

Malaysia (July – December 2020)

Key partners	Ministry of Human Resources (MOHR) Malaysian Employers Federation (MEF) Malaysian Trades Union Congress (MTUC) Tenaganita Our Journey
Target sites	Kuala Lumpur and Selangor, Penang
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Background information



Although population growth has remained relatively high in Malaysia, its rapidly expanding economy, increasing urbanization and relatively low labour force participation among women continues to create major demand for migrant workers. Official data from the Immigration Department, Ministry of Home Affairs, shows that 1.98 million regular migrant workers were employed in Malaysia by September 2019. This does constitute about 20 per cent of the country's labour force (United Nations Malaysia, 2019). However, a World Bank report estimates that some 2.96 to 3.26 million migrant workers, including 1.23 to 1.46 million migrant workers in irregular situations, were residing in Malaysia in 2017 (World Bank 2019). With close to full employment since 1990 and high educational attainment among nationals, the Malaysia economy relies heavily on migrant workers to perform low-skilled jobs. Approximately one-third of workers in the services sector and 25 per cent in agriculture are migrants (World Bank 2019).

Despite their ubiquity within the labour market, the role that migrant workers play in filling the demand for low-skilled workers has not been readily accepted (with a few exceptions such as in domestic work). For many years, targets have been set and policies introduced to reduce the dependency on migrant workers. However, changing the composition of the labour force is difficult, with employers complaining of severe shortages in some industries when more restrictive policies have been applied.

Political and public discourse have regularly dovetailed in portraying migrant workers as a potential threat to national security and detrimental to the country's long-term social and economic development. Labour migration policy in Malaysia has tended to be formulated largely from the standpoint of controlling immigration and maintaining public safety rather than labour administration, as indicated by the authority granted to the Ministry of Home Affairs over migration issues. Recent years have seen the rise of increasingly virulent rhetoric against migrants within the popular media, blaming them for a host of social problems ranging from electoral fraud to increases in street crime. Scapegoating of migrants, regardless of the realities, has contributed to an environment where exploitation and abuse are sometimes viewed as acceptable.

During the last several years, an increasing number of media and NGO reports have documented serious labour rights abuses against migrant workers in Malaysia, including potential cases of forced labour and human trafficking. Women domestic workers are particularly vulnerable to exploitation and abuse due to the physical isolation of their workplaces, restrictions on movement and inadequate mechanisms established to ensure accountability of employers. About seven per cent of migrant workers in Malaysia are employed as domestic workers (World Bank

Malaysia at a glance

 Population:	32.73 million
 Labour Force:	15.71 million

Source: Department of Statistics, Malaysia (April 2020).

Migrants in Malaysia

1,975,879 migrant workers

Source: Immigration Department, Ministry of Home Affairs (September 2019).

Migrants from ASEAN countries in Malaysia

Indonesia: 690,659 migrants

Myanmar: 140,461 migrants

Viet Nam: 17,327 migrants

Philippines: 51,837 migrants

Thailand: 14,928 migrants

Cambodia: 3,321 migrants

Lao PDR: 44 migrants

Source: Immigration Department, Ministry of Home Affairs (September 2019).

TRIANGLE in ASEAN delivers assistance directly to migrant workers and their communities through two Migrant Worker Resource Centres (MRCs). These MRCs are managed in partnership with the Malaysian Trades Union Congress and are based at Kuala Lumpur/ Selangor, and Penang.

Since the start of the programme up until the end of 2019, TRIANGLE reached **11,233 migrant workers** (65% women) through the MRCs.

2019) and the situation of these estimated 200,000 – 230,000 workers continues to be a major concern, particularly because of their lack of protection under labour law (ILO, 2016).

Since early 2020, the COVID-19 pandemic is sweeping through the ASEAN region. Women and men migrant workers in the region are striving to protect their livelihoods and their health through the crisis, yet many are disproportionately affected by COVID-19 and its economic and health impacts. During this reporting period, TRIANGLE in ASEAN has focused on both a legal and humanitarian response to the COVID-19 crisis.

Key developments

As of 7 January 2021, Malaysia has recorded total 125,438 COVID-19 infections and 521 fatalities according to the [Malaysian Ministry of Health](#). Infection numbers have been on a sharp increase since September, with migrant workers increasingly affected. [Migrant workers have also been disproportionately affected by the socio-economic impacts of the pandemic](#). In March 2020, the Ministry of Human Resource (MOHR) advised that if lay-offs are inevitable, foreign employees should be terminated first. Many migrant workers are relying on food aid for their survival. Loss of employment has also led to the loss of work permits for many migrant workers. Since early May the Government has carried out large-scale arrests of irregular migrant workers, which led to infection clusters arising in detention centres.

One of the biggest COVID-19 clusters in recent [months was identified in the Top Glove Company, a major employer of migrant workers](#). As of 25 November, out of 5,795 workers tested, more than 2,684 were tested positive, and one died. The company has been under scrutiny since the beginning of COVID-19 pandemic for alleged labour violation including non-compliance with the Movement Control Order (MCO), social distancing rules, occupational safety and health, working hours, forced labour and living conditions.

The key contributing factor for the rise in COVID-19 cases among migrant workers is [overcrowded living spaces](#). In early December, it was reported that more than 90 per cent of employers are yet to comply with the provisions set out in the Workers' Minimum Standards of Housing and Amenities Act 1990 or Act 446.

Main programme activities: July – December 2020

In Malaysia, TRIANGLE in ASEAN worked with **three partners to provide humanitarian support to migrant workers who have lost their employment due to COVID-19**, the **Malaysian Trades Union Congress (MTUC) and two NGOs, Tenaganita and Our Journey**. Through these three contracts, TRIANGLE in ASEAN reached 7,214 migrant workers in Malaysia who are unable to return to their home countries. MTUC addressed the needs of Bangladeshi migrant workers through a partnership between the Bangladesh High Commission, MTUC and TRIANGLE in ASEAN. Through the partnership, MTUC volunteers were providing food in 400 locations within Peninsular Malaysia and reached 6,414 migrant workers. Tenaganita and Our Journey reached out to a total of 800 migrant families in need and provided targeted support through individual, and family rations.

During the reporting period, the two **Migrant Workers resource Centres (MRCs)** in Selangor/ Kuala Lumpur and Penang, operated by the partner MTUC with support from TRIANGLE in ASEAN **continued to provide services to migrant workers in need**. The focus was on online outreach through chat groups. In some cases, it was possible for the MRC staff to conduct outreach nearby migrant workers work sites or housing despite movement restrictions. A number of legal support cases were facilitated by the MRC staff. MTUC identified the following violations of migrant workers' labour rights (amongst others): unfair termination; unpaid wages; poor living conditions; being unable to refuse work; and uncertainty about employment status. A few cases with regards to migrant poor living conditions and unfair termination could be settled through negotiations facilitated by the MRC staff. In total, from January to October 2020, the two MRCs have provided services to 7,047 migrant workers (W: 1,752; M: 5,295). In addition, 10,730 migrant workers were reached through outreach activities (W: 3,264; M: 7,466). Additionally, 18,862 mostly Filipino migrant workers became members in chat groups set up in June 2020 by the MRC Kuala Lumpur/ Selangor.

TRIANGLE in ASEAN continued to work with other ILO migration programmes in Malaysia to assess the experiences of ASEAN migrant workers during COVID-19. A follow-up study, combining primary and secondary data, will be published tentatively in February 2021. Primary data collection of 100 migrant workers (W: 50; M: 50), most of them from Indonesia or the Philippines and employed or formerly employed in various sectors was conducted by ILO and partners across Malaysia in November and December 2020. Additionally, interviews with migrant workers from Myanmar, Sri Lanka, Nepal, India, and Bangladesh were conducted. The assessment had a broader scope [compared to the first assessment published in June 2020](#). Additional focus was on health issues and stress faced by migrant workers, accommodation, documentation, remittances, and migrant workers' long term plans. The findings from Malaysia will be complemented by parallel assessments in the countries of origin and in Singapore and Thailand.

On 21 October, TRIANGLE in ASEAN and the Ministry of Human Resources co-organized [the National Preparatory Meeting for the 13th ASEAN Forum on Migrant Labour \(AFML\)](#) online to take stock of progress made in implementing the past AFML recommendations and to discuss and finalize the national recommendations for the upcoming 13th AFML. The meeting was attended by 48 participants (W: 26; M: 22) and concluded with [15 recommendations](#).

Upcoming activities and key dates (January – June 2021)

Date	Event	Location	Attendees	Purpose
January to March	Renew contract to support MRCs	Kuala Lumpur/ Selangor and Penang	MTUC	Provision of support services to migrant workers
January to March	Develop new contracts to provide COVID-19 related services to migrant workers in Malaysia	TBC	TBC	Ensure that migrant workers affected by COVID-19 have access to emergency support and legal services as needed
February to March	SaverAsia dissemination	Online	DMA, MRCs and other government, trade union and civil society partners	To disseminate SaverAsia app among migrant communities and prospective migrants

Media coverage

Date	Title	Media source
21 August	Malaysia Loosens Migrant Labor Ban After Business Blowback	Voice of America
31 August	MTUC: Employers have yet to improve foreign workers' housing, time for govt to take action	Malay Mail
17 September	Red Cross warns coronavirus is driving discrimination in Asia	SwissInfo
5 October	Malaysian PM urged to stop blaming migrants for virus	Anadolu Agency
6 October	Malaysia's Top Glove raises remediation payment to migrant workers	Reuters
30 October	MTUC wants probe into how Ipoh factory worker lost his hand	The Star
4 November	Neglect of migrant workers could hurt Malaysia's economic recovery	CNBC

17 November	Failed SOP compliance spikes cases	The Malaysian Reserve
19 November	Wristbands will just further stigmatize migrant workers, say activists	FMT News
25 November	Top Glove is biggest contributor of cases in a single day, says Ismail Sabri	The Star
25 November	Human Resources Ministry: Employers entitled to Socso subsidies for foreign workers' Covid-19 tests	The Star
27 November	Covid-19 Infections Surge at One of World's Largest Medical Glove Makers	The Wall Street Journal
3 December	Accommodation for more than 90% of foreign workers not in compliance with Housing Act	The Star
6 December	Malaysia's COVID Woes Spotlight 'Terrible' Migrant Worker Housing	Voice of America
19 December	CMCO extended to Dec 31	The Star

The **TRIANGLE in ASEAN** programme extends the cooperation between the **International Labour Organization (ILO)**, the **Australian Department of Foreign Affairs and Trade** and **Global Affairs Canada** on protecting migrant workers and enhancing development opportunities. **TRIANGLE in ASEAN** aims to ensure that the benefits of labour migration are equally realized by men and women migrant workers; employers and governments. In shifting emphasis towards leveraging the development potential of migration, **TRIANGLE in ASEAN** aims to shape labour migration opportunities to support inclusive and sustainable growth in the ASEAN Economic Community. **TRIANGLE in ASEAN** engages institutionally with **ASEAN** and focuses on delivering in six countries (**Cambodia, Lao People's Democratic Republic, Malaysia, Myanmar, Thailand and Viet Nam**).