

## REPRESSION: FACTORS CONTRIBUTED TO THE FEMALE FOREIGN WORKERS IN MALAYSIA

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### ABSTRACT

*As past studies proved that female foreign workers are vulnerable, this paper aims to explore the factors contributing to repression among female foreign workers in Malaysia. Even though male foreign workers statistics is higher in number as compared to their female counterpart, however, the cases pertaining to the repression mainly involved female foreign workers. Among the sectors that are popular for female foreign workers are domestic maids and services. The issue of repression among foreign workers has been highlighted in the media; however, there are limited researches in the study of factors contributing to the repression among female foreign workers. This paper applied qualitative approach by using semi-structured in-depth interview involving four (4) female foreign workers in Shah Alam. The findings of this paper revealed that repression among female foreign workers is considered serious due to the experiences by the respondents. The factors that are contributing to the repression among female foreign workers are: (1) stigma of local peoples and employers towards female foreign workers, (2) employers treat and threat to the female foreign workers and (3) denying the rights, wage and safety of female foreign workers. The sectors itself also give significant findings to the female foreign workers which is services and domestic maids. This paper concludes that repression among female foreign workers is worrying and they are still struggling when it comes to surviving in Malaysia. While agreeing that four (4) respondents cannot be generalized to all female foreign workers in Malaysia; however, the findings can give some indication for the factors contributing to repression. Notably, not all foreign workers are covered under the Employment Act 1955 and the related act imposes to them.*

Keywords: repression, female foreign workers, human rights, stigma, employers

### Introduction

Foreign workers in Malaysia exist due to the labor shortages during Industrial Revolution in Britain before Malaysia's independence in 1957. The need for raw material (rubber and tin) during that time requires a lot of manpower which creates opportunity for the foreign workers to be brought over to the country (Liew, 2017; Kaur, 2014; Azizah, 2010). After independence, the rate of foreign workers in Malaysia has reduced due to the enactment of Immigration Act 1969. However, the massive development of mega project in Malaysia such as KLIA, KLCC and PETRONAS twin towers, demanded high job in the construction industry that attracted many foreign workers to work in Malaysia (Hamzah & Daud, 2016; Azizah, 2012; Kanapathy, 2006).

According to the Ministry of Home Affairs (MOHA), male foreign workers dominate the statistic of foreign workers working in Malaysia as compared to female foreign workers. The number of female foreign workers in Malaysia in 2018 is 377, 043 foreign workers (Mahmood, 2018). Female foreign workers in Malaysia work in sectors such as manufacturing, agriculture, services, plantation, domestic maids and construction. According to the statistics released by the MOHA, manufacturing sectors has the highest number of female foreign workers, followed by domestic maids, plantation and services (Table 1). Even though manufacturing consists of female foreign workers, the most highlighted cases of repression in media involves incidents among domestic maids (Astro Awani, 2018; Somiah et al., 2010).

Table 1: Number of Female Foreign Workers in Malaysia across Sectors

Sectors	Number of Female Foreign Workers
Manufacturing	139, 009
Construction	18, 160
Plantation	35, 751
Services	32, 187

Agriculture	18, 149
Domestic Maids	133, 787
Total	377, 043

Source: Self-Developed Table based on Mahmood (2018).

Although male foreign workers dominated the statistic of foreign workers, this study focuses on female foreign workers due to the vulnerability. This can be supported by the study of Kawar, (2004) stated that women migrants are vulnerable due to some reasons (alone while working abroad, less chances on networking, not enough information on recruitment and etc.). While female foreign workers come to Malaysia to seek for a brighter future and to escape poverty, there is one obstacle faced by them among others problem (causal of social problem and crimes, disease carrier and dominated in job market). One of the unpopular problems faced by some female foreign workers is repression (Pereira, 2018; SOMO, 2013; Human Rights Watch, 2004). Repression can come in many ways, especially to the female foreign workers because they are the most vulnerable group.

In repression issue among female foreign workers, there are studied on human rights violations of domestic workers (Arifin, 2012; Ngadiran & Nor, 2012; Somiah, Hamzah, Ariffin & Aziz, 2010). But the study on factors contributed to repression among female foreign workers is limited. Repression is the threat to control or act of controlling someone (deMeritt, 2016). In other words, repression can happen to someone who is vulnerable mainly children, women, elders, disable person and foreign workers especially woman (Miles et al., 2018). The word repression itself represents the cases or acts of such abuse, discrimination, exploitation and violence. Female foreign workers are categorised as vulnerable because when they come to work in Malaysia, they have no relative or friends to rely on (Nasron, 2018). Their life is about work and an employer makes them an easy target to be repressed.

Most of female foreign workers come to this country to work, faced with various sexual abuses such as desecration and rape at working place. In such cases, their rights as a woman have been denied by the employer. For example, when there is a female foreign worker who is pregnant, she is needed to abort the baby. As this country forbid the female foreign workers to get pregnant on-duty, which provides a loophole for the employer to plan an abortion. This denies their rights as a woman and worst to come, they also faced legal action because of it (Miles et al., 2018; Alias, 2017). Thus, this paper aims to explore the contributed factors to repression among female foreign workers in Malaysia.

This study was conducted with the intention to expose the experience of female foreign workers working and staying in Malaysia. In general, government can reassess their action taken on handling repression among female foreign workers in Malaysia. They also can manage the relevant agency to help female foreign workers handling repression while working and staying in Malaysia. Other than that, employers also can take consideration in treating their female foreign workers as they also human being who looking for a better future. It is because employers are the one who directly connected with the female foreign workers other than anyone else. For example, female foreign workers who work as domestic maids, stayed with the employer makes them spend most of the time with the employer. Due to that, employer needs to treat their workers accordingly based on human rights principle. In addition, this study intends to urge all party (authorities, local peoples, ministries, NGOs) to cooperate to ensure the less repression experience for the female foreign workers in Malaysia. This study also intends to fulfill the research gap of why female foreign workers expose to the repression.

The remaining of this article is divided into five sections. The first section is literature review. This section tells about the entrance of foreign workers in general, female foreign workers issues, and the theory applied for this study. The second section is about the methodology. It enlightens about the approach used in this study, method used in this study, the sampling technique, number of respondents and analysis of the data. The third section is portraying on findings and analysis of the data of this study. The fourth section is discussing on the discussion as well as recommendation applied for this study. The last section is concluding of the whole study on repression factors contributed to the female foreign workers including limitation of this study.

## Literature Review

The entrance of immigrant workers offers a significant contribution towards the economic growth (Noor & Shaker, 2017). In most European countries, the demands for hiring immigrant workers have expanded after World War II, to fuel the urban development and expansion of factories. The young locals are usually seeking for job opportunities and high-income jobs with 10 times or even more by crossing the national borders (Martin, 2015). There is a bottling demand for hiring more foreign workers from many countries to fill the vacant job including agriculture, construction, garments and electronic manufacturing. Whereas in Malaysia, the influx of foreign nationals continues to grow and become bigger in number, right after Malaya gain its independence. In 1960's, migration increased at a slow rate even though there was formulation of Immigration Act 1959/63, but then in 1970's it began increasing steadily and rapidly until now and it has presents itself as a problem (Azizah, 2012). At the beginning the immigrants came to Malaysia in large numbers in the 1990s, when countries undertake mega projects and at that time the economy is rapidly expanding up to 70% per annum. Among Malaysia's mega projects are the KLCC, KLIA and the PETRONAS twin towers. Thus, the government welcomes foreign workers to enter legally and receive large numbers of foreign workers, especially from Indonesia (Hamzah & Daud, 2016). Malaysia has become the main recipients of migrant labours, which consist of three types of foreign labours including unskilled, semi-skilled and professional (Asean Development Bank, 2006). The natural resource based economic prosperity of the first group of destination countries since the 1970s has created a large demand mainly for unskilled and semiskilled workers to work in different sectors of those economies (KRI, 2018; Khawaja & Nath, 2010).

Foreign workers issues had been studied in various aspects such as economic, social, recruitment, security, quality of life and others. Repression issues have also become one of the scopes of studying foreign workers in the country. But then, this study focuses on female foreign workers. This is because female foreign workers are more vulnerable than the male foreign workers (Kawar, 2004; Fair Labor Association, 2018). Other than that, they sometimes alone while working in Malaysia, without friends or relatives to rely on, when facing problems. This study focuses on female foreign workers also as a result of many cases pertaining to domestic maids. Among the studies are on human rights violations of domestic workers (Arifin, 2012; Ngadiran & Nor, 2012; Somiah et al., 2010). Cases of exploitation or repression are still happening today such as wage violation, safety violation and rights violation. The study on repression among legal female foreign workers is more focus on discrimination, abuse, violation and exploitation. Then this paper aims to explore the factors contributed to repression among female foreign workers.

Repression is the act of using force to control someone or something and the action or process of suppressing a thought or desire in oneself so that it remains unconscious. This can happen to the female foreign workers because they are weak and unprotected that their agent or employer can exploit them. Migrant workers in Malaysia do not have the right to change employers. Therefore, the only option that is available for them is to work with the designated employer or leave the country. Some employers take advantage of this by cheating and exploiting their migrant workers (Kelley, 2014). This also applied to the female foreign workers in which they cannot choose their employer. They will only get employer once they have been assigned by the respective agent in recruitment. In principle, most migrant workers are covered by the employment laws generally applicable in Malaysia. In practice, however, the lack of effective enforcement and the dependence of migrant workers on their employers and recruitment agents mean that they have few or no safeguards against abuse. Domestic workers have even less recourse when their rights are violated. Domestic work is systematically excluded from most labour law protections. As a result, a form of work that is generally performed by women and girls receives less protection than other types of labour. No compelling justification exists for the exclusion of domestic work from the labour laws. In fact, the isolated nature of domestic work creates particular risks of abuse, compelling the conclusion that more protection, rather than less, is required. The exclusion of domestic workers from most labour law protections violates the right to freedom from discrimination (Amnesty International, 2010). Like Malaysia, repression also occurs in other countries such as Singapore and Bahrain (Robertson, 2017; ITUC, 2011). There also theory that can be applied in this paper which is Rational Choice Theory and Conflict Theory. These two theories best applied in this study because of the rule of people, behaviour, rational choice, pressure, status and class.

### Methodology

This study applied qualitative approach using semi-structured in-depth interview. Qualitative research explores attitudes, behaviour and experiences through such methods as interviews or focus groups. It attempts to get an in-depth opinion from participants, in this study, among female foreign workers. As it is attitudes, behaviour and experiences, which are important, fewer people take part in the research, but the contact with these people tends to last a lot longer (Dawson, 2002). This study applied semi structured in-depth interview where interview protocol was developed based on the semi-structured question specifically targeted to answer the research objectives of the study. Semi-structured in-depth interview allow more structured feedback from the respondents, which makes it easier to analyse. Interviewees are able to express themselves in any way they desire. The expectation is that they tell their story in their own words. The semi-structured in-depth interview applied in this study, is similar to a conversation in that there are two individuals discussing a topic of mutual interest and ideally the discussion is relaxed, opened and honest (Mason, 1998). The respondent in this study involved four (4) female foreign workers. The criteria of the respondents' selection are: (1) female foreign workers (2) work in Shah Alam and (3) works in any of the sectors approve by the Malaysian government. This study chooses Shah Alam because Selangor has the highest number of foreign workers in peninsular Malaysia (Department of Statistics Malaysia, 2016). The sectors that approved by Malaysian government are manufacturing, plantation, construction, domestic maids, services and agriculture. Furthermore, in this study, purposive and snowball sampling technique was utilized particularly to get the sample where the respondents who have participated in the interview may introduce their friends who they know go through the similar case. This technique is associated with the study of vulnerable or stigmatised population which is reluctant to participate in studies using traditional research methods (Baltar & Brunet, 2012). Then in this study the population is among female foreign workers which are quite hard to reach due to the fear and ambiguity. This study utilizes thematic analysis for the data analysis. The feedbacks from the respondent were thematic or group into key themes based on the objective of this study (Clark & Creswell, 2015).

### Findings and Analysis

The data collection of this study involves four respondents who are among the foreign workers who currently working in Shah Alam. The profiles of the four respondents were presented according to their age, country of origin, education level, job sector, monthly income, marital status and duration of stay. Notably, all four respondents are legal female foreign workers which hold passport and work permit. The respondent background can be exemplified in the Table 2 below.

Table 2: Respondent Background

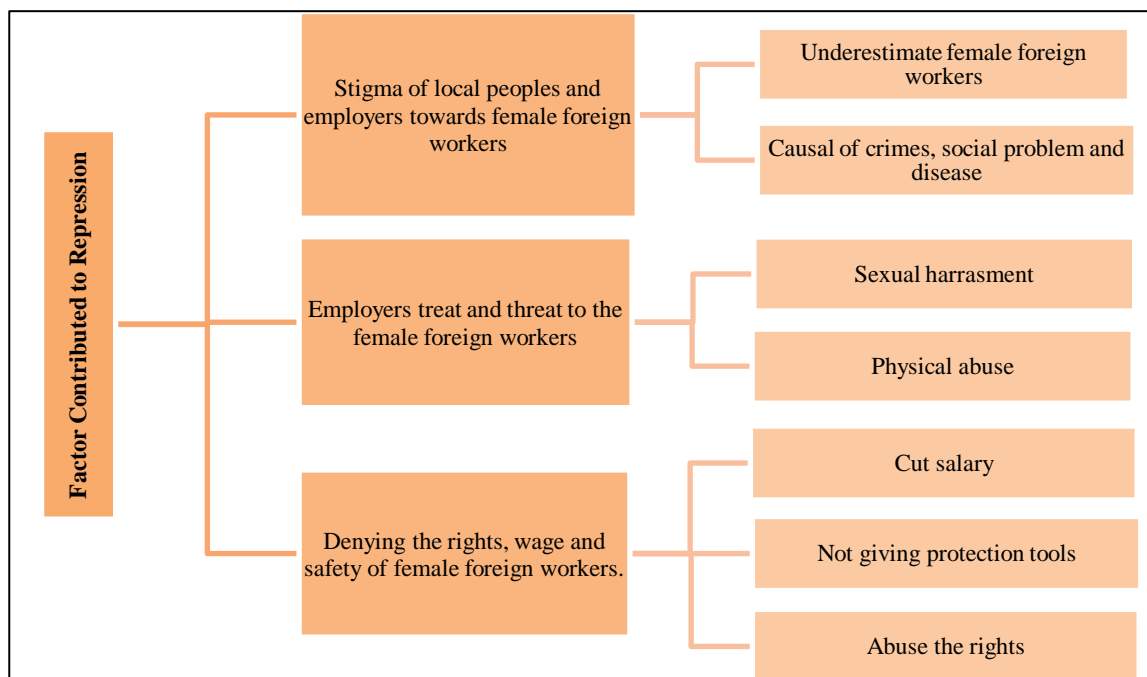
Profile	Number of Respondent
Age	
30-39 years' old	3

40-49 years' old	1
Country of Origin	
Indonesia	4
Education Level	
Basic Education	4
Job Sector	
Services	2
Domestic Maid	2
Monthly Income	
RM 900	1
RM 1200	1
RM 1300	1
RM 1800	1
Marital Status	
Married	4
Duration of Stay	
1-10 years	2
11-20 years	2

Source: Self-Developed Table (2019)

The findings of this study revealed that female foreign workers in Shah Alam, despite having legal status, still experience repression. Among them are exploitation, abuse, violation and discrimination by the employers, agents and local people. As this study aims to explore the factors contributed to the repression of female foreign workers, the findings are presented in a tree diagram based on thematic analysis after the in-depth interview.

Figure 1: Factors Contributed to Repression among Female Foreign Worker



As illustrated in Figure 1, this study discloses that among the factors that contribute to repression are stigma, treat and threat, and denying the rights. These factors show that local peoples and employers are also main contributor to the repression act toward female foreign workers. Two of the respondents shared their experiences, working as maids, with the irresponsible employers. The respondents stated that have to work more than the normal working hours (8 hours) and need to carry heavy things. These

situations could affect their health condition. Notably, some of the respondents were among Muslims whereby they have to perform prayers and need to obey the Islamic obligations. However, one respondent was forced to wash the employer's dog, which contradicted with the Islamic obligations. Another two respondents also claimed that they were restricted from performing prayers. Female foreign workers' rights related to payment received, health condition and right to be protected also being neglected. Two of the respondents stated that they were repressed due to no payment for the task that they were required to do and late payment. Two respondents indicated that they having bad relationship with their employers and sometimes, they feel afraid of their employers. The findings of this study also revealed that foreign workers also couldn't be protected from the stigmatization made by the close society. One respondent expressed her feeling of upset by saying that it is true that there were some groups of foreign workers who always making trouble; however, they came here with pure heart to work and find some money for their living.

Other than that, one of the respondents had married with a local while living and working in Malaysia. At the beginning of their marriage, her husband's first wife had repressed her in term of abusing her rights and safety. She got threaten by the lady such as becoming a maid in their house (they are staying together), had limit time to spend with husband, cannot follow to husband's hometown for Raya celebration, cannot stay at home if the lady's relative visiting them and others. One of the respondents also had experienced repression because she separated from her husband. She experienced sexual harassment while working as restaurant helper in Shah Alam and she has nobody to turn in for report or taking any legal action towards her employer. As a result, she had to bear the repression because if she runs away, she will become illegal foreign workers which will give more problems. These kinds of repression are among the dilemma of female foreign workers to earn money in our country. After all, female foreign workers still struggle in making money in this country even though facing with repression.

## Discussion

Female foreign workers have gone through some experience i.e. repression while working in Malaysia. It is because; female foreign workers are of a vulnerable group making them an easy target to be discriminated, exploited, and abused. This is supported by a study by Kawar (2004) stating that female foreign workers are vulnerable to repression because of some reasons. Among them are; lack of proper information (migration process, procedure, and employment opportunities), limited number of jobs in certain sectors, performing 3D (dirty, difficult, and dangerous) jobs with limited opportunities to build networks, work in the sectors that are not covered by legal prosecution, and others. One of the reasons; it can be proved with domestic maids who are not covered under Employment Act 1955 and National Wages Consultative Council Act 2011 (Sukimi & Sarifin, 2014; Rahim & Othman, 2012; NHRC, 2012; Elias, 2008; Josiah, 2006). Other than that, Malaysian government also has strict policy on the female foreign workers who get pregnant which also causes discrimination on their rights as a woman (Miles et al., 2018; Alias, 2017).

As stated in the findings, the actors of the repressor; employers and local people have stigma towards the female foreign workers. Again, this is supported by the study of Kawar (2004), stating that female foreign workers receive negative reaction from the local people and even worse, it is in the form of open racism. This can be seen through female foreign workers who work as domestic maids. As compared to other sectors (manufacturing, agriculture, plantation, services, and construction), domestic maids experience misery throughout day and night. The sector (domestic maids) itself also gives significant findings to the female foreign workers. This sector gives employers and local people huge stigma towards the female foreign workers. Upon this issue, one of the supported literatures is migrant workers being associated with crime, disease and terrorism, as well as sexual and moral problems (Hamidi, 2016; Loh, 2016; Tunon and Baruah, 2012). According to Amnesty International (2010), stigma is also associated with the rights of foreign workers not being recognised by the employers due to less protection from the law. For example, domestic workers are excluded from labour law protection in Malaysia. This incident is similar to a study conducted by Hamzah and Daud (2016) whereby the employers always took advantage on the foreign workers based on the stigma (willing to work without off days, overtime, obey the employers' instruction, be committed to work). In addition, Indonesians female foreign workers are being stigmatised by the employers because of their low knowledge and awareness of their human rights and not being demanding in term of labour rights (Miles et al, 2018; Elias, 2008). This stigma issue is also associated with domestic maids in term of social intercourse between male employers (or other family members, in particular males) and female foreign workers. This is supported by studies (Miles et.al, 2018; Elias, 2008), which prove that Malaysian society put stigma on female foreign workers, domestic maids as untrustworthy, home wreckers, and sexually promiscuous.

Repression incidences performed by employers were proven in a number of literatures. Other cases that support the abuse of rights of foreign workers were reported by Berita Harian (2014) whereby foreign workers were beaten without discretion and reduction of wages for accommodation fare which was originally promised as free by the employers. In term of repression done by employers towards domestic maids, the victims involved were mostly females. Furthermore, the female foreign workers were in fear while performing their job because employers threatened them if they disobeyed the employers' instruction. This is consistent with a report by Amnesty International (2010) authored by Michael Bochenek, the foreign workers (women domestic maids) are described as being subjected to profound affronts to their religious practices (such as an employer's trampling of a prayer mat and holy book). Some are beaten if they refuse to work or if they do not work fast enough, long enough, or to meet the standards or employers' demands. The foreign workers also face long working hours, tiredness, and mental exhaustion. In Malaysia, many abuse cases were reported among Indonesian women maids such as being beaten by hard objects and being poured hot water all over their body (Utusan Malaysia Online, 10 Jun 2009), beaten by the employer eight times at her face and head; and in order to avoid being beaten by the employer, she was forced to obey the employer's will (Astro Awani, 2013). There are cases that led to death which show the seriousness of repression among domestic workers (Chern, 2018; Astro Awani, 2018). One of the most popular cases is Adelina Lisao, Indonesian maid who was murdered by her employer (59 years old, Indian woman). Adelina was found dead with wounds on her body due to multiple organ failures. Studies show that domestic

maids are of a vulnerable group, which make them an easier target to be abused and repressed by the employer. This is because the domestic maids will stay at the employers' house even after the working hours. In addition, study by Elias (2008), reveals that domestic maids are also vulnerable due to power which is in term of employers' power. They are seen as having no value and the master – servant relationship eventually leads to abuse (Elias, 2008). As one of the findings reveals that female foreign workers had experienced sexual harassment, and this is proven by a study that is associated with the vulnerability of female foreign workers (Crisis, 2014).

Lastly, in terms of denying the rights, wages, and safety of female foreign workers; one of the experiences is working beyond the nature of humanity, which is Muslim foreign workers need to wash employer's dog, no rest and off day (Miles et.al, 2018); as well as carry heavy machines (women). These findings also pertain to the rights of individual. These findings are similar with a report by Human Rights Watch (2005) which states that most Indonesian domestic workers work 16 to 18 hours a day, 7 days a week, and receive wages less than USD5 a day. It is agreed that in terms of rest day, off day, and sick leave; female foreign workers' rights are also being violated. According to a study by Miles et.al (2018), they were willing to work even they were sick because if they took leaves, they would get penalised. There are also a number of studies that discuss the female foreign workers' engagement in low-waged, low-skilled works, and super-exploited workers (Miles et.al, 2018; Josiah, 2006; Human Rights Watch 2004; Wickramasekera, 2000; Chin, 1998). It is also agreed by a news happened in one factory claiming that the foreign workers were not getting actual pay of their salary and allowances (Bernama, 2014). The International Labour Organisation (ILO) also touched on discrimination of women migrants in term of wages in which they are not getting actual pay with actual job. But then, again, selected sectors are not covered under the National Wages Consultative Council Act 2011. According to Nah (2012), in Malaysia, foreign workers have their own hierarchy based on their contribution to the economy. It is then argued that female foreign workers are placed one level above illegal foreign workers because they are weak and easy to be repressed.

While this study aims to explore the repression, factors contributed to the female foreign workers, there are some recommendations that can be highlighted in order to strengthen the future study on this matter. First is a government role. Government need to strengthen existing policy, rules and regulation to cover foreign workers, in particular female foreign workers. In advance, government may need to structure new policy for the female foreign workers in order to protect them from repression. Government also may need to emphasize on the action taken to the enforcer who abuse the law while performing their job related to female foreign workers. In other word, government must make sure that the enforcers uphold the rights of female foreign workers if they faced repression. Second is ministries role. Among the ministries that responsible for female foreign workers are Ministry of Women, Family and Community Development, Ministry of Home Affairs and Ministry of Human Resource. These ministries need to uphold the rights for female foreign workers in term of recruitment, accommodation, employers, rights to be heard, and others relevant matters. For example, educate the employers on how to treat their female foreign workers, educate about the repression and take legal action on employers who abuse the female foreign workers' right. The ministries also need to set up a channel or platform for the female foreign workers to make report about anything bad happen to them while working and staying in Malaysia, provides protection to victim abuse, and providing counselling services. Lastly is the role of Non-Governmental Organization (NGO). They need to strengthen their effort in promoting safety for the female foreign workers in Malaysia as well as working on variety of initiatives in helping the female foreign workers who faced repression. They need to find the easiest and simplest way to reach the potential victims and offer help to them. Other than that they can press on government to separate law to protect female foreign workers as the law impose to the foreign workers is not compatible to all of them. After all, the roles of everyone in the country is take into consideration in order to create free repression among female foreign workers to work and stay in Malaysia.

## **Conclusion**

In conclusion, female foreign workers experience repression while they are working and staying in Malaysia. They are most often associated with being termed as sexually promiscuous women, husband stealers and sexual harassments (Miles et al., 2018). While conducting this study, there are some limitations that appeared. The first limitation is limited past studied on repression among female foreign workers in Malaysia. The studied-on factors contributed to the foreign workers' repression is discussed in general, not in particular gender. Second limitation is limited access to the respondent which is female foreign workers. In other words, they are quite hard to approach to participate in the study because of fear. The third limitation is on time factor. In this case, the female foreign workers have limited time to spend in the interview because they have very short time for break. Lastly, there is also issue of trustworthiness among the female foreign workers because they think the employer might spy on them using another person. This is admitted by one of the respondents which her past employer has done this in order to get the information from the employee.

Notably in certain sector which is domestic maids, female foreign workers are not covered under Employment Act 1955 and National Wages Consultative Council Act 2011. This gives opportunity to the employers to repress them in term of rights, wage and safety. As mentioned earlier, domestic maid cases are the most highlighted cases in media which makes this sector a significant finding in revealing the factors contributing to repression among female foreign workers. This paper concludes that repression among female foreign workers is worrying and they are still struggling in surviving in Malaysia. While agreeing that four (4) respondents cannot be generalized to all female foreign workers in Malaysia; however, the findings can give some indication factor contributing to repression. According to Miles et al. (2018), there is no single organization in Malaysia dedicated to promoting the rights of female migrant workers. There are, however, several organizations who work with these women, as part of their client base. As such, Tenaganita is the well-known Non-Governmental Organization (NGO) which aims to help and promote female foreign workers in Malaysia. They are protecting the female foreign workers' rights in Malaysia. Other than that, Ministry of Women, Family and Community Development had issued the steps in helping the domestic maid to

find for help if they faced repression. Among the initiatives are: (1) hotline KASIH 15999 operates 24/7 for case reports, (2) provides protection to victims of abuse, (3) providing counseling services to maids under pressure from employers, and (4) encourage families to gain coping skills in dealing with stress in a family that can lead to acts of violence against maids. Also, Tenaganita provides same hotline initiatives to offer aids for female foreign workers who faces repression.

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