



International
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COVID-19: Impact on migrant workers and country response in Malaysia

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COVID-19 situation and migrant workers

As of 7 May 2020, Malaysia has reported 6,467 COVID-19 infections. The reported number of recovered patients is 4,776, while 19 individuals are in intensive care units (ICUs), and 107 people have died.¹ By 30 April, health officials had tested 21,271 foreign nationals, and found **811 positive cases among foreign nationals**.²

On 10 April, a cluster of **79 infections** was identified in three buildings housing migrant workers in central Kuala Lumpur – Selangor Mansion, Malayan Mansion and Menara City One – and these buildings were placed under an enhanced movement control order (EMCO), i.e. a complete lockdown.³ Selangor Mansion and Malayan Mansion have about 6,000 residents, 97 per cent of whom are foreign nationals, mostly from Pakistan, India and Bangladesh.⁴ On 1 May large scale arrests were conducted in these three buildings.⁵ Concerns were expressed by the UN in Malaysia,⁶ the Malaysian Bar⁷ and a coalition of 62 civil society organizations (CSOs)⁸ on this action. On 2 May, a new cluster of **28 infections** was reported in a construction site in Kuala Lumpur.⁹

Government containment measures

On 18 March, the Malaysia Government instated the movement control order (MCO), which has been subsequently extended three times until 12 May.¹⁰ The MCO was instituted under the Prevention and Control of Infectious Diseases Act 1988, and it includes a nationwide ban on all forms of mass gathering. All Malaysians were banned from travelling overseas, while those recently returned from abroad were required to undergo health checks and self-quarantine for 14 days. All foreign tourists were banned from entering. All Government and private sector premises ceased operations, except those involved in essential services.¹¹

On 1 May, the Government announced relaxation of some conditions of the MCO. While many restrictions on travel and social gatherings remain during the new “conditional MCO”, almost all economic sectors and business activities are

allowed to resume business, subject to conditions and a Standard Operating Procedure (SOP).¹²

Some migrant workers have reportedly been arrested while attempting to leave the country during the MCO.¹³ By 4 May, about 40,000 Thai nationals had been repatriated from Malaysia through air and border checkpoints.¹⁴ According to the Indonesian National Agency for the Protection of Migrant Workers (BP2MI), by 29 March, 11,566 Indonesians had returned from Malaysia.¹⁵

Problems faced by women and men migrant workers

The COVID-19 pandemic and the MCO are having a variety of impacts on migrant workers, putting at risk both those who are unable to work during the MCO and those who continue to work in essential services.

The economic disruptions caused by the pandemic and resulting MCO are expected to be substantive. According to estimates, the best case scenario may involve a contraction of real Gross Domestic Product (GDP) by 2.61 per cent and a loss of 951,000 jobs, out of which 68 per cent are low-skilled.¹⁶ The Ministry of Human Resource (MOHR) has advised that **if lay-offs are inevitable, foreign employees should be terminated first.**¹⁷ Several closures of garment and apparel companies have already been reported – including Esquel, Pen Apparels and Imperial Garment – leaving thousands of workers without jobs. More than 50 per cent of employees in Pen Apparel and Esquel are reportedly migrant workers.¹⁸

As of mid-April, common **violations of migrant workers' labour rights** reported by the Malaysian Trades Union Congress (MTUC) include:

- Unfair termination;
- Unpaid wages;
- Poor living conditions;

- Employers requiring workers to continue working in jobs that are non-essential; and
- Uncertainty about employment status due to limited contact with employers.

The MTUC is following up on specific cases and has filed complaints to the Labour Department for investigation.¹⁹

Daily-waged migrant workers, both documented and undocumented, are among the hardest hit due to the temporary halt in most job sectors. Many of these migrant workers have run out of money and need to rely on food aid distributed by the Government and CSOs.²⁰

Concerns have also been reported about protection of **migrant workers working in essential services** during the MCO. For example, several alleged labour violations have been reported in the Malaysian rubber gloves manufacturing sector related to non-compliance with the MCO rules, social distancing, occupational safety and health, working hours, forced labour and living conditions.²¹ Rubber gloves are an essential product needed in medical facilities during the pandemic, and the sector is facing challenges in meeting high demand. Malaysia supplies 67 per cent of the global demand for rubber gloves, producing as much as 345 billion units annually according to the Malaysian Rubber Glove Manufacturers Association (MARGMA).²²

Concerns are also mounting about spread of the virus in crowded **immigration detention centres**²³ and in **migrant workers' housing**. As mentioned above, a cluster of 79 COVID-19 infections was identified in Selangor Mansion, Malayan Mansion and Menara City One buildings in central Kuala Lumpur on 10 April,²⁴ and on 2 May a new cluster of 28 infections was reported among migrant workers in a construction site.²⁵

Government responses in relation to migrant workers

In March, the Malaysian Government announced that migrants, including undocumented workers, refugees and asylum seekers, would be provided with free testing and treatment for COVID-19. The Government also repeatedly provided assurances that migrants would not be arrested nor requested to provide documents as a part of the testing process.²⁶ This policy was however reversed on 29 April with an announcement by the Defence Minister that **all undocumented migrants found in EMCO areas across the country would be placed in detention centres** or special prisons gazetted by the Home Ministry.²⁷ Concerns were expressed by the UN in Malaysia on this change in policy,²⁸ after large scale arrests in three buildings which housed hundreds of migrant workers on 1 May.²⁹

On 4 May, the Government announced that **all migrant workers are required to undergo COVID-19 swab tests** at the cost of their employers.³⁰ The Malaysian Employers Federation (MEF) has voiced its objection to this policy, as it puts additional burden on already struggling companies.³¹ On 5 May, the Government announced that the costs of COVID-19 screening can be covered by the Social Security Organisation (SOCSO) for those migrant workers who contribute to the SOCSO.³²

Since the start of the MCO, The Government has been distributing **food provisions** through the Welfare Department and CSOs, accompanied by Malaysian Volunteer Corps Department (RELA) or the Malaysian Civil Defence.³³ CSOs have raised concern that presence of RELA officers will prevent reaching undocumented workers, refugees and asylum seekers with food provisions, due to mistrust. CSOs are also concerned that any disclosure on the whereabouts of undocumented migrant populations may eventually lead to a raid after the MCO.

The **migrant worker levy in Malaysia has been reduced** by 25 per cent for employers of workers whose permits expire between 1 April and 31 December 2020. This reduction does not apply to employers of domestic workers.

All travel into and out of the country is restricted by the Immigration Department during the MCO period. All foreigners whose pass expires during the MCO period are allowed to leave the country **without any special pass**, provided they possess a valid passport. Non-nationals, including holders of employment, expatriate, student or dependant passes, are not allowed to enter Malaysia. If their pass has expired during the MCO period, they are allowed to return to the country within three months after the MCO period concludes. Their pass must be renewed with 30 days of entering Malaysia.³⁴

In late March, the Ministry of Human Resources (MOHR) published three sets of frequently asked questions (FAQs) on issues pertaining to labour laws and the MCO during the COVID-19 pandemic.³⁵ MOHR also established a 24/7 call centre to facilitate enquiries from employers and workers.³⁶ When some conditions of the MCO were relaxed on 1 May, the MOHR published **a list of activities that are prohibited**³⁷ and **SOPs for sectors that are allowed to operate**.³⁸

The Government also introduced a series of stimulus measures to counter negative impacts on the economy and Malaysian workers. **These support and stimulus measures do not cover migrant workers.** The Social Security Organisation (SOCSSO) has issued an Employment Retention Package (ERP),³⁹ and the Prime Minister's department has issued two stimulus packages: the Prihatin Rakyat Economic Stimulus Package (RM250 billion, 27 March)⁴⁰ and the Prihatin Plus (RM10 billion, 6 April).⁴¹ (For more information on the Malaysian Government's COVID-19 measures and guidance, see ILO's database [COVID-19 and the world of work: Country policy responses](#).⁴²)

Snapshot of responses by trade unions, civil society, the ILO, and the UN system

Trade unions and CSOs are **distributing food** to migrant workers and helping to meet other immediate needs. The CSOs Tenaganita, Persatuan Sahabat Wanita Selangor (PSWS), and Our Journey are raising funds from the public to provide dry provisions for migrant workers especially undocumented workers whose

livelihoods are dependent on daily wages. The MTUC is working together with the Bangladesh High Commission to reach Bangladeshi workers in 400 locations within Peninsular Malaysia, and is calling for volunteers to assist in food distribution to these locations. Most CSOs have geographical focus in Klang Valley and in main towns in each state. There are many more migrant workers in remote areas, especially in the plantation sector, in domestic work, and in the manufacturing industry who are not being reached through these efforts.

The MTUC is continuing its **case support** work and has filed complaints to the Labour Department for investigation of cases of unpaid wages and cases of employers requiring workers to continue working during the MCO in non-essential jobs in factories (see above). Tenaganita's **hotline** and **shelter** for migrant workers are operating 24 hours a day.

The UN in Malaysia, the Malaysian Bar, a coalition of 62 local CSOs and many other rights groups issued **statements following the large scale arrests** of irregular migrant workers on 1 May. The statement by UN in Malaysia noted that the fear of arrest and detention may push vulnerable migrant groups further into hiding and prevent them from seeking treatment, with negative consequences for their own health and creating further risks of COVID-19 spreading to others. It called for the release of all children and their caregivers from immigration detention; as a matter of priority for implementation of non-custodial and community-based alternatives to detention; and further to avoid immigration detention altogether where relevant.⁴³ The coalition of 62 CSOs urged the government to avoid mass arrests and mass incarcerations, and to instead approach the issue of irregular migration using principles grounded in reliable data, sound health policy, and compassionate humanitarianism.⁴⁴ The Malaysian Bar called for amnesty and regularisation programmes for undocumented migrants.⁴⁵

The UN in Malaysia, led by the UN Resident Coordinator and including the WHO, ILO, IOM, UNHCR, UNICEF, UNDP, UNFPA, WFP and other agencies, has completed a **COVID-19 rapid needs assessment** for migrants, refugees, and stateless persons in Malaysia. This survey data was collected through

implementing and network partners and community leaders. Various UN agencies are also implementing joint and individual activities to reach out to vulnerable groups, including migrants, as part of the crisis response.

The key channels for delivering ILO's direct support to migrant workers in Malaysia are the **Migrant Worker Resource Centres (MRCs)** run by MTUC, Tenaganita, and PSWS. The ILO is supporting its partners in meeting the immediate needs of women and men migrant workers during the MCO, and collecting information on labour and contractual violations faced by migrant workers. ILO's partner Project Liber8 is working to raise awareness of the rights of migrant workers, focusing on women migrant workers, via social media. On 29 April, the ILO and Malaysian Bar, with support from IOM, also conducted an online consultation with **labour attaches** of Bangladesh, Nepal, Cambodia and Indonesia to discuss impacts of COVID-19 on migrant workers and the roles that the foreign missions have in addressing these issues.

The ILO has developed various resources and tools on COVID-19, including:

- [Protecting migrant workers during the COVID-19 pandemic: Recommendations for policy-makers and constituents](#),⁴⁶
- [COVID-19 and the world of work: Country policy responses](#) (database);⁴⁷
- [ILO Standards and COVID-19 \(coronavirus\): FAQ](#),⁴⁸
- [An employers' guide on managing your workplace during COVID-19](#),⁴⁹
- [Social protection responses to the Covid-19 crisis: Country responses in Asia and the Pacific](#),⁵⁰ and
- [COVID-19 and public emergency services](#).⁵¹

Key considerations and recommendations going forward

Migrant workers are among the most vulnerable groups during the COVID-19 pandemic for various reasons. To fully protect their health and labour rights during the pandemic, the following policy recommendations may be considered:

- **Delink fear of sanctions for immigration violations and health concerns of migrants.** The fear of arrest and detention may push undocumented migrant workers further into hiding and prevent them from seeking treatment, with negative consequences for their own health and increased risk of COVID-19 spreading to others.
- Reconfirm that all migrant workers, including undocumented workers, refugees and asylum seekers, will be provided **free of charge COVID-19 testing and treatment.**
- Effectively prevent and combat spread of COVID-19 in **immigration detention centres** and **migrant workers' housing.** In case of confirmed or suspected infections, provide migrant workers access to quarantine facilities that permit social distancing, where such facilities are available for other groups. Such facilities should include safe spaces for women migrant workers, and privacy, hygiene and sanitation provisions.
- As business activities resume upon lifting of some MCO restrictions, strictly **enforce all Government-issued infection control conditions and standard operating procedures (SOPs)** in sectors employing migrant workers to protect their safety.
- Ensure that employers of migrant workers in essential services, such as manufacturing of rubber gloves, **identify and mitigate all risks of COVID-19 exposure** and respect labour rights of migrant workers. Employers should also provide guidance on occupational safety and health measures and hygiene practices in languages that migrant workers can understand.
- Ensure that those migrant workers who cannot work during the MCO **receive their payments and benefits** without any discrimination and in accordance with the guidance outlined in MOHR FAQs.
- Make sure that **retrenchment of migrant workers are not made on discriminatory grounds**, but only in cases when the need is genuine and after all measures outlined in MOHR FAQ's – including reducing work hours, limiting or restricting the hiring of new employees, limiting

overtime, limiting weekly or general work holidays, reducing workforce wages, and implementing temporary lay-offs – have been exhausted.

- In case of retrenchment, ensure that migrant workers, including irregular migrant workers, receive **pay, social security, and other benefits arising from past employment**.
- All migrant workers, including irregular migrant workers, should have **access to legal remedies and compensation** for unfair treatment, and language interpretation services where necessary.
- Extend **social protection and stimulus measures**, which are adopted to counter economic impacts of COVID-19, to cover migrant workers.
- Ensure that migrant workers have access to **food provisions** provided by the Government. Reconsider the presence of RELA and the Malaysian Civil Defence at distribution points, as this may intimidate migrant workers.

ILO labour migration projects in Malaysia

TRIANGLE in ASEAN is a partnership between the Australian Department of Foreign Affairs and Trade (DFAT), the Global Affairs Canada (GAC), and the ILO. TRIANGLE in ASEAN delivers technical assistance and support with the overall goal of maximizing the contribution of labour migration to equitable, inclusive and stable growth in ASEAN.

Migrant Workers Empowerment and Advocacy project (MWEA), funded by US Department of Labour (USDOL), empowers Malaysian civil society to better support migrant workers; empowers women and men migrant workers to realize their rights; and inspires Malaysian youth to demonstrate increased support for the rights and welfare of migrant workers.

Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region is part of the multi-year EU-UN Spotlight Initiative to Eliminate Violence against Women and Girls. Safe and Fair is implemented by the ILO and UN Women, led by the ILO Regional Office for Asia and the Pacific.

Bridge Project (From Protocol to Practice: A Bridge to Global Action on Forced Labour) is a global project funded by USDOL that aims to support global and national efforts to combat forced labour under the 2014 ILO Protocol and Recommendation on Forced Labour.

REFRAME project is an EU funded global action aiming at preventing and reducing abusive and fraudulent recruitment practices, and maximizing the protection of migrant workers in the recruitment process and their contribution to development.

End notes

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