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DOMESTIC WORK AND SERVITUDE IN MALAYSIA

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DOMESTIC WORK AND SERVITUDE IN MALAYSIA

Rohana Ariffin^{*}

INTRODUCTION

In recent decades, Asian countries have closely followed neo-liberal economic policies, including massive privatisation, liberalisation and integration into the global free market economy. There was a rapid transformation in many countries in the ASEAN region in the 70s when they embarked on export-oriented industrialisation (EOI). Within this period of globalisation, capital, technology and information, especially from America and other western countries, rapidly crossed national boundaries. Asian countries received an onslaught not only of economic capitalism, but of technology and information with its cultural accompaniment as well.

In the ASEAN region, Singapore has experienced the most rapid industrialisation, followed closely by Malaysia. Malaysia's growth rate over the last decade has been more than 8 per cent. Surrounding countries such as Indonesia, Thailand and the Philippines improved their economy too but at a slower rate than Malaysia and these countries have surplus labour.

The migration of labour from supplying countries (ie Indonesia, Philippines, Sri Lanka, Bangladesh, Burma, China, India, Nepal and Pakistan) to recipient countries such as Brunei, Hong Kong, Singapore and Malaysia primarily occurs for economic reasons. Firstly, migrants are willing to take up jobs that locals refuse (due to better education etc), and secondly unregulated and marginalised workers provide a competitive advantage to countries promoting export growth. Thirdly, prosperity has promoted a consumerist lifestyle, creating employment in the domestic and entertainment sector (Asian Migrant Centre 1998: 30). Eighty-five per cent of migrant workers are women.

AFTER 1957: POST-INDEPENDENCE PERIOD

Malaysia adopted import substitution industrialisation in the 1960s in an attempt to create jobs for unemployed youth. Since the 1950s universal education had been provided for the population, resulting in many youth attaining either a mid-

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secondary school or secondary school qualification. With industrialisation, many youth migrated to town in search of jobs in the factories. At that stage, male youth exceeded female immigrants. With their departure from the rural areas, agricultural jobs were abandoned and employers sought the service of migrant workers, mainly from Indonesia.

From the 60s, the Malaysian economy grew rapidly, and many jobs were created in the agricultural and construction sectors. This drew foreign labour into the country, in particular Indonesian migrant labour. The industrialisation process also created more opportunities for local workers to move from less skilled, lower paid jobs to better ones.

FROM THE 1970s: PERIOD OF EXPORT-ORIENTED INDUSTRIALISATION

In the 70s, when export-oriented industrialisation overtook import substitution, young women were drawn to work in export industries. At that time more rural women than rural youth migrated to urban areas. Rural women, who used to be a source of domestic helpers for 'middle class' families, became a scarcity.

The transition period of rapid urbanisation began to break down the extended family system. A domestic helper therefore became a necessity for most working families. Although women comprised about 25–30 percent of the labour market then, there was no supportive infrastructure to help them such as organised nurseries or kindergartens. Women were left to fend for themselves and the domestic helper was the best alternative. But the supply was fast running out, as most young women were absorbed into the factories. The solution was to find foreign maids, sourced initially from Indonesia and subsequently from the Philippines and Sri Lanka.

The state believed that a proper system of infrastructure was needed to support increased industrialisation and this included the building of roads, transportation and other telecommunications systems. The increase in the number of workers in the urban areas, and the gradual expansion of the middle class, also created a need for housing estates and low-cost flats. Labour was required to build these, and local labour was in dire shortage as many Malaysians were reluctant to take up such work or had few skills in the construction industry. The government had to import foreign labour for these jobs.

Thus foreign male and female workers entered Malaysia: male workers in the construction industry, and mostly female workers in the domestic homes and service sector.

Towards the early 90s, Malaysia experienced a tight labour market and there was a shortage of labour both in the manufacturing industries and the expanding service

sector. Workers were imported into the country to work in these industries, predominantly women from Indonesia and Bangladesh. Besides the factories, women workers could be found in retail trade, restaurants, petrol service stations, office/factory cleaning and so on.

According to one estimate there are about 1.5 million documented migrant workers and 200 000–500 000 undocumented foreign workers (male and female) in Malaysia (Asian Migrant Centre 1998). If the figures are correct then migrant workers make up over 13 per cent of the labour market in this country.

Table 1: Origin of foreign workers in Peninsular Malaysia in November 1997

<i>Citizenship</i>	<i>Total</i>	<i>Percentage</i>
Indonesia	716 033	63.92%
Bangladesh	307 696	27.46%
Philippines	24 882	2.22%
Thailand	21 438	1.91%
Pakistan	18 052	1.62%
Others	32 071	2.86%
Total	1 120 172	100.00%

Source: Immigration Department, Malaysia

Table 2: Migrant workers according to country and sectors from July 1992 to January 1997

	<i>Domestic</i>	<i>Plantation</i>	<i>Construction</i>	<i>Services</i>	<i>Manufacturing</i>	<i>Others</i>	<i>Total</i>	<i>%</i>
Indonesia	79 167	108 778	94 561	3062	30 568	1347	317 483	62.7
Thailand	3879	11 120	6540	1492	298	848	24 177	4.8
Philippines	28 587	49	1160	828	1401	668	32 643	6.4
Bangladesh	56	17 366	27 578	5803	72 538	416	123 757	24.4
Pakistan	53	183	1356	427	1682	3	3704	0.7
India	54	306	1347	444	194	27	2372	0.5
Sri Lanka	5	4	43	39	28	-	119	0.0
Myanmar	17	125	675	282	123	16	1238	0.2
Nepal	-	25	17	97	262	-	401	0.1
Nigeria	-	-	-	-	-	5	5	0.001
Others	7	-	137	11	54	526	735	0.2
Total	111 775	137 956	1 333 414	12 485	107 148	3856	506 634	100.0

Adapted from Immigration Dept, Kuala Lumpur.

INTERACTION OF CLASS, ETHNICITY, CULTURE AND GENDER RELATIONS

Malaysia's population of three major races has lived together for a long time. However, latent tension between the races and racial polarisation has grown over the years, causing much concern for many Malaysians. Factors that have contributed to this situation have been racial politics, culture and religion. Into this milieu entered the migrant workers.

In the new millennium, gender relations of inequality and male bias still exist in Malaysia, reinforced by many male-interpreted laws and religions. It is a fact that working women (especially those who can afford it) need domestic helpers when their children are young. Mothers and wives are still expected to be the primary

carers of children and to be in charge of domestic responsibilities. For instance a recent study undertaken by the National Family Planning Board of over 3838 respondents shows that 'Fathers ... lack interaction with their children' (*New Straits Times*, 29 May 1998). When the children fell ill, it was usually the mothers (80 per cent in this study) who took leave to care for their sick children.

Almost all workers in Malaysia including migrant workers are supposedly covered by the *Malaysian Employment Act 1955* which stipulates working hours, holidays and workers' rights to other benefits such as medical and maternity leave and social security. But this law does not cover all migrant workers, especially domestic helpers, and the terms of employment are often left to the good will of the employers. Migrant workers in the factories and plantations are not covered under the Social Security Scheme (SOCSSO), which covers Malaysian workers earning RM 2500 and below. Employers are required to buy insurance policies for their workers as stipulated under the workers compensation law so that foreign workers are protected if any mishaps occur in the workplace.

From observations and opinions of friends, relatives, the public and my personal observations, it seems that the nature of domestic work and employment terms are dictated by the employers, and migrant workers are subjected to long hours of work, not given any leave and have no rights or channels through which to negotiate their terms of employment. In addition, they are not allowed to join unions, as they are barred by the government, and they have practically no channels through which to air their grievances.

The National Family Planning Board study also showed that, of the maids in the households studied, 67.0 per cent are Indonesians, 23.0 per cent are locals, 5.4 per cent are Filipinos, and 3.3 per cent are other nationalities. This seems representative of the actual situation in Malaysia.

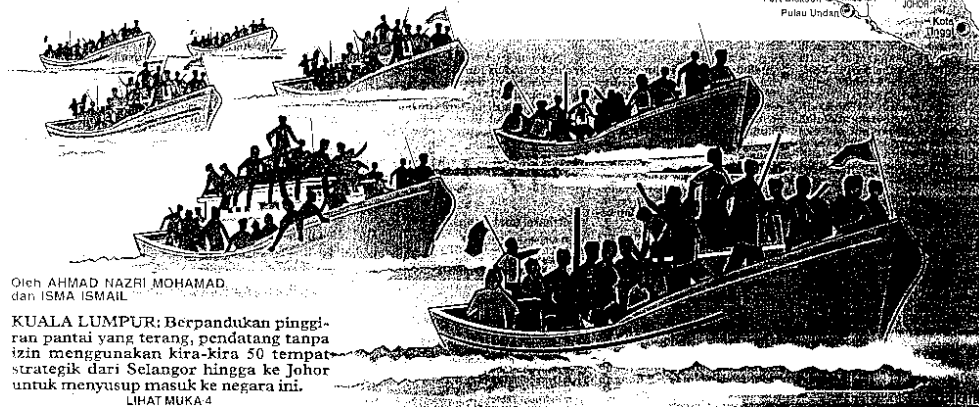
The question we should ask is: Are foreign workers involved in jobs considered dirty, degrading and demeaning? Their stories indicate that most of them work in areas such as construction, domestic services, workers in restaurants, cleaning services and other lowly jobs.

THE WORKERS' EXPERIENCE

Many legal workers are spared the agony of landing by boats at the various coastal areas of the country. For those who come by boats, they are often overcrowded and will land at various points in Johore, Selangor, Negri Sembilan and Malacca. For the illegal immigrants, many are brought in under the dark cover of night and have to jump into the sea near the shore and make a run for the mangrove swamps. The land Taikong then transport them by taxi or bus. If they are caught by the police they have to bribe their way through and some are asked for sexual favours by the

police and immigration officers. Those who make it through are housed in the agent's place after which they are sent to the various places of work.

Pendaratan pendatang tanpa izin 50 syurga



Oleh AHMAD NAZRI MOHAMAD
dan ISMA ISMAIL

KUALA LUMPUR: Berpandukan pinggir-pantai yang terang, pendatang tanpa izin menggunakan kira-kira 50 tempat strategik dari Selangor hingga ke Johor untuk menyusup masuk ke negara ini.
LIHAT MUKA 4

Landing of illegal migrant workers in Malaysia

Domestic workers have a variety of experiences with their employers. Generally the pay ranges from RM 400 to RM 800, with the Filipino maids earning at the higher end and the Indonesian maids at the lower end. Several factors contribute to this and one of them is that the Filipino maids have a better support system (eg agencies, NGOs and the state) back home as well as within the recipient country. Filipino maids are given rest days off, mainly on Sunday for religious and recreational activities. Many Filipinos can be seen congregating at the churches or supermarkets. They have some NGOs in the recipient country to air their grievances. This is quite absent for the Indonesian maids, who are not given any days off. They have no place to gather for any religious and social interactions. Their embassies until lately have been lackadaisical and reluctant to help their maids in distress. There have been many cases of maid abuse in all its forms and it is only now that the embassies are taking some interest. This was preceded by local women's NGOs clamouring and demanding them to take some action such as the provision of shelter and counselling.

Many Indonesian migrant workers come to Malaysia with the impression that Malaysians, especially the Malays, are similar to them in terms of culture and religion. For example, a maid named One said: 'My sister says that Malaysia is like

Jakarta, so it will be okay' (*New Straits Times*, 14 May 2000). They feel that it would not be such a big shock to work with families or factories here, as Indonesians and Malaysians share many cultural traits and stages of development. But when they reach Malaysia they are distributed by the recruiting agents to various homes, ranging from Malay to Chinese and Indian homes.

Many of the foreign workers come from rural areas of their home countries and are ill-equipped to handle electrical equipment or even ovens. Urban Malaysian homes are well equipped with the latest gadgets from washing machines, vacuum cleaners and microwave ovens to computers. The maids are often overwhelmed by this modern equipment (*New Straits Times*, 14 May 2000). There are some training centres in Indonesia that provide basic skills for the maids but overall most maids are ill-equipped to handle the modern appliances.

Since many Malaysians live in flats or apartments, where there are no spare rooms, the domestic maids usually have to share with the children. They are isolated from other servants and their hours of work are determined by the employers. In many instances, employers work them all the time, from cleaning the house, cooking, washing and ironing the clothes, taking care of the children and even washing the employer's car. It is a common sight to see maids cleaning their employers' cars either in the early morning or very late at night.

Where there are elderly parents or relatives, the maids become their primary caretakers. So the domestic maids' skills have to range from caring for the very young to the elderly. Besides that, on weekends some of the maids are taken to another relative's house to do house cleaning and other duties. There has been very little interference from the government to ensure that employers follow the *Employment Act* 1955, which determines rest and work hours and holidays. The total power given to employers is often abused. The extreme cases in which maids are badly bruised or murdered attract publicity. There are thousands more that suffer other forms of humiliation such as verbal abuse and other degrading treatment. Badly abused maids have made police reports and their employers have been charged with criminal offences. Most cases that have come to light involved Chinese employers and Indonesian maids. As Malaysia has its fair share of racism, this factor and cultural differences accentuated this conflict. These words of a maid in Hong Kong describe a similar situation: 'the government has to do some human rights education for employers, sending out messages that racism and physical abuse are not tolerated' (*New Straits Times*, 14 May 2000).

Three cases are set out below as elaboration:

1. Nurjanah Matyak, 40 years of age, has been regularly abused by her employer, businesswoman Yap Sow Li (50 years old). She has been beaten viciously many times and on one occasion beaten with a cane many times

on her head. She also has been forced to lick urine and eat hair. She had bruised and cut eyes, which could hardly open (*The Sun*, 1 February 2000).

A YEAR OF TORTURE

Repeated beatings leave maid with blurred vision

By S. GAYATHRI



PETALING JAYA, Mon: Reports of maids kept caged and furred with hot irons make one recoil with horror at extent of abuse some domestic help in the country are subjected to. Nurginah Marwat's story is no less horrific, as her graphic account of the torture she endured at employer's hands underlines the depth of her scars, both physical and emotional.

As a result of her ordeal, the 40-year-old Indonesian maid now suffers from blurred vision and constant migraines.

The ill-treatment began more than a year ago when her employer, both professional in that she began hitting her repeatedly on the head with a shoe, often drove to her eyes. Nurginah said her employer kept her confined to her room with one in the hall and the other in the kitchen.

"She often pulled my hair very hard and hit me on my head with the cane," she said. She described the case to the press at the Women's Organisation (WO) office here today.

The cries of pain and pleas to her employer to stop fell on deaf ears, and as many occasions she was forced to come herself on her husband's rescue.

Nurginah fled with the family to Singapore, but she was arrested in Malaysia through an immigration officer's report.

"They began ill-treating me a year after I started working," she said, adding that



CHARGED WITH ABUSE Former executive officer Yew Saw Li leaving a Petaling Jaya magistrate court's lock-up yesterday to post had after pleading not guilty to a charge of voluntarily causing grievous hurt to her Indonesian maid Nurginah Marwat. She is alleged to have committed the offence last month.

2. Another case involved an Indonesian maid called Ruminah Atem (57 years old), who was forced to live in a cage in the backyard of her employers' (Yew Yoke Choo, 54 years old) home for 30 months. She was given only one meal a day, and let out only for an hour daily to mop the floor of the house. She was not paid for seven years and never had a holiday (*Asia Week*, 16 June 2000).

3. In the worst scenario the beating can lead to death. A Chinese employer, Cheah Lai Mooi, was charged with hitting her maid Kursiah Manijan (32 years of age from West Jakarta) with a stone which led to her death (*New Straits Times*, 22 February 2000).



Fortunately for these women some caring neighbours reported them to the police and they were then removed from the employer's home to a women's organisation.

In some of the cases that were brought to the courts, employers agreed to pay monetary compensation for the wicked deeds committed on the maids (*The Sun*, 3 October 2000). In many cases the maids are poorly represented by the overworked Deputy Public Prosecutors, who are interested in settling the case as soon as possible and in the most convenient way, which is the payment of compensation.

One common form of abuse is sexual abuse of maids. Many cases of this nature do not reach satisfactory settlement. Some of those responsible try to cover it up by offering compensation to the maids. In other cases the case has reached court but then the maid's visa has expired and she has been forced to return to her country. Other cases are fraught with other difficulties. Below are two cases of sexual abuse:

1. A 27-year-old Filipino maid alleged that her Croatian boss raped her four times since April 1996. The Croatian boss was suddenly recalled back to his country. It seemed that he was expelled from his job as an envoy to Malaysia by his government. He has immunity in Malaysia because he was a diplomat (*Star*, 19 October 1996).
2. A 67-year-old man named Ng Chwee Chew was sentenced to 2 nine-month sentences (concurrent) for using criminal force to outrage the modesty of his 25-year-old Indonesian maid. He tried and succeeded several times in touching and fondling her breasts, buttocks and thighs. Altogether, he molested her seven times (*New Striats Times*, 31 October 1999).

Some maids run away and are recruited by pimps as they join their sister prostitutes. The other prostitutes came sometime earlier into the country for the purpose of prostitution. They come on tourist visas and stay on to ply their trade. Thousands of foreign women are involved in such trade, some from neighbouring

countries such as Thailand, and some from as far as Russia and other European countries.

THE EMPLOYERS' EXPERIENCE

Only married couples with a certain level of income are eligible to apply for foreign maids. Recently, because of many complaints from the public, the Immigration Department has relaxed its rule to allow some applications from single parents with ailing parents or sick children.

Although all foreign workers have to pass the medical test before being allowed entry into the country, there have been many instances where sickly maids are brought in. Employers have lamented that they had to send back their maids after a short stay (*New Straits Times*, 26 September 2000). This has caused a lot of inconvenience for employers as they have to send them back to the agency or even home, and to wait for a period without any house help. Sometimes it happens often and this affects the well-being of the family. In many cases, too, maids suddenly disappear by running away, leaving small children and the home unattended. There are now many squatter settlements where they can hide and then be re-hired by other employers. Some of the maids are married in their home countries and take the opportunity to join their husbands who are working in construction or plantations. Some develop relationships with male migrant workers (or criminals) and plan their escape. In many cases, too, they become accomplices (knowingly or unknowingly) in robbing their employers or former employers. There have also been cases of maids becoming involved in kidnapping the employers' children (*New Straits Times*, 23 October 2000). Out of the 175 187 foreign maids brought in legally, 30 180 maids ran away after completing only three months of their two-year contract (*New Straits Times*, 21 October 20).

Therefore, the dynamics of the relationship between domestic maids and their employers are very complex and varied, and fraught with difficulties and misconceptions on both sides.

Recently, the government tried to impose some form of control by making maids sign an agreement with their employers, through which they are obliged to perform their work properly. On the other hand, there is no similar 'moral obligation' agreement imposed on employers for their maids in which they have to give rights to rest and personal leave.

Cases of Foreign Workers Running Away from Employers

<i>States</i>	<i>Cases</i>			
	<i>As of 1999</i>		<i>As of 2000</i>	
	<i>Maids</i>	<i>Others</i>	<i>Maids</i>	<i>Others</i>
Johor	1868	3341	551	580
Malacca	303	291	88	52
Negeri Sembilan	171	657	63	129
Selangor	2235	418	38 284	26 346
Federal Territory	5519	8706	2138	2229
Perak	352	1842	141	338
Kedah	227	181	92	72
Penang	997	1796	427	269
Perlis	5	5	8	-
Pahang	99	478	42	143
Terengganu	32	47	11	5
Kelantan	58	7	13	13
Sabah	19	1	47	2
Sarawak	335	419	129	116
TOTAL	12 240	18 189	42 034	30 294

Source: Immigration Department

CONCLUSION

While, on the one hand, migrant workers are welcomed as they develop the economy and help out in the service sector, on the other hand, they face negative attitudes and few support services. The government is not prepared to include migrant workers in its existing law nor enact a new one to provide better working conditions. It is imperative that 'proper' and 'decent' conditions of work be drawn up. Local NGOs should work with foreign NGOs within and outside the country to help migrant workers in terms of service, counselling and representation. This could be done with the cooperation of Malaysian unions. The media has been urged

to take a more active role in dispelling myths and unfounded anxieties about migrant workers (Tenaganita 1998: 36). Malaysians should be made more aware of basic human rights and decent work conditions for everyone, locals and migrant workers alike.

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