

Why we need to value, not vilify, migrant workers

Written by admin

Monday, 03 August 2020 21:41 - Last Updated Monday, 03 August 2020 21:52

The Covid-19 pandemic has revealed and exacerbated many inequalities that were lurking beneath the surface in Malaysia, not least those facing the migrant worker population. Covid-19 affects citizens and foreigners alike, but migrant workers have had to navigate the crisis without the same safety nets and support that many Malaysians have relied upon. They have done so while living in fear of being arrested or detained in crowded detention centres in an atmosphere of increased racism and xenophobia. But the pandemic has also shown that this has to change, not just for the sake of the migrant workers themselves, but for our economy and society as a whole.

The recent vilification of migrant workers prevents us from considering their stories as fellow human beings and how they have come to be in Malaysia. Both documented and undocumented migrant workers make huge sacrifices when they leave their home countries, including Indonesia, Myanmar, Nepal and Bangladesh. Often they pay large sums of money, selling property or putting themselves in debt to pay employment agencies and travel to Malaysia. They have invested a lot of money, time and energy into coming here to earn an honest living and support their families back home. If things turn sour, returning home with nothing to show for their efforts, other than crippling debts, is not a simple option.

Given a choice, nobody sets out to be an undocumented migrant living in fear of the authorities. Many migrant workers enter the country legally and become undocumented through no fault of their own. Some employers fail to renew their work permits, while other migrants are victims of scams, left stranded without work after paying agency fees for jobs that never existed or are not as promised. Others have lost their jobs or their permits have expired during the Movement Control Orders (MCOs). Without the opportunity to seek other lawful employment or return home, some will have resorted to taking up any work they can in order to survive.

For many years there have been reports of a range of labour and human rights violations against migrant workers in Malaysia, ranging from the non-payment or unlawful deduction of wages, physical abuse, forced labour, withholding of passports, human trafficking and debt bondage. A large number of migrant workers are in low-wage jobs which are tied to particular employers, leaving them with few options when things go wrong.

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Already marginalised, migrant workers have become particularly vulnerable during the pandemic and MCOs. Living in cramped housing conditions, many will have found it impossible to follow public health advice on social distancing. Those relying on low daily wages have been disproportionately affected, sometimes confronted by the choice to return to work without proper protection from Covid-19, or to starve. A number of migrant workers have even committed suicide after facing the financial hardship of losing their jobs and having no way to survive in Malaysia or return home.

Migrant workers do have rights in this country, which the government should respect and protect. Although Malaysia is not a party to the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, it has ratified a number of International Labour Organization instruments, which require the protection of all workers' rights without discrimination. Malaysia should observe the principles of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, and is bound to uphold principles of international human rights law, including the right to health and freedom from discrimination.

While many have been quick to assign responsibility for the welfare of migrant workers to their respective governments and embassies, it is in the best interests of Malaysia to better protect migrant workers and not allow them to be scapegoated during this crisis.

The truth is that migrant workers are some of the most valuable contributors to our economy, particularly in the construction, plantation and manufacturing sectors. Migrant workers are employed in skilled and unskilled positions. They serve and cook for us in restaurants, provide security for our buildings and apartments, build our highways and rapid transit system, and grow and harvest our produce, among a variety of other roles. They frequently perform the so-called "3D" jobs - dirty, difficult and dangerous - which are often shunned by locals. But if we expect migrants to do this work, we cannot keep treating them as an inconvenience to put up with in order to get cheap labour. These workers contribute to Malaysia and add considerable value.

Looking at the approaches of different countries around the world, it has already become clear that the treatment of migrants has a massive effect on the overall spread and impact of Covid-19 on the wider population. Singapore failed to include migrant workers in its response, with serious consequences for the economy and entire population. After initially receiving praise for its handling of the virus, the country faced a second wave of infections, with some reports

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that migrants living in cramped dormitories made up over 90 percent of cases. This is a cautionary tale for Malaysia. There are now real fears that there are unreported cases within our own migrant communities, many of whom are also housed in cramped conditions and lack access to safe and affordable healthcare.

In some countries, including Portugal and Italy, governments have granted temporary residence and access to healthcare for many migrants and moved to regularise those without valid papers. A crucial part of any response to the pandemic must be to ensure that all members of society have access to information, advice, testing and treatment to contain the virus and keep the entire population healthy. From a practical point of view, all residents including migrant workers must have access to healthcare and should be reassured that they can come forward and engage with the relevant services. Malaysia should consider regularising its undocumented migrant population, even if only temporarily, to allow access to emergency healthcare and aid without fear of arrest.

In March, undocumented migrants were told that they would not be arrested if they came forward for testing or treatment. Yet only two months later the government confirmed that this amnesty was over. Starting on May Day, a series of major raids on undocumented migrants were carried out, resulting in over one thousand people being detained in overcrowded detention centres for immigration offences. Moving large numbers of people into such environments goes against all international advice on respecting human rights during the pandemic. Unsurprisingly, new infection clusters have been identified in these detention centres and place not only the detainees, but the staff, their families, and consequently the larger public at risk.

While the government states that these raids were carried out to limit the spread of the virus, the mass arrests of undocumented migrants during the pandemic have naturally caused confusion and fear. These arrests will undoubtedly have discouraged many migrants from coming forward regardless of their immigration status. During this recovery phase of the MCO, this is a particular concern as workers in more sectors return to work.

If we do not address the treatment of migrant workers in Malaysia, then we could face a second wave of Covid-19 and huge setbacks in our struggle to overcome the virus. Recent events have merely brought the plight of migrant workers to the fore. Rather than show compassion and

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support, some people have added to their hardship by perpetuating hateful and xenophobic rhetorics. We have to do better than this, not just because it is unjustified and in breach of international human rights standards to target migrant workers, all the more so during the pandemic, but also because it is necessary for the public health and safety of everyone in Malaysia.

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