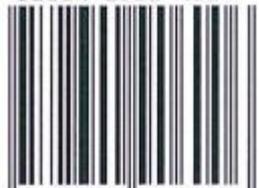


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# MIGRANT WORKERS AND COVID-19 OUTBREAK IN MALAYSIA

**ANDIKA WAHAB**

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**Migrant Workers and Covid-19 Outbreak in Malaysia**

Dr. Andika Wahab, Research Fellow, Institute of Malaysian and International Studies (IKMAS), Universiti Kebangsaan (National University of) Malaysia (UKM).

INSTITUTE OF MALAYSIAN AND INTERNATIONAL STUDIES (IKMAS)

Universiti Kebangsaan Malaysia

43600 UKM Bangi Selangor Darul Ehsan

Tel: +603-8921 3949/3782

E-mail: [pghikmas@ukm.edu.my](mailto:pghikmas@ukm.edu.my)

website: [www.ukm.my/ikmas/](http://www.ukm.my/ikmas/)

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### **Abstract**

Experiences in other countries such as Singapore and the Gulf countries have taught us that precarious living conditions and poor access to health care contribute significantly to the rapid transmission of COVID-19. In Malaysia, prior to the COVID-19 outbreak, some migrant workers lived in overcrowded accommodations and unsanitary conditions. They had poor access to healthcare and little protection for their rights. During the outbreak, the implementation of the Malaysian government's Movement Control Orders (MCOs) and policies further affected the migrant worker population. Between May and July 2020, the number of COVID-19 cases among migrant workers increased significantly. Several COVID-19 clusters among migrant workers developed in immigration detention centres. Outside immigration detention facilities, migrant workers faced barriers in accessing health alerts and healthcare treatment, as well as humanitarian assistance, including food supplies. Significantly, labour rights violations and exploitations allegedly increased during the course of the pandemic. This study concludes that the COVID-19 pandemic has further exacerbated the precariousness and vulnerabilities of migrant workers. Migrant workers play a vital role in the reopening of the economy in the post-COVID 19 era. The welfare, rights and safety of migrant workers are critical not only to help Malaysia recover from the economic breakdown brought about by the pandemic but also to prevent future outbreaks within and beyond the migrant worker population.

Keywords: COVID-19; pandemic; migrant workers; labour rights

## **Introduction**

According to the World Health Organization (WHO 2020), older people (60 years and above) are at greater risk of having serious and often fatal complications following infection by the COVID-19 virus. In many receiving countries, migrant workers tend to be younger than the local population (Kluge et al. 2020). In Singapore, for example, only those aged below 50 years are allowed to work as migrant workers. Similarly, in Malaysia, only migrant workers aged between 18 and 45 are issued working permits to work in six selected sectors of the economy (i.e., manufacturing, construction, services, plantation, agriculture, and domestic work). This, however, does not mean that migrant workers have greater immunity compared to the local population.

In countries that receive large numbers of migrant workers, the COVID-19 pandemic's epicenter is often located in the migrants-dominated areas. In early May 2020, when active COVID-19 cases among the population of Kuwait, United Arab Emirates (UAE), and Bahrain ran in the single digits, thousands of migrant workers were still ill with COVID-19 and under quarantine (Geneva Solution 2020). For the record, there are about 20 million migrant workers from South and Southeast Asia residing in six countries in the Gulf Cooperation Council (GCC), namely Kuwait, Saudi Arabia, UAE, Bahrain, Oman and Qatar. Similarly, in Singapore, as of 6 May 2020, about 88 per cent (or 17,758) of the total 20,198 cases identified as positive COVID-19 were among migrant workers living in employer-sponsored dormitories (Koh 2020).

Existing literatures have linked the rapid transmission of COVID-19 in the migrant worker population with their living and working conditions, for example, overcrowded dormitories and unsanitary conditions (Harry Moroz et al. 2020). Prior to the COVID-19 outbreak, migrant workers, regardless of their immigration status, were already facing poor access to healthcare because of administrative hurdles and language barriers. This situation became aggravated during the outbreak as migrant workers are less likely to practice physical distancing and good personal hygiene.

Also, as migrant workers live within their own communities separate from the general population, they are often ‘forgotten’ and not considered in national actions and policies during such crises as the COVID-19 outbreak. As Singapore and the Gulf countries’ experiences have indicated, significant health and economic issues have arisen. Malaysia is host to more than two million migrant workers. During the COVID-19 crisis, how did we respond to the issues faced by the migrant workers, and what were the consequences faced by migrant workers? This study attempts to answer these questions. This study leverages existing literature and secondary sources, including academic studies and public reports concerning migrant workers, before and during the pandemic. Semi-structured interview sessions were conducted targeting migrant workers in Kuala Lumpur and Selangor to gain insights into their experiences throughout the pandemic.

### **Scope and Methodology**

This study focuses on the migrant worker population, both documented and undocumented, in Malaysia. It has been estimated that the migrant worker population (both documented and undocumented migrants) varies from 3 to 5.5 million (Lee & Khor 2018). While the exact number of undocumented migrant workers cannot be accurately determined, the Malaysian authorities record and regularly update the number of migrant workers with valid working passes. As of June 2019, there were about two million documented migrant workers in Malaysia, the majority of whom were Indonesian, Bangladeshi, and Nepali (Ministry of Human Resources 2019). These workers were employed in six sectors of the economy: construction, manufacturing, services, plantation, agriculture, and domestic work. The migrant workers also come from India, Myanmar, Pakistan, Philippines, Viet Nam, China, Thailand, Sri Lanka, Cambodia, and Lao PDR. While this study examines the overall situation facing migrant workers in Malaysia, it focuses on the experiences of Indonesian and Bangladeshi migrant workers in two sectors of the economy - plantation and construction.

As plantations are located in rural areas and construction typically takes place in urban settings, the field-level data gathering provides insights about the situation of migrant workers in both rural and urban settings. This has been the key motivation behind the choice of plantation and construction as the sectors for primary data collection.

The findings in this study were obtained from primary and secondary sources between 1 June 2020 and 25 July 2020. This study uses a rapid assessment approach, complemented by semi-structured interview sessions with 15 migrant workers (referred to as 'key informants'), interviewed between 7 July and 22 July 2020, in Kuala Lumpur and Selangor. Pertinent details of the key informants are shown in the table below.

Table 1: Number of Key Informants by Sector, Place and Date of Interview

Nationality / Sector	Documentation Status	Sector (Plantation)	Sector (Construction)	Total	Date of Interview
Indonesia	5 documented workers & 6 undocumented workers	8 informants	3 informants	11 informants	7 to 18 July 2020
Bangladesh	1 documented worker & 3 undocumented workers	1 informant	3 informants	4 informants	15 to 22 July 2020.
<b>Total</b>	<b>15 informants</b>	<b>9 informants</b>	<b>9 informants</b>	<b>15 informants</b>	<b>7 to 22 July 2020</b>

## **COVID-19 OUTBREAK, MIGRANT WORKERS AND POLICY RESPONSES IN MALAYSIA**

### **COVID-19 and Movement Control Order in Malaysia**

On 11 March 2020, the World Health Organization (WHO) declared the COVID-19 as a pandemic. By the end of May 2020, COVID-19 had spread to nearly 200 countries and territories, with more than 5.7 million people infected and close to 400,000 deaths. Malaysia confirmed its first COVID-19 case on 25 January 2020. Malaysia took early preventive action by implementing the Movement Control Order (MCO) on 18 March 2020. Figure 1 below presents a chronology of Malaysia's movement control orders.

Nationally, Malaysia is now entering the Recovery Movement Control Order (RMCO) beginning on 10 June to 31 December 2020. Figure 1 below shows the several MCO phases, with the different durations for each control order. The outbreak of COVID-19 has been deemed a public health crisis with severe negative consequences for Malaysia's economy. During some MCO phases, economic activities, except those deemed essential, were ordered to stop operating (National Security Council 2020).

The essential businesses were permitted to operate under a stringent set of standard operating procedures (SOP). From the 4th MCO (29 April to 12 May 2020) to the CMCO (13 May to 9 June 2020), selected businesses from non-essential industries were gradually permitted to operate, with limitations to their operational capacities. Most economic sectors were only permitted to operate fully during regular business hours, beginning 10 June 2020 under the RMCO (*The Star*, 7 June 2020).

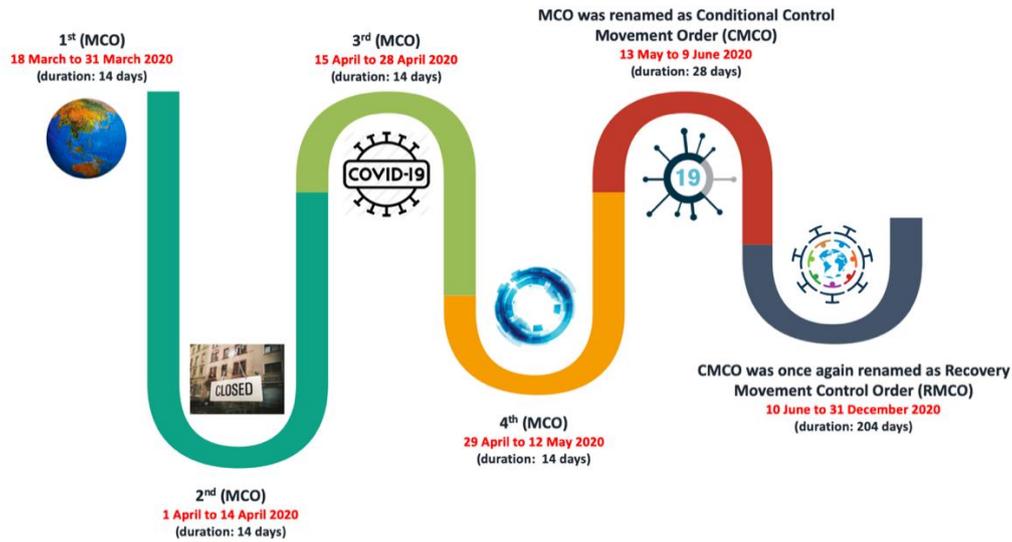


Figure 1: Chronology of Malaysia's Movement Control Order, 18 March 2020 to 31 December 2020

Source: Information was retrieved from the website of the Department of Statistics, Malaysia (2020); the author designed the figure.

### Migrant Workers in Malaysia

As of the end of 2017, there were 164 million migrant workers worldwide. While the vast majority (68 per cent) of these workers migrated to high-income countries, a significant proportion (28 per cent) were recorded as working in middle-income countries such as Malaysia (International Labour Organization 2017). Migrant workers constitute up to 30 per cent of the labour force (including undocumented migrant workers) in Malaysia (ILO & Australian Aid 2019). Estimates of the number of migrant workers in Malaysia vary, ranging from as few as 3 million up to 5.5 million, comprising both documented (about 2 million as of June 2019; Table 2) and undocumented (between 1 million and 3.5 million) migrant workers (Hwok Aun & Yu Leng 2018).

Table 2: Number of Active Migrant Workers with Visit Pass Temporary Employment (VP-TE), by Nationality, June 2019

Nationality	Sector						Total
	Domestic Worker	Construction	Manufacturing	Services	Plantations	Agriculture	
Indonesia	90,718	162,421	136,394	43,325	205,177	75,890	713,925
Nepal	60	7,927	251,503	73,892	3,045	9,886	346,313
Bangladesh	122	197,796	206,843	85,350	34,657	19,884	544,652
India	1,059	11,033	2,902	51,142	28,603	26,239	120,978
Myanmar	66	11,704	79,186	16,151	906	3,789	111,802
Pakistan	29	27,464	3,329	9,098	5,764	16,943	62,627
Philippines	32,154	2,939	4,599	6,132	3,445	3,747	53,016
Viet Nam	432	2,804	14,195	2,012	51	560	20,054
China	196	9,593	1,337	5,272	12	24	16,434
Thailand	318	951	193	12,256	547	2,196	16,461
Sri Lanka	553	240	3,315	1,127	186	154	5,575
Cambodia	1,447	130	1,211	647	101	346	3,882
Lao PDR	15	0	9	13	0	4	41
<b>Total</b>	<b>127,169</b>	<b>435,002</b>	<b>705,016</b>	<b>306,417</b>	<b>282,494</b>	<b>159,662</b>	<b>2,002,427</b>

Source: Ministry of Human Resources (MOHR) 2019.

Migration serves as an effective poverty reduction tool for millions of migrant workers through overseas employment and remittance to their origin country (Wickramasekara 2000). For example, outward remittances from migrant workers (collectively) in Malaysia to their respective countries recorded RM29.2 billion in 2018 and RM31.2 billion in 2019 (DOSM 2020). Many migrant workers in Malaysia originate from underdeveloped and developing countries, and that they decide to go abroad for better life opportunities.

The presence of migrant workers in Malaysia also serves as an essential factor to maintain or enhance productivity (i.e., willingness and ability to work long hours of work; less turnover as compared to local workers) and reduce the cost of operation (i.e., low wages) in various sectors of the economy (see Mohd Noor et al. 2011; Carpio et al. 2015; Jordaan 2017).

Selected sectors of the economy, including manufacturing, service, construction, and plantation sectors, remain export-oriented (for manufacturing) and labour-intensive industry (Kaur 2010; Muktari et al. 2017). These sectors rely heavily on low-paid but may involve semi-skilled migrant workers to fill up companies' labour requirements (Azman 2013; Mei Wei & Yazdanifard 2015). Migrant workers are typically employed in jobs that are dirty, dangerous, and difficult (3D) (Kamles Kumar 2016), often shunned by local workers (Theng, Nazihah & Jarud 2020). The unwillingness or reluctance of local workers to undertake 3D occupations creates vacancies which have to be filled by migrant workers.

A Malaysian Employers Federation study (MEF 2014) reported that the key reason why the majority (78 per cent) of its 101 member-companies hired migrant workers was labour shortage. While migrant workers in Malaysia benefit from the employment opportunities, a growing number of reports and studies have noted the various forms of labour exploitation they face. These include: the unlawful withholding of passports and other identity documents (Fair Labor Association & Consumer Good Forum 2018; Anon. 2019; Andika 2019); non-payment of wages; and other practices that restrict workers' freedom of movement, their right to association, and collective bargaining (Kanapathy 2008; Anon 2018; Asia Monitor Resource Centre 2019). During the COVID-19 pandemic, the allegations of exploitation of migrant workers' attracted international attention. This included a claim of forced labour against glove manufacturers in Malaysia who were attempting to cope with increased global demand for personal protective equipment (PPE), including natural and synthetic rubber gloves (Liz Lee 2020).

Workers, particularly migrant workers, were required to work excessive hours, often in high heat inside their workplaces (that is, the rubber glove factories). Concerns were also raised regarding the workers' ability to practice physical distancing at the workplace and unhygienic and overcrowded living conditions in the workers' dormitories (Makichuk 2020).

## Policy Response and Key Events in Malaysia: Summary and Analysis

Phase of MCO in Malaysia	Policy Response & Key Event [Date]	Summary	Analysis
Prior to MCO	On 25 January 2020, Malaysia confirmed its first positive COVID-19 case.	This took place several weeks before WHO declared COVID-19 as a pandemic on 11 March 2020. Since then, there has been a rapid increase in positive COVID-19 cases, reaching nearly 3,000 cases cumulatively by the end of March 2020.	<ul style="list-style-type: none"> <li>The Government of Malaysia was one of the countries which took early preventive action by implementing the Movement Control Order (MCO) on 18 March 2020 (from 18 to 31 March 2020).</li> <li>The MCO was instituted under the Prevention and Control of Infectious Diseases Act (1988). Early action taken by the government resulted in a consistent decline of positive COVID-19 cases from May 2020.</li> </ul>
	On 30 January 2020, Ministry of Health (MOH 2020) released a government circular pertaining to migrant workers' access to healthcare.	The circular stated that migrant workers who were COVID-19 positive or had close contact with COVID-19 patients were exempted from paying the outpatient fees (i.e., registration, examination, treatment and hospital fees) at government healthcare facilities.	<ul style="list-style-type: none"> <li>On 23 March 2020, the government announced that migrant workers had to pay for testing and treatment fees related to COVID-19. This contradicted the 30 January 2020 circular.</li> <li>However, the MOH quickly announced and reaffirmed that its circular dated 30 January 2020 was still valid (CodeBlue 2020).</li> </ul>
1 <sup>st</sup> MCO	On 22 March 2020, the government gave assurance that it would not arrest persons without proper travel documents.	This announcement was made to encourage undocumented migrant workers to seek care and testing (for COVID-19) at government health facilities (Malay/Mail, 22 March 2020).	<ul style="list-style-type: none"> <li>The government was concerned about increasing positive COVID-19 cases involving the <i>Tablighi</i> (religious preachers), Rohingya refugees and other non-citizens.</li> <li>By announcing that undocumented migrants would not be arrested, the government hoped that the Rohingya refugees and other non-citizens involved in the <i>Tablighi</i> gathering would come forward to get (COVID-19) tested.</li> <li>As the government did not differentiate between undocumented migrant workers and the refugee population, its actions disregarded the different approaches and solutions required for each of these groups (i.e.,</li> </ul>

		<p>refugees with UNHCR-cards should not be arrested and detained in immigration detention centres together with undocumented migrant workers).</p>
<p>In late March 2020, three sets of frequently asked questions (FAQs) addressing concerns related to COVID-19 and its impact on labour laws were published.</p>	<p>The Ministry of Human Resources (MOHR) published three sets of FAQs to address concerns related to COVID-19 and its impact on labour laws (International Labour Organization 2020, p.6). The MOHR also established a 24/7 call centre to respond to enquiries from employers and workers, including migrant workers. The MOHR also indicated which business activities were still prohibited from operating and the SOPs for the sectors that were allowed to operate during the MCO.</p>	<ul style="list-style-type: none"> <li>• Most awareness-raising information, including the FAQs published by the MOHR, are only available in Bahasa Malaysia and English.</li> <li>• Many migrant workers are not fluent in either Bahasa Malaysia or English. This is a critical barrier for migrant workers who need to understand COVID-19 issues at the workplace during the pandemic.</li> <li>• Besides, migrant workers may not raise their concerns to the authorities for fear of being reprimanded or actions that may be taken against them.</li> </ul>
<p>On 27 March 2020, the government launched a wage subsidy programme for workers.</p>	<p>The government announced a wage subsidy programme, as part of the <i>Prihatin Rakyat</i> economic stimulus package to help employers retain their employees and prevent job loss (<i>New Straits Times</i>, 27 March 2020).</p>	<ul style="list-style-type: none"> <li>• This attempt to prevent the retrenchment of workers was well received as it benefits at least 3 million workers in the country.</li> <li>• However, migrant workers were excluded from receiving this subsidy.</li> </ul>
<p>2<sup>nd</sup> MCO In early April 2020, the government announced that humanitarian assistance would only be available through the Welfare Department.</p>	<p>The government ruled that humanitarian assistance to the migrant worker and refugee populations would only be provided through the Welfare Department, with support from the Malaysian Volunteer Corps Department (RELA) and the Malaysian Civil Defence Force (Theng, Nazifah &amp; Jarud 2020).</p>	<ul style="list-style-type: none"> <li>• As the authorized agencies such as Welfare Department, RELA and Civil Defence Force did not have information as to the whereabouts of undocumented migrant workers and refugees, the government subsequently rescinded its decision to allow NGOs and community-based organizations to distribute humanitarian assistance, while subject to guidelines released by the government (Grace Chen 2020).</li> </ul>

	In <u>early April 2020</u> , the government announced a reduction of levy fees of migrant workers	In an effort to reduce the financial burden of small and medium-sized enterprises (SMEs), the government decided to reduce levy fees by 25 per cent for employers of migrant workers whose permits expire between 1 April 2020 and 31 December 2020 ( <i>The Star</i> , 6 April 2020). This initiative was made as part of the government expanded <i>Prithatin Rakyat</i> Plus, announced on 6 April 2020.	<ul style="list-style-type: none"> <li>The reduction of levy fees is a significant positive effort by the government pertaining to migrant workers. However, while the employers' financial burdens are reduced, the migrant workers themselves do not benefit directly from this initiative as it is the employers who pay levy fees.</li> <li>The levy discount of 25 percent is minimal and should be larger.</li> </ul>
3 <sup>rd</sup> MCO	<i>No significant event</i>		
4 <sup>th</sup> MCO	On <u>1 May 2020</u> , the government launched a massive raid targeting undocumented migrant workers in Kuala Lumpur.	On the eve of Labour Day, hundreds of undocumented migrant workers and refugees were arrested in a massive raid conducted near Jalan Masjid India, Kuala Lumpur (South China Morning Post, 1 May 2020).	<ul style="list-style-type: none"> <li>This is another inconsistency in the government's approach to migrant workers in Malaysia during the pandemic.</li> <li>This raid was conducted despite the 20 March assurance that undocumented migrant workers and refugees had nothing to fear when coming forward to get COVID-19 tested.</li> <li>In less than a few weeks, additional operations were conducted in several areas in the Klang Valley, including the Kuala Lumpur Wholesale Market, Selayang and Gombak where thousands of undocumented workers and refugees, including women and children, were rounded-up and detained in immigration detention centres (Daniel Dzulkifly 2020).</li> <li>These immigration raids forced the undocumented migrants into hiding and hampered the MOH's COVID-19 containment efforts.</li> </ul>

	<p>In <u>early May</u>, the government announced that all migrant workers must undergo a swab test for COVID-19.</p>	<p>The government, through the Senior Minister in-charge of Security Cluster, announced that all migrant workers were required to undergo a swab test for COVID-19, the cost of which would be borne by the employers (<i>The Star</i>, 4 May 2020).</p>	<ul style="list-style-type: none"> <li>• The Malaysian Employers Federation (MEF) criticized the announcement asking employers to cover the cost of swab tests for their migrant workers (Alyaa Alhadfri 2020).</li> <li>• After pressure from employers, it was decided that the COVID-19 screening would be conducted either at the workplace or through a mobile screening service provider and would be covered under the Social Security Organization (SOCCSO) under the Prilatin Screening Programme (PSP), with priority given to migrant workers in the construction and security sectors (Bernama 2020).</li> </ul>
CMCO	<p>On <u>16 May 2020</u>, the government announced a prohibition on the hiring of migrant workers in the major wholesale markets.</p>	<p>The government's decision to prohibit the hiring of migrant workers, particularly in the wholesale markets in Kuala Lumpur was intended to reduce dependency on migrant workers and provide more opportunities for local workers in the sector.</p>	<ul style="list-style-type: none"> <li>• While this announcement was welcomed by certain quarters, it affected the local traders' business operations as the vacancies left by migrant workers were unlikely to be filled by local workers.</li> <li>• Consequently, many local traders were unable to continue their business operations due to labour shortages.</li> </ul>
	<p>On <u>3 June 2020</u>, the government announced the emergence of new COVID-19 clusters in several detention centres.</p>	<p>MOH reported that, as of 3 June 2020, about 4,908 samples had been taken at four detention centres, namely Bukit Jalil, Semenyih, Sepang and Putrajaya. From these four immigration detention centres, 465 COVID-19 cases were identified among non-citizens. These included, by country of origin, 123 undocumented workers from India, 76 from Indonesia, 108 from Bangladesh, 66 from Myanmar, 45 from Pakistan, 18 from China, 7 from Sri Lanka, 5 from Nepal, 4 from Cambodia, 3 from Philippines, 2 from Egypt and 4 from other countries.</p>	<ul style="list-style-type: none"> <li>• The emergence of COVID-19 clusters in immigration detention centres was associated with the government's massive raid on 1 May 2020 and the other major raids in Kuala Lumpur and Selangor.</li> <li>• The emergence of these clusters was also attributed to the lack of physical distancing and the existing poor health care systems and unhygienic practices in the detention centres (SUHAKAM 2020).</li> </ul>

RMCO	On 17 July 2020, the United States blocked the import of rubber gloves from Malaysia	U.S. Customs and Border Protection (CBP) made the decision after considering evidence of forced labour at the Malaysian factories of two subsidiaries of a Malaysian-based rubber glove company (Voice of America, 17 July 2020).	<ul style="list-style-type: none"> <li>• Allegations of labour rights violations against the rubber glove industry in Malaysia are not new. Although several exposés had been made in the past few years, rubber glove companies and its subsidiaries in Malaysia have made little effort to remedy the situations of bonded and forced labour among its migrant workers.</li> <li>• As the world's top rubber glove manufacturer, the alleged Malaysian-based rubber glove company has great responsibility not only to address the allegations of forced and bonded labour among its own migrant workers but also to encourage other rubber glove manufacturers in Malaysia to do the same. The fact that a major industry player such as the alleged Malaysian-based rubber glove company (and its subsidiaries) is making very little effort to improve its operations raises a question as to the working conditions of the tens of thousands of migrant workers employed by medium-sized rubber glove companies in Malaysia.</li> </ul>
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## COVID-19 AND THE NEGATIVE IMPACT ON MIGRANT WORKERS

### **Immigration raids instil fear amongst undocumented migrant workers**

The immigration raids conducted since 1 May 2020 have driven migrant workers, especially the ones without a valid passport and/or working pass, into hiding. Consequently, undocumented migrant workers, mainly in such critical sectors as construction, manufacturing and plantation, are not only unable to work for fear of being arrested, but also unable or unwilling to get tested for COVID-19, should they have symptoms or relevant travel history.

Civil society organisations had warned earlier that the government's immigration raids instil fear among undocumented migrant workers, leading to their refusal to get tested for COVID-19 and were inhumane since many of these undocumented workers fast during the holy month of Ramadhan (Radzi Razak 2020). Besides, the detention of hundreds of vulnerable women and children put these vulnerable groups in a situation where social distancing is impossible. Thus, the immigration raids were counter-productive and hampered the prospects of a zero positive COVID-19 outcome.

According to Key Informant (1), during the implementation of MCO (approximately between March and June 2020), several raids took place in his housing area in the middle of Kuala Lumpur. He said that the raids targeted undocumented migrant workers. However, migrants usually were arrested first, regardless of their immigration status. When the migrants arrived at a transit hall (before being sent to an immigration detention centre), the authorities determined whether they had valid documents. This process exposed the workers to a high risk of COVID-19 infection because of the high numbers of people being arrested and investigated, seated in crowded vehicles and processed in transit halls. This process instilled fear among migrant workers, including those with valid travel documents.

*Even workers with pas' (meaning a valid passport and working pass) were scared. I was lucky because I wasn't at home when the two raids were conducted in my housing area. I was working at the construction site. When I returned home, some friends told me the police had arrested 'pendatang' (meaning 'new arrivals,' that is, the non-citizens, particularly the migrant workers) randomly.*

(Key Informant 1: A Bangladeshi worker; documented worker; construction sector; Kuala Lumpur)

According to Key Informant (2), he was at home on leave when the May 2020 raid occurred. He was allowed to work four days a week because of physical distancing requirements at the construction site. Due to frequent checks near his accommodation, Key Informant (2) said he and his friends, although documented, were scared of leaving their house even for work.

*'Our supervisor is a good guy. He often comes to see us at our accommodations. Sometimes he sends us rice, oil and top up cards (meaning the cards to add value to prepaid mobile phone numbers to ensure continued usage of mobile phones). We told our supervisor about the frequent police checks but there was nothing much the supervisor could do. Supervisor just said to let him know if we got into trouble'.*

(Key Informant 2: An Indonesian worker; documented worker; construction sector; Kuala Lumpur)

### **Immigration detention centres are becoming COVID-19 hotspots**

As of 25 May 2020, over 2,000 undocumented migrant workers had been arrested in several immigration raids and were detained at various immigration detention centres. This had led to a growing number of detainees in immigration detention centres, particularly those in the Klang Valley. The lack of physical distancing coupled with the existing poor health care systems and unhygienic practices in many detention centres (SUHAKAM 2020) increased the risk of COVID-19 outbreaks.

It was not clear exactly how many undocumented migrants were arrested and detained throughout the country. However, the MOH reported that, as of 3 June 2020, about 4,908 samples had been taken at four detention centres, namely Bukit Jalil, Semenyih, Sepang and Putrajaya. From these four immigration detention centres alone, 465 positive COVID-19 cases were identified among non-citizens (MOH 2020).

These included, by country of origin, 123 undocumented workers from India, 76 (Indonesia), 108 (Bangladesh), 66 (Myanmar), 45 (Pakistan), 18 (China), 7 (Sri Lanka), 5 (Nepal), 4 (Cambodia), 3 (Philippines), 2 (Egypt) and 4 (other countries). Significantly, as of 3 June 2020, the MOH reported that it still had more than one thousand samples which were awaiting results (see Table 3). This indicates that more cases of COVID-19 are likely to be found and suggests that immigration detention centres are becoming COVID-19 hotspots.

Table 3: Number of Samples Taken, Awaiting Results and Positive COVID-19 Cases among Non-Citizens at Four Immigration Detention Centres, as of 3 June 2020

Immigration Detention	No. of Samples Taken	No. of Positive Cases among Non-Citizens	Awaiting Results
Bukit Jalil	1,545	338	1,175
Semenyih	1,785	65	0
Sepang	1,477	60	0
Putrajaya	101	2	0
Total	4,908	465	1,175

Source: Ministry of Health (MOH), Daily Status Update (Press Statement), as of 3 June 2020.

It must be noted that none of the key informants interviewed were arrested and detained during the MCO. The key informants who are undocumented had no experience being stopped or investigated by the police or other authorities during the MCO. Key Informant (3) shared that he had been detained at the Semenyih detention centre, located in Selangor. He said:

*'You cannot expect good things at a detention centre. Everything is unsuitable for human beings, from the food to the treatment. When there are too many people in one cell, even breathing can be difficult. If you get sick, whatever sickness you have, there is only one medicine, Panadol (an over-the-counter analgesic for fever and muscle pain). If you ask me how the situation is now, I would say even worse. You see, thousands of people were arrested during this "Corona", where they put these people - it should be in detention. Just like me years ago'.*

(Key Informant 3: An Indonesian worker; undocumented worker; plantation sector; Selangor)

### Escalating COVID-19 cases among migrant workers

As the overall number of COVID-19 cases declined (see *Figure 4*), the number of new COVID-19 cases among the non-citizens escalated tremendously. Initially, the MOH did not report the number of non-citizens infected with COVID-19 in its daily status update. However, after 7 May 2020, a week after the first immigration raid, the MOH began reporting the number of non-citizens infected with COVID-19. Though the MOH did not break down the group of non-citizens in its daily reporting, the vast majority of non-citizens infected with COVID-19 were migrant workers. From 7 May to 12 June 2020 (37 days), the number of non-citizens with COVID-19 rose significantly from 9 cases per day to 1,413 cases per day. This constitutes about 72 per cent of the total COVID-19 cases recorded during the same period (see *Figure 5*). To put it differently, more than 2 out of every 3 new COVID-19 infections recorded during this period were non-citizens. From early May 2020 to the drafting of this report (13 June 2020), a growing number of COVID-19 clusters emerged, involving different groups of migrant workers. These included, amongst others, four clusters at immigration detention centres at Bukit Jalil, Semenyih, Sepang and Putrajaya; the Pedas Linggi cluster announced on 2 May 2020; a cluster at a cleaning company announced on 29 May 2020; and several construction site clusters in Kuala Lumpur and Setia Alam (Selangor). The COVID-19 cases involving migrant workers in these clusters were among the 1,413 cases recorded among non-citizens as of 12 June 2020.

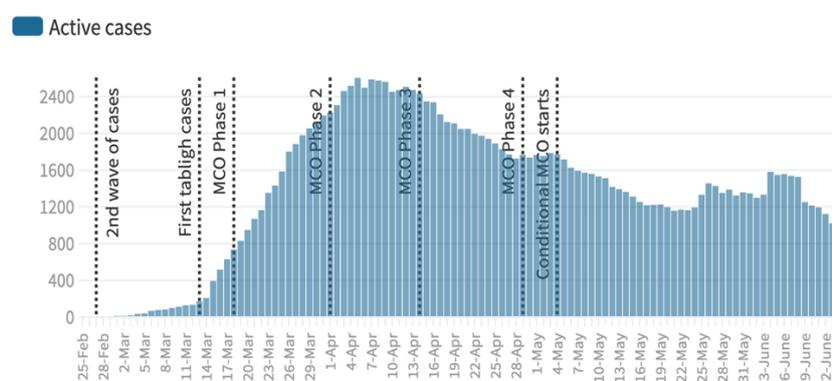


Figure 2 Number of Active COVID-19 Cases, 25 February to 12 June 2020  
 Source: Ministry of Health (MOH), Updated Active Cases of COVID-19, 15 June 2020.

Note: Total active cases mean total confirmed cases minus deaths and recoveries.

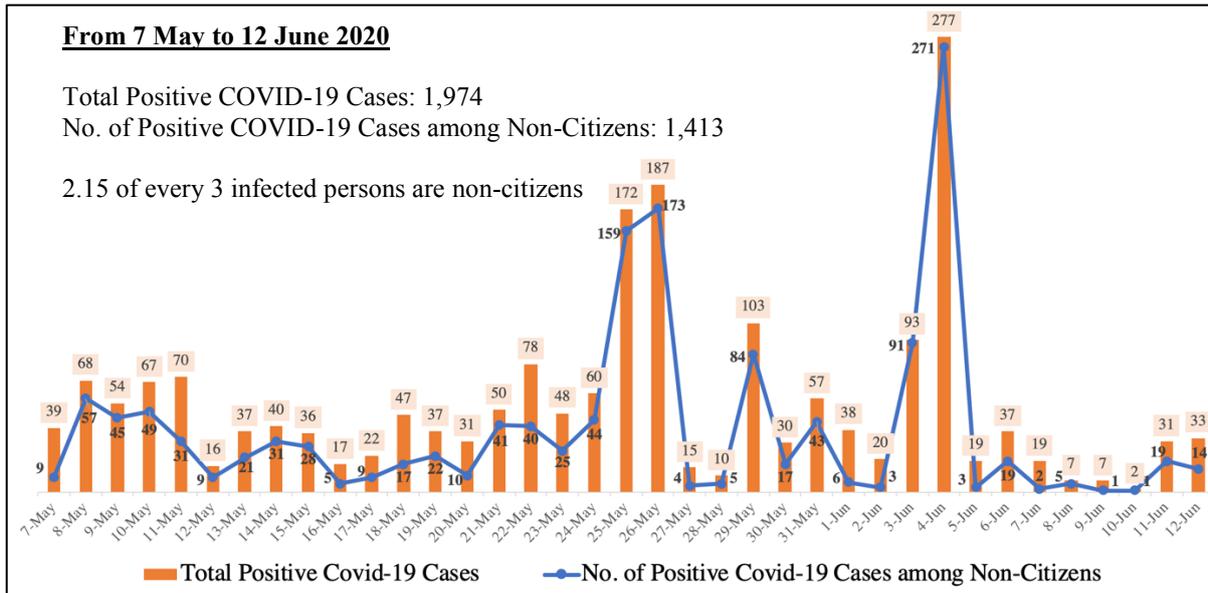


Figure 3 Number of Positive COVID-19 Cases among Non-Citizens, from 7 May to 12 June 2020, Malaysia  
 Source: Ministry of Health (MOH), Daily Status Update (Press Statement), from 7 May 2020 to 12 June 2020. Data was tabulated by the author.

Key Informant (4) said it was disturbing to hear that more and more migrant workers were infected with COVID-19. When asked whether his friends were infected, the informant said he knew of only one friend infected with COVID-19. This friend lived in Negeri Sembilan (a state close to Selangor).

*‘The thing is we are not updated about our friend’s situation. The last time we heard from his supervisor, our friend had been sent to a hospital in Kuala Lumpur. After that we received no further update. We are of course worried about this situation among Indonesian workers because many of us are working during the Corona (meaning the MCO)’.*

(Key Informant 4: An Indonesian worker; undocumented worker; construction sector; Selangor)

When asked what makes migrant workers more prone and vulnerable to COVID-19 infection, Key Informant (5) said, ‘the migrant workers’ lack of education and information about COVID-19’.

*'After the Corona came to Malaysia, many videos and text messages were shared randomly. These videos told stories about the Corona and how other countries, including Malaysia, have killed the virus. One video I remember said if we stay in the sunlight, the Corona will die. This message was shared widely among the community I know. And, people practiced it ... including working ... as planters we are exposed to sunlight. This encouraged many workers to work during the MCO, hoping not only to earn money but also to prevent COVID-19 infection. I do not know whether this is true'.*

(Key Informant 5: An Indonesian worker; documented worker; plantation sector; Selangor)

### **Reduced or loss of income and risk of unemployment**

Before the Recovery Movement Control Order (RMCO) was introduced on 10 June, 2020, employers were instructed to reduce their workforce by 50 per cent or more, in accordance with the SOP in effect. Between the first MCO (18 March 2020) and the Conditional Movement Control Order (CMCO) on 9 June 2020, many workers, including migrants working as daily-wage earners and productivity-based workers (meaning workers who are paid based on productivity), were not permitted to work. Some were allowed to work for a certain number of days a month, while others were not allowed to work at all. This situation reduced these workers' monthly income drastically, with some having no income for three consecutive months, especially those who were not permitted to work during the MCO.

For migrant workers paid on an hourly basis and allowed to work, the reduced hours of business operations reduced their monthly income significantly. Given the already low monthly wages, the reduced number of working hours and days had significant financial implications. The migrant workers had difficulty paying for their own living expenses in Malaysia, much more remitting money to their families in their home countries. The Human Rights Commission of Malaysia (SUHAKAM 2020) reported that many migrant workers were not allowed to work by their employers and, at the same time, did not receive any communication from their employers after the MCO was introduced.

The workers were in the dark about their employment status, and even more important, their immigration status since their working passes must renewed annually by their employers. This situation not only raises concerns about retrenchment but also the risk of losing their immigration status.

Key Informant (6) stated that the MCO severely impacted his monthly income. Before COVID-19, he earned at least RM1,300 a month. He was able to remit at least RM500 a month to Indonesia.

*'During COVID-19, our boss didn't allow us (undocumented workers) to work. Only those with documents (meaning workers with valid passports and working passes) were allowed to work during the MCO. For the past 3 to 4 months, I have been unemployed and relied very much on other friends (documented workers) who were allowed to work. In this estate, all of us are "pajak" (meaning workers who are paid based on their productivity). If you work, then you have money. If you cannot work, it means you lose your income. During this period, I borrowed money from friends. Now I am paying them back slowly'.*

(Key Informant 6: An Indonesian worker; undocumented worker; plantation sector; Selangor)

Another migrant worker, Key Informant (7) said that although he was still allowed to work, there were limitations.

*'I was only allowed to work 4 hours a day, between 3 and 4 days a week. We had to rotate among friends. The estate management said operation could not run 100% in terms of manpower. That's why we had to rotate. As a harvester, our salary is based on the amount of fruits we harvest every day. If we can only work four hours a day, our usual income is limited'.*

(Key Informant 7: An Indonesian worker; documented worker; plantation sector; Selangor)

When asked whether his income fulfils the minimum wage of RM1050-RM1100, Key Informant (7) said it is impossible to earn the minimum wage if he worked four hours of work every day for less than four days a week. The employer did not top-up the earned wages to ensure the worker got their minimum wage.

*'In March 2020, my salary was just about RM500 and in April, it was RM600. Our estate manager was aware of this. As many of us could not go outside the plantation due to the MCO, our estate manager provided us with food supplies, cigarettes and petrol (in bottle) so that we could move around the estate'.*

(Key Informant 7: An Indonesian worker; documented worker; plantation sector; Selangor)

Key Informant (8) said he had not worked from February to July 2020. He is technically unemployed or has been retrenched by his employer.

*'I was asked not to come to site (meaning the construction site) because our work had been stopped temporarily. I used to stay in kongsi (meaning the workers' shared accommodations inside the construction site) but was asked to leave because there was a rumour of an immigration raid. In late March 2020, I moved to a friends' house in Kuala Lumpur. Since then I have not heard anything from my employer. What worries me is that my passport will expire in September 2020. Now I do not have work and an employer to renew my work permit. The agent cannot renew my passport if there is no work and no employer. I want to return to Bangladesh but you know the cost is high. I need to work at least a few more years'.*

(Key Informant 8: A Bangladeshi worker; undocumented worker; construction sector; Kuala Lumpur)

### **Lack of food supplies and at risk of hunger**

When access to food is scarce, there is a real risk of starvation among vulnerable migrant workers. Migrant workers face three scenarios regarding access to food. First, for many migrant workers, especially those living outside the city or in remote rural areas, their access to food supplies is limited by long hours of travel coupled with shortened hours of business operations in grocery shops and markets. While some migrant workers were able to purchase food supplies near their workplaces and accommodations, numerous reports indicated they had to pay excessive prices imposed by traders and local businesses (SUHAKAM 2020).

Secondly, many migrant workers, especially those without proper travel and working documents, were afraid to leave their hiding places to obtain food supplies. While some humanitarian assistance (i.e., basic food and other daily supplies) were provided by civil society organisations and trade unions to undocumented migrant workers, these were inadequate (ILO 2020).

Thirdly, for migrant workers living in areas under Enhanced Movement Control Orders (EMCO), food assistance could not be distributed to them. In these areas, SUHAKAM reported, aid, including food assistance, were channelled only through community leaders or head of villagers and distributed only to local people due to shortage of supplies (SUHAKAM 2020).

Key Informant (9) stated that, from the first MCO in March 2020 to late May 2020, he and other Indonesian plantation workers could not leave their tiny *kongsi* house (or a shared house), located about 40 kilometres from the nearest town in Selangor. They were initially instructed by their employer to take unpaid leave due to the MCO, after which there was no income for about three months. The estate management did not provide food supplies to all Indonesian workers, the majority of which were undocumented workers from Lombok, Indonesia. As the workers did not have valid travel documents, they were afraid of leaving to obtain food supplies. The informant added that the estate company was a small estate company, hiring about 15 Indonesian workers. When asked whether he had a problem getting food supplies, Key Informant (9) said:

*'Actually, we were not in extreme hunger situation. Though our kongsi (meaning shared house) is located far from the nearest local villages and towns, we still had food supplies. There was a small river nearby where we fished; we also planted bananas and vegetables. What we needed was just rice and cigarettes and to be able to make phone calls to our families back home. These were not available. We contacted our estate management but they said they were not able to provide these supplies because they were also unable to move around.'*

(Key Informant 9: An Indonesian worker; undocumented worker; plantation sector; Selangor)

Key Informant (10) said that though he and many other Bangladeshi workers stayed near cities such as Kuala Lumpur, the strict implementation of MCO and frequent immigration raids made the workers vulnerable to arrest and detention, especially those without valid travel documents. Consequently, many of them were afraid to go outside to purchase daily supplies or to buy food. The fact that many of them lived in a crowded situation meant that food supplies were often inadequate. He added that an NGO provided them with food assistance once in May 2020. That was the first and the last time the informant and his friends received assistance.

*'We were lucky to receive this food assistance – a 10 kg pack of rice, 2 kg cooking oil and some other food supplies. However, this only lasted for 3 days. There were 12 of us staying in the same house. When we received the assistance, we were asked to give our contact details, but they didn't give us their contact information. We wanted to call to ask for additional food supplies but we didn't have their phone number. Since MCO, our eating routine was only once a day, that is, at lunch time. We had to ration the food we had. In the middle of June 2020, we were instructed to return to work and that we would have the chance to buy food for lunch and take away for dinner. We were initially sceptical and afraid to go outside, after hearing the random arrests happening around us. But, at the same time, we could not stay in the house as food supplies were limited and we needed to work to send money home.'*

(Key Informant 10: A Bangladeshi worker; undocumented worker; plantation sector; Selangor)

### **Lack of physical distancing and unhygienic living conditions**

Migrant workers in Malaysia already live in precarious and overcrowded accommodations (for example, longhouses converted out of containers). They lack water and electricity and basic sanitary products (Glorene 2018). When forced to live under such conditions, these foreign workers are unable to practice physical distancing or maintain good hygiene. SUHAKAM (2020) reported that most migrant workers, primarily in the construction sector, lived in *kongsi* houses, with around 80 occupants living together. These overcrowded living conditions put migrant workers at higher risk of infection of COVID-19.

The Malaysian government released several guidelines, based on selected industries such as construction, to assist employers (or contractors) to implement stringent procedures for the provision of workers' accommodation, transportation and daily COVID-19 testing routines for migrant workers staying outside the construction sites (for instance, see the SOP released by the Construction Industry Development Board (CIDB) 2020). However, these guidelines are not gazetted and are viewed merely as recommendations or advice which employers can choose to comply.

In April 2020, the international media reported concerns regarding poor safety and health conditions at the workplace in the rubber glove industry in Malaysia.

In an effort to meet increased global demand, rubber glove factories in Malaysia were allegedly ramping up production, while failing to protect their workers' health and safety. Workers were allegedly working in high heat in the factory, with inadequate PPEs provided (Dave Makichuk 2020). It was also reported that some rubber factories did not impose physical distancing, as advised by the government, and workers were housed in unhygienic workers' dormitories and stood shoulder to shoulder in cramped spaces.

Key Informant (11) stated that he stayed in a cabin-made-house right in the middle of a construction site in Kuala Lumpur. He lived together with about 100 workers from Indonesia, Bangladesh and Pakistan inside the construction site.

*'I live together with 9 other Indonesian colleagues in the same shared cabin. The cabin house is very small, about 20x20 feet. There is a shared kitchen outside our cabin and a shared toilet outside the cabin. There were no proper cooking facilities. We shared everything we had including glasses and plates and there was no proper piping system to get clean water. At night, we slept very close to one another.'*

(Key Informant 11: An Indonesian worker; undocumented worker; construction sector; Kuala Lumpur)

When asked whether he was aware of the SOP for physical distancing, he provided a basic understanding but expressed clearly the difficulties in implementing it, given the overcrowded housing conditions and inadequate sanitation facilities. Key Informant 11 said no person had been infected with COVID-19 at the construction site when the interview was conducted. Key Informant (12), an undocumented worker working and living in the same construction site as Key Informant (11), said that during lunch, everybody gathered in the kitchen area, sitting very close to each other and sharing plates. It was impossible to mind the distance among the workers. He added that the company had created internal SOPs for the workers to follow but the SOP only covered working hours and days. The SOP, he said, was not applicable in the housing area, although the housing area was located in the middle of the construction site. He added there was a clear border between the work site and housing area. Every time the workers entered the work site, there was a temperature check. But there was no temperature check when entering the housing area.

### **Information and communication barriers**

Other issues faced by migrant workers in Malaysia are information and communication barriers. Many migrant workers are unable to read and understand English or the local languages, though some may be able to speak in basic English and the local languages. However, most if not all COVID-19 related informational materials are produced in either Bahasa Malaysia (local) or English, or both. These materials include advice on the prevention of COVID-19 and SOPs and are mostly produced and disseminated through media, including social media. As some migrant workers are not adequately literate in the local languages and are unable to access essential information, they are unaware of the precautions they should take, the risks they face and the risks they may pose to the public. Organizations such as the International Organization for Migration (IOM) (2020) in Malaysia have produced migrant health alerts in the migrant workers' native languages (e.g., Vietnamese). However, many migrant workers, particularly those working or living in peri-urban and remote areas, may not be able to access this useful information.

Key Informant 13 (an Indonesian worker; documented worker; plantation sector; Selangor) reported he was unable to obtain detailed information about COVID-19. He knew about maintaining physical distance of about 2 meters, checking temperature regularly and using hand sanitizer. He said this information was provided by the estate management. While this information guided the workers' daily interactions and activities with other workers and the management, they were unaware of what they should do if they found themselves or their friends having COVID-19 symptoms. When asked whether he had done a swab test for COVID-19, the informant was unaware this was needed. Instead, he asked who would pay for the cost of this swab test and where to get tested.

Key Informant (14) reported he had only received information or news about COVID-19 online or through WhatsApp. He said there was almost daily news about the spread of COVID-19 both in Malaysia and Indonesia. When asked whether the information and sources were valid, he replied that they did not check the origin of the news. He added that information through social media, including WhatsApp, could sometimes be obtained faster than the news. He added that information from the employer (estate management) was limited to what was happening in the estate. The workers were not informed of what was happening outside of the estate, much more the situation in Indonesia. Thus, the informant and his Indonesian colleagues relied very much on such sources as WhatsApp.

*'There was one time that we received information about the raid that would be conducted near the town where we worked. We didn't think of whether this was real or fake. For our own safety, we avoided leaving the plantation. My passport is valid until 2022 but my working permit expired a few months ago and could not be renewed due to the MCO. So better not to go out. It turned out that the news was real and many people were rounded up.'*

(Key Informant 14: An Indonesian worker; documented worker; plantation sector; Selangor)

### **Labour rights violations**

Incidences of labour rights violations and exploitation increased during the pandemic. SUHAKAM (2020) reported that some migrant workers were not paid their monthly salary even prior to the MCO, with some employers allegedly withholding the migrant workers' salaries from February 2020, leaving the workers unable to meet basic needs and pay for their housing. Consequently, some workers were forced to move out from their rental houses or rooms to live in even more cramped living conditions with their fellow countrymen. The Malaysian Trade Union Congress (MTUC) reported that migrant workers from Nepal, Bangladesh and Myanmar were forced to live in cramped and squalid conditions in Selangor after their employers terminated their employment (ILO 2020).

MTUC also received reports from migrant workers of such violations of labour rights as unfair termination of employment, unpaid wages and poor living conditions (ILO 2020). Some workers were allegedly required to work during MCO in non-essential work, while others faced uncertainty concerning their employment status due to limited communication with their employers.

Key Informant (15) said he used to work at a palm oil estate located in Selangor as a harvester but left in early June 2020 as he had not been paid for almost six months. He said that during COVID-19, he was instructed by his contractor (his employer) to work in the estate but he had not been fairly compensated.

*'My former employer was a palm oil contractor, with contracts from palm oil companies to undertake work such as harvesting, loading and spraying in big plantations. During MCO the plantation was still in operation in order to fulfil demand from palm oil mills. So, I took the opportunity to work. My former employer promised to pay me on the first day of every new month but he has failed to do so since January 2020. I worked for my former employer for almost 5 years, from 2015. I trusted him and didn't expect that he would cheat me'.*

(Key Informant 15: An Indonesian worker; undocumented worker; plantation sector; Selangor)

**Conclusion**

The lack of coordination and the inconsistency in the Malaysian government agencies' approach to issues affecting migrant workers led to undesirable actions and negative consequences for the migrant workers. The COVID-19 pandemic has revealed the precariousness and vulnerabilities of migrant workers, whether from being excluded or from the unintended consequences of the government responses in the fight against the pandemic. The pandemic has further exacerbated the migrant workers' lack of protection and exploitation by their employers. Thus, issues regarding the rights, welfare and safety of migrant workers should be remedied immediately. Current labour laws and policies to ensure the rights and well-being of migrant workers should be strengthened, as migrant workers will play a vital role in the re-opening of the economy. While we acknowledge the migrant workers' immense contribution to the economy, this recognition should be manifested in the way we treat migrant workers in times when the economy is good, as well as when the economy is not doing well.

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