUSKBN22E04A>

TRIANGLE in ASEAN Quarterly Briefing Note. (2020). https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_614381.pdf

Ministry of Affairs, September 2019. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_614381.pdf

IOM UN Migration. https://www.iom.int/countries/malaysia?qt-country_tabs_2=1#qt-country_tabs_2

Department of Statistics, Malaysia. Trading Economics. <https://tradingeconomics.com/malaysia/gdp-from-services>

Department of Statistics, Malaysia, September 2019. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_614381.pdf
The World Bank in Malaysia, April 2020. <https://www.worldbank.org/en/country/malaysia/overview>

Human Rights Due Diligence in Malaysia's Manufacturing Sector. Ethical Trade Initiative. December 2019. https://www.ethicaltrade.org/sites/default/files/shared_resources/ETI%20Malaysia%20HRDD.pdf

Building Partnerships for Effectively Managing Labor Migration. (2019). Asian Development Bank Institute, Organisation for Economic Co-operation and Development, and International Labour Organization. <https://www.oecd.org/migration/mig/ADBI-Labor-Migration-2019.pdf>

Oxford Business Groups. <https://oxfordbusinessgroup.com/overview/growth-leader-manufacturing-sector-expanding-faces-challenges>

Palm oil labor abuses linked world's top brands, bank. September 25, 2020. <https://www.voanews.com/east-asia-pacific/palm-oil-labor-abuses-linked-worlds-top-brands-banks>

Trapped, The Exploitation of Migrant Workers in Malaysia. Amnesty International. 2010. <https://www.refworld.org/pdfid/4bb05b812.pdf>

Situation and gap analysis on Malaysian legislation, policies and programmes, and the ILO Forced Labour Convention and Protocol. International Labor Organization. 2018. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/generic-document/wcms_650658.pdf

Philippine Overseas Employment Administration. [http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20\(RA%208042\).html](http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20(RA%208042).html)

For the undocumented migrant workers, all the rhetoric on upholding labor rights coming from the governments of Malaysia and sending countries remain empty talk. That is, unless migrants are considered as formal workers and national policies are enacted that recognize and uphold the rights of migrant workers and institute redress for rights violations. Also needed are binding agreements between workers and employers and between governments of sending and receiving countries that uphold migrant workers' rights.



Asia Pacific Mission for Migrants
<http://www.apmigrants.org>

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