

FOREIGN WORKERS AND HUMAN RIGHTS VIOLATIONS: MALAYSIA'S RESPONSE TO COVID-19 AND THE WAY FORWARD

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ABSTRACT

Foreign workforce has significantly contributed to Malaysia's economy, and this country has been relying on them for decades. Unfortunately, Malaysia was already entangled with the country's treatment of foreign workers even before the onset of COVID-19. As a government suppression attempt to flatten the COVID-19 pandemic curve, Malaysian efforts to deal with the situation seem to be at the lowest point. Despite the government's commitment not to detain them throughout the screening process, foreign workers have been held in immigration depots regardless of their legal status. In addition, the overcrowded immigration depot makes it hard to exercise physical distance, hampers the quarantine process, and unequal health care facilities in detention centres. This situation captured worldwide attention since it violated human rights legislation. The protection of workers' rights is also in tandem with the United Declaration of Human Rights and Sustainable Development Goals 2030 (SDG) 8.8, encouraging and ensuring everyone's right to a safe and healthy workplace is protected. This paper employed thematic analysis using ATLAS.ti 9 software to evaluate the government's suppression efforts and human rights violations during COVID-19. The findings propose numerous suggestions, including an emergency review of the admission process for foreign workers to Malaysia. The inconsistency in the government policy had hampered the country's mission of becoming a developed nation. It thus hindered the advancement of innovation and technology, as in the Twelfth Malaysian Plan and Sustainable Development Goals 2030.

Keywords: foreign worker; pandemic; COVID-19; SDG; human rights.

INTRODUCTION

The term foreign workers refer to foreign national, either legal or illegal who are engaged in numerous businesses throughout the country (Marhani et. al., 2012). In the Visit Pass (Temporary Employment, VP(TE)) program, they are referred to as foreign people who arrived in Malaysia legitimately to engage in low-skilled occupations and have a job lined up even before their arrival (Loh et. al., 2019). The International Labour Organization (ILO) considers foreign workers as any person who is consistently accepted as a migrant for a job. They work for a company or a recruitment business or while looking for a job anywhere globally to temporarily

supplement a nation's workforce or provide skills that the country needs. This group is most likely available in the 3D industry; doing dirty, dangerous, and difficult jobs (Marhani et. al., 2012; Ismail, 2013; Kumar, 2016; The Straits Times, 2020).

Over the last half-century, Malaysia has reaped the benefits of a relatively open immigration policy (Owen, 2006). Compared to the rest of Asia and Southeast Asia, Malaysia has a comparatively large number of foreign workers domiciled in the country (Lim, 1996; Kaur, 2010; WHO, 2020). This higher rate of foreign workers inflow to this country is due to our dependency on migrant labour (Kaur, 2010), and the government has shifted from imported labour

to exports even before the peak in employment and GDP per person was reached (Lim, 1996). In 2020, there were 1.48 million registered foreign workers or 9.9% of the total employment (Twelfth Malaysia Plan, 2021-2025). Hence, it is impossible to avoid the issue of labour migration when the most nations' primary goal is economic growth (Noor, 2011).

Due to lack of enforcement and the inability to accommodate low-skilled foreign workers, illegal immigration has increased significantly. More than one-third of all illegal foreign workers are formerly legal employees who have not renewed their licences (Twelfth Malaysia Plan, 2021-2025). Ministry of Home Affairs revealed that four of ten foreign workers were illegal. There were roughly 3.2–3.3 million migrant labourers, of which 1.2–1.5 million were undocumented (Loh et. al., 2019). In 2017, there were between 2.96 and 3.26 million foreign workers (Twelfth Malaysia Plan, 2021- 2025). As of 2018, there were reportedly 2–4 million illegal workers in the country (IOM, 2020), and according to a 2019 report by the World Bank, between 1.23 and 1.46 million foreign workers were in the country illegally (Twelfth Malaysia Plan, 2021-2025). In November 2020, the Malaysian government launched two programmes, Return Recalibration and Labour Recalibration. This plan aims to legalise those currently living and working illegally in the country so that law-abiding businesses can legally hire them under government-set guidelines. To this end, the government has received registration forms from a total of 712,435 undocumented immigrants (The Star, 2022). Since illegal labourers in Malaysia are dispersed around the country, it is impossible to know how many there actually are. They typically enter the country by a 'rat route' or 'lalu tikus', which is slang for any entry into a country that does not require a passport. The geographical nature of Malaysia allows for numerous possible rat routes that connect Malaysia to Thailand, Indonesia, Brunei, and Sarawak (Low, 2017).

Furthermore, the Malaysian Employers Federation (MEF) predicts that as of August 2021, around 3.3 million foreign employees are working without valid documents, despite the fact that the country's Temporary Visiting Work Permit (TVWP) system only registered 1.99 million foreign workers (New Straits Times, 2020). In reality, foreign labourers have boosted Malaysia's economy and even dominated several industries that do not appeal to locals (Kassim, 2005). On the other side of the coin, the industry was discouraged from automating, mechanising, and moving up the value chain altogether because of the enormous number of foreign workers.

THE COVID-19 OUTBREAK IN MALAYSIA

The COVID-19 outbreak was seen all over the world at the end of 2019. First reported in China, cases surged rapidly before spreading to other countries. The fatalities have risen in tandem with the number of verified cases. The World Health Organization (WHO) identified the epidemic as a global pandemic and a significant global public health threat in March 2020 (WHO, 2020). Globally, COVID-19 is more widely disseminated and substantially affects foreign workers, particularly those who work in low-paying jobs or irregular settings. This pandemic has triggered the evaluations of the country's capacity to respond to health emergencies. As of 2020, foreign workers in OECD countries who were victims of COVID-19 are expected to return around 41 per cent of the world's wealth to their homelands. Compared to the global average of 3.6% of the total population, these countries have a disproportionately high number of foreign workers of 3.7% (Migration Data Portal, 2022).

In early 2020, the COVID-19 pandemic had a devastating effect on Malaysia's healthcare system and economy. Following the Sri Petaling gathering in March 2020, the authorities issued a Movement Control Order (MCO) to contain the spread of COVID-19. Temporary restrictions on domestic and international

travel, large gatherings, government offices, commercial businesses, and educational institutions were implemented throughout the several stages, namely, the Conditional MCO (CMCO), the Recovery MCO (RMCO) and Extended Movement Control Order (EMCO) for areas experiencing outbreaks or clusters of infections (WHO, 2020). In April, after discovering a cluster of 79 cases in a Kuala Lumpur area where 75% of the 6,000 residents are foreign immigrants, a total lockdown was imposed (The Star, 2020).

As one of several initiatives to level up the curve, the government conducted COVID-19 screenings on 49,248 foreign workers at 1,990 businesses throughout 2020 (New Straits Times, 2020). The number of positive cases involving foreign employees increased to 1,412 as of April and 1,581 positive cases in May (Al Jazeera, 2020; Malaysia Kini, 2020; The Star, 2022). 8,369 positive cases in June (Wahab, 2020; ILO, n.d) and more than 2,684 positives by the end of November (ILO, n.d). As of early January 2021, 99,163 foreign employees have been tested, and 2,079 are confirmed positive (Antara News, 2021). The Ministry of Health's official website reported that the number of COVID-19 infections among foreign workers rose sharply in January, with 1,310 confirmed cases. The overall number of confirmed cases is 5,785 (MOH, 2021) and more than 7,000 positive cases involving foreign workers were reported in February 2021 (The Star, 2021).

RESEARCH METHODOLOGY

This research focuses on the human rights violations amidst the Malaysian government's battle of suppression measures for the COVID-19 pandemic among foreign workers. This research employed thematic analysis, and a wide range of secondary sources was used in this study, including journals, press coverage, newspapers, online databases, and reports from the International Labour Organization and the World Bank besides the statistical information gleaned from the press conference from Ministry of

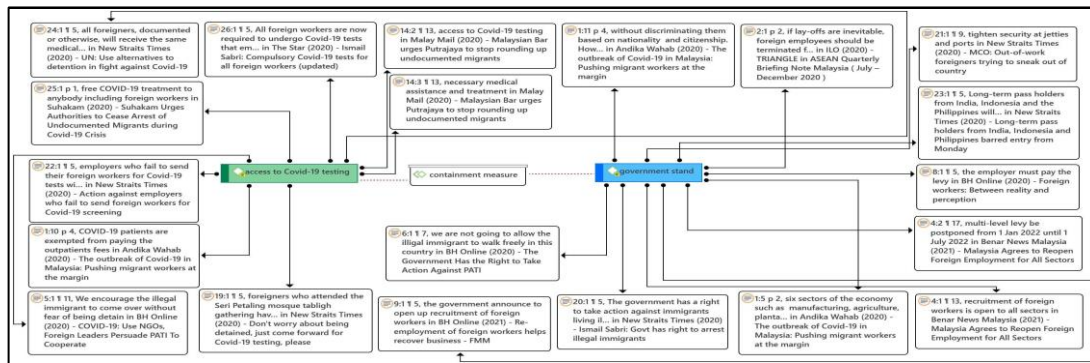
Health official website. Employing the thematic analysis is referred to as in-depth reading on a topic to extract themes and recognise patterns (Clarke & Braun, 2013). The researcher searched for the article in Scopus, Web of Science, and Google Scholar. Despite the many databases used in the study, only a limited number of journal articles discussed the issues related to COVID-19 and human rights violations among foreign workers. Therefore, the author extended the search using Google, where numerous press conferences discussing the issue under study can be found. The following guidelines were used to choose the relevant literature: 1) the keywords used in the study are "foreign employees," OR "foreign labour," OR "foreign workers" AND "human rights" OR "civil rights" OR "natural rights" AND "violation" OR "abuse" OR "infringement" OR "encroachment" AND "COVID-19" AND "Malaysia". 2) article published between 2020 and 2021. 3) uses advanced search with inclusion and exclusion criteria such as open access and Malaysia region. Many articles that were not relevant to the topic were deleted, such as articles with broken links, no open access, and duplication of articles. In total, this paper analysed 31 relevant articles, reports and press statements using ATLAS. Ti software version 9. The documents were then coded, categorised and grouped into themes according to the objectives of this paper on the government's suppression method of COVID-19 and human rights violations.

RESULTS AND DISCUSSION

THE MALAYSIAN GOVERNMENT'S CONTAINMENT MEASURE

Figure 1 explains the government containment measures when dealing with the COVID-19 outbreak. The discussion was based on the government's drastic action in dealing with foreign workers. There has been significant inconsistency in the messages sent out by the Malaysian government regarding the availability of COVID-19 screening and treatment for foreign workers.

FIGURE 1. The overall network of government containment measures



Source: Researchers 2022

A government circular released by the Ministry of Health (MOH) in January 2020 exempts migrant workers from paying outpatient fees at government institutions if they have been diagnosed with COVID-19 or have come into close contact with COVID-19 patients (MOH, 2020). All residents are treated equally in the government's effort to contain the pandemic. As part of the containment measures, the authorities tightened security at the country's international airports and land borders to detain foreign nationals who attempted to flee Malaysia illegally (New Straits Times, 2020). Since the government's goal is to combat COVID-19, the Defence Minister of Malaysia issued an order in March 2020 mandating that all foreign workers must come forward for screening without fear of arrest once it was discovered that a number of attendees at the Sri Petaling event were likely foreign employees attempting to conceal their identities by not carrying the proper documentation (New Straits Times, 2020c). In addition, the Malaysian government instituted an amnesty campaign to encourage those working in illegal capacities in foreign manufacturing facilities and NGOs to present themselves for screening (BH Online, 2020; The Star, 2020).

The government announced in March 2020 that migrant workers would shoulder the expense of COVID-19 testing and treatment. This was promptly denied by the MOH, which confirmed that its circular from January 2020 remained in effect (Lum,

2020). However, in early May 2020, the government once again announced that all migrant employees, regardless of industry, are required to pass a swab test (COVID-19), with the cost of the test to be covered by the employers (The Star, 2020). Consequently, employers who failed to adhere to the order would be considered in breach of the Prevention and Control of Infectious Diseases Act 1988, which took effect beginning in January 2021 (New Straits Times, 2020).

Government assurances that foreign workers would not be detained throughout the vetting process were revoked after it was discovered that migrant workers were the primary cause of increased positive COVID-19 cases (The Star, 2020). As a result, in May 2020, the Minister of Defence made it clear that the government has the authority to hold unlawful immigrant workers because they are not permitted to be out in the open without proper documentation (BH Online, 2020; The Star, 2020c). In addition, beginning September 2020, entry to Malaysia will be restricted for long-term pass holders due to rising COVID-19 instances in Indonesia, the Philippines, and India. Limits apply to citizens of the aforementioned nations, expatriates, students and holders of Malaysia My Second Home Program (MM2H) (New Straits Times, 2020d). Along with this plip plop in the government's stance on the containment measures amidst the COVID-19 pandemic, the issue of violation of human rights is greatly criticised by many NGOs and international media for this country being cruel towards

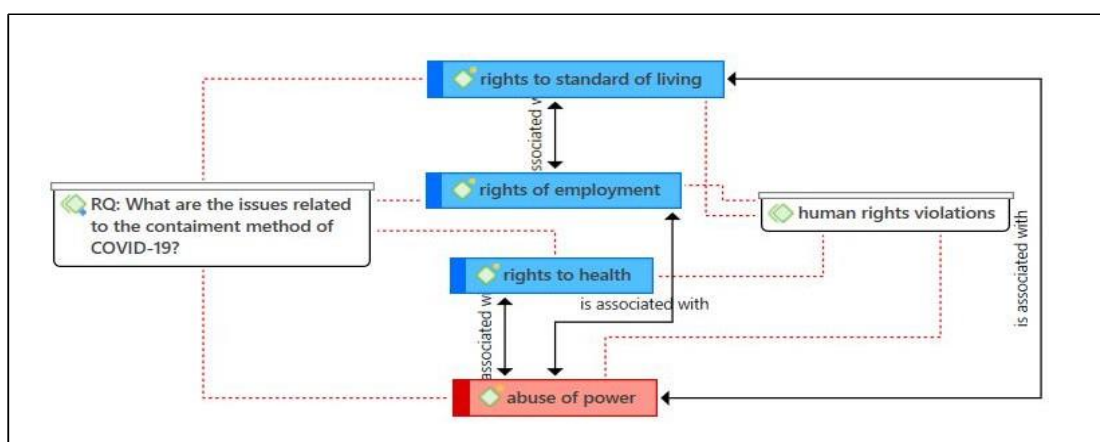
foreign workers.

THE HUMAN RIGHTS VIOLATION

In many parts of the world, foreign workers were overlooked by authorities during the COVID-19 epidemic (The Economist, 2022). Malaysia's Trade Union Congress (MTUC) contended that there were several violations of workers' rights during the epidemic, including unfair dismissal, unpaid wages, poor living conditions, forced labour in non-essential sectors and uncertainty of job status

due to lack of communication (Sandanasamy et. al., 2020). Undocumented or illegal workers have caught much attention worldwide, many of whom are being detained as part of the suppression efforts. Numerous parties are concerned with the government's precaution and preventative actions that violate human rights laws. Figure 2 demonstrates the overall networks of issues related to containment measures, especially related to human rights violations.

FIGURE 2. The overall network of human rights violation



Source: Researcher 2022

COVID-19's rapid spread in Bahrain, the United Arab Emirates, Kuwait and Singapore is primarily due to foreign workers' poor health and lack of access to treatment (ILO, n.d). Most foreign workers in the Gulf States live in overcrowded quarters, resulting in an epidemic of disease. In Thailand, where the country hosts over 3 billion foreign workers, there have been concerns about the Thai government's lack of inclusion in their efforts to alleviate their foreign workers' suffering from the epidemic, forcing many of them to fall into precarious positions (The Economist, 2022). While in Singapore, it was regarded as a role model for its ability to suppress COVID-19 at one point, unfortunately, it now has a substantial number of confirmed cases in Southeast Asia. Among Singapore's soaring cases, an epidemic among foreign workers living in cramped dorms was blamed. Over 90% of Singapore's confirmed cases have come from foreign employees, which has

prompted the government to take drastic steps to safeguard the workers, and their employers have served as a stark warning to other nations, leaving their most vulnerable citizens unprotected during a pandemic (MOH Singapore, 2020).

Similarly, Malaysia was also muddled with the same issue where the squalid living conditions negatively impacted foreign workers' health, transmitting illness to the general population. Employers in the construction industry often build temporary dwellings on the site utilising the cheapest, even recycled, construction materials (Abdul-Aziz, 2001). There is no suitable drainage or disposal system for foreign workers, and their house conditions are dirty and cramped (ILO, n.d.; World Bank, n.d.). Besides confined and congested living conditions, other factors like poor ventilation and sanitation and restricted or contaminated water are factors in the emergence and spread of infectious diseases

and impede COVID-19 prevention efforts (The Star,

2020). In fact, the Ministry of Health stated in May 2020 that a new cluster of 28 positive COVID-19 cases had been discovered at a construction site in Kuala Lumpur (The Star, 2020d), and an additional 44 new cases were reported at the construction site later in the same month (The Star, 2020c). Currently, legislative and administrative rules do not mandate that the contractor provide adequate housing for foreign employees, and it is a fundamental right to a standard of living. The government is also attempting to suppress COVID-19 among foreign workers and undocumented foreign workers in detention centres. Besides local dwellings and shared housing, congestion in temporary detention centres is also a source of illness or contagiousness, and COVID-19 spreads rapidly since specific shared residences could house up to 40 individuals (Sinar Harian, 2020).

On the issue of rights of employment, the Ministry of Human Resources (MOHR) unequivocally stressed that foreign employees should be dismissed first, followed by domestic workers if termination is unavoidable (The Star, 2020). Previously, numerous textile and garment companies like Esquel, Pen Apparels, and Imperial Garment have already announced a shutdown. Esquel Malaysia (EGM), with over 50 years in operation with Penang and Kelantan branches, is affected, and the decision to shut down the business resulted in the loss of more than 2,000 positions. In Pen Apparel and Esquel, more than half of the employees are foreign workers (Al Jazeera, 2020; Malaysia Kini, 2020; The Star, 2022).

Foreign workers earning minimum wage, whether legally or illegally, are heavily impacted by the current slowdown in most industries. When the foreign workers are terminated, they are in need of food supply. Food help from the government and non-profit organisations is being supplied to many foreign workers who have exhausted their savings. They cannot afford

to buy food and are in fear of starvation. Even though the government, through the Welfare Department and non-governmental organisations (NGOs) with the help of Malaysia's Civil Defence, supplied food aid from the beginning of the MCO, the major problem is that all of them, especially illegal workers, immigrants, and asylum seekers have a trust issue where they are afraid of been raid following the MCO if their location is exposed (The Star, 2020f).

In addition, with the global pandemic, many countries worldwide are scrambling to obtain and stockpile essential medical equipment, including face masks, ventilators, and gowns, in anticipation of an impending scarcity in the world's emergency. Consequently, many of the world's largest manufacturers are forced to keep their facilities open 24 hours daily to keep up with demand. Medical facilities have a high demand for rubber gloves during a pandemic, but the supply is inadequate. The Malaysian Rubber Glove Manufacturers Association (MARGM) estimates that Malaysia generates 67% of the world's annual rubber glove supply, or 345 billion units (The Time, 2020). The second wave of coronavirus infections in Malaysia has necessitated a reduction in glovemakers' production. Malaysia's extensive lockdown has resulted in a worldwide chronic scarcity of critical medical equipment. Noncompliance with MCO rules, social distance, occupational safety and health, working hours, and forced labour are only some of the alleged violations documented in Malaysia's rubber glove manufacturing business. To make things worse, in securing employment and preventing foreign workers from escaping from them, the employer often retains the foreign workers' passports (Wahab, 2020).

During the pandemic, foreign workers who show signs of the coronavirus will be held in overcrowded immigration detention facilities, and foreign workers who are held in locked-down areas will be prevented from coming forward for fear of being detained. According to Amnesty International, foreign workers have the right to fair justice and well-

being regardless of their status and without fear of legal repercussions. On the other hand, mass detention during COVID-19 was a significant breach of civil rights and the persecution of a vulnerable population. The government is abusing its power in this way. Mass arrests during the pandemic left inmates in crowded vehicles, without masks, and unable to practice social distancing (Amnesty Organization, 2020).

SUHAKAM, the Malaysian Human Rights Commission, condemned the government's promise that it would not imprison undocumented foreign employees. The massive amount of arrests was contrary to Article 5 (1) of the Federal Constitution, which guaranteed the protection of life (SUHAKAM, 2020). Additionally, the Malaysian Bar has advocated that the government reconsider the new compulsory involvement and instead concentrate on stopping the spread of COVID-19. Consequently, they claimed that all foreign employees should be allowed to take the COVID-19 test, and those who test positive should get sufficient medical care without worrying about their status being jeopardised (Malay Mail, 2020). This is to ensure the foreign worker's rights to health are preserved. Furthermore, the General Director of Health contended that this problem must be handled holistically, which recommended advanced screening tests be done to enable positive people to be segregated, and the procedure for illegal foreign workers' entrance into the Immigration Detention Depot should also be examined (BH Online, 2020).

Under the 1948 Universal Declaration of Human Rights (UDHR), one of the most basic human rights secured is the opportunity to pursue one's interests without interference from others (UDHR, 1948). Regardless of their origin, all migrant workers are guaranteed by the UDHR the right to work in conditions that protect their health and safety (UN, 2016). Nevertheless, foreign workers frequently encounter discrimination in the workplace, lack adequate legal protection, and are commonly

trafficked or exploited (Mustaffa et. al., 2021).

Furthermore, Article 25 (1) of the Universal Declaration of Human Rights and the 2030 Agenda for Sustainable Development Goals make clear that all countries, especially those employing foreign workers, have a responsibility to ensure everyone's safety (SDGs). United Nations member states unanimously adopted the Sustainable Development Goals (SDGs) in 2015 as a universal call to action to eradicate extreme poverty, preserve the planet's natural resources, and help all people enjoy a life of dignity and peace on earth. Workers of all kinds, including foreign workers and those in risky occupations, are included under SDG 8.8, which emphasises labour rights protection. Therefore, ratifying and implementing ILO labour standards in law and practice are crucial indicators toward reaching this goal (Ritchie et. al., 2018). This concept also included a community-based alternative to imprisonment (New Straits Times, 2020).

Several scholars have voiced their belief that Malaysia's national policy on foreign workers is ambiguous, weak, and inefficient (Richard, 2014; Kassim, 2005; Kanapathy, n.d.). Besides, with an abolishment of the Factories and Machinery Act of 1967, gazetted on March 2022, the Occupational Safety and Health (Amendment) Act 2022 will be a comprehensive law that addresses all elements of worker safety and health. This new amendment of OSHA was expanded to include all workers from industries where they are protected no matter where they are employed or how far away they may be. Interestingly, the new amendment gives additional protection to workers to remove themselves from imminent danger, including the spreading of COVID-19. On a reminder note, the application and implication of OSHA 1994 are subject to foreign workers who are legally recruited in Malaysia, as hiring undocumented foreign workers is not allowed based on Section 5 of the Employment Restriction Act 1968.

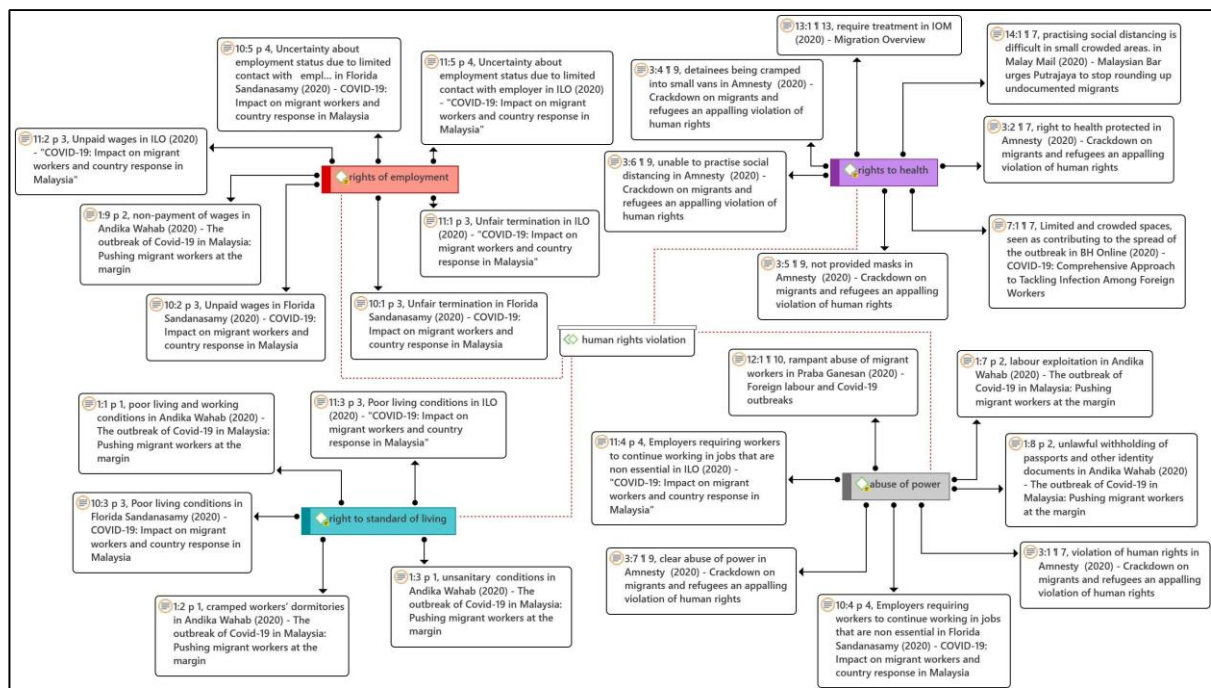
The treatment of foreign workers, mainly illegal foreign workers, has been

widely criticised in Malaysia for years. Media and non-governmental organisations (NGOs) documented numerous alleged human rights violations by the government (ILO, 2022). COVID-19 was a wake-up call for the government to minimise the number of illegal foreign workers. However, after the economy stabilises, the government will find a way to jack up the employees' entrance (Ganesan, 2020). Regarding suppressing illegal immigration, emphasis should be given to the fact that Malaysia hosts the most unauthorised foreign workers relative to legitimate ones (Wahab, 2020).

government has an opportunity to radically re-evaluate its approach toward the acceptance of foreign workers. The current crackdown reflects that foreign workers are at risk of exploitation, unlawful detention, and other abuses due to a lack of appropriate domestic laws protecting their human rights (Human Rights Watch, 2020). An additional 62 non-governmental organisations (NGOs), including the United Nations, SUHAKAM, Amnesty International, and Bar Council, have voiced their worries over the situation (Malaysia Kini, 2020). The alleged human rights violation is a clear abuse of power. The above discussion on human rights violations appears in Figure 4 below.

As a result of this pandemic, the

FIGURE 3. The Human Rights Violation



Source: Researcher 2022

With fewer reported instances of COVID-19 as of April 1, 2022, Malaysia officially entered the Endemic Phase. This meant that fewer restrictions were placed on entering the country, opening enterprises, and separating from society. A January announcement from the Minister of Human Resources made it clear that employees will be accountable for covering the cost of their own COVID-19 screening tests and vaccinations. In February 2022, a halt on

recruiting foreign nationals was lifted (Yee, 2022). Despite this limitation being lifted, migrant workers have not significantly returned to Malaysia. Possible causes include lengthy negotiations with Indonesia and Bangladesh over the recruitment and protection of migrant labour, as well as delayed government clearances (The Star, 2022). Only 2,065 applications for the 475,000 migrant labourers needed in April 2022 were approved. Thus, businesses across several

industries, including production, plantations, and tourism, are experiencing a lack of available workers (The Star, 2022).

Domestic workers from Indonesia have been protected by a Memorandum of Understanding signed between Malaysia and Indonesia on April 1. On the other hand, by July 2022, only ten applications for domestic workers had been approved. The MOU specifies that domestic workers can only be engaged through the One Channel System (OCS), that they have the right to paid time off both weekly and annually, the capacity to express themselves, and a passport of their own. System Maid Online (SMO), a service provided by the Immigration Department that facilitates the transition from a tourist visa to a work permit for a large number of different nationalities, is one such alternative recruitment channel that is expected to be rendered inoperable as a result of the MOU (The Star, 2022).

The Minister of Human Resources declared in June that the government would implement a new system involving sector-specific identification cards for migrant workers in order to limit the latter's mobility within the labour market. Salaries in the oil palm industry have risen in response to the recent surge in oil palm prices, drawing in migrant labour from other industries. The right of migrant workers in Malaysia to switch jobs is also restricted under the proposed policy. To guarantee that national legislation addressing forced labour is successfully executed, the Malaysian Trade Union Congress (MTUC) has committed to advocating for the assignment of more enforcement staff at the 2022 International Migration Review Forum (IMRF). In addition, it vowed to push for the establishment of a unified, governed, and openly accessible database at the federal and intergovernmental levels for use in migration management (UN, 2016).

RECOMMENDATIONS AND THE WAY FORWARD

The Secretary-General of Malaysia's Trades Union Congress (MTUC) contended that there had been overuse of foreign workers in Malaysia, resulting in many layoffs (BH Online, 2017). Examining foreign workers' recruitment, including how and when licences are provided, their salary entitlement and employment, should be conducted more openly now. The MTUC's annual delegation meeting has issued the following resolutions: Implement a 25% limit on the total number of foreign workers recruited in the construction and agricultural sectors and prohibit brokers, contractors, and mediators from acting as foreign worker suppliers. While the employment agency often offers excellent remuneration and conditions, the employer in Malaysia typically pressures them to sign a different contract, typically with much lower compensation and perks, than the formal contract (Robertson & Fair Labor Association, 2009; Hamid et. al., 2018). Many fled the country and became illegal foreign workers (Rudnik, 1996). Instead of handing out jobs to profit-driven personal contractors, the government has to develop a long-term employment strategy that is both active and direct. Privatisation is not appropriate in specific sectors that need government oversight. Increasing the frequency and scope of labour inspections and enforcement is also necessary in order to monitor and oversee the recruitment of foreign employees effectively.

The 12th Malaysian plan, 2021-2025, seeks to improve immigration and emigration policies by streamlining and increasing transparency in the management of foreign workers, boosting efforts to keep valuable skills in-country, and increasing the number of foreign workers brought in to fill open positions. The multi-tier levy system will be reviewed every two years as part of an attempt to make it more business-friendly. According to the current timeline, this system will go into effect in January 2022. There will also be a particular policy in place to guarantee that foreign workers flee from the country after a specific duration. In order to get a permit,

employers must sign an undertaking agreeing to follow this policy. By employing more locals or using automation, the country aims to minimise the number of foreign workers within five years will be materialised (Twelfth Malaysia Plan, 2021-2025).

As part of Malaysia's 12th plan, 2021- 2025, a number of strategies have been proposed and put into action, with a particular emphasis on addressing the overstayers responsible for the great majority of illegal workers. In place of the current insurance guarantee scheme, a new framework calling for a deposit equal to the whole cost of deportation would be implemented to dissuade foreign employees from overstaying their visas. The Recalibration Plan for Illegal Foreign Workers, the Foreign Workers Action Plan, and the Holistic Enforcement Plan for Illegal Foreign Employees will all be implemented simultaneously with this project. Concern for workers' welfare and adherence to global labour standards will remain a top priority for businesses of all stripes. Human trafficking, forced labour, and other forms of worker rights abuse can be avoided with the help of labour unions and other relevant organisations, as well as through stricter enforcement of the Employment Act of 1955 [Act 265] and the Anti-Trafficking in Persons and Anti- Smuggling of Foreign Workers Act of 2007 [Act 670]. To provide a secure and pleasant working environment for all employees, the Employees' Minimum Standard of Housing, Accommodations, and Amenities Act 1990 [Act 446] establishes a minimum standard for housing. Surprisingly, since Malaysia's industrial sector relies heavily on foreign workers, the industries are facing a labour shortage following a freeze on migrant workers due to the COVID-19 pandemic. After temporarily suspending recruitment in 2018 due to a fraud issue involving intermediaries who charge high recruitment fees, the government signed a Memorandum of Understanding with the government of Bangladesh in December 2021 to bring in workers from that country. In October, over 30,000 foreign workers were brought in for the agricultural sector.

The government decided to allow plantations, agriculture, manufacturing, businesses, mines, construction sites and maid services to use foreign workers. To ease the burden on businesses, the government agreed to delay the multi-level charge from January 2022 to July 2022. The National Security Council and the Ministry of Health are working together to enhance health procedures to prevent the spread of COVID-19 among foreign workers (Zulkarnain & David, 2021).

In addition, the Federation of Malaysian Manufacturers (FMM) supported the government's immediate and drastic action of announcing the reopening of the recruitment of foreign workers from source countries. This will help the industry and improve the recovery pace of business and the economy. The move could restore Malaysia's confidence and reliability as a global manufacturing hub and supply chain player in the region, thus increasing the country's export competitiveness. Besides, the government also announced the Standard Operating Procedures (SOP) on the influx of foreign workers and requested that the industry engage in discussions to ensure that the SOP can be implemented and, at the same time, not add unnecessary cost burdens to employers. The industry is aware of the health threats during the COVID-19 pandemic and the need to ensure that the influx of workers does not add to the health risks. Still, at the same time, the proposed SOPs will not impose undue financial constraints on employers, and there should be complete transparency on all elements of the costs involved (BH Online, 2021).

Apparently, the government's stance seems to be wobbly as, during the COVID-19 outbreak, we tend to send over all migrants to their home country during the pandemic and welcome back millions of foreign workers after the endemic. The government action seems inconsistent with the Twelfth Development Plan, as the nation's top priority is to boost the economy. Migrant workers are widely present in the labour market, but their contribution to meeting the need for low-wage, mostly manual employment is not often

acknowledged. Several initiatives have been pursued over a long period to decrease the need for migrant workers. To make matters more complicated, employers have voiced concern about significant labour shortages in specific sectors after stricter restrictions were implemented. Politicians and the general public often work together to portray migrant labour as harmful to the country's future social and economic growth. In Malaysia, the Ministry of Home Affairs has been given power over migration concerns, suggesting that the Ministry's focus has been on immigration control and public safety rather than labour administration (UN, 2016).

Recently, the government announced the Foreign Workers Recalibration Programme 2.0 on January 27, 2023. This programme seeks to regularise illegal foreign workers and hire them by qualified employers to fill job openings, particularly in the '3D' construction sector, which is dirty, dangerous, and difficult. RTK 2.0 addresses labour needs and enforces immigration regulations (The Star, 2024).

Unfortunately, the influx of foreign workers will saturate the labour market. Due to RTK 2.0, many sectors will have too many workers, increasing competition for positions. This might lower wages and create unfavourable working conditions (The Star, 2024). The hired labour may also be 'unskilled' because they lack knowledge in particular industries. Employers rarely train these overseas workers, which increases workplace injury rates each year.

RTK 2.0's biggest impact is safety as this programme will legalise all unlawful foreign workers in Malaysia. The security filter is removed, so they may commit crimes. Controlling security in places with many foreigners is also tough. With the RTK 2.0 programme bringing in more foreigners, foreigner issues remain unresolved (New Straits Times, 2024).

CONCLUSION

At this point, it seems as though the COVID-19 epidemic has affected every nation across the globe. The country's objective to become a developed nation will be jeopardised if it continues to rely on low-skilled foreign workers. Malaysia's reliance on foreign workers goes directly against the country's goal of developing a highly productive and well-paid workforce. As part of the Industrial Revolution 4.0, Malaysia is increasing its reliance on technological innovation. Target 8.2 of SDG 8 calls for increased economic development via diversification, technical progress, and innovation. This statement also aligns with the country's vision of the Sustainable Development Plan 2030. The government is taking steps to improve Malaysia's human capital by focusing on the country's economic development, but this is just the beginning. Low-skilled immigrant employees' cheap availability has discouraged businesses from innovating and investing in automation and technological advancements. The influx of foreign workers has boosted the Malaysian economy but has exacerbated the unemployment gap between locals and foreigners. There is a lot to be learned from this tragedy. In disguise, the COVID-19 epidemic is a boon. As many foreign workers were deported after their time in custody, local workers will have an excellent opportunity to take over specific sectors that they had previously dominated. The government's commitment to industries like construction and plantation, which rely significantly on foreign workers, is reflected in the fiscal plan for 2021. The monetary incentive aims to boost the local workforce and encourage it to replace foreign workers. Malaysia has been quite tolerant in its handling of foreign workers for decades. Many parties worldwide pay attention to the government's COVID-19 pandemic suppression measures. Therefore, the timing is opportune for the government to take a more aggressive stance while ensuring that human rights are protected. Instead of resolving the issue of high dependency on the foreign workforce, the government's lack of consistency has created a larger window of opportunity for foreign workers to relocate to

Malaysia permanently. Policymakers have been working on ways to lessen the need for migrant workers for quite some time but altering the makeup of the workforce is challenging; when more restrictive laws are implemented, businesses often complain of significant labour shortages in specific sectors. Recently, Malaysia held its 15th general election in November 2022 and is now governed by a coalition government. Until the interests of the unity government composition are taken into account, the future of the policy regarding foreign employees remains unclear. In reality, historically, the government's policy toward foreign workers corresponds with shifts in the government.

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CONFLICT OF INTEREST

The authors have no conflicts of interest to declare in this paper.

AUTHORS' CONTRIBUTION

All authors confirm their contribution to the paper: study conception, analysis and interpretation of results, draft manuscript preparation, review of the results, and approval of the final version of the manuscript.

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