

Foreign Workers In Malaysia: An Assessment of Covid-19 Impact on Migrant Workers in Malaysia

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Abstract: In a global public health and economic crisis such as the one we were facing, it was through the only humane affair to treat everyone with care and dignity, regardless of nationality and social class. Migrant workers deserved protection because of the simple virtue – they were human. The basic protection of human should be part of their human rights. Malaysia had been relying heavily on foreign workers in our economy. The data on foreigners represented around 14 to 16% of the total employed persons in the country since 2010. This figure included both documented and undocumented foreign workers by designing the household survey. This paper sought to elaborate the importance of protecting migrants' workers in Malaysia. The paper discussed about an overview of this trends during Covid-19 cases in Malaysia. The current protection measures introduced to migrant workers so that it could be proceeded into the reason why we had to care of the workers. This paper discussed the efforts taken by Malaysian government in responds to the spread of Covid-19 among migrants' workers in Malaysia. Despite of the accusation of neglecting and harassing foreign workers in Malaysia during this pandemic, Malaysia was taking positive and humane action in taking care of our own sovereignty of our country.

Keywords: Pandemic Covid-19, Migrant Workers, Malaysia Sovereignty, Human Rights, Pandemic Prevention Measurement

1. INTRODUCTION

The Malaysian economy relies heavily upon foreign and migrant workers, reflected by the fact that more than 15% of employees in Malaysia are migrant workers. The number of registered foreign workers in Malaysia has reached approximately 2.5 million, which represents about 20% of the total employment. Foreign workers consist of professionals and unskilled workers; employed in the manufacturing, construction and agricultural sectors [26]. Unskilled and semi-skilled workers were present in Malaysia from 23 countries of which more than 60% of which were from Indonesia. In all years examined (2010-2019), the highest numbers of migrant workers originated from Indonesia, followed by Bangladesh, Philippines, Thailand and Pakistan. In literature [27] shows that approximately 1.3 million documented and 700,000 undocumented. Indonesian migrants worked in Malaysia in 2006 of which 60% of the documented Indonesian migrants in Malaysia were women. Of the 2.3 million foreign workers in Malaysia, 1.0 million are legal and 1.3 million are illegal [28]. The plight of migrant workers in many countries has been in the spotlight during the Covid-19 pandemic. Owing to their low income, precarious jobs and poor living conditions, migrant workers have become one of the most vulnerable populations amidst the pandemic. To date, many still locked down, unemployed, and even living in fear of infection. Migrant workers in Malaysia are no exception.

Hence, this paper seeks to elaborate the importance of protecting migrants' workers in Malaysia. The paper begins by providing an overview of the trends in Covid-19 cases in Malaysia and the protection measures introduced for migrant workers so far, then proceed to explain why we must care for the them.

FOREIGN WORKERS ARE IMPORTANT TO THE ECONOMY

According to the Labour Force Survey (LFS) reports by the Department of Statistics (DOS), Malaysia has historically been relying heavily on foreign workers in our economy, with foreigners representing around 14 to 16% of the total employed persons in the country since 2010. This number includes both documented and undocumented foreign workers by the design of the household survey [15]. The heavy reliance on foreign workers can be largely attributed to Malaysia's economic structure that has transitioned away from a more capital-intensive model to a more labour-intensive model that is skewed towards low- and semi-skilled workers. This marked by two trends witnessed within the two largest sectors in Malaysia's economy: the services and manufacturing sectors.

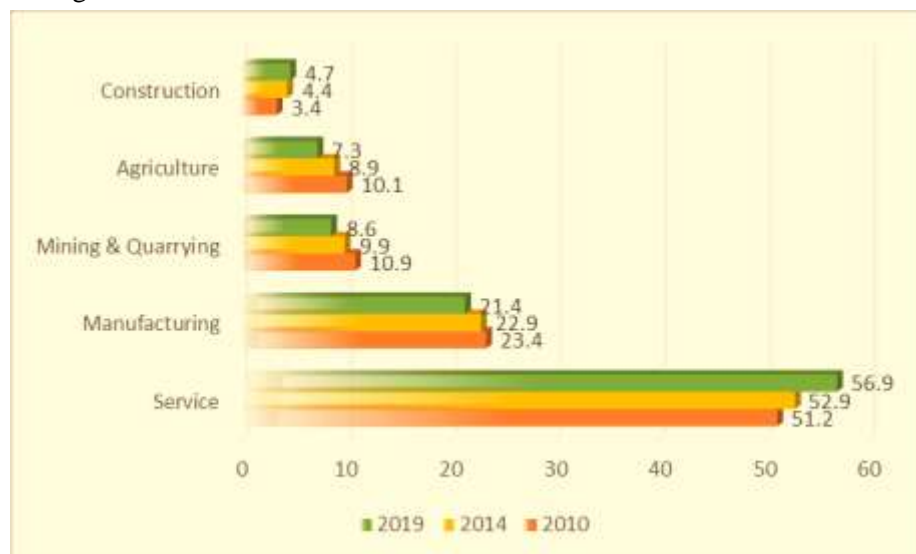


Chart 1: GDP composition, by main sector, 2010 – 2019

Source: [12], [14]

However, public discourse on the employment of foreign workers has been largely negative, typically revolving around the claims that foreign workers take natives' jobs and suppress their wages. In a comprehensive study commissioned by the Malaysian government, the World Bank, in its *Immigration in Malaysia: Assessment of its Economic Effects and a Review of the Policy and System Report* found that the claim is indeed partly true. Using data between 1990 and 2010, the report found that the influx of unskilled foreign workers had not affected everyone equally. On one hand, older, male native workers with secondary education became the main beneficiaries as they were made the supervisors of the foreign workers; on the other hand, the least educated, lowest skilled Malaysians have had to compete directly with the similarly low-skilled foreigners, and thus have been significantly disadvantaged as they experienced job displacement and wage suppression. In 2019, there one million Malaysian workers who belonged to this category - low-skilled foreign workers.

Undeniably, the plight of the one million Malaysians needs to been investigated extensively by policymakers for appropriate policy interventions. Yet, it is equally important to note that this does not reflect the overall reality of the impact of foreign workers on Malaysia's economy. On an aggregate level, the presence of foreign workers had marginally positive impact on native's employment and wages. The same report found that a 1% increase in foreign workers resulted in a 0.1% increase in fulltime employment and 0.3% increase in part-time employment. In terms of wages, a 10% increase in the number of foreign workers led to a 0.15% increase in Malaysians'

average wage [26]. In fact, similar results found in most published economic studies in the Malaysian context.

NEGLECTING FOREIGN WORKERS' WELFARE GIVES RISE TO SIGNIFICANT PUBLIC HEALTH AND ECONOMIC EXTERNALITIES.

Covid-19 has laid bare the pervasiveness of public health and economic externalities beyond what we once imagined. In the case of foreign workers, the externalities can be manifested in various ways, some of which are discussed in this section.

Firstly, the failure to manage foreign workers' exposure to the virus risks straining the public healthcare system and lengthening national lockdown. Foreign workers in Malaysia known to live in congested living quarters, making them one of the most vulnerable groups in the face of the deadly virus⁴⁹. To date, there have been several clusters of Covid-19 affecting foreign workers living in the same living quarters, such as a cluster amongst security personnel working at a mall in Cheras 50 and another cluster amongst construction workers in Setia Alam [43].

Furthermore, foreign workers face significant barriers to accessing healthcare in Malaysia, even before the Covid-19 pandemic. In addition to financial barriers, migrant workers, especially undocumented workers, often fear arrests and deportation if they seek care at government health facilities, as these facilities are usually required to report undocumented migrants [44]. Thus, the threat of detained is a major deterrent for foreign workers to access healthcare.

The immigration raids that have taken place since 1 May only serve further deter foreign workers from seeking medical care, with wide implications for the rest of the country. If they are unable to get tested and treated safely, clusters amongst foreign workers in Malaysia are almost inevitable, just as they were in Singapore. An outbreak amongst this group stands a good chance of spreading to the greater population, especially as movement restrictions gradually lifted. This may lead to a longer nationwide lockdown, causing more businesses to be thrown into deeper waters, and many more workers unemployed.

Additionally, these immigration raids do nothing to improve the living conditions of foreign workers who detained as they forced to stay in further cramped quarters in immigration detention centres. The identification on 21 May of a new cluster affecting 35 detainees at an immigration detention centre in Kuala Lumpur very expected, as are the subsequent similar clusters that have emerged since [45].

Clearly, neglecting foreign workers hurts citizens, too. Though some would see this yet another reason to deport foreign workers, repatriation is not as straightforward a solution as many would think, simply because many of their countries of origin are also facing lockdowns and other desperate situations. India, for example, too occupied with its own national problems that it is not cooperating with the Gulf countries' efforts to return its migrants.

Secondly, inadequate support to protect foreign workers' jobs has a spill over effect on the survival of industries and businesses. The effect can be especially prominent in sectors that rely heavily on foreign workers.

In 2019, almost one-third of the workers in agriculture sector were foreign workers. In construction and manufacturing sectors, respectively, more than one-fifth of the workers are of foreign origins. These proportions have also been on an increasing trend over the years, including in the services sector, which has risen from 8.6% in 2010 to 9.2% in 2019 (refer Chart 2 below).

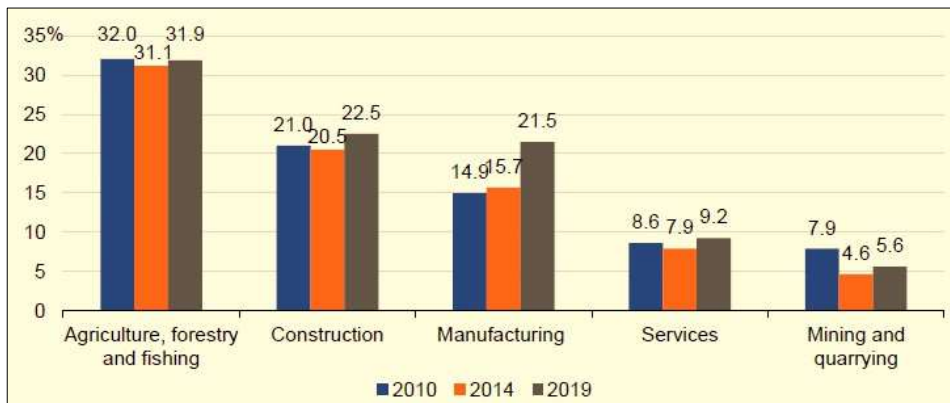


Chart 2: Share of Foreign Workers Out of Total Employment, By Sector 2010 2019
Source: [10], [11], [15]

Breaking it down by skill level, Chart 3 shows that low-skilled jobs had the highest share of foreign workers in 2019, with almost one in two low skilled workers being foreigners. As for semi-skilled jobs, where the bulk of employments are, more than one in 10 were foreign workers.

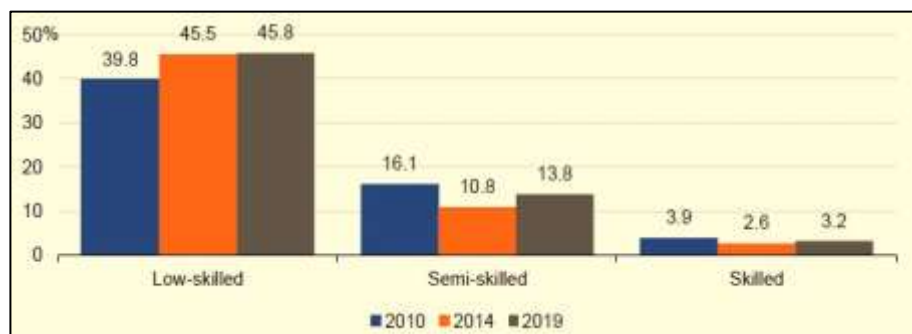


Chart 3: Foreign Workers Out of Total Employment, By Skill Level, 2010 – 2019
Source: [10], [11], [15]

In other words, without enough support given to preserve the employer-foreign employee relationships during this crucial time, we are effectively unplugging the economy's access to almost 50% of low-skilled workers, and hollowing more than 30%, 22% and 20% of the agriculture, construction and manufacturing sectors' workforce, respectively, leaving 22% of the businesses to struggle without much support.

WHO ARE THE MIGRANT'S WORKERS IN MALAYSIA?

In this paper, migrants' workers refer only to migrant workers who are low-paid and low- to semi-skilled, thus exclude expatriates who work in high-paying skilled occupations [24]. Malaysia's migrant's worker population includes those who are documented and undocumented. Documented foreign workers are those with a Temporary Employment Visit Pass (Pas Lawatan Kerja Sementara, PLKS). Additionally, Malaysia is home to undocumented foreign workers, including:

1. Workers without the PLKS, such as those who did not go through the recruitment process e.g., remained in the country despite failing the medical test;
2. Workers who entered with the PLKS but failed to conform to the rules and regulations of the foreign worker policy e.g., running away from employers or failure to renew work permit; and

3. Workers with expired passes.

While there is no authoritative data on the whereabouts and employment of undocumented foreign workers, their undocumented status in Malaysia gives them limited options for work, as such they are likely to work in low-paid jobs in the informal sector.

COVID-19 AND FOREIGN WORKER IN MALAYSIA

Foreign workers left in the blind spot of policymakers in many countries during the Covid-19 pandemic. For example, Thailand, home to more than three million foreign workers, has been criticised for the government's lack of inclusiveness in its measures to alleviate the impact of the pandemic on the workers, leading many of them into situations of extreme precarity. In the Gulf States, most of the foreign workers live in overcrowded spaces, leading to an outbreak amongst the workers [21].

Across the Causeway, the trajectory of the pandemic in Singapore has provided a clear warning for other countries on the dangers of leaving their most vulnerable population behind. Whilst the island state initially hailed as one of the model countries in containing Covid-19, it currently has the highest number of confirmed cases amongst the Southeast Asian countries. The sharp rise in the number of cases in Singapore traced to an outbreak among foreign workers living in densely populated dormitories. At the time of writing, more than 90% of the confirmed cases in Singapore are amongst foreign workers, pushing the government to implement a series of desperate measures to protect the workers and their employers [22]. Singapore's experience should provide a cautionary tale for Malaysia. While Malaysia has brought the Covid-19 pandemic under control for now, the country may see another wave of infections, worsened by our lack of sufficient protection for foreign workers. After all, Malaysia is a country with at least two million foreign workers whose living conditions are not any better than their counterparts in Singapore are.

1 May 2020, hundreds of foreign workers and refugees in Malaysia arrested in an immigration raid near Masjid Street India in Kuala Lumpur. The three buildings involved were known as part of the Covid-19 "red zones" in the capital city [25]. A few weeks later, areas near the Kuala Lumpur Wholesale Market and Selayang Baru saw the second and third major raids, where more than thousands of undocumented foreign workers were detained in the government's effort to "reduce Covid-19 spread" [7]. On one hand, these arrests have drawn criticisms from local and international human rights groups regarding the treatment of foreign workers. It not only directly contradicts the government's earlier announcement that undocumented foreign workers should have nothing to fear in coming forward for testing, but also further exacerbates the risk of infection in overcrowded detention camps where they held. On the other hand, some have applauded the move as a signal that the government is protecting Malaysians first.

Additionally, this pandemic has highlighted how widespread economic externalities can be; we can only protect ourselves by protecting others. In other words, the failure to care for any vulnerable group among us, whether citizens or otherwise, puts the lives and livelihood of the greater population at stake.

THE SPREAD OF COVID-19 AMONG FOREIGN WORKERS AND MALAYSIA'S RESPONSE

The first confirmed case of Covid-19 in Malaysia detected on 25 January 2020. While the pandemic first spread slowly in Malaysia, there was a rapid rise in the number of confirmed cases in March, from 29 cases on 1 March to 2,766 by the end of the month. Following the enactment of the Movement Control Order (MCO) on 18 March, the number of new cases began to decline by

mid-April and shrunk to double digits in most of May, suggesting that Malaysia had begun to flatten its epidemic curve. As of 1 June, Malaysia recorded 7,857 confirmed cases of Covid-19.

Initially, the Ministry of Health (MOH) released data on new cases by citizenship only intermittently. On 25 April, it announced that out of the total 14,187 foreign workers tested for the virus, 676 tested positive. Compared with the country's tally of 5,742 then, this means foreign workers made up 11.8% of the total number of confirmed cases in Malaysia, proportionate to the size of non-citizens who make up a little over 10% of the population.

Infections only be confirmed through testing, which is key to tackling the pandemic. As of 25 April, the total number of tests carried out in Malaysia was 3.9 per 1,000 people. Compared with countries known for their mass testing such as Singapore (17.1) and South Korea (11.6), Malaysia still has much room for improvement in detecting the spread of Covid-19 in the country [16].

Testing foreign workers in Malaysia may be especially difficult as non-citizens dispersed all over the country, with most being in Sabah (where 35.3% of non-citizens are located), Selangor (20.2%), Johor (10.2%) and Kuala Lumpur (7.5%) [13]. Covid-19 cases may be particularly difficult to detect amongst undocumented foreign workers, as they fear making their presence known due to the possible legal ramifications (Loh et al. (2019).

Worryingly, since May, there seems to be a rise in the new cases among foreign workers in Malaysia. On 1 June, the MOH announced that out of the total 35,811 noncitizens tested for the virus, 2,014 tested positive, constituting 25.6% of total cases [16]. Though the data did not confirm that they were all foreign workers, this is likely the case given MOH's increased effort in targeted testing among foreign workers after learning from Singapore's experience ([32], [33]).

Non-citizens form the majority of cases in active clusters throughout May, including a factory cluster in Maran and Pemas, security guards cluster in Cheras, construction site clusters in two Kuala Lumpur areas and Setia Alam, a cleaning company cluster in Kuala Langat and Seremban, a plantation cluster in Bera, and clusters involving markets in Chow Kit, Pudu and Selayang. Furthermore, more than 400 cases recorded in Bukit Jalil, Semenyih and Sepang immigration detention centers, which are likely to house undocumented foreign workers ([32], [33]). By 1 June, the total number of tests carried out in Malaysia was 17.3 per 1,000 people [16].

In general, the Malaysian government has provided limited assistance for the care of the country's foreign worker population. Senior Minister Datuk Seri Ismail Sabri Yaakob has made clear that the welfare of foreigners is the immediate responsibility of their respective embassies [35]. Based on his comments, the Malaysian government will offer support in terms of coordinating and purchasing supplies, if necessary. So far, one of the most prominent government initiatives related to the foreign workers is the 25% cut for foreign worker levy introduced as part of the Prihatin plus Economic Stimulus Package. This extended to employers for payments due between April and December 2020, introduced mainly to alleviate the financial burden on hard-hit small- and medium-sized enterprises (SMEs).

Several foreign institutions have stepped in to provide labour protection for foreign workers in Malaysia, given reports of unpaid wages and unfair terminations, which have surfaced since the MCO. For example, the Bangladesh High Commission in Malaysia has been working with employers on salaries issues while the International Labour Organization (ILO) has been documenting labour and contractual violations committed by employers [36].

As for access to Covid-19 testing and treatment for foreign workers, there has been somewhat conflicting messaging given by the Malaysian government throughout the pandemic. In January, the MOH released a circular announcing that foreign workers who suspected of infected with the coronavirus or are close contacts of Covid-19 patients exempted from Covid-19-related outpatient fees. However, on 23 March, the Prime Minister stated that foreign workers must pay for testing and treatment of Covid-19, in contradiction to MOH's policy [37], although the statement was quickly refuted [38]. Another measure related to testing among foreign workers is the introduction

of a subsidy of RM150 to employers for each Covid-19 screening undertaken by foreign workers who are Social Security Organisation (SOCSO) contributors [39].

The Malaysian government has also changed its stance on detaining undocumented migrants. In March, Senior Minister (defence) announced that undocumented migrants would not be arrested during this crisis; however, the immigration raids that have taken place since May indicate otherwise [41]. On 31 May, Datuk Seri Ismail Sabri Yaakob confirmed that amnesty for undocumented immigrants to test without legal repercussions had ended, meaning that the government would continue detaining undocumented migrants [2]. These migrants would be tested in detention centres and if found positive, will be moved to the quarantine centre at the Malaysia Agro Exposition Park Serdang (MAEPS) for treatment. For those not infected, they deported back to their home countries with the governments of Indonesia, Nepal and Bangladesh agreeing to receive them [42].

Overall, help are available to foreign workers in Malaysia, and it comes in a fragmented form, with the embassies, civil society organisations (CSOs), Malaysian Trades Union Congress (MTUC) and international organisations chipping in wherever the government has left out. This is not surprising given the assisting role the government has intentionally taken from the start when it comes to the welfare of foreigners. As such, despite the existing efforts taken by multiple parties, it is believed that without a systematic approach, aid is far from sufficient, and a large number of foreign workers, including those in hiding for fear of arrest as well as those in remote areas such as the plantation, manufacturing and domestic work, are bound to be left behind.

WHAT CAN WE DO? - *What Malaysia had done to address this issue?*

Whilst the curve in Malaysia seems to have flattened for now, the pandemic is not yet over, and we cannot be complacent. The emergence of new clusters in countries that had previously brought the pandemic under control, such as China and South Korea, is a potential warning for Malaysia, as highlighted by the Director-General of Health [29]. Learning from the experiences of other countries, to keep the Covid-19 transmissions under control in Malaysia, our national containment efforts must include protecting all vulnerable populations in the country. This must include extending protection for foreign workers. The emergence of clusters amongst foreign workers in Malaysia should serve as a red flag, calling for early intervention, or otherwise risk another wave of infections as seen in other countries.

Effectively halt the transmission of Covid-19 throughout Malaysia, the ability get access to tests and treatments and to isolate made available for everyone, regardless of their nationality. In the case of foreign workers, it is crucial that Malaysia moves from a “detention” to a “treatment” model of controlling infection amongst this group. To this end, this strategy must encompass the following measures:

1. Test: Incentivise testing by rolling out an amnesty programme for undocumented foreign workers

Increasing testing is necessary to identify clusters so that they can be contained before spreading to the wider population. However, as discussed earlier, many foreign workers, especially those who are undocumented, do not feel safe to get themselves tested for fear of detained. Thus, to ensure all foreign workers can access to testing regardless of documentation status, there is an urgent need to put an immediate stop to the immigration raids throughout the country. Although the raids ostensibly being carried out to stop the spread of Covid-19, those detained would not have the ability to exercise physical distancing in the crowded detention centres, thus exacerbate the spread of Covid-19 amongst detainees. Additionally, the raids will likely drive the country’s undocumented population further into hiding and away from the healthcare system

out of fear of similarly detained. This can increase the likelihood of more clusters to emerge amongst this population.

2. *Treat: Increase capacity for treatment facilities for foreign workers*

Increased testing, combined with the current spike in cases among foreign workers, will make it likely that more designated quarantine centres and treatment facilities such as at the MAEPS may need to set up by the MOH. For treating cases amongst foreign workers, it is crucial to make clear that the aim of these treatment facilities is precisely to treat, not to detain. Effectively signal that the authorities' intent is to assist foreign workers, these facilities must run as field hospitals and recovery facilities equipped with the proper essentials and amenities. It is also crucial that immigration officers not be present at these facilities. This again meant to incentivise foreign workers to come forward for testing and treatment.

3. *Isolate: Provide alternative, improved accommodation for foreign workers*

Given the subpar living conditions of foreign workers, all workers relocated to alternative accommodations to minimise the risks of infected by the virus and of infecting others. These accommodations must meet certain standards to enable foreign workers effectively practice physical distancing along with good hygiene such as washing hands with soap and water. Additionally, creating makeshift arrangements for immediate use would give authorities the required spaces to isolate those who are infected and recovering. It is important to emphasise that the provision of alternative living arrangements should accepted by the foreign workers as a measure to assist them and operationalized as such. This means that foreign workers should not be detained but are informed of the necessary rules and regulations that must be followed to safely enter and leave the residences, such as when going to and from their workplaces. This measure used as an additional incentive to push undocumented foreign workers out of hiding.

This currently done in Singapore, whereby upon the coronavirus outbreak among foreign workers in purpose-built dormitories (PBDs), the Singaporean government had urgently made alternative accommodation arrangements to reduce the population density at the PBDs. Foreign workers were relocated to military camps, floating hotels, vacant Housing Board blocks, sports facilities and several other alternative accommodations⁶⁴. This was mainly to separate those who are healthy and those working in essential services from the high- risk groups, as well as to enable all workers to practice safe distancing and maintain a hygienic living environment.

2. CONCLUSIONS

In a world wrecked by the Covid-19 pandemic, taking care of foreign workers is first humane. Foreign workers deserve protection not solely because of their economic contribution; they deserve protection by the simple virtue that they are human and basic protection should be part of their human rights. However, unfortunately, human right arguments often ignored.

In general, workers regardless of whether local or foreign are one of the most important factors in the production process. Therefore, companies and/or firms should effectively manage their workers to maintain loyalty and satisfaction. In Malaysia, the hiring of foreign workers slows the introduction of new technologies within firms since migrant workers are a much cheaper option. Nonetheless, foreign workers are crucial since not many locals like to work in certain sector such as construction, plantation and in the low-end services sector. Therefore, the existence of foreign workers is required to support these sectors. However, in contrast, the existence of migrant workers is also likely to have other negative effects on the host economy as shown by previous studies. A study by [20] argues that Malaysian firms continue to demand migrant workers because it is cost-effective. To most employers, it is much cheaper to employ foreign workers, as it is cheaper to pay relatively low wages than invest in expansive high technology machinery. For many employers, the main advantage of hiring migrant workers is that such workers perceived as having a stronger

and more positive work attitude and ethic than native workers. Claims that it is because of an ‘attitude gap’ rather than a ‘skills gap’ that employers tend to recruit migrants [9].

Take Away Points

1. Learning from the experiences of other countries, to keep the Covid-19 transmissions under control in Malaysia, our national containment efforts must include protecting all vulnerable populations in the country. This must include extending protection for foreign workers. The emergence of clusters amongst foreign workers in Malaysia should serve as a red flag, calling for early intervention, or otherwise risk another wave of infections as seen in other countries.
2. Taking care of foreign workers in Malaysia is not only humane, it is sensible. Firstly, because foreign workers are important to Malaysia’s economy; secondly, neglecting foreign workers’ welfare in a time of pandemic incurs significant public health and economic externalities to the country. Amongst others, it strains our public healthcare system, increases the risk of a prolonged lockdown and unplugs the economy’s access to a large swathe of the workforce.
3. To bolster the country against further impact from the pandemic, we must facilitate testing, treatment and isolation for foreign workers, step up job protection and strengthen regional cooperation and coordination with our neighboring countries.

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