

USAID Asia CTIP and Freedom Collaborative COVID-19 'Rapid Response' Webinar

Updates from the frontlines in Malaysia

29th April 2020

**Please note that this is an informal summary of a webinar hosted by [Freedom Collaborative](#) and [USAID Asia CTIP](#). For the full recording, please click [here](#).*

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Sumitha Shaanthinni Kishna, Our Journey
Bariyah, International Domestic Workers Federation

Moderator: Liva Sree, Liberty Shared

Summary

Malaysia is now in the sixth week of the Movement Control Order (MCO) put in place as a preventive measure by the federal government of Malaysia in response to the COVID-19 pandemic. Most workplaces are closed, and non-essential activities are suspended. Malaysia is home to an estimated 5.5 million migrant workers, more than half of whom are undocumented. These workers come from countries across Asia, with the majority Indonesia, Bangladesh and Nepal. They are employed in construction and manufacturing sectors, and many of these workers are subject to work and living conditions that put them at greater risk than most have been affected by COVID-19.

In this webinar, panelists shared their knowledge on current realities for migrants in Malaysia, as well as policy decisions and how they are impacting migrant worker communities.

Update from Dr. Andika Ab. Wahab, Institute of Malaysian & International Studies (IKMAS)

Starting today, the government has allowed selected economic sectors to resume full operations, but employers must adhere to the Standard Operating Procedure (SOP) that have been set. These sectors include construction and manufacturing, especially food and health supplies.

In addition, the government has announced assistance to employers according to the size of their employee base. The economic package in subsidies form is intended to enable employers to retain their workers. Unfortunately, this wage subsidy only applies to local workers and is not applicable to migrant workers.

Malaysia has around two (2) million registered migrants and is also host to millions of migrant workers that are not registered. Given their irregular status, we don't know where they live and what their needs are. Some of them have been able to receive support through NGOs, but many others are unable to get assistance.

Social distancing is almost impossible for migrant workers who live in crowded housing, which is often the case on construction sites, and maintaining good hygiene is a challenge in these living conditions. Not being able to move (for two months now) has had implications for migrant workers' mental health. Without work, migrant workers are not able to send back remittances to their families back home – money that is especially needed by families during and in recovery from lockdown situations.

As a result of the wage subsidy programme that is excluding foreign workers, companies may not continue contracts or terminate contracts of migrant worker employees in order to reduce costs of operations during the recovery period. From previous incidents of mass lay-offs, we know these result in a higher number of undocumented workers. In addition, even when employers want to maintain their workforce, they are likely to

adjust the levels of compensation and reduce opportunities for workers to receive more than the basic salary and certain allowances. Intervention is needed to ensure the upholding of labor rights.

Lessons to be learned from the current situation include: 1) importance of having a comprehensive database of migrant workers, regardless of their status, to ensure protection in times of emergencies, 2) need to develop mitigation strategies to respond to the reduced available workforce due to forced repatriations and exclusion from government subsidiary scheme – migrant workers should be seen as an important part of our labor force and are needed to rebuild the Malaysian economy.

Update from Sumitha Shaanthinni Kishna, Our Journey

Prior to COVID-19, Our Journey was providing legal representation migrant workers and refugees for labor, criminal and immigration cases. Since the lockdown started, the organization has adapted its operations to provide humanitarian aid for migrant workers that are left without work and a salary.

Our Journey currently assists both documented and undocumented migrants by providing them with food for them and their families (including milk for babies). Our Journey has also recently started to pay rent for those that live in accommodation that is not provided by the employer.

Many workers haven't been paid since the beginning of February although the MCO was put in place in Mid-March: in anticipation of a possible lockdown, many employers did not pay salaries due at the beginning of March. Migrant workers are worrying about their next meal and employment prospects, but most are unable to directly reach their employers and had have not received any communication since the lockdown.

In living quarters, migrants are increasingly worried that those workers who continue to go out are not given protective gear by their employers and may bring back the virus.

There are also a number of migrants who received their last salary, obtained their check-out memo and had their flight tickets to return to their country of origin but were unable to fly home due to abrupt flight cancellations and airports closing. Some are receiving assistance from their employers, but other employers do not feel responsible for these former employees.

In regards to the initiatives for employers to retain their local employees – there are sectors (such as construction, plantations and agriculture) that are not attractive for Malaysian workers. The government needs to be aware that these industries will suffer if there is no motivation for local workers to seek employment in these industries.

Many workers that are asked to go to work are not provided with masks and disinfectants, and there is little social distancing in the workplace.

The Labor Department has a hotline to file complaints against employers who have not paid salaries. However, in cases where workplaces are currently closed, these complaints cannot be processed during the MCO period. The hotline is still useful in cases in which workers are forced to work in a particular kind of situation.

The following policy changes would be particularly useful: 1) wave penalties for migrants that want to return home but have entered illegally or overstayed their visa, 2) loosen the rules for changing employers and industries, and 3) regularisation of irregular migrants to extend legal status to undocumented migrants.

Update from Bariyah, International Domestic Workers Federation

Migrant domestic workers in Malaysia can be categorized in the following: 1) Domestic workers that live with their employer and work for one employer only, and 2) Domestic workers that have multiple employers and live in outside accommodation.

A survey among migrant domestic workers on the impact of COVID-19, on access to information and working conditions was carried out in early April. 60 % of domestic workers are working longer hours (between 10-17 hours), since the workload for domestic workers has increased automatically as family members are not leaving home. 75% of women are unpaid for their overtime (including working during their rest day). Many employers are using COVID-19 to justify a reduction of wages of domestic workers. 78 % of domestic workers with multiple part-time employers reported to have lost their jobs. Most of them are undocumented as under the law they are not allowed to have multiple employers.

Only a small number of migrant domestic workers are allowed to use their mobile phones, so they may have little information on the pandemic, safety measures and government orders. They can also not stay in touch with their families back home. Domestic workers are at greater risk of abuse and exploitation during the COVID-19. Access to safe houses is limited.

IDWF has moved activities online, not only awareness raising on COVID-19, but also counselling for domestic workers that have access to communication. Others that do not have mobile phones cannot be reached.

There is currently no policy specifically for migrant domestic workers. **Looking ahead, they should be included under the national legal framework to ensure better protection from abuse and labor rights violations, including minimum wage. Formal guidance should be given to recruiters and all employers to respect the rights of migrant domestic workers in Malaysia.**

Questions from the audience

What are diplomatic missions of sending countries providing in terms of support for migrant workers in Malaysia?

(Sumitha Shaanthinni Kishna)

- Missions in Malaysia are also short of resources
- Embassies are reaching out to NGOs. The Embassies of Sri Lanka and Cambodia have reached out to Our Journey to collaborate on providing for their workers
- Bangladeshi, and Indonesian and Nepali embassies have been providing food aid
- Many migrants are fearful of their visas expiring during the MCO, so the missions have been assisting with the phone calls that are coming in from the migrants
- Overall the missions have been doing what they can, and collaboration is key during this situation

Expand on the idea of a comprehensive database of all migrants (documented and undocumented)

(Andika Ab. Wahab)

- Suggestion actions: Regularize the status of undocumented migrants (regularization would mean they can be captured in the database)
- The next step would be the creation of a shared database to bring together and integrate existing government databases on migrant workers. Existing government databases are very secure, but data privacy and security would need to be taken into account

How large is the sample size of the survey of domestic workers and how was the data gathered during the MCO?

(Bariyah)

- Keeping the survey very simple, 10 questions only
- Survey was targeted for Indonesian migrants that are members, and also members of the Filipino community where they had contact information

Statistics of COVID-19 cases among Migrant Workers in Malaysia

(Sumitha Shaanthinni Kishna)

11% of confirmed COVID-19 cases in Malaysia are foreign nationals

Government support for migrant workers in Malaysia

(Sumitha Shaanthinni Kishna)

- Treatment and screening for migrant workers: Migrants have been entitled to pre-screening and free medical care . However, there were cases at the beginning of both locals and foreigners being sent to private hospitals that were charging high prices for testing
- No arrests for immigration/visa violations: We have not come across a case where they've been fined for immigration violations, however, migrants are still fearful and afraid to access certain services

What advice do you have for companies?

(Andika Ab. Wahab)

- Businesses need to come up with and/or adhere to SOPs, as workers need safe procedures
- Provide what is needed, also for testing and screening and other services
- Closely monitor working conditions, reduce the workforce at one time and rotate shifts
- Fill in gaps in information and communication

Have you been able to speak to migrants to hear from them about their needs and support they are hoping for?

(Sumitha Shaanthinni Kishna)

- Migrants are worried about their income; some want to go home without penalties.
- Asking to ensure safety equipment and access to guidelines to follow
- Should be allowed to change employer, without much hassle
- Open to participate in public testing, but should not be penalized for coming forward

***Apologies to everyone whose question we did not have time to answer. Due to the high number of questions we weren't able to get to all of them in time.**

Closing quote from the Universal House of Justice:

“However difficult matters are at present, and however close to the limits of their endurance some sections of societies are brought, humanity will ultimately pass through this ordeal, and it will emerge on the other side with greater insight and with a deeper appreciation of its inherent oneness and interdependence.”

Thank you all and stay safe.