

# Unionization of Migrant Domestic Workers in Malaysia: Embarking on a Long, Bumpy Road to Success

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By any measure, Foreign Domestic Workers (FDW) in Malaysia have it pretty bad. Most of the women work backbreaking hours, seven days a week. Many are beaten regularly and locked up like pets when their employers leave the house.

If their bosses decide not to pay them, there is little they can do. Many are literally trapped. Because their employers can confiscate their passports and phones, there are few ways to tell anyone how bad things are, ask for advice, or flee.

Despite this, an estimated 250,000 women from Indonesia, the Philippines, Cambodia and Nepal work in Malaysia as domestic help. Work being scarce at in their home countries, they come to Malaysia hoping for a decent salary. Instead, they often live and work in dire circumstances, with few protections offered by Malaysian authorities.

The inhumane treatment of migrant workers in Malaysia led the United States to downgrade Malaysia to the bottom third of countries ranked in the 2014 US Trafficking in Persons Report (TIP). The report refers to bonded or slave-like working conditions in Malaysia.

Due to incidences of deaths, torture and rape, Indonesia and Cambodia banned sending domestic workers to Malaysia in 2009 and 2011 respectively.

## **Why organise non-workers?**

In 2005, the Malaysia Trade Union Congress (MTUC) took notice of the precarious conditions of foreign women working in the country. With 250 affiliated unions and around 500,000 members, the MTUC is the only officially recognised labour centre in Malaysia which has a seat on the national industrial tribunal.

At the time, Malaysian unions were in crisis, barely allowed to exist in a hostile political environment.

Trade union membership was restricted to certain workplaces, strikes against unfair labour practices were practically illegal, and unions were banned from spending money on political campaigns. Unions had lost their industrial muscle and were bleeding members, exacerbating their financial problems.

To revive the organisation, the MTUC decided to look for new members by confronting issues beyond their comfort zone, such as increased outsourcing and an influx of migrant workers.

But before MTUC could represent migrant and domestic workers, its leadership and members needed to change their mindset, with the Malaysian public traditionally seeing migrant labourers as taking away jobs.

Representing domestic helpers would mean a major shift from MTUCs traditional base of mostly male Malay workers.

There were practical problems. Thought of as servants, domestic workers are still not formally recognised in Malaysia, and are effectively excluded from the recently adopted minimum wage. MTUC would have to tread lightly in order to represent ``non-workers'' and stay on the right side of existing laws.

The MTUC was also structurally geared toward collective bargaining on behalf of factory workers with formal employment relationships and did not quite know how to organise on behalf of foreigners who were typically in Malaysia for a limited time and were the only employee at their workplace.

### **Setbacks and Successes**

In an effort to reach out to this mostly female workforce, MTUC formed a Domestic Workers Desk staffed with female coordinators to organise various activities and awareness programs. The aim was to organise FDWs and push for reform of labour laws that restricted and excluded domestic workers.

To give domestic workers legal status, the MTUC twice tried to register a separate organisation, the Domestic Workers' Association. Both attempts - in 2007 and 2014 - were rejected with no explanations or reasons given. Today, it is not a separate desk but the MTUC Women's Committee that has responsibility for the union movement's domestic workers' program.

Hoping to replicate the Hong Kong experience, where domestic workers were organising during their day-offs, in 2008 the MTUC decided to team up with migrant, women and human rights NGOs and embark on a "one-day-off-a-week" campaign.

The campaign reached a milestone in 2009 when the Malaysian government developed a new policy that would allow domestic workers one day off a week, as well as making employers deposit their wages in their own bank accounts. Today, the MUTC is continuing to push until the government to enact the policy into law.

The MTUC has also pushed the government to address the rampant practice of employers who confiscate the passports of migrant workers. In 2014, the government issued a strong public statement that withholding of passports was illegal in Malaysia and any employers found violating this would face stiff legal penalties.

The release of policies orders mandating a weekly day-off for domestic workers; depositing their wages into their own bank accounts; and a government warning against the withholding of passports can be considered small victories for the MTUC and domestic workers in Malaysia. However, the road ahead toward formal recognition remains bumpy.

### **Strategies and tactics**

For the MTUC, repeatedly invoking the 2014 US Trafficking In Persons Report was a useful tactic in a country where maintaining Malaysia's international standing as pluralist, multiethnic society is important to the government and its institutions.

Taking advantage of this, the MTUC pressured the government to improve conditions for migrant workers as well as overriding restrictive labour laws and regulations.

Another key to the campaign was international collaboration. MTUC worked closely with several NGOs from the countries of origin, such as the National Labour Center of Nepal and a labour center from the Philippines called SENTRO.

MTUC even agreed to assist SENTRO in its organizing and education work for domestic workers in Malaysia. In turn, SENTRO has agreed to deploy a Filipino organiser in Malaysia under the MTUC umbrella and to assist in organising not only Filipino domestic workers but other nationalities as well.

MTUC's outreach to sending countries is a good example of transnational cooperation. In a time of globalised work and trade, approaches like this seem to be a good way for innovative trade unions to expand their influence and power base.

Download the full study here:

((Organising Migrant Domestic Workers in Malaysia: Challenges in Revitalisation))

A Case Study by Verna Dinah Q. Viajar

<http://library.fes.de/pdf-files/iez/14438.pdf>

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