

CAMBODIAN WORKERS IN MALAYSIA: CHALLENGES AND CONSTRAINTS IN ACHIEVING APPROPRIATE WORKING AND LIVING CONDITIONS

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Abstract

As Malaysia has transitioned from an agrarian economy to a service economy, it has increasingly relied on migrant workers from other countries to meet its labor demands. Since the 1990s, Cambodia has become one of the main sources of labor supply for domestic work, factories, and industries in Malaysia.

This article investigates the working and living conditions of Cambodian migrant workers in Malaysia, including types of employment in Malaysia, the causes of general workers' and domestic helpers' vulnerabilities, and the social assistance and protection they receive while they are in Malaysia. Findings indicate that Cambodian workers are categorized by the Malaysian government as domestic helpers, general workers, and self-employed businesspeople. Of these professions, domestic helpers are most vulnerable to mistreatment. Many Cambodian migrant workers do not receive bonuses, deferred pay, overtime, sick leave, insurance, training, or promotions to which they feel they are entitled, though many believe they receive fair wages. Unregistered workers usually experience worse working conditions, and they are often harassed about their legal status by employers and law enforcement officials. Weak law enforcement, expensive working permits, and irresponsible recruiting agencies are major contributors to the social vulnerability of Cambodian migrant workers in Malaysia.

Migrants' working and living conditions would be improved by enforcing existing laws and rules more strictly, holding recruiting agencies

to a higher level of responsibility, raising awareness of relevant labor and human rights laws among migrants, reducing the price of worker permits, providing greater legal support and public services to immigrant workers, and inspecting workplaces regularly.

Introduction

Of the estimated 244 million migrant workers worldwide, nearly half were born in Asia (ILO, 2015). In recent years, scholarship regarding unskilled migrant workers in Asian host countries has focused on workers' economic contribution (Dong-Hyeon et al., 2013; Edrees, 2015; Lee, 2002), remittances (Bettin et al., 2012), working conditions and incidents (Ayalon, 2008; Cheng and Wu, 2013; Liao et al., 2016), social capital and living environment (Gomes, 2011; Hewison, 2004; Harper and Zubida, 2010; Jun and Ha, 2015), access to public services (Noh et al., 2016; Yelland, 2013), gender roles at work, (Sellek, 1996; Crinis, 2010), public attitudes towards migrant workers (Tunon and Baruah, 2012; Diop et al., 2016), long-term residency and national citizenship (Seol, 2011), and the policy and legal frameworks that govern migrant work (Choi and Kim, 2015; Elias, 2013). This paper focuses on the living and working conditions of Cambodian workers in Malaysia.

Malaysia is one of the top five destinations for migrant workers in Asia (World Bank, 2016).¹ Estimates of the migrant worker population in Malaysia range from 3 million (ILO, 2016) to 6 million (MEF, 2016), constituting 27 percent of Malaysian employment in 2014. Ten percent of these workers were unregistered (MEF, 2016). The 11th Malaysia Plan introduced the goal of limiting migrant workers to 15 percent of the national workforce by 2020, in order to reduce Malaysia's dependency on migrant workers (Prime Minister's Department, 2015). With the third-highest Gross National Income (GNI) per capita in Southeast Asia (World Bank, 2017), Malaysia has been dependent on foreign workers to sustain its economic growth (Kanapathy, 2001; Narayanan & Lai, 2005; Puteh et al., 2011).²

Although migrant labor is important to Malaysia's economy, lax labor law enforcement has contributed to increased rates of exploitation, sexual harassment, and trafficking (Ajis et al, 2015). According to the 2016 Global Rights Index, Malaysia was among the world's worst countries in which to be a migrant worker, due to poor working conditions, high stress, and inadequate medical care (ITUC, 2016). Cambodian migrant workers in Malaysia are among the most vulnerable, because they are generally unskilled and lack institutional protection. They therefore must contend with trafficking (Burnett, 2015), exploitation at the hands of unscrupulous employers (Harima, 2012), loss of contact with the family, overwork, and

severe rights violations (ADHOC, 2012; ADHOC, 2014). Accordingly, this article examines working and living conditions among Cambodian migrant workers in Malaysia, focusing on their major sectors of employment in Malaysia, their working and living conditions, the institutional supports that are available to them, and the causes of migrant workers' vulnerabilities.

Background on Cambodian Workers in Malaysia

There have been two waves of Cambodian workers in Malaysia: refugees who settled in Malaysia between 1979 and 1993, and temporary migrant workers who settled in Malaysia between 1998 and 2016.

As described below, these two waves of Cambodian workers encountered different push and pull factors, and now face different levels of vulnerability within Malaysia.

First wave of Cambodian workers (1979-1993)

Between 1979 and 1993, a first wave of the Cham (or Cambodian Muslim) refugees settled in Malaysia while fleeing political upheaval in Cambodia. The turbulence of prolonged wars and conflicts there—including the Cambodian Civil War (1970–1975), the Khmer Rouge autocracy (1975–1979), and the Vietnamese intervention (1979–1989)—forced Cambodians to flee to Thailand as refugees and seek resettlement in the United States, France, and Australia (Sok, 2016). During these years, the United Nations High Commissioner for Refugees (UNHCR) assisted Malaysia in locally settling 13,000 Cham refugees who fled from the war into Thailand (Malaysian Bar Council, 2012). Khmer Buddhists were also eligible to apply for resettlement in Malaysia, but only if they converted to Islam. Since 1993, those refugees who earned Malaysian residency were followed by spouses and relatives, who tended to set up small businesses or seek factory jobs. This smaller, post-1993 group of Cham people was ineligible for residency, and therefore became either registered or unregistered migrant workers (Pers. Comm. P5).

It is important to note that the Cham people, who are Muslims, are ethnically different than the Khmer majority in Cambodia. While many Cham people wished to settle in Peninsular Malaysia during the wars because they shared similar religious and cultural practices with Malaysians, nearly all Khmer Buddhists and Christians immigrated to Western countries (Pers. Comms. P6). The Cham were scattered across Malaysia; thousands stayed together in each community, such as Sungai Pulus of Kuala Lumpur and Ulu Tiram of Johor Bahru. In Johor Bahru, the Cham people first settled in Taman Muhibbah in the 1980s, but they

moved to a nearby community of Kompung Molia 7 in 2001 after a crackdown on unregistered workers. Today, Kompung Mulia 7 is one of the biggest communities of the Cham people (Pers. Comms. P6).

Because they arrived earlier as refugees, the Cham were eligible to work freely as Malaysians. They were able to speak Khmer and Malay fluently. The majority were self-employed businesspeople—selling clothes, food, and groceries. They still maintain good communication and relationships with their families and relatives in Cambodia through regular communication, visits, and business contacts.

Second wave of Cambodian workers (1998-present)

The majority of Cambodians that arrived in the second wave are Khmer, and most work as domestic helpers for wealthy Malaysian families or are general workers in factories and other industrial settings. General workers³ are mainly employed by factories and industries for electronic and high-tech products, while domestic helpers⁴ work in households, serving meals and doing housework. In 1996, the Malaysian Ministry of Human Resources (MoHR) permitted workers from Cambodia to work in Malaysia, but it wasn't until two years later that those workers were first sent through the Cambodian Ministry of Labor and Vocational Training (MoLVT) (Pers. Comm. P1). According to MoLVT, 46,541 Cambodians were officially permitted to work in Malaysia between 1998 and 2016 (Figure 2.1). Of this second wave, the majority (86 percent) were female, and more than 70 percent immigrated to Malaysia to become domestic helpers. Between 2005 and 2015, Malaysia became a major country of destination for migrant workers from Cambodia. The demand for Cambodian domestic helpers dramatically increased after 2009, when the Indonesian government suspended its domestic workers due to several high-profile abuse cases (ILO, 2014).

According to officials from MoLVT, that the first agreement between MoLVT and MoHR was designed both to fill the demand for domestic helpers in Malaysia and reduce unemployment among rural people in Cambodia [Pers. Comm. P1]. In addition, the recruitment of domestic helpers from Cambodia helped to reduce Malaysian women's burden of housework; with domestic help in place, they were able to pursue employment in other sectors [Pers. Comm. P7]. However, the number of general workers has increased since 2000, when MoLVT started to issue working permits for general workers (MoLVT, 2017). The number of Cambodian general workers gradually increased from 420 in 2000 to 4,475 in 2010 (MLVT, 2017). Since then, MoLVT has continued to send general workers to staff factories and industries, but figures on how many

domestic helpers have been sent between 2001 and 2016 are not available, due to reports of rights violations.

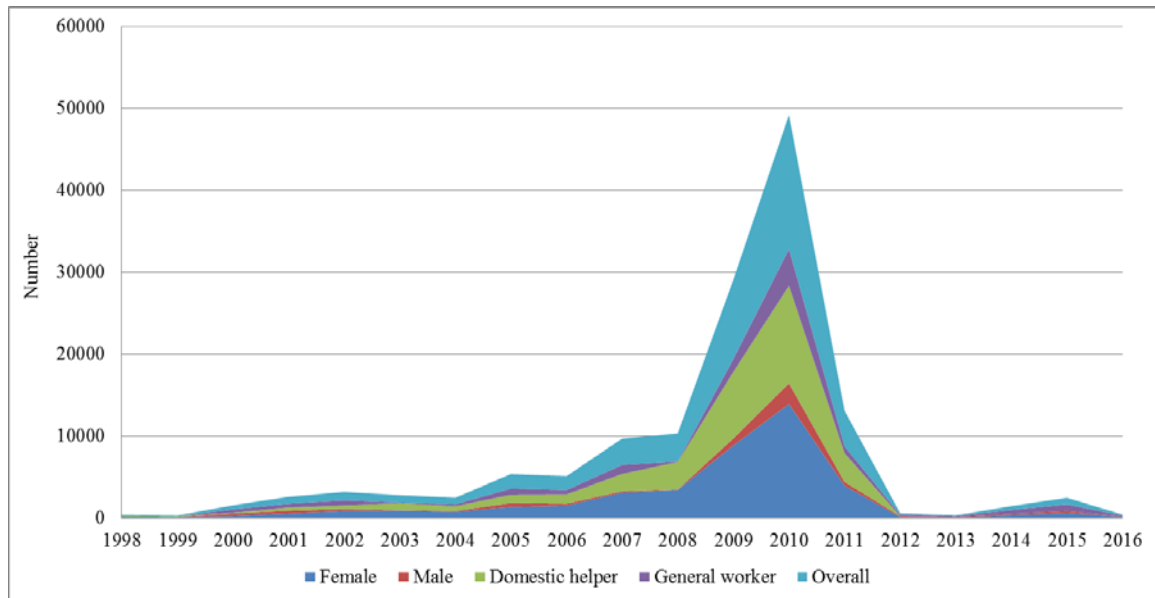


Figure 2.1. Deployment of Cambodian workers in Malaysia by gender and type of jobs, 1998–2006⁵

There is no official estimate of the number of Cambodian migrant workers in each wave of migration. Nor has it been possible to count the unregistered migrant workers who came in the second wave, or the second-generation children of the Cham refugees.

Research Methodology

The research described in this paper was developed to assess how existing institutional frameworks could be reorganized or strengthened to better protect Cambodian migrant workers in Malaysia. This was accomplished by applying a needs assessment framework to workers' social vulnerabilities. The research

- (1) identifies the types of vulnerabilities that Cambodian migrant workers face;
- (2) finds gaps in the existing institutions that fail to address these vulnerabilities; and
- (3) gives recommendations based on the mismatch between specific vulnerabilities and current institutional responses.

A structured questionnaire was used to collect baseline data, which was combined with data from participatory methods (i.e., key informant interviews, group discussions, and in-depth interviews) to generate qualitative information. Fieldwork was conducted between September 2016 and January 2017 in Malaysia and Cambodia. Both domestic helpers and general workers are employed throughout Malaysia, but they are concentrated in commercial or industrial cities such as Kuala Lumpur, Johor Bahru, Ipoh, Malacca, and Batu Pahat [FGD1, FGD2].

The survey was conducted in Johor Bahru and Kuala Lumpur, the two cities with the largest population of Cambodian workers. The sample consisted of 122 workers: 72 in Johor Bahru, and 50 in Kuala Lumpur. The Cham people in Kuala Lumpur are concentrated in the Sungai Pulus neighborhood; those in Johor Bahru have concentrated in the Ulu Tiram neighborhood. Those communities each comprise thousands of Cham families. During the weekend, Sungai Pulus and Ulu Tiram are gathering places for traditional food, sports, and grocery shopping, both for Cham and Khmer people [Pers. Comm. P5].

Semi-structured interviews were conducted in both Malaysia and Cambodia. Six interviews in Malaysia were conducted with representatives from the Royal Embassy of Cambodia, the North South Initiative (a Kuala Lumpur-based NGO), community leaders, and peer educators in Johor Bahru and Kuala Lumpur. In Cambodia, seven governmental agencies and non-governmental organizations (NGOs) were contacted for interviews: MoLVT, International Labor Organization (ILO), United Nations Action for Cooperation Against Trafficking in Persons (UNACT), Cambodia League for the Promotion and Defense of Human Rights (LICADHO), and Independent Democracy of Informal Economy Association (IDIEA). Each interview lasted between 60 and 90 minutes, and were focused on policies aimed at supporting migrant workers. In-depth interviews were held with two former domestic workers in working in Malaysia. In each city, I also arranged a group discussion with 10 workers: five female and five male.

This research has a number of limitations, including a lack of engagement on the part of particular Malaysian government agencies. Comments were solicited from the Malaysian Department of Manpower, Johor Bahru District Office, and from the Federal Department of Statistics, neither of which could be reached.

As a result, the analysis of work and limitations of the Malaysian government was based in part on existing reports and the interviews of NGOs and workers. In addition, field visits at workplaces and employer-provided accommodations were useful to gain in-depth context for the analysis of the paper. A qualitative technique was employed to interpret and support the quantitative data. This was done mainly through situation

analysis: the facilitated exploration of the general position or context in which workers in the study area or institutions operated within a specific time period. The findings elicited from this technique provided context and knowledge about working and living conditions of migrant workers, labor policies, and institutional support.

Finding and results

Deployment of Cambodian workers in Malaysia

Table 3.1 illustrates the types of jobs in Cambodia and Malaysia held by first- and second-wave migrant workers from Cambodia. Based on a sample of 122 interviewed workers, 88.5 percent of Cambodians took three types of jobs upon their arrival in Malaysia: 57.4 percent as general workers, 21.3 percent as self-employed businessmen, and 9.8 percent as domestic helpers. For many, this represented a significant change from their former lives. For example, 24 percent reported their previous work in Cambodia as rice farmers, followed by farmers of other crops (18.0 percent), students (18.0 percent), and unemployed (14.8 percent).⁶ Many of the Cham people established themselves quickly as self-employed businessmen at bazaars and markets. In Johor Bahru, for example, Cham people sold clothes, food, fruits, and groceries at open markets, community events, and university commencements, often using their own vehicles to move their stalls from day to day.

Of the more recently arrived Cambodian migrants, registered general workers and domestic helpers were recruited by agencies in Cambodia and supplied to employers by agencies in Malaysia. They were required to apply for their work permits at the Malaysian Ministry of Home Affairs (MOHA). Because employing families are almost always recruit through licensed agencies, virtually all of domestic helpers were registered [Pers. Comm. P8].

Unregistered general workers did not have the same legal status and working conditions as the registered ones. Their status, therefore, is precarious; they can be arrested by the police at any time. Our group discussions in Kuala Lumpur and Johor Bahru suggested that there were two ways that there two groups of Cambodian workers who had found unregistered employment in Malaysia [FGD1, FGD2]. The first were those who crossed from Thailand into Malaysia using tourist visas—that is, without a work permit—and stayed illegally to work. The second were those who had shifted to employment outside their work permits after moving into Malaysia. This latter group had first been registered, but became illegally employed when they left their employers due to terrible working conditions or threats of harm. Under their issued government permits, registered workers were not eligible to shift to new employers if

they quit the jobs offered by agencies. In addition, their travel documents were kept by their employers, meaning they would automatically become unregistered upon leaving their employers [FGD1, FGD2].

Type of jobs	Cambodia	Malaysia
	Previous employment	Current employment
Rice farmer	28.7	0.0
Gardener	16.7	0.0
Self-employed businessman	4.6	24.1
Employee	2.8	0.0
Factory worker	9.3	45.4
Industry worker	4.6	19.4
Domestic helper	0.0	11.1
Fisherman	1.9	0.0
Student	16.7	0.0
Unemployed	14.8	0.0

Table 3.1. Cross-tabulation of migrant workers' jobs in Cambodia and Malaysia⁷

All of the unregistered Cambodian workers arrived in Malaysia during the second wave of migration after 1993. The Cham preferred to enter Malaysia with a tourist visa, because they had relatives or friends in Malaysia who could connect them to job opportunities. As a rule, the Khmer first came through licensed agencies as general workers or domestic workers. When the workers encountered terrible working conditions or other gross violations, they left their employers for new jobs [Pers. Comm. P7].

According to a former domestic worker, employers preferred to recruit unregistered workers, because by so doing they did not need to pay for work permits or provide benefits like overtime pay or insurance. Again as a rule, the unregistered workers faced harsher conditions, such as longer working hours without overtime pay and health insurance [Pers. Comm. P8].

All of the registered workers were under the oversight of MoLVT, MoHR and MoHA. According to officials from MoLVT, the Ministry is only responsible for registered workers, but the Royal Embassy of Cambodia provides services and legal support to all Cambodians, regardless of work status [Pers. Comm. P1], in response to allegations of trafficking, exploitation, and abuse.

Working and living conditions of Cambodian workers

According to an official from MoLVT, men were predominantly recruited as general workers in factories; their most common jobs were

welding, assembly, and construction. All domestic helpers were female, as Cambodian women were recruited for their experience in cooking and housework [Pers. Comm. P1].

Because opportunities for skill-building were limited, general workers generally were unable to advance their careers. As was explained during a group discussion in Johor Bahru, general workers mainly drew on their past work experience in Cambodia, with their new employers in Malaysia providing them only with briefings about their tasks and duties [FGD2]. General workers and domestic helpers similarly reported that although they received acceptable base salary/wages and had good working conditions, they did not receive incentive pay, deferred pay, insurance, or skill-building or promotion opportunities.

Unregistered workers were required to work 10 hours without other benefits such as overtime pay, deferred pay, and insurance [FGD1, FGD2]. While registered general workers received overtime pay, there was no overtime pay for domestic helpers. In addition, they were required to work at any time of day or night that their employer deemed necessary, even at midnight [Pers. Comm. P8]. Both general workers and domestic helpers were eligible to take leave with pay if they went to hospitals on a doctor's orders. But domestic helpers were normally expected to return to work right away after receiving health services [Pers. Comm. P4].

Outside of work, the Cham people tended to live as families in private houses; their living conditions were more similar to those of Malaysian-born citizens. Compared to Cambodia, both general workers and domestic helpers enjoyed both a high quality of daily food and freedom of religious practice. In particular, food in Malaysia was very affordable to workers, and they were highly satisfied with the variety of Malaysian food. They interacted with Malaysians at social events organized by their companies or by the communities they were living in. Domestic helpers were provided with daily meals and a free room by employers. General workers tended to live in rented rooms or company-provided accommodations. General workers cooked or bought street food for daily consumption; they also enjoyed traditional food in Cham communities during the weekend.

At the same time, many workers had poor access to public services, especially transportation. According to a group discussion in Sungai Pulus, textile factories provided transportation, but other general workers had to rely on low-cost private transportation, such as walking or motorbikes [FGD1]. In general, domestic helpers were not able to move freely apart from their employers; they only went out with their employers. Regardless of registration status, many workers did not feel comfortable traveling by public transportation or to using other public services freely, in part because many feared being detained by the police [P8].

Institutional support to improve working and living conditions

In 1996, MoHR and MoLVT adopted a formal arrangement to increase the number of Cambodian workers coming to Malaysia through the government-agency process. Under the new arrangement, private agencies based in both countries recruit and supply migrant workers under licenses from MoHR in Malaysia and MoLVT in Cambodia. In Cambodia, agencies such as Ung Rithy Group Co. Ltd, C-Pro Co. Ltd, MALCAM Human Resource Management & Consultant Co. Ltd, and T & P Co. Ltd. have branches in provinces that recruit domestic helpers and general workers; again, they recruited mostly women as domestic helpers and men as general workers [Pers. Comm. P1]. The agencies provided them with three to six months of training and orientation before sending them to agencies in Malaysia and thence to employers [Pers. Comm. P8]. Before departure, the workers received language training (English and Malay), cultural education, and instruction in basic work skills, such as cooking and cleaning. The recruiting agencies paid for everything before departure, in return for which the workers agreed to pay back to the agencies between three and six months' worth of their whole salary. The workers had two options for paying the agencies: the entirety of the salary over six months, or half of their salary over the first year [FGD1].

In Malaysia, MoHR and MoHA have been the frontline government agencies in administrating labor migration policy (Table 3.2). The Department of Labour of Peninsular Malaysia of MoHA was responsible for employment and labor matters of migrant workers; registered workers were entitled to enjoy the protection and benefits stipulated by labor laws (Government of Malaysia, 2015). Cambodian workers were allowed to work in five sectors: manufacturing, agriculture, plantation, construction, and services with a maximum of 10 years; all of these types of jobs were chosen as a temporary measure to fill job vacancies (MoHR, 2017). The employers submitted applications for the workers to the One-Stop Approval Centre at the Foreign Workers Management Division of MoHA. Representatives from eight federal ministries that engage with migrant labor are stationed at the One-Stop Approval Center (MoHR, 2017).⁸ MoHR and MoHA coordinate with international agencies to meet the demand for Cambodian migrant labor, while at the same time attempting to reduce exploitation, trafficking, abuses, and violations. Those international agencies include Cambodia's MoLVT, Ministry of Interior (MoI), Ministry of Foreign Affairs and International Cooperation (MoFAIC), UN agencies, and non-governmental organizations (NGOs).

Three main ministries—MoLVT, Mol and MoFAIC—serve as the Cambodian counterparts to Malaysia’s MoHR and MoHA, managing international labor migration in Cambodia. MoLVT is mainly responsible for seeking employment markets and providing services and legal support to Cambodian workers (MoLVT, 2005). MoLVT has licensed 37 agencies to recruit, train, and supply Cambodian workers (MoLVT, 2011) and the Ministry works with them to ensure their legal status and safe working and living conditions in Malaysia. While MoFAIC manages international labor migration through the Royal Embassy of Cambodia, Mol monitorings and attempts to prevent human trafficking. The Department of Anti-Human Trafficking investigates irregular migration cases (Chan, 2009).

While there is no representative from MoLVT based at the Royal Embassy of Cambodia to Malaysia, a consulate in Kuala Lumpur is in charge of Cambodian workers. The consulate works with MoLVT in the case of labor issues and Mol in cases of trafficking. The Royal Embassy of Cambodia hosts a shelter for human-trafficking victims, and seeks support from the International Organization for Migration (IOM) and ILO for repatriation.

In cases of emergency, abuse, and violation, most workers communicate with NGOs based in Malaysia, such as the North South Initiative, for interventions before going through legal procedures with support from the Royal Embassy of Cambodia and the Malaysian government agencies. Additionally, NGOs have worked with government agencies, employers, and workers to mitigate exploitation, trafficking, and other human-rights violations. The ILO imparts skills to young migrants, while UNACT, IOM, and LICADHO monitor alleged violations and help with repatriation. At factories in Malaysia, the North South Initiative and the Phnom Penh-based IDIEA raise awareness, provide legal support, and helped organize unions of Cambodian workers.

In Malaysia, the existing legal frameworks—mainly the Immigration Act 1959, the Employment Act 1955, the Private Employment Agency Act 1981 and the Anti-Trafficking in Persons Act 2007—are applied in the recruitment and management of Cambodian migrant workers. MoHA is the secretariat of the Cabinet Committee on Foreign Workers and Illegal Immigrants overseeing migration policy; its mission expanded from labor migration to illegal immigration in 2005 (ILO, 2016). The Employment Act gives an administrative mandate to MoHR and regulates conditions of work for migrant workers (Commissioner of Law Revision, 2006). The Private Employment Agency Act 1981 is a procedure for recruiting migrant workers through agencies licensed by the MoHR (Commissioner of Law Revision, 2006).

In response to an increase in the number of unregistered migrant workers, the Immigration Act of 1959 was amended in August 2002 to

control irregular migrants. In 2006, the Malaysian government established immigration courts at detention centers to streamline the deportation process (Neeko, 2008). The 2007 Anti-Trafficking in Persons Act was promulgated to criminalize trafficking in conformance with the United Nations (UN) Palermo Protocols, and later amended as the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act in 2010 (ILO, 2016).

The most important legal frameworks for MoLVT were Memorandums of Understandings (MoUs) and Standard Operating Procedures (SOP). Four years later after the suspension of the domestic worker program in late 2011, Cambodia and Malaysia signed two MoUs on the Recruitment and Employment of Workers and Domestic Workers (ILO, 2016). Standard Operating Procedures (SOP) were established to ensure minimum wage and decent working and living conditions for migrant workers. A Policy on Labor Migration for Cambodia was also developed, in an effort to formulate an effective labor migration governance framework that could protect and empower workers.

Institution		Activities						
Type	Name	Skills training	Recruitment	Awareness	Legal services/ dispute resolution	Immigration /anti-trafficking	Monitoring	Enforcement
Malaysian Gov't	Ministry of Human Resources				•		•	•
	Ministry Of Home Affairs				•	•		•
Cambodian Gov't	Ministry of Labor and Vocational Training	•			•		•	•
	Ministry of Interior				•	•		•
	Embassy of Cambodia to Malaysia				•	•	•	•
Recruiting agencies	Recruiting Agencies	•	•					
IOs	ILO	•		•	•		•	
	UNACT			•	•	•	•	
	IOM			•	•	•	•	

	LICADHO	•	•	•
NGOs	IDIEA	•	•	•
	North South Initiative	•	•	•

Table 3.2. Institutional framework for Cambodian workers in Malaysia

The causes of general workers’ and domestic helpers’ vulnerabilities

As noted, Cambodians who arrived in Malaysia as refugees in the first wave of migration do not face the same vulnerabilities as those that came in the second wave, due to differences in type of employment and immigration status. This section focuses on the more difficult working conditions of that second wave of migrants.***

The absence of cooperation between the Cambodian and Malaysian governments to protect migrant workers is one of the causes of exploitation, trafficking, and violence. This manifests itself in the two main causes for the vulnerability that general workers and domestic helpers face are: (1) expensive work permits that affect exploitation of unregistered workers, and (2) irresponsible recruiting agencies that promote the exploitation of registered workers.

On the former point: one of the main barriers to reducing the number of unregistered workers is the high cost of work permits. Effective as of March 2016, the levy on workers who worked in plantation and agriculture was MYR640, or MYR1,850 for workers in manufacturing, construction, and service sectors. As revealed during our focus group discussions in Kuala Lumpur, extra fees for work permits included MYR60 for a passport, MYR20 for a visa, and MYR125 for processing. Although employers are supposed to pay for work permits, some agencies make the workers pay, or simply recruit unregistered workers.

As noted, registered workers are recruited through agencies and pay up to 6 months of their salaries toward agency fees for job placement. The agencies, however, are not held responsible for ensuring good working conditions and fair payment. After sending workers to employers, agencies do not provide assistance if employers do not pay their salaries or act abusively [Pers. Comm. P8].

Of all migrant workers, domestic helpers were the most vulnerable. The consulate of the Royal Embassy of Cambodia agreed that domestic helpers were violated, exploited, and trafficked in Malaysia in many ways. Many did not receive salaries, and employers purposefully separated them from their families. Remarks by one former domestic helper from Kuala Lumpur show how exploitative their work conditions can be: “I was asked to work non-stop, without any rest, from 5 a.m. to 12 a.m. I could only rest

and sleep five to six hours per day. I had to wake up as soon as my employer called for me to work.” [Pers. Comm. P8].

Domestic helpers had very poor working and living conditions, as elaborated by Mr. Sem Chausok, Human Rights Monitor at LICHADO: “Domestic workers are living as if they are in prison. They stay with their employers the entire day. So their condition depends on the employer. If their employer is kind, they are brought out every week to go to the supermarket. If not, they are locked at home alone and abused. This affects their mental and physical well-being.” [Pers. Comm. P4]

Mr. Lim Tith added that language barriers faced by female domestic helpers also exacerbated their vulnerability [P3]. When employers were not able to communicate instructions well to them, some workers were likely to face abuse. Moreover, some female domestic workers were sexually and verbally harassed by their male employers. [Pers. Comm. P8]

Discussion

Current institutional support for Cambodian workers

Since the formal suspension of the domestic helpers’ program in late 2011, job placements for Cambodian workers in Malaysia have been unresolved. Legal support is insufficient, and laws and legal frameworks are poorly enforced. Because the Malaysian government has an interest in recruiting low-paid labor to fill jobs that can be highly exploitative, worker protections are a secondary consideration. MoLVT and MoHR do not provide enough services and legal support to workers. The current mechanism does not create preventive measures for safe migration; it only responds when workers are exploited, trafficked, abused, or violated. Ms. Anne Beatrice Jacob, director of the North South Initiative, summarized these weaknesses: “At the movement, there are a lot of loopholes in law and policy. It is not really good for Cambodians to come and work here unless the government of your country pushes for better protection rights and better rights for workers.” [Pers. Comm. P2].

MoHA took the lead in policy-making and implementation of labor migration practices. Thus, existing policies are designed to defend national security—by reducing irregular migration—rather than manage labor migration for social or economic development, or to protect workers’ rights (ILO, 2016). Though Malaysia needs domestic helpers, there is as yet no law yet that is designed both to support economic development and protect the rights of workers. If and when such a law is formulated, punishment should be appropriately enforced to those who traffic and exploit workers [Pers Comm. P3].

According to the Embassy of Cambodia, there is no representative from MoLVT to support the workers in daily basis. The Embassy only gets involved when the workers are already the victims of violation—that is, when they ask for help [Pers. Comm. P4]. Furthermore, there is no effort by MoHR to regularly monitor the working and living conditions of workers. If they are being exploited, trafficked, or otherwise abused, there are insufficient resources to tackle individual cases in search of justice for those workers. The only solution is to repatriate them back to Cambodia—without appropriate compensation, and without any punishment of abusive employers.

To summarize, weak enforcement policies and a lack of basic services are the primary factors that have made workers vulnerable. Again, a coordinating mechanism to regularly monitor and inspect the working and living conditions of workers has not been established. When workers face abusive working conditions or other violations, they don't know where to seek help. According to Ms. Anne Beatrice Jacob, workers are not comfortable meeting Malaysian police, and don't know which Malaysian government office (if any) can come to their aid. The Embassy of Cambodia hosts a hotline that workers can use to seek help or legal advice. But some workers report having had unsatisfactory experiences when they communicated with the Cambodian embassy, both in terms of the quality and timeliness of the help provided.

Policy implications for improving the status of migrant labor in Malaysia

In order to effectively support Cambodian workers in a safe migration program, the governments of Cambodia and Malaysia, recruiting agencies, and employers need to take responsibility for tracking the number and status of workers, and preventing their exploitation. A database should be established to track both legal and unregistered workers. The government of Malaysia should balance its policy between promoting migration and protecting migrant workers' welfare. Since migrant labor is the catalyst of social or economic development in Malaysia, more efforts should be made to protect migrant workers' rights, especially by ensuring appropriate working and living conditions. For example, MoHR should strictly enforce the existing framework with employers to ensure that payment is what is stated in contracts, that travel documents are always kept by migrant workers; and that domestic helpers receive at least one day off per week.

In addition, there should be inspectors who regularly follow up on the status of workers, to ensure that their employers provide them with appropriate working and living conditions. The Malaysian government

should reduce the cost of work permits and provide affordable public services, including healthcare, to workers. Hospital care, for example, should be provided to everyone at the same price.

The staff at the Embassy of Cambodia should include representatives from both MoLTV and Mol to provide legal support and make regular inspections. In addition, MoLVT should closely work with Malaysia's government agencies, employers, and NGOs to enforce the MoUs and SOP—especially the insurance of salary payment, working hours and rest days, accommodations, food provision, and health care. NGOs should continue to raise employers' and workers' awareness of labor laws and human rights. In particular, NGOs should create outreach programs, through which they could visit workers and employers to raise awareness of labor rights. The recruiting agencies, too, should follow up on the working and living conditions of workers.

The protection of Cambodian workers in Malaysia is crucial for both Malaysia and Cambodia. Other countries, such as Indonesia, have suspended their migrant labor programs due to unfair labor conditions. Between late 2011 and 2016, the governments of both countries were working to develop a legal framework, including MOUs and SOP, before more Cambodian domestic workers migrated to Malaysia. In 2017, additional domestic helpers will enter Malaysia under the newly developed legal framework, which is intended to improve working conditions, better protect rights, and strengthen labor law. In light of this impending expansion, there should be a follow-up study to investigate how those legal frameworks work.

Recently, there has been increased interest on the part of national NGOs and UN agencies in studying and reporting on the working conditions of domestic helpers; however, the study of general workers continue to be insufficient. In general, general workers (including unregistered ones) are employed in dirty, dangerous, and demeaning—or so-called "3D"—jobs, and comprehensive studies are required to explore the impacts of that work on worker health. Finally, NGOs may need to mount advocacy campaigns to ensure that workers gain and retain access to basic public services, such as health care and public transportation.

Conclusions

I conclude that the rights of Cambodian migrant workers in Malaysia are not well protected, because the labor laws intended to guarantee appropriate working and living conditions are poorly enforced.

Cambodian migrant workers in Malaysia tend to fall into one of three categories: self-employed businesspeople, domestic helpers, and general workers. The first wave were Cham refugees, who are generally

self-employed businesspeople selling clothes, food, and groceries. They have established strong communities throughout Malaysia. The Khmer arrived in Malaysia in the second wave; the majority of this group are domestic helpers or general workers. Those in the first group—the self-employed businesspeople—tended not to face the same vulnerabilities as those in the second wave.

Among the three categories of workers, domestic helpers have been the most vulnerable in terms of abuse, hours worked, and accommodations provided, in large part because they were disconnected from other Cambodian migrant workers and families. When laws and regulations are not strictly enforced, domestic helpers must rely upon their employers' willingness to treat them fairly—not always a workable strategy. As a result, based on various reports by human rights watches of exploitation, trafficking, abuse, and other violations, the government of Cambodia suspended its support of Cambodian domestic helper programs in late 2011.

While Cambodian migrant workers often found their basic salary to be fair, they were denied other basic employment benefits. Interviewees agreed that their workplaces generally have enough air, good hygiene, and sufficient emergency rescue, though some work was higher-risk.

There are both registered and unregistered Cambodian migrant workers in Malaysia. Unregistered migrant workers not only face legal repercussions, but also suffer worse working conditions. For example, they may work up to 10 hours per day without bonuses, deferred pay, overtime, sick leave, or insurance, while registered general workers tend to work 8 hours per day with such benefits offered.

In recent years, the governments of Malaysia and Cambodia have developed various legal frameworks, such as MoUs and SOP, to improve conditions for Cambodian migrant workers. The recent signing of MoUs between these governments suggests that they may begin to take the protection of migrant rights more seriously. It remains to be seen whether or not they will remain committed to enforcing these rights.

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Appendix: Interviewees and focus group discussions

Code	Position	Date
Pers. Comm. P1	Official, Ministry of Labor and Vocational Training	December 2016
Pers. Comm. P2	Director/Founder, North South Initiative	October 2016
Pers. Comm. P3	National Project Coordinator, United Nations Action for Cooperation Against Trafficking in Persons	December 2016
Pers. Comm. P4	Human Rights Monitor, Cambodia League for the Promotion and Defense of Human Rights	December 2016
Pers. Comm. P5	Community leader in Sungai Pulus, Kuala Lumpur	October 2016
Pers. Comm. P6	Community leader in Ulu Tiram, Johor Bahru	October 2016
Pers. Comm. P7	Executive Director, Independent Democracy of Informal Economy Association (IDIEA)	December 2016
Pers. Comm. P8	Former domestic worker	November 2016
FGD 1	Sungai Pulus, Kuala Lumpur	November 2016
FGD 2	Ulu Tiram, Johor Bahru	November 2016

Notes

¹ The term “migrant worker” is used here to refer to all international migrants who are currently employed or are unemployed and seeking employment in their present country of residence (ILO, 2015).

² The top three South East Asian countries in terms of Gross National Income in 2015 were Singapore (52,090 US dollars), Brunei Darussalam (38,010 US dollars) and Malaysia (10,570 US dollars).

³ “General worker” in the Memorandum of Understanding to a citizen of the Kingdom of Cambodia who is contracting or contracted to work in Malaysia for a specific period of time as stipulated in the Contract of Employment, but does not include domestic servants as defined in the Employment Act 1955 [**Act 265**] (MOHR and MoLVT, 2015).

⁴ In the Memorandum of Understanding, a “domestic helper” refers to a citizen of Cambodia who is contracting or contracted to work in Malaysia for a specified period of time, for a specific individual, as a domestic servant as defined in the Employment Act 1955 [**Act 265**] (MOHR and MoVT, 2015).

⁵ Source: Cambodian Ministry of Labor and Vocational Training, 2017

⁶ The plantation system in Cambodia produces crops such as maize, soybean, and cassava, for example.

⁷ All 22 attributes were derived from a total sample size of 122 workers.

⁸ These include MOHR, the Ministry of International Trade and Industry (MITI), the Ministry of Agriculture and Agro-Based Industry, the Ministry of Plantation Industries and Commodities, the Construction Industry Development Board of Malaysia (CIDB), the Ministry of Domestic Trade, Cooperatives, and Consumerism, and the Ministry of Tourism and Culture.