

# Job Termination and Social Security of Migrant Workers in Malaysia During Covid-19 Pandemic

Saidatul Nadia Abd Aziz<sup>\*</sup>, Salawati Mat Basir<sup>\*\*</sup>, Moganasundari Mahalingam<sup>\*\*\*</sup>

DOI: <https://doi.org/10.22304/pjih.v9n3.a1>

Submitted: July 3, 2022 | Accepted: October 4, 2022

## Abstract

Migrant workers are the most vulnerable groups during the Covid-19 outbreak. The study aims to discuss the current legal framework governing migrant workers in Malaysia during the Covid-19 Pandemic. The discussion covers the effect of the Covid-19 Pandemic on migrant workers focusing on job termination and access to social security protection. It also makes recommendations on policy guidelines to ensure migrant worker's safety against job termination and zero access to social security during the Covid-19 Pandemic. The study employed a doctrinal approach. It used primary and secondary data that included desktop research, with a particular emphasis on journals, documents, and official reports. Policymakers tended to neglect migrant workers during the pandemic because the migrant workers had less access to adequate security, particularly in terms of job termination and living conditions. The Covid-19 pandemic and the Movement Control Order imposed in Malaysia have affected migrant workers in various ways. It puts workers who are unable to work and who want to work in vital services in jeopardy. In conclusion, a national approach policy is impractical for migrant workers because the workers are short of access to social security and urgent assistance.

**Keywords:** covid-19, migrant workers, social security.

## A. Introduction

The number of Covid-19 cases has been gradually rising since September 2020 and migrant workers have been disproportionately affected. Consequently, the pandemic's social effects have also had a negative impact on migrant workers. In March 2020, the Ministry of Human Resources (MOHR) recommended that if employers implement layoffs, they must prioritize migrant workers for dismissal. Most foreign workers depend on assistance to make ends meet. Job losses have also resulted in the loss of work permits for many migrant workers. The government has also conducted mass arrests of undocumented migrant workers since May 2020. Therefore, outbreaks of Covid-19 infection have emerged in

---

**PADJADJARAN Journal of Law Volume 9 Number 3 Year 2022 [ISSN 2460-1543] [e-ISSN 2442-9325]**

<sup>\*</sup> Senior Lecturer at the Faculty of Law, Universiti Kebangsaan Malaysia, Bangi, Selangor, 43600, [nadia\\_aziz@ukm.edu.my](mailto:nadia_aziz@ukm.edu.my).

<sup>\*\*</sup> Associate Professor at the Faculty of Law, Universiti Kebangsaan Malaysia, Bangi, Selangor, 43600, [salawati@ukm.edu.my](mailto:salawati@ukm.edu.my).

<sup>\*\*\*</sup> Legal Associate at Messrs Azmi Fadzly Maha & Sim, Kuala Lumpur, Wilayah Persekutuan Kuala Lumpur, Malaysia, [mogana@afmslaw.com](mailto:mogana@afmslaw.com).

detention centers.<sup>1</sup> Overall, Malaysia was estimated to lose 951,000 jobs, 68% of which are low-skilled.<sup>2</sup>

Outbreaks have also been detected among migrant workers at workplaces. Top Glove Company, which employs a high number of migrant workers, were one of the greatest clusters of the outbreak. Since the beginning of the pandemic, the company has been under investigation for suspected labor violations, including non-compliance with the rules set up by the government.<sup>3</sup> Thousands of foreign employees at one of the company's manufacturing sites tested positive in November 2020. Multiple worker dorms were quickly recognized as major clusters, and the government quickly imposed heightened MCO for several weeks.<sup>4</sup>

Overcrowding is the primary factor contributing to the rise of the Covid-19 cases among workers. The Malaysian authorities attributed outbreaks among migrant workers to overcrowded and inadequate dormitories. It has highlighted the failure of employers to provide proper accommodations for their migrant workers.<sup>5</sup> In early December, It was announced that over 90% of employers had yet to comply with the requirements of the Worker's Minimum Standards of Housing and Amenities Act 1990 or Act 446.<sup>6</sup> In October 2020, it was reported that 91.1% of the migrant worker's accommodations failed to meet the requirement of the Act 466. The massive outbreak at the accommodation of Top Glove's foreign workers drove the authorities to launch 19 investigations into six subsidiaries of the company as a response to the Human Resources Ministry's simultaneous enforcement efforts.<sup>7</sup> However, Top Glove asserted that they had taken remedial actions to improve the living conditions of their workers nationwide to comply with the standards of the Worker's Minimum Standards of Housing and Amenities Act

<sup>1</sup> Chew, Vivienne (et.al.), *COVID-19 Impacts on Immigration Detention: Global Responses* (Australia: International Detention Coalition and HADRI/Western Sydney University, 2020), 37.

<sup>2</sup> Lin Lean Lim, "The Socioeconomic Impacts of COVID-19 in Malaysia: Policy Review and Guidance for Protecting The Most Vulnerable and Supporting Enterprises", (International Labour Organization Report, July 21, 2020), [https://www.ilo.org/asia/publications/WCMS\\_751600/lang--en/index.htm](https://www.ilo.org/asia/publications/WCMS_751600/lang--en/index.htm).

<sup>3</sup> International Labour Organization, "Supporting Migrant Workers during the Pandemic for a Cohesive and Responsive ASEAN Community", *Draft Thematic Background Paper for the 13th ASEAN Forum on Migrant Labour-ILO Regional Office for Asia and Pacific*, 2021, 16.

<sup>4</sup> Francis E. Hutchinson and Pritish Bhattacharya, "Malaysia's Rubber Glove Industry – the Good, the Bad and the Ugly", ISEAS, accessed September 10, 2022, <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2021-35-malysias-rubber-glove-industry-the-good-the-bad-and-the-ugly-by-francis-e-hutchinson-and-pritish-bhattacharya/>.

<sup>5</sup> Bhutta Mahmood (et.al.), "Forced Labour in the Malaysian Medical Gloves Supply Chain during the Covid-19 Pandemic", accessed July 2021, <https://sro.sussex.ac.uk/id/eprint/100130/1/Bhutta%20et%20al.2021.Research%20Summary%20Mical%20Gloves%20Project.%20MSPEC.pdf>.

<sup>6</sup> Vincent Tan, "Covid-19: Malaysian Government Opens Investigations Into Top Glove Over Workers Housing", *Channel News Asia*, accessed December 1, 2020, <https://www.channelnewsasia.com/asia/covid-19-malaysia-investigate-top-glove-workers-dormitories-446551>.

<sup>7</sup> Francis E. Hutchinson and Pritish Bhattacharya.

1990 (Act 446). They also reported that they consult and cooperate with Malaysia's Ministry of Human Resources and Labor Department on a continuous and regular basis.<sup>8</sup>

In some countries, state officials neglected migrant workers during the Covid-19 pandemic.<sup>9</sup> Although migrant workers are generally regarded as significant contributors to social and economic growth, they often face various barriers to social protection, including healthcare and income security. It makes the workers more susceptible to the health and socioeconomic consequences of Covid-19.<sup>10</sup> Migrant and informal workers are particularly vulnerable since they often lack daily connections and bargaining power. Additionally, migrant workers are also more susceptible to layoffs as a result of extended lockdowns and production interruptions that push businesses to halt their operations. Even after the lockdowns are lifted, there is still doubt about the timing of full recovery because of the concerns about the persistently low demand in some economic sectors.<sup>11</sup>

## **B. Malaysian Legal Framework and Treatment on Migrant Workers during the Covid-19 Pandemic**

Migration across borders is not a recent development. It is a primary force that influences the development of the world and history. In the following sections, the paper discusses the Malaysian Acts and legal provisions pertaining to migrant workers, with a particular emphasis on the Covid-19 timeframe. It also discusses the effects of the pandemic on migrant workers, focusing specifically on job termination and social security protection. As a part of the *Prihatin Rakyat* economic stimulus package, the government announced a wage subsidy program to help employers retain their employees and prevent job loss. The wage subsidy is intended to benefit at least three million workers. Unfortunately, migrant workers are not eligible for the program.<sup>12</sup> Migration remains one of the key forces reshaping the world due to push and pull influences that have always been there.

---

<sup>8</sup> Shah Alam, "Top Glove Commences Remediation Payment to Migrant Workers & Remains Committed to Continue Improving Worker Welfare", *Top Glove*, accessed August 10, 2020, <https://www.topglove.com/single-pressrelease-en?id=96&title=top-glove-commences-remediation-payment-to-migrant-workers-and-remains-committed-to-continue-improving-worker-welfare>.

<sup>9</sup> Tan Theng Theng (et.al.), *Covid-19: We Must Protect Foreign Workers* (Kuala Lumpur: Khazanah Research Institute, 2020), 11.

<sup>10</sup> International Labour Organization, "Experiences of ASEAN Migrant Workers during COVID-19: Rights at Work, Migration, and Quarantine during The Pandemic and Re-migration Plans", *ILO Paper Brief-Bangkok*, 2020, 13-14, [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms\\_746881.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms_746881.pdf).

<sup>11</sup> Aiko Kikkawa (et.al.), *COVID-19 Impact on International Migration, Remittances, and Recipient Households in Developing Asia*, (Singapore: Asian Development Bank's Briefs Paper-Singapore ADB, 2020), 3, <https://dx.doi.org/10.22617/BRF200219-2>.

<sup>12</sup> Andika Wahab, "The Outbreak of Covid-19 in Malaysia: Pushing Migrant Workers at the Margin", *Social Science and Humanity Open* 2, no. 1 (2020): 4, <https://doi.org/10.1016/j.ssaho.2020.100073>.

In contrast to the past, this phenomenon today has a global impact.<sup>13</sup> Since their inception as an interim solution to labor shortages over two decades ago, labor migration policies have largely remained haphazard. A detailed quota mechanism for migrant worker's entry and attempts to regularize illegal migration through temporary amnesties has been a prominent feature of the policy framework. They are often followed by admission bans and large-scale law enforcement operations to apprehend and deport unregistered migrants. Nowadays, policies change frequently. However, they have remained consistent in their emphasis on admitting migrant workers to meet employer's needs. Instead of allowing a longer-term settlement, urgent labor demands are prioritized.

Despite migrant worker's widespread presence in the labor market, the Malaysian government is slow in recognizing the significance of the category of workers to fulfill low skilled labor demand. Malaysia's 2010 new economic model and subsequent policy documents aims to minimize reliance on a variety of measures, including levying a fee on migrant worker's jobs, increasing the number of women in paid work, increasing the retirement age, and establishing a minimum wage. Yet, changing the demographics of the labor market has proven to be challenging, with firms alleging significant labor constraints in certain industries because of stricter rules. The Eleventh Malaysia Plan (2016-2020) reaffirmed the goal, setting a ceiling of 15% of total workforce employment for low skilled migrant workers by 2020.<sup>14</sup>

Political and public debates have often converged on depicting migrant workers as possible threats to national security and as stifling the state's long term social and economic growth. Consequently, the government's labor migration policy has historically been framed through the lens of immigration enforcement and public safety. The Malaysian national policy imposes strict requirements on legal migrant laborers. The difficult national strategy has compelled many migrant workers to enter the country illegally. Many migrant workers are low skilled workers, a subset of the low-income group who enter Malaysia in search of economic opportunity and a better life for their families in their home countries. For these low skilled employees, mobility is not considered a right. These foreign workers tend to emigrate to avoid substandard living conditions in their home countries, which is the primary reason they move and seek jobs elsewhere.<sup>15</sup> Since the early 1990s, a

---

<sup>13</sup> Gökçe Bayındır Goularas, *International Migration In the Twenty-First Century: A General Overview in International Migration in the 21st Century: Problems and Solutions* (United Kingdom: Cambridge Scholars Publishing, 2018), 3.

<sup>14</sup> Harkins Benjamin, *Review of Labour Migration Policy in Malaysia/Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN* (Bangkok: ILO, 2016), 1.

<sup>15</sup> Saidatul Nadia Abd Aziz and Salawati Mat Basir, *Labour Mobility in the ASEAN Community: Impact of Policies and Law on Foreign Workers in Malaysia* (Selangor: UKM Press, 2018), 19.

lot of academicians have observed the discrepancy between laws and policies claims and realities.<sup>16</sup>

## 1. Malaysian Acts and Provisions on Migrant Workers

### a. The Employment Act 1955

The Employment Act regulates the working conditions of migrant workers. The Ministry of Human Resources (MOHR) regulates them. In general, the framework of labor law ensures that licensed migrants and nationals receive fair treatment of salaries, operating hours, breaks, terminations, non-discrimination, associational equality, and recourse to grievance proceedings as well as other privileges. On the other hand, efforts to enforce them against migrant workers have been unsuccessful.<sup>17</sup> During the Covid-19 outbreak, numerous employment issues were raised and come of them concerned the termination of migrant workers since many companies faced revenue losses and established the need to retrench their worker.<sup>18</sup> Migrant workers were structurally exposed to the economic shock generated by the pandemic as they were disproportionately employed in insecure low wage industries. Frequently, they were the first to lose jobs ahead of national workers.<sup>19</sup> The MOHR even recommended for layoffs of migrant workers to be prioritized.<sup>20</sup> As the virus spread, many migrant worker's job was abruptly interrupted or terminated, leaving them without a source of income. Some workers were laid off without compensation, while others saw their hours or rates of pay lowered or were forced to take leave. Others were not compensated for labor performed and this obviously violates the terms of the contract.<sup>21</sup>

According to Section 12(3) of the Employment Act 1955, there are several circumstances in which employers may terminate an employee's contract of service through retrenchment. An employer may choose retrenchment if the business has ceased operations, the employer is no longer interested in continuing the business, the work has ceased, the employee refuses to accept his transfer, or the employer changes the ownership of the business. Additionally, the employer must establish that the retrenchment was made in good faith and adhered to the

---

<sup>16</sup> Gabriel Echeverría, *Towards a Systemic Theory of Irregular Migration Explaining Ecuadorian Irregular Migration in Amsterdam and Madrid* (Switzerland: Springer Open, 2020), 23.

<sup>17</sup> Harkins Benjamin.

<sup>18</sup> International Labour Organization, "Experiences of ASEAN Migrant Workers During COVID-19: Rights at Work, Migration and Quarantine During the Pandemic, and Re-Migration Plans", *ILO Paper Brief- Bangkok*, 2020, 1, [https://www.ilo.org/wcmsp5/groups/public/---asia/bangkok/documents/briefingnote/wcms\\_746881.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/bangkok/documents/briefingnote/wcms_746881.pdf).

<sup>19</sup> International Labour Organization, "Migrant Worker Rights and Recruitment COVID-19 has Made Life Even More Precarious for Migrant Workers", *International Labour Organization*, accessed November 22, 2021, [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_829452/lang--en/index.html](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_829452/lang--en/index.html).

<sup>20</sup> Md. Tuhin Mia and Sharmin Jahan Putul, "Covid-19 in Malaysia: Protection of Migrant Workers in This Pandemic Situation", *Journal of Asian and African Social Science and Humanities* 6, no. 3 (2020): 25-26.

<sup>21</sup> International Labour Organization, "Migrant Worker Rights and Recruitment COVID-19 has Made Life Even More Precarious for Migrant Workers".

Code of Conduct for Industrial Harmony (CCIH) for retrenchment best practices.<sup>22</sup> Unfair retrenchment of migrant workers by employers often results in thousands of jobless migrants who often have no other means of looking for legal employment. A case in point is the termination of migrant workers in garment factories involving migrant workers from Sri Lanka. The migrant workers made up more than half of the workforces of numerous closed garment factories, resulting in thousands of jobless migrants. In fact, the job losses for the Sri Lanka migrant workers have been described as extreme, owing to early contract terminations.<sup>23</sup>

### **b. Occupational Safety and Health Act 1994**

The Occupational Safety and Health Act (OSHA) 1994 is the primary piece of legislation governing workplace safety and health in Malaysia. It aims to protect others from unsafe work practices by securing the protection, health, and welfare of persons at work. The act allows no distinction between domestic and foreign employment. Following the Covid-19 outbreak, the Ministry of International Trade and Industry has announced the Safe@Work initiative.<sup>24</sup> The program aims to ensure a safe working and living environment for employees while also preventing Covid-19 spread in the workplace. Local initiatives such as Selangor's Prevention of Outbreak at Ignition Site (POIS) are pioneering efforts to prevent Covid-19 transmission in the workplace.<sup>25</sup> However, throughout the Covid-19 outbreak, numerous alleged labor breaches have been documented, especially in Malaysia's rubber glove manufacturing sector where the violations included issues of non-compliance of the MCO standards, social distancing, occupational safety and health, working hours, forced labor, and foreign worker's living circumstances.<sup>26</sup>

### **c. Employees Social Security Act 1969**

Employers who recruit migrant workers (excluding domestic servants) must register the workers to the Social Security Organization (SOCSO) and contribute to

<sup>22</sup> Siti Suraya Abd Razak, "Employment Rights During The COVID-19 Pandemic: A Legal Analysis", *Journal of Muwafaqat* 4, no. 1 (2021): 36.

<sup>23</sup> International Labour Organization, "The Supply Chain Ripple Effect: How COVID-19 is Affecting Garment Workers and Factories in Asia and the Pacific", *ILO Research Brief – Swedia*, October 2020, 13, [https://www.ilo.org/wcmsp5/groups/public/---asia/ro-bangkok/documents/briefingnote/wcms\\_758626.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/ro-bangkok/documents/briefingnote/wcms_758626.pdf).

<sup>24</sup> Ministry of International Trade and Industry, "Safe@Work to Balance Safety and Lives of Workers with Economic Sustainability", *Ministry of International Trade and Industry*, accessed March 18, 2021, [https://www.miti.gov.my/miti/resources/Media%20Release/MR\\_-\\_SAFE@WORK\\_-\\_18.3\\_.2021\\_.pdf](https://www.miti.gov.my/miti/resources/Media%20Release/MR_-_SAFE@WORK_-_18.3_.2021_.pdf).

<sup>25</sup> Ying-Ru Jacqueline Lo and Chihoko Asada-Miyakawa, "Workers Must be Protected With a Safe and Healthy Work Environment", *World Health Organization*, accessed April 28, 2021, <https://www.who.int/malaysia/news/commentaries/detail/workers-must-be-protected-with-a-safe-and-healthy-work-environment>.

<sup>26</sup> International Labour Organization, "COVID-19: Impact on Migrant Workers and Country Response in Malaysia" (ILO Report-May 8, 2020), 4, [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms\\_741512.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms_741512.pdf).

the Employees Social Security Act 1969's Employment Injury Scheme (Act 4) effective after January 1, 2019. Foreign workers entering Malaysia on or after January 1, 2019, must register with the SOCSO after being validated at a gazette port of entry by the Malaysian Immigration Department. The Covid-19 crisis has highlighted two particularly significant social protection issues: barriers to healthcare and economic insecurity owing to employment and pay loss.<sup>27</sup> Due to the geographical structure of existing social security arrangements, unexpected repatriation of migrant workers during the pandemic has exacerbated long standing issues. These obstacles include managing the diversity of systems governing working conditions and entitlement management, as well as the unique difficulties associated with cross border movement and access from remote employment.<sup>28</sup>

Additionally, the government has recommended a series of improvement steps to mitigate the detrimental impact on the Malaysian economy and workforce. The SOCSO provides an Employment Retention Plan (ERP) and the Prime Minister's Office provides two upgrade packages: the *Prihatin Rakyat* Economic Stimulus Package (RM 250 billion, March 27); and the *Prihatin* Plus (RM 10 billion, April 6). However, the assistance and upgraded programs are only eligible for locals. The migrant employees are excluded from receiving such assistance.<sup>29</sup>

### C. Migrant Workers and Their Rights

There is a gap between the international and regional regimes in managing migrant workers. Regional regulations tend to be discriminatory, whereas international regulations tend to be progressive.<sup>30</sup> Because migrant workers are viewed as a group that disrupts the social and economic security and stability of a country, they as members of society or as human beings have rights that should be respected.<sup>31</sup> When accepting migrant workers, a nation evaluates a variety of legal, political, social, and economic employment risks. Thus, they have not ratified certain conventions on the rights of foreign workers to allow users of labour, including the government, the private sector, and businesses, to avoid legal action in the event

---

<sup>27</sup> International Labour Organization, "Social Protection Responses to The COVID-19 Crisis Around The World", *International Labour Organization*, accessed June 16, 2020, <https://socialprotection.org/discover/databases/social-protection-responses-covid-19-crisis-around-world>.

<sup>28</sup> International Labour Organization, "Migrant Worker Rights and Recruitment COVID-19 has Made Life Even More Precarious for Migrant Workers".

<sup>29</sup> International Labour Organization, "COVID-19: Impact on Migrant Workers and Country Response in Malaysia", 6.

<sup>30</sup> Noraini M. Noor and Muhamad Nabil Shaker, "Perceived Workplace Discrimination, Coping, and Psychological Distress among Unskilled Indonesian Migrant Workers in Malaysia", *International Journal of Intercultural Relations* 57 (2017): 4, <https://doi.org/10.1016/j.ijintrel.2017.01.004>.

<sup>31</sup> Tharani Loganathan (et.al.), "Breaking Down the Barriers: Understanding Migrant Worker's Access to Healthcare in Malaysia", *PLoS One* 14, no. 7 (2019): 19, <https://doi.org/10.1371/journal.pone.0218669>.

of violations. This highlights the urgent need for both nations to uphold the rights of migrant workers through political commitment.<sup>32</sup>

Migrant workers are divided into two categories: regular migrant workers who possess valid travel documents such as a passport and/or work permit; and undocumented migrant workers who lack these travel documents. Migrants are often classified as documented or undocumented, as defined by their immigration status. The migrant workers in Malaysia are usually those who are categorized as unskilled or low skilled.<sup>33</sup>

Malaysia has a long history of international migration and has utilized migration as an *ad hoc* response to the limited labor force.<sup>34</sup> Since the implementation of a “stop gap measure” to address labor shortages, policies regulating labor migration have largely remained *ad hoc*. The policy mechanism has often been described by a detailed quota system for migrant worker’s entry and attempts to regularize migration through temporary amnesties, which are often accompanied by new arrival bans and large-scale law enforcement initiatives to arrest and undocumented migrants. Political and public discourse have frequently depicted migrant workers as potential threats to national security and obstacles to the nation’s long term social and economic growth. As evidenced by the Ministry of Home Affairs (MOHA) authority over migration issues, the government has historically framed its labor migration policy through the lens of immigration control and public safety. In recent years, the media has increasingly maligned immigrants, blaming them for a variety of social problems ranging from electoral fraud to an increase in street crime. Regardless of their circumstances, scapegoating migrants has created an environment in which exploitation and violence are occasionally deemed acceptable.<sup>35</sup> Nearly forty percent of respondents believed that migrants contributed positively to the economy. However, more than eighty percent believed that illegal migrants should be denied from employment rights and that government policy should be made more restrictive.<sup>36</sup>

---

<sup>32</sup> Anom Wahyu Asmorojati (et.al.), “The Impact of COVID-19 on Challenges and Protection Practices of Migrant Worker’s Rights”, *BESTUUR* 9, no. 1 (2021): 51, <https://doi.org/10.20961/bestuur.v10i1.60179>.

<sup>33</sup> Pappusamy Iruthayaraj D., “Migrant Workers Contribution Towards the Malaysian Economic Transformation” (Paper Presented at The Asian Conference on Globalization and Labor Administration: Cross Border Labor Mobility, Social Security, and Regional Integration – Philippines, November 19-21, 2014).

<sup>34</sup> Amarjit Kaur, “Managing Labour Migration in Malaysia: Guest Worker Programs and the Regularization of Irregular Labour Migrants as a Policy Instrument”, *Asian Studies Review* 38, no. 3 (2014): 345.

<sup>35</sup> International Labour Organization, “Public Attitudes Towards Migrant Workers in Malaysia” (ILO Research Brief, December 15, 2020), 5, [http://www.ilo.org/asia/info/WCMS\\_159851/lang--en/index.html](http://www.ilo.org/asia/info/WCMS_159851/lang--en/index.html).

<sup>36</sup> Saidatul Nadia Abdul Aziz and Salawati Mat Basir, “Protection of Migrant Workers Under the ICMW: Incompatibility With Malaysian Laws and Position in ASEAN”, *Hasanuddin Law Review* 7, no. 3 (2021): 157, <http://dx.doi.org/10.20956/halrev.v7i3.3066>.



Although policies have changed periodically, their focus on accepting migrant workers to primarily satisfy employer's immediate labor needs, rather than allowing for long term settlement, has remained constant.<sup>37</sup> In 2020, many migrant workers were detained during an immigration operation near Kuala Lumpur's Jalan Masjid India.<sup>38</sup> Notwithstanding Malaysian government's prior assurances that illegal migrant workers and refugees would not be subjected through Covid-19 screening, the raid was performed. In less than a month, thousands of undocumented migrant workers and refugees were caught and incarcerated in immigration detention facilities throughout the Klang Valley.<sup>39</sup>

In reaction to the spread of Covid-19, host nations imposed economic restrictions, including border closures. The policy forced many migrant workers to return home, including those who were unemployed or who left to avoid the Covid-19. Concerns about the Covid-19 situation, job losses or projected job losses, and work permit expiration contributed to the return of migrant workers to their home countries.<sup>40</sup> In ILO's quick evaluation, 47% of the returnees quit work freely while 24% faced contracts ending. However, 16% had their contracts ended prematurely, either permanently or temporarily.<sup>41</sup> Often, migrant workers are laid off first during an economic downturn. An assessment survey undertaken by the International Organization for Migration (IOM) among returning migrant workers in Myanmar indicated that 50% of the male and 42% of female migrant workers reported losing jobs because of Covid-19 Pandemic.<sup>42</sup> The estimated numbers of female and male migrant returnees varied, and the number could be higher than what was reported.<sup>43</sup>

Migrant worker's exclusion from unemployment benefits, income support, and pay subsidies in ASEAN destination countries has caused a humanitarian crisis among migrant communities. Governments, labor unions, and civil society organizations in the countries of origin have also supported returning migrant

---

<sup>37</sup> Harkins Benjamin.

<sup>38</sup> Tashny Sukumaran and Bhavan Jaipragas, "Coronavirus: Hundreds Arrested as Malaysia Cracks Down on Migrants in Covid-19 Red Zones", *South China Morning Post*, accessed May 1, 2020, <https://www.scmp.com/week-asia/politics/article/3082529/coronavirus-hundreds-arrested-malaysia-cracks-down-migrants>.

<sup>39</sup> Andika Wahab, 4.

<sup>40</sup> International Labour Organization, "ILO Monitor: COVID-19 and The World of Work (Second Edition) Updated Estimates and Analysis" (ILO Briefing Note, April 7, 2020), 3, [https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/briefingnote/wcms\\_740877.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/briefingnote/wcms_740877.pdf).

<sup>41</sup> International Labour Organization, "Protecting Migrant Workers During The COVID-19 Pandemic Recommendations for Policy-makers and Constituents", 1-2.

<sup>42</sup> The UN Migration Agency, "COVID-19 Global Mobility Restriction Overview", *IOM*, accessed March 28, 2020, [https://migration.iom.int/system/tdf/reports/DTMCovid19%20Global%20Overview%20Output%2018.05.2020%20Final%20\\_1.pdf?file=1&type=node&id=8672](https://migration.iom.int/system/tdf/reports/DTMCovid19%20Global%20Overview%20Output%2018.05.2020%20Final%20_1.pdf?file=1&type=node&id=8672).

<sup>43</sup> International Labour Organization and United Nations (UN) Women, "COVID-19 and Women Migrant Workers in ASEAN", *International Labour Organization*, accessed June 4, 2020, [https://www.ilo.org/asia/publications/issue-briefs/WCMS\\_746979/lang-en/index.html](https://www.ilo.org/asia/publications/issue-briefs/WCMS_746979/lang-en/index.html).

workers through emergency interventions.<sup>44</sup> In March 2020, the government announced that all migrants, including undocumented workers, refugees, and asylum seekers, would be eligible for free Covid-19 testing and treatment. Additionally, the government repeatedly assured migrants that they would not be arrested or required to provide documentation as part of the testing process.<sup>45</sup> The policy was reversed on April 29, when the Minister of Defense announced that all undocumented migrants discovered in areas subject to Enhanced Movement Control Orders (EMCOs) across the country would be placed in detention centers or special prisons gazetted by the Ministry of Home Affairs.<sup>46</sup>

In addition, despite the discussion on migrant worker's rights, the Malaysian court, on some occasions, sided with the migrant workers, even though the employees lacked proper documentation. In a May 2002, the court ruled that an undocumented worker may seek redress in the labor court. An undocumented worker was granted the privilege to have the case considered by the labor court. Previously, in 2018, a labor court in Port Klang denied an undocumented worker's claim against her former employer for almost RM 30,000 of unpaid wages.<sup>47</sup> The worker subsequently filed an appeal with the High Court, which ruled that the labor court must hear the case. The employer appealed the decision of the High Court to the Court of Appeal which upheld the High Court's verdict.<sup>48</sup>

## 1. Job Termination

The Covid-19 pandemic and the Movement Control Order (MCO) imposed in Malaysia have affected migrant workers in a variety of ways. It puts those who are unable to work as well as those who want to work in vital services in jeopardy. In Malaysia, the MOHR issued the MCO in March 2020. It states that if businesses must lay off employees, migrant workers should be terminated first.<sup>49</sup> For instance,

<sup>44</sup> Nilim Baruah (et.al.), "Trends in Labor Migration in Asia", In ADBI, OECD and ILO, *Labor Migration in Asia: Impacts of the COVID-19 Crisis and the Post-Pandemic Future* (ILO Report, February 6-7, 2020), 3, <https://www.adb.org/sites/default/files/publication/690751/adbi-book-labor-migration-asia-impacts-covid-19-crisis-post-pandemic-future.pdf>.

<sup>45</sup> International Labour Organization, "Supporting Migrant Workers During the Pandemic for a Cohesive and Responsive ASEAN Community", 10.

<sup>46</sup> International Labour Organization, "COVID-19: Impact on Migrant Workers and Country Response in Malaysia", 5.

<sup>47</sup> Bureau of Democracy, Human Rights and Labour, "Human Rights Reports, Custom Report Excerpts", U.S. Department of State, accessed September 10, 2022, <https://www.state.gov/report/custom/3a03e83447/>.

<sup>48</sup> Free Malaysia Today, "Court of Appeal Affirms Undocumented Can Seek Redress From Labour Court", *Free Malaysia Today*, accessed May 13, 2022, <https://www.freemalaysiatoday.com/category/nation/2022/05/13/court-of-appeal-affirms-undocumented-can-seek-redress-from-labour-court/>.

<sup>49</sup> Katharine Jones, Sanushka Mudaliar, and Nicola Piper, *Locked Down and in Limbo: The Global Impact of COVID-19 on Migrant Worker Rights and Recruitment* (Switzerland: International Labour Organization, 2021), 25.

numerous closures of textile and apparel companies have displaced thousands of employees. According to the ILO report, the number of garment migrant workers affected by termination would be high.<sup>50</sup>

In Malaysia, the first verified case of Covid-19 was detected in late January 2020.<sup>51</sup> The Malaysian Ministry of Health (MOH) primarily categorized its statistics on an *ad hoc* basis according to citizenship. On April 25, it was announced that 676 of 14,187 international employees tested positive.<sup>52</sup> It means that migrant workers accounted for 11.8% of all cases reported in Malaysia at the time, a figure comparable to the size of the non-citizen community, which is slightly more than 10% from the whole demographics.<sup>53</sup>

Apart from that, labor rights abuses were allegedly increasing during the pandemic. Workers were unaware of their immigration status because their employers renewed their work licenses annually. In addition to job retrenchment, it raises questions about the risk of migrant worker irregularity.<sup>54</sup> Beginning in February 2020, some companies were allegedly withholding migrant worker's wages, preventing them from meeting basic needs or paying for housing or room rental. Consequently, several employees have been removed from their housing facilities, forcing them to live in crowded quarters alongside their compatriots. Migrant workers in Selangor were forced to live in tight and unsanitary conditions after being laid off by their employers, according to the Malaysian Trade Union Congress (MTUC). Several employees were forced to work in non-essential tasks during the MCO, while others feared job instability.<sup>55</sup> Numerous workers, particularly migrants, were employed based on a daily pay or on a productive output wage. They were prohibited from working during this period. A number of migrant workers were permitted to work in a specified number of days. Others were totally prohibited from working in any way. It caused significant loss for worker's monthly earnings or a complete lack of money for at least three

---

<sup>50</sup> International Labour Organization, "Recommendations for Garment Manufacturers on How to Address the COVID-19 Pandemic" (ILO Briefing Paper, April 15, 2020), 1, [https://www.ilo.org/asia/publications/issue-briefs/WCMS\\_741642/lang--en/index.html](https://www.ilo.org/asia/publications/issue-briefs/WCMS_741642/lang--en/index.html).

<sup>51</sup> Noor Ani Ahmad (et.al.), "First Local Transmission Cluster of COVID-19 in Malaysia: Public Health Response", *International Journal of Travel Medicine and Global Health* 8, no. 3 (2020): 124.

<sup>52</sup> Zarina Zainuddin and Muhammad Sinatra, "Dealing with COVID-19 Pandemic in Malaysia: Lessons from Negeri Jiran", *Institute of Strategic and International Studies (ISIS)*, accessed June 17, 2020, <https://www.isis.org.my/2020/06/17/dealing-with-covid-19-pandemic-in-malaysia-lessons-from-negeri-jiran-2/>.

<sup>53</sup> Tan Theng Theng (et.al.), 12.

<sup>54</sup> Human Rights Commission of Malaysia, "Dialogue With Vulnerable Communities: An Assessment of Needs and Next Steps Amid COVID-19 Pandemic", *SUHAKAM*, accessed September 10, 2022, <https://www.suhakam.org.my/dialogue-with-vulnerable-communities-an-assessment-of-needs-and-next-steps-amid-COVID-19-pandemic/>.

<sup>55</sup> International Labour Organization, "Protecting Migrant Workers During The COVID-19 Pandemic Recommendations for Policy-makers and Constituents", 1.

consecutive months, particularly for individuals who were not required to work during the MCO.<sup>56</sup>

## 2. Social Security Access

The Foreign Workers Compensation Scheme (FWCS), which primarily covers injury compensation and repatriation in the event of death was phased out starting January 2019 in favor of migrant inclusion in the Social Security Scheme (SOCSCO), on near-parity terms with Malaysian citizens. The SOCSCO provides coverage for work related injuries and illnesses as well as free treatment at the SOCSCO panel clinics and government hospitals.<sup>57</sup>

Access to healthcare, including prevention and testing is a critical aspect of social security, especially during the pandemic. Migrant workers, especially frontline workers in the health and care sectors, could face significant health risks. It makes them more susceptible to Covid-19.<sup>58</sup> Barriers to healthcare access vary based on the destination country and often related to migration status. Migrants with irregular status may avoid seeking medical care, despite being eligible, out of fear of deportation. Additionally, migrant workers face barriers to accessing healthcare efficiently because it may be unaffordable for them.<sup>59</sup>

To allay these anxieties, the Minister of Defense has publicly pledged that the government will not arrest any undocumented migrant worker seeking medical attention.<sup>60</sup> Given Malaysia's long history of helping undocumented migrants through human services, the reaction may be true.<sup>61</sup>

Furthermore, even prior to the pandemic, foreign employees often face major obstacles to healthcare access in Malaysia. Migrant workers, especially undocumented workers, face arrest and deportation if they seek care at government health facilities as these facilities are usually required to report undocumented migrants.<sup>62</sup> Thus, the prospect of detention serves as a significant

<sup>56</sup> Andika Wahab, 6.

<sup>57</sup> PERKESO, "Employer's Circular No. 3 Year 2018: Transfer of Foreign Worker's Coverage From the Foreign Workers Compensation Scheme", *The Department Of Labour To SOCSCO Employment Injury Scheme*, January 1, 2019, [https://www.perkeso.gov.my/images/imej/pekerja\\_asing/Employers\\_Circular\\_No\\_3\\_Year\\_2018.pdf](https://www.perkeso.gov.my/images/imej/pekerja_asing/Employers_Circular_No_3_Year_2018.pdf).

<sup>58</sup> International Labor Organization, "ILO Monitor: COVID-19 and the World of Work (Second Edition) Updated Estimates and Analysis", 4.

<sup>59</sup> Tharani Loganathan (et.al.), 6.

<sup>60</sup> Nuradzimmah Daim, "Health Ministry Working With UNHCR to Track Refugees Who Attended Tabligh Event", *New Straits Times*, accessed March 21, 2020, <https://www.nst.com.my/news/nation/2020/03/576803/healthministryworkingunhcr-track-refugees-who-attended-tabligh-event>.

<sup>61</sup> Khalidi Jarud Romadan and Nazihah Muhamad Noor, "Covid-19 Control: Break Down Foreign Worker's Barriers to Care", *Khazanah Research Institute*, accessed March 25, 2020, [http://krinstitute.org/assets/contentMS/img/template/editor/20200325\\_Articles\\_Covid\\_FW\\_v3.pdf](http://krinstitute.org/assets/contentMS/img/template/editor/20200325_Articles_Covid_FW_v3.pdf).

<sup>62</sup> Tan Theng Theng (et.al.), 11.

barrier to migrant workers seeking healthcare. Migrant workers with irregular status should have access to basic healthcare as part of their national social security levels without fear of being denounced or deported by immigration authorities in accordance with the international human rights instruments.<sup>63</sup>

Malaysia categorizes migrant workers based on their documents. When travel documents or work permits are unavailable or have expired, a migrant worker easily becomes an undocumented or irregular migrant. Migrant workers have always been a short-term solution, but it is worth noting that the goal of reducing reliance on migrant workers appears to be futile as migrant workers are needed in some sectors such as agriculture and construction. Nevertheless, considering the treatment of migrant workers in Malaysia following the Covid-19 outbreak, it is an understatement to say that the government has done them no favors. According to the Labor Force Surveys conducted by the Department of Statistics Malaysia, the foreign workforce has been hovering around 15% of the overall labor force in recent years.<sup>64</sup> ASEAN nations have pledged to facilitate the mobility of highly skilled employees. However, many migrant workers in Malaysia are low skilled and work in labor intensive sectors such as manufacturing, construction, plantation, agricultural, and domestic worker segments, and concentrated in Sabah, Selangor, and Johor. Indonesia continues to be the largest migrant worker group in Malaysia owing to the geographical and cultural proximity between the two countries. However, their numbers are dropping in recent years.<sup>65</sup>

Despite the difficulty of physical access, the use of social registries or beneficiary databases from current programs as well as computerized benefit dispensing procedures have boosted the speed and timeliness of interventions in general. According to the Asian Development Bank, assistance programs like the Malaysian were desperately needed during the height of the outbreak because most people, particularly informal workers, were severely affected. Nonetheless, one of the obvious reasons for the exclusion of migrant workers from the assistance program is that they are difficult to reach and the issue of documentation is highly relatable.<sup>66</sup>

---

<sup>63</sup> United Nations Sustainable Development Group, "COVID-19 and Human Rights: We are All in This Together", *United Nations*, accessed September 10, 2022, <https://unsdg.un.org/resources/covid-19-and-human-rights-we-are-all-together>.

<sup>64</sup> Department of Statistics Malaysia (DOSM), "Labour Force Survey Report, Malaysia, 2019", *Department of Statistics Malaysia Official Portal*, accessed September 27, 2022, [https://dosm.gov.my/v1/index.php?r=column/ctHEMEByCat&cat=126&bul\\_id=TIVMbEtBVXBGTi80VjdqZ1JUdVRHdz09&menu\\_id=U3VPMldoYUxzVzFaYmNkWXZteGduZz09](https://dosm.gov.my/v1/index.php?r=column/ctHEMEByCat&cat=126&bul_id=TIVMbEtBVXBGTi80VjdqZ1JUdVRHdz09&menu_id=U3VPMldoYUxzVzFaYmNkWXZteGduZz09).

<sup>65</sup> World Bank, "MALAYSIA: Estimating the Number of Foreign Workers" (Document of the World Bank Report No: AUS0000681-the World Bank Group, March 28, 2019), 24, <https://documents1.worldbank.org/curated/en/953091562223517841/pdf/Malaysia-Estimating-the-Number-of-Foreign-Workers-A-Report-from-the-Labor-Market-Data-for-Monetary-Policy-Task.pdf>.

<sup>66</sup> ION Indonesia, COVID-19 and Labor Markets in Southeast Asia Impacts on Indonesia, Malaysia, the Philippines, Thailand, and Vietnam (Philippines: Asian Development Bank, 2021), 8.

Additionally, prejudice toward migrant workers is also an issue that explains why the assistance programs were not accessible for the migrant workers.<sup>67</sup> Malaysian citizens, alarmed by the rapid increase in cases among migrant workers, have expressed their concerns about the government's containment efforts.<sup>68</sup> Malaysia recently experienced a surprise change in government at the start of the Covid-19 Pandemic.<sup>69</sup> The newly appointed government made a popular decision to exclude the migrants from such programs so as to garner political support from the citizens.<sup>70</sup> Thus, state interests in and efforts to advance migrant worker's empowerment face multiple pressures and do not progress linearly toward increased worker security, agency, and protection.<sup>71</sup>

The situation during the Covid-19 period is certainly unprecedented. From a regional perspective, Malaysia as an ASEAN Member State (AMS) has joined the Joint Statement of ASEAN Labour Ministers to respond the Impact of Coronavirus Disease 2019 on labour and jobs to prioritize the offer of compensation and eligibility to all employees, including migrant workers who are fired or forced to work on a temporary basis by their employers. Additionally, it should be noted that the ASEAN Consensus on the Protection and Promotion of Migrant Worker's Rights is being implemented. Malaysia must now incorporate this into their policy initiatives that govern migrant workers.

Given the unusual nature of the current situation, the state of migrant workers may be improved with certain policy considerations. However, Malaysia must decide quickly since migrant workers are well known for contributing to a state's economy and development. The main current issues on migrant workers that need to be dealt with should be job termination and access to social security benefits.

In addition to the threats of various red tapes from the MOHR and the Immigration Department, the legal structure in Malaysia also contributes to the exclusion of migrant workers and the protection of their welfare. A migrant

---

<sup>67</sup> Jeremy Douglas (et.al.), "End Stigma and Discrimination Against Migrant Workers and Their Children During COVID-19 Pandemic", *OCHA*, accessed June 9, 2020, <https://reliefweb.int/report/world/end-stigma-and-discrimination-against-migrant-workers-and-their-children-during-covid>.

<sup>68</sup> Felipe González Morales, "Malaysia / COVID-19: 'Stop Crackdown on Migrants, Journalists and Civil Society' – UN Rights Experts", *United Nations Human Rights*, accessed May 21, 2020, <https://www.ohchr.org/en/press-releases/2020/05/malaysia-covid-19-stop-crackdown-migrants-journalists-and-civil-society-un>.

<sup>69</sup> International Monetary Fund, "MALAYSIA STAFF Report For the 2021 Article IV Consultation", *International Monetary Fund*, accessed March 17, 2021, <https://www.imf.org/en/Publications/CR/Issues/2021/03/17/Malaysia-2021-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-50272>.

<sup>70</sup> International Labour Organization, *Public Attitudes Towards Migrant Workers in Japan, Malaysia, Singapore, and Thailand* (Switzerland: International Labour Organization, 2020), 9.

<sup>71</sup> Fay Faraday, "The Empowerment of Migrant Workers in a Precarious Situation: An Overview" (Global Knowledge Partnership on Migration and Development (KNOMAD) Paper 39, 2021), 5, [knomad.org/publication/empowerment-migrant-workers-precarious-situation-overview](https://knomad.org/publication/empowerment-migrant-workers-precarious-situation-overview).

worker's legal status is indefinitely tied to his employer <sup>72</sup> and when the pandemic hit, many migrants were left in limbo of not knowing their legal status to remain in the country. Thus, many migrant workers become undocumented by no fault of their own and many being prematurely terminated from their employments with no avenue for justice.

Despite the legal aid, the access to justice is not as accessible as it may seem. Like the restricted access to healthcare during the Covid-19 Pandemic crisis, migrant workers are also limited to court. Among others, they often struggle with language, which also contributes to their awareness of their basic rights, the costs in approaching avenues for justice, <sup>73</sup> and access to obtaining and maintaining proper records of their abuses or injustice, etc.

Nevertheless, the Malaysian Bar Council issued comment requesting the Malaysian Government to uphold rights of migrants irrespective of their legal status and to continue providing free testing as the contributions of migrant workers to the country must not be ignored.<sup>74</sup> Therefore, while addressing the challenges confronting migrants and how migrant receiving countries handle or react to the migrants during Covid-19, it is critical to ensure that an *ad hoc* policy change is available. If the situation is extraordinary, it should not be used to justify discrimination against the marginalized group of people. Perhaps the policy change can be examined based on a few different trajectories that can be reviewed and updated as time and circumstance dictate.

#### **D. Recommendations for Job Termination and Social Security of Migrant Workers in Malaysia during Covid-19 Pandemic**

##### **1. To Include Migrant Workers in Immediate Assistance During Crisis like Covid-19**

The Ministry of Human Resources, trade unions, and Non-governmental Organizations (NGOs) must investigate, and address cases of employees being fired and cases of owed salaries or wage reduction subjection, which may result in worker and family malnutrition. Government taxes could be used to assist jobless migrant workers, while businesses must be closely regulated to ensure minimum wage is being paid. Additionally, employers who knowingly hire undocumented foreign employees must face the law in due course. The government may improve

---

<sup>72</sup> Saidatul Nadia Abd Aziz and Salawati Mat Basir, *Protecting Migrant Worker During Covid-19 Pandemic: Lessons From Malaysia and Thailand, Small States, Strong Societies: Essays on Covid-19 Responses In Southeast Asia* (Yogyakarta: ASC Monograph, 2020), 80.

<sup>73</sup> Andika Wahab and Aizat Khairi, "Right to Justice and Legal Aid Barriers to the Vulnerable Non-Citizens in Malaysia", *GEOGRAFIA Malaysian Journal of Society and Space* 16, no. 1 (2020): 16, <https://doi.org/10.17576/geo-2020-1601-02>.

<sup>74</sup> Malaysian Bar, "Uphold Rights of Migrants Irrespective of Their Status", *Malaysian Bar Badan Penguam Malaysia*, accessed December 18, 2020, <https://www.malaysianbar.org.my/article/news/press-statements/press-statements/press-comment-uphold-rights-of-migrants-irrespective-of-their-status>.

the market practices through the Whistle Blowers Protection Act that protects employees from legal action or dismissal if they provide details regarding industry abuses such as unfair labor practices, improper methods of obtaining raw materials, unlawful disposal of unwanted chemicals, or hiring of underpaid migrant workers.<sup>75</sup>

Labor markets in the region are inextricably related because work migration from other countries is common in this area. For instance, Malaysia houses millions of migrant workers from neighboring countries such as Indonesia, Nepal, and Bangladesh. However, there is also a significant number of Malaysian seeking greener pastures abroad who are in dire need of assistance. For this reason, to provide for their people in the host countries, the countries of the region greatly depend on one another's policies and goodwill.<sup>76</sup> It is likewise imperative for the region's governments to collaborate on the issue of migrant workers as the two are inextricably linked. Malaysia's government must step up its efforts and regional cooperation to ensure the formulation of an integrated labor policy that addresses labor outflows and inflows in the event of eventual retrenchment and repatriation. Governments should regularly and systematically target migrant workers in their Covid-19 responses.<sup>77</sup>

## **2. Create a Realistic Policy to Avoid Job Termination and Provide Social Security or Migrant Workers**

A thorough and objective evaluation should be conducted to ensure the effectiveness of the policy. The analysis should not be limited to reducing the numbers; it should also identify ways to improve the conditions for migrant worker's recruitment, curb agent violence, and strengthen protection for all migrant workers. The importance of improving migrant worker's access to healthcare and protection coverage is one lesson from the current crisis.<sup>78</sup> According to the ILO, migrant workers should be incorporated into risk pooling systems on an equal footing with nationals to ensure social insurance, universal coverage, and financial solidarity. Benefits associated with sickness will aid in the protection of both migrant workers and their host communities.<sup>79</sup>

---

<sup>75</sup> Brema Mathi, *Spotlight on Migrant Workers in the Pandemic Crisis Assessment* (Malaysia: Penang Institute, 2020), 12.

<sup>76</sup> Tan Theng Theng (et.al.), 11.

<sup>77</sup> International Labour Organization, "Protecting Migrant Workers During the COVID-19 Pandemic Recommendations for Policy-Makers and Constituents", 2.

<sup>78</sup> Lin Lean Lim, "The Socioeconomic Impacts of COVID-19 in Malaysia: Policy Review and Guidance for Protecting the Most Vulnerable and Supporting Enterprises" (International Labour Organization Report, July 21, 2020), 57, [https://www.ilo.org/asia/publications/WCMS\\_751600/lang--en/index.html](https://www.ilo.org/asia/publications/WCMS_751600/lang--en/index.html).

<sup>79</sup> International Labour Organization, "Protecting Migrant Workers During the COVID-19 Pandemic Recommendations for Policy-Makers and Constituents", 3.



It is important for the Malaysian government to prepare ahead for the policy's implementation phases. The first phase will be immediate and can include job security for migrant workers. The Ministry of Human Resources should facilitate job matching for migrant workers. An online platform can be created for businesses so that those who want to retrench their staff can match their personnel according to their needs.<sup>80</sup> The following process will be a medium to long term period of recovery for migrant workers. In the short term, the crisis response must prioritize job and worker protection. Any immediate stimulus plan must include social security as a primary component. Immediate action is needed to ensure that people have reliable access to healthcare, while also ensuring that the affected workers have jobs and economic security. The role of fiscal and monetary policies in reversing aggregate demand is declining; and their negative impact on the labor market will be crucial. Measures for retention will be crucial. Once the virus has been suppressed and the MCO restrictions are lifted, there should be a demand driven employment strategy to restore jobs and incomes in the medium to long term. During the recovery process, policy makers should shift their emphasis from job protection to job promotion.<sup>81</sup>

## E. Conclusions

This study addressed the problems faced by migrant workers in Malaysia during the Covid-19 pandemic. It emphasized on job termination and access to social security. Based on the discussion, the legal framework for migrant workers, particularly during the Covid-19 Pandemic, clearly does not provide adequate protection in terms of job protection and social security access. No laws have been changed; and no urgent assistance has been supplied based on the law. Malaysia's existing legislative structure appears to be "playing the safe game". The structure has no willingness to inflame xenophobia toward migrant workers in times of crisis like the pandemic. The government had attempted to offer the best security possible, even though it was not an absolute and complete safeguard for the workers. With uncertainties and unprecedented circumstances, it can be concluded that Malaysia has not prepared to deal with the crisis. It eventually provides migrant workers with insignificant security and rights.

The Malaysian government can learn numerous lessons from the pandemic, especially in terms of migrant worker management. A one size fits all approach is impractical when dealing with migrant workers who lack access to social security and urgent assistance. It is the feature that makes social security and urgent assistance inaccessible to migrant workers. It generated migrant worker's negative

---

<sup>80</sup> Humanitarian Organization for Migration Economics, "Job Security of Migrant Workers Should Not Depend on Employers", *HOME*, accessed May 29, 2020, <https://www.home.org.sg/statements/2020/5/29/job-security-of-migrant-workers-should-not-depend-on-employers>.

<sup>81</sup> Lin Lean Lim, 64.

views. Generally, the Malaysian government is perceived to make several adjustments to their conduct, decisions, and policies over time. Perhaps, it is impossible to have a well-structured policy that meets the needs of migrant workers. However, there is no reason for providing no defense at all to migrant workers. It is necessary to suggest a policy that provides more benefits to migrant workers. At the very least, they can deal with the current situation; and possibly have some appropriate potential trajectories.

## References

### Books

- Bayindir Goularas, Gökçe. *International Migration in the Twenty-First Century: A General Overview in International Migration in the 21st Century: Problems and Solutions*. United Kingdom: Cambridge Scholars Publishing, 2018.
- Echeverría, Gabriel. *Towards a Systemic Theory of Irregular Migration Explaining Ecuadorian Irregular Migration in Amsterdam and Madrid*. Switzerland: Springer Open, 2020.
- Harkins, Benjamin. *Review of Labour Migration Policy in Malaysia / Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN (TRIANGLE II Project)*. Bangkok: International Labour Organization, 2016.
- International Labour Organization. *Public Attitudes Towards Migrant Workers in Japan, Malaysia, Singapore, and Thailand*. Switzerland: International Labour Organization, 2020.
- ION Indonesia. *COVID-19 and Labor Markets in Southeast Asia Impacts on Indonesia, Malaysia, the Philippines, the Thailand, and Vietnam*. Philippines: Asian Development Bank, 2021.
- Katharine, Jones, Sanushka Mudaliar, and Nicola Piper. *Locked Down and In Limbo: The Global Impact of COVID-19 on Migrant Worker Rights and Recruitment*. Switzerland: International Labour Organization, 2021.
- Mathi, Brema. *A Spotlight on Migrant Workers in the Pandemic Crisis Assessment*. Malaysia: Penang Institute, 2020.
- Nadia Abd Aziz, Saidatul and Salawati Mat Basir. *Labour Mobility in the ASEAN Community: Impact of Policies and Law on Foreign Workers in Malaysia, the ASEAN Community, Legal Issues*. Bangi, Selangor: UKM Press, 2018.
- \_\_\_\_\_. *Protecting Migrant Worker During Covid-19 Pandemic: Lessons from Malaysia and Thailand, Small States, Strong Societies: Essays On Covid-19 Responses in Southeast Asia*. Yogyakarta: ASC Monograph, 2020.
- Theng Theng, Tan (et.al.). *Covid-19: We Must Protect Foreign Workers*. Kuala Lumpur: Khazanah Research Institute, 2020.

Vivienne, Chew, Phillips Melissa, and Yamada Park Min (eds). *COVID-19 Impacts on Immigration Detention: Global Responses*. Australia: International Detention Coalition and HADRI/Western Sydney University, 2020.

Yaqin, Anwarul. *Legal Research and Writing Methods*. India: LexisNexis Butterworths, 2007.

### Other Documents

Alam, Shah. "Top Glove Commences Remediation Payment to Migrant Workers and Remains Committed to Continue Improving Worker Welfare." Accessed August 10, 2020. <https://www.topglove.com/single-press-release-en?id=96&title=top-glove-commences-remediation-payment-to-migrant-workers-and-remains-committed-to-continue-improving-worker-welfare>.

Alhadjri. "MEF Insists Gov't Must Bear Costs for Foreign Worker's Covid-19 Tests." Accessed May 5, 2020. <https://www.malaysiakini.com/news/524157>.

Ani Ahmad, Noor (et.al.). "First Local Transmission Cluster of COVID-19 in Malaysia: Public Health Response." *International Journal of Travel Medicine and Global Health* 8, no. 3 (2020): 124-130. <https://doi.org/10.34172/ijtmgh.2020.21>.

Baruah, Nilim (et.al.). "Trends in Labor Migration in Asia." In ADBI, OECD and ILO. *Labor Migration in Asia: Impacts of the COVID-19 Crisis and the Post-pandemic Future* (ILO Report February 6-7, 2020). <https://www.adb.org/sites/default/files/publication/690751/adbi-book-labor-migration-asia-impacts-covid-19-crisis-post-pandemic-future.pdf>.

Bureau of Democracy, Human Rights and Labor. "Human Rights Reports, Custom Report Excerpts." Accessed September 10, 2022. <https://www.state.gov/report/custom/3a03e83447/>.

Chen, Grace. "JKM's New Guidelines Allow NGOs to Distribute Food to Needy Folk." Accessed April 2, 2020. <https://www.thestar.com.my/metro/metro-news/2020/04/02/jkms-new-guidelines-allow-ngos-to-distribute-food-to-needy-folk>.

Daim, Nuradzimmah. "Health Ministry Working with UNHCR to Track Refugees Who Attended Tabligh Event." Accessed March 21, 2020. <https://www.nst.com.my/news/nation/2020/03/576803/healthministryworkin-gunhcr-track-refugees-who-attended-tabligh-event>.

Department of Statistic Malaysia. "Labour Force Survey Report, Malaysia, 2019." Accessed September 27, 2022. [https://dosm.gov.my/v1/index.php?r=column/cthemByCat&cat=126&bul\\_id=TIVMbEtBVXBGTi80VjdqZ1JUdVRHdz09&menu\\_id=U3VPMldoYUxzVzFaYmNkWXZteGduZz09](https://dosm.gov.my/v1/index.php?r=column/cthemByCat&cat=126&bul_id=TIVMbEtBVXBGTi80VjdqZ1JUdVRHdz09&menu_id=U3VPMldoYUxzVzFaYmNkWXZteGduZz09).

Douglas, Jeremy (et.al.). "End Stigma and Discrimination Against Migrant Workers and Their Children During COVID-19 Pandemic." Accessed June 9, 2020.

- <https://reliefweb.int/report/world/end-stigma-and-discrimination-against-migrant-workers-and-their-children-during-covid>.
- Dzulkifly, Danial. "Women, Children Among Those Carted Off in Lorries as Immigration Dept Raids Migrants in Selayang Baru." Accessed May 14, 2020. <https://www.malaymail.com/news/malaysia/2020/05/14/women-children-amongthose-carted-off-in-lorries-as-immigration-dept-raids/1866148>.
- E. Hutchinson, Francis and Pritish Bhattacharya. "Malaysia's Rubber Glove Industry – the Good, the Bad and the Ugly." ISEAS. Accessed September 10, 2022. <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2021-35-malaysias-rubber-glove-industry-the-good-the-bad-and-the-ugly-by-francis-e-hutchinson-and-pritish-bhattacharya/>.
- Faraday, Fay. "The Empowerment of Migrant Workers in a Precarious Situation: An Overview." (Global Knowledge Partnership on Migration and Development (KNOMAD) Paper 39, 2021). <https://blogs.worldbank.org/peoplemove/empowerment-migrant-workers-precarious-situation-overview>.
- Free Malaysia Today. "Court of Appeal Affirms Undocumented Can Seek Redress from Labour Court." Accessed May 13, 2022. <https://www.freemalaysiatoday.com/category/nation/2022/05/13/court-of-appeal-affirms-undocumented-can-seek-redress-from-labour-court/>.
- González Morales, Felipe. "Malaysia / COVID-19: 'Stop Crackdown on Migrants, Journalists and Civil Society' – UN Rights Experts." Accessed May 21, 2020. <https://www.ohchr.org/en/press-releases/2020/05/malaysia-covid-19-stop-crackdown-migrants-journalists-and-civil-society-un>.
- Human Rights Commission of Malaysia. "Dialogue With Vulnerable Communities: An Assessment of Needs and Next Steps Amid COVID-19 Pandemic." Accessed September 10, 2022. <https://www.suhakam.org.my/dialogue-with-vulnerable-communities-an-assessment-of-needs-and-next-steps-amid-COVID-19-pandemic/>.
- Humanitarian Organization for Migration Economics. "Job Security of Migrant Workers Should Not Depend on Employers." Accessed May 29, 2020. <https://www.home.org.sg/statements/2020/5/29/job-security-of-migrant-workers-should-not-depend-on-employers>.
- Hutchinson, Terry and Nigel Duncan. "Defining and Describing What We Do: Doctrinal Legal Research." *Deakin Law Review* 17, no. 1 (2012): 83-119. <https://doi.10.21153/dlr2012vol17no1art70>.
- International Labour Organization and United Nations (UN) Women. "COVID-19 and Women Migrant Workers in ASEAN." Accessed June 4, 2020. [https://www.ilo.org/asia/publications/issue-briefs/WCMS\\_746979/lang--en/index.html](https://www.ilo.org/asia/publications/issue-briefs/WCMS_746979/lang--en/index.html).

- 
- \_\_\_\_\_. "Experiences of ASEAN Migrant Workers During COVID-19: Rights at Work, Migration and Quarantine During the Pandemic, and Re-migration Plans." (ILO Paper Brief-Bangkok, 2020): 1-21. [https://www.ilo.org/asia/publications/issue-briefs/WCMS\\_746881/lang--en/index.htm](https://www.ilo.org/asia/publications/issue-briefs/WCMS_746881/lang--en/index.htm).
- 
- \_\_\_\_\_. "ILO Monitor: COVID-19 and the World of Work." (ILO Briefing Note, January 25, 2021): 1-32. [https://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/documents/briefingnote/wcms\\_740877.pdf](https://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/documents/briefingnote/wcms_740877.pdf).
- 
- \_\_\_\_\_. "ILO Monitor: COVID-19 and the World of Work. Second Edition Updated Estimates and Analysis." (ILO Briefing Note, April 7, 2020): 1-11. [https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/document/s/briefingnote/wcms\\_740877.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/document/s/briefingnote/wcms_740877.pdf).
- 
- \_\_\_\_\_. "Public Attitudes Towards Migrant Workers: A Four Country Study." Accessed September 10, 2022. [http://www.ilo.org/asia/info/WCMS\\_159851/lang--en/index.html](http://www.ilo.org/asia/info/WCMS_159851/lang--en/index.html).
- 
- \_\_\_\_\_. "Protecting Migrant Workers During The COVID-19 Pandemic Recommendations for Policy Makers and Constituents." (ILO Policy Brief, April 30, 2020): 1-8. [https://www.ilo.org/global/topics/labour-migration/publications/WCMS\\_743268/lang--en/index.html](https://www.ilo.org/global/topics/labour-migration/publications/WCMS_743268/lang--en/index.html).
- 
- \_\_\_\_\_. "Public Attitudes Towards Migrant Workers in Malaysia." (ILO Research Brief, December 15, 2020): 1-11. [https://www.ilo.org/asia/publications/issue-briefs/WCMS\\_766632/lang--en/index.html](https://www.ilo.org/asia/publications/issue-briefs/WCMS_766632/lang--en/index.html).
- 
- \_\_\_\_\_. "Migrant Worker Rights and Recruitment COVID-19 has Made Life Even More Precarious for Migrant Workers." *International Labour Organization*, November 22, 2021. [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_829452/lang--tr/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_829452/lang--tr/index.htm).
- 
- \_\_\_\_\_. "Recommendations for Garment Manufacturers on How to Address the COVID-19 Pandemic." (ILO Briefing Paper, April 15, 2020): 1-14. [https://www.ilo.org/asia/publications/issue-briefs/WCMS\\_741642/lang--en/index.html](https://www.ilo.org/asia/publications/issue-briefs/WCMS_741642/lang--en/index.html).
- 
- \_\_\_\_\_. "Situation and Gap Analysis on Malaysian Legislation, Policies and Programmes, and the ILO Forced Labour Convention and Protocol." (Bridge Project – MYS/16/50/USA, September 10, 2022): 1-62. [https://www.ilo.org/wcmsp5/groups/public/-asia/-ro-bangkok/documents/genericdocument/wcms\\_650658.pdf](https://www.ilo.org/wcmsp5/groups/public/-asia/-ro-bangkok/documents/genericdocument/wcms_650658.pdf).
- 
- \_\_\_\_\_. "Social Protection Responses to the COVID-19 Crisis Around the World." Accessed June 16, 2020.

<https://socialprotection.org/discover/databases/social-protection-responses-covid-19-crisis-around-world>.

---

\_\_\_\_\_. "Social Protection Responses to the COVID-19 Crisis: Country Responses in Asia and the Pacific." (ILO Report, August 19, 2020): 1-21. [https://www.ilo.org/asia/publications/WCMS\\_753550/lang-en/index.html](https://www.ilo.org/asia/publications/WCMS_753550/lang-en/index.html).

---

\_\_\_\_\_. "Supporting Migrant Workers During the Pandemic for a Cohesive and Responsive ASEAN Community." (Draft Thematic Background Paper for the 13th ASEAN Forum on Migrant Labour- ILO Regional Office for Asia and Pacific, Bangkok): 1-51. [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms\\_816971.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_816971.pdf).

---

\_\_\_\_\_. "TRIANGLE in ASEAN Quarterly Briefing Notes." (Briefing Note, August 31, 2022). [https://www.ilo.org/asia/publications/WCMS\\_614378/lang-en/index.html](https://www.ilo.org/asia/publications/WCMS_614378/lang-en/index.html).

---

\_\_\_\_\_. "The Supply Chain Ripple Effect: How COVID-19 is Affecting Garment Workers and Factories in Asia and the Pacific." (ILO Research Brief – Swedia, October 2020): 1-23. [https://www.ilo.org/asia/publications/issue-briefs/WCMS\\_758626/lang-en/index.htm](https://www.ilo.org/asia/publications/issue-briefs/WCMS_758626/lang-en/index.htm).

---

\_\_\_\_\_. "COVID-19: Impact on Migrant Workers and Country Response in Malaysia." (ILO Report-May 8, 2020): 1-15. [https://www.ilo.org/wcmsp5/groups/public/asia/robangkok/documents/briefingnote/wcms\\_741512.pdf](https://www.ilo.org/wcmsp5/groups/public/asia/robangkok/documents/briefingnote/wcms_741512.pdf).

International Monetary Fund. "MALAYSIA STAFF Report For The 2021 Article IV Consultation." Accessed March 17, 2021. <https://www.imf.org/en/Publications/CR/Issues/2021/03/17/Malaysia-2021-Article-IVConsultation-Press-Release-Staff-Report-and-Statement-by-the-50272>.

Iruthayaraj D. Pappusamy, P. "Migrant Workers Contribution Towards the Malaysian Economic Transformation." (Paper presented at the Asian Conference on Globalization and Labor Administration - Cross Border Labor Mobility, Social Security and Regional Integration- Philippines November 19-21, 2014). [https://isssl.org/wp-content/uploads/2014/12/Pappusamy\\_2014\\_Asian\\_Conf.pdf](https://isssl.org/wp-content/uploads/2014/12/Pappusamy_2014_Asian_Conf.pdf).

Jacqueline Lo, Ying-Ru and Chihoko Asada-Miyakawa. "Workers Must be Protected With a Safe and Healthy Work Environment." Accessed April 28, 2021. <https://www.who.int/malaysia/news/commentaries/detail/workers-must-be-protected-with-a-safe-and-healthy-work-environment>.

- Kaur, Amarjit. "Managing Labour Migration in Malaysia: Guest Worker Programs and the Regularization of Irregular Labour Migrants as a Policy Instrument." *Asian Studies Review* 38, no. 3 (2014): 345-366. <https://doi.org/10.1080/10357823.2014.934659>.
- Khalidi, Jarud Romadan and Nazihah Muhamad Noor. "Covid-19 Control: Break Down Foreign Worker's Barriers to Care." Accessed 2020. [http://krinstitute.org/assets/contentMS/img/template/editor/20200325\\_Articles\\_Covid\\_FW\\_v3.pdf](http://krinstitute.org/assets/contentMS/img/template/editor/20200325_Articles_Covid_FW_v3.pdf).
- Kikkawa, Aiko, James Villafuerte, Raymond Gaspar, and Badri Narayanan. "COVID-19 Impact on International Migration, Remittances, and Recipient Households in Developing Asia." (Asian Development Bank's Briefs Paper- Singapore ADB, 2020). <https://dx.doi.org/10.22617/BRF200219-2>.
- Latiff, Rozanna and A. Ananthalakshmi. "Malaysia Detains Hundreds of Refugees and Migrants During Virus Lockdown: Rights Groups." Accessed May 1, 2020. <https://www.reuters.com/article/us-health-coronavirus-malaysia-migrants-idUSKBN22D5JU>.
- Lim, Lin Lean. "The Socioeconomic Impacts of COVID-19 in Malaysia: Policy Review and Guidance for Protecting the Most Vulnerable and Supporting Enterprises." (International Labour Organization Report, July 21, 2020): 1-80. [https://www.ilo.org/asia/publications/WCMS\\_751600/lang--en/index.htm](https://www.ilo.org/asia/publications/WCMS_751600/lang--en/index.htm).
- Loganathan, Tharani (et.al.). "Breaking Down the Barriers: Understanding Migrant Worker's Access to Healthcare in Malaysia." *PLoS ONE* 14, no. 7 (2019): 1-24. <https://doi.org/10.1371/journal.pone.0218669>.
- Mahmood, Bhutta (et.al.). "Forced Labour in the Malaysian Medical Gloves Supply Chain During The Covid-19 Pandemic." (Research Summary - Modern Slavery & Human Rights Policy & Evidence Centre, July 2021): 1-10. <http://sro.sussex.ac.uk/id/eprint/100130/1/Bhutta%20et%20al.2021.Research%20Summary%20Medical%20Gloves%20Project.%20MSPEC.pdf>.
- Malaymail. "Women, Children Among Those Carted Off in Lorries as Immigration Dept Raids Migrants in Selayang Baru." Accessed May 14, 2020. <https://www.malaymail.com/news/malaysia/2020/05/14/women-children-among-those-carted-off-in-lorries-as-immigration-dept-raids/1866148>.
- Malaysian Bar. "Uphold Rights of Migrants Irrespective of Their Status." Accessed December 18, 2020. <https://www.malaysianbar.org.my/article/news/press-statements/press-statements/press-comment-uphold-rights-of-migrants-irrespective-of-their-status>.
- Merican Abdul Rahim Merican, Rooshida. "Employees Rights Under the Malaysian Social Security Organisation." *Journal of Politics and Law* 3, no. 1 (2010): 24-44. <http://dx.doi.org/10.5539/jpl.v3n1p24>.
- Mia, Md. Tuhin and Sharmin Jahan Putul. "Covid-19 in Malaysia: Protection of Migrant Workers in This Pandemic Situation." *Journal of Asian and African*

- Social Science and Humanities* 6, no. 3 (2020): 21-32.  
<http://dx.doi.org/10.13140/RG.2.2.26505.36964>.
- M. Noor, Noraini and Muhamad Nabil Shaker. "Perceived Workplace Discrimination, Coping and Psychological Distress Among Unskilled Indonesian Migrant Workers in Malaysia." *International Journal of Intercultural Relations* 57, 2017: 19–29. <https://doi.org/10.1016/j.ijintrel.2017.01.004>.
- Ministry of International Trade and Industry. "Safe@Work to Balance Safety and Lives of Workers with Economic Sustainability." Accessed March 18, 2021. [https://www.miti.gov.my/miti/resources/Media%20Release/MR\\_SAFE@WORK\\_-\\_18.3\\_.2021\\_.pdf](https://www.miti.gov.my/miti/resources/Media%20Release/MR_SAFE@WORK_-_18.3_.2021_.pdf).
- Nadia Abdul Aziz, Saidatul and Salawati Mat Basir. "Protection of Migrant Workers under the ICMW: Incompatibility with Malaysian Laws and Position in ASEAN." *Hasanuddin Law Review* 7, no. 3 (2021): 150-168.  
<http://dx.doi.org/10.20956/halrev.v7i3.3066>.
- New Straits Times. "Use Alternatives To Detention in The Fight Against COVID-19." Accessed May 2, 2020. <https://www.nst.com.my/news/nation/2020/05/589262/un-use-alternatives-detention-fight-against-covid-19>.
- PERKESO. "Employer's Circular No. 3 Year 2018: Transfer of Foreign Worker's Coverage From The Foreign Workers Compensation Scheme." Accessed January 1, 2019. [https://www.perkeso.gov.my/images/imej/pekerja\\_asing/Employers\\_Circular\\_No.\\_3\\_Year\\_2018.pdf](https://www.perkeso.gov.my/images/imej/pekerja_asing/Employers_Circular_No._3_Year_2018.pdf).
- Shobana Ambrose, Natalie. "COVID-19 Reveals Cracks in Malaysia's Access to Marginalised Communities." Accessed May 6, 2020. <https://devpolicy.org/covid-19-reveals-cracks-in-malysias-access-to-marginalised-communities-20200506-2/?print=print>.
- S. Bedi, Rashvinjeet and Mazwin Nik Anis. "Covid-19 Screening: Socso Coverage For Foreign Workers Who Contribute to Organization." Accessed May 5, 2020. <https://www.thestar.com.my/news/nation/2020/05/05/covid-19-screening-socso-coverage-for-foreign-workers-who-contribute-to-organisation>.
- Suraya Abd Razak, Siti (et.al.). "Employment Rights During The COVID-19 Pandemic: A Legal Analysis." *Journal of Muwafaqat* 4, no. 1 (2021): 29-40.  
<http://muwafaqat.kuis.edu.my/index.php/journal/article/view/6>.
- Sukumaran, Tashny and Bhavan Jaipragas. "Coronavirus: Hundreds Arrested as Malaysia Cracks Down on Migrants in Covid-19 Red Zones." Accessed May 1, 2020. <https://www.scmp.com/week-asia/politics/article/3082529/coronavirus-hundreds-arrested-malaysia-cracks-down-migrants>.
- Tan, Vincent. "Covid-19: Malaysian Government Opens Investigations Into Top Glove Over Workers' Housing." Accessed September 30, 2022.



<https://www.channelnewsasia.com/asia/covid-19-malaysia-investigate-top-glove-workers-dormitories-446551>.

The UN Migration Agency. "COVID-19 Global Mobility Restriction Overview." Accessed March 28, 2020. [https://migration.iom.int/system/tdf/reports/DTM-Covid19%20Global%20Overview%20Output%2018.05.2020%20Final%20\\_1.pdf?file=1&type=node&id=8672](https://migration.iom.int/system/tdf/reports/DTM-Covid19%20Global%20Overview%20Output%2018.05.2020%20Final%20_1.pdf?file=1&type=node&id=8672).

United Nations Sustainable Development Group. "COVID-19 and Human Rights: We Are All in This Together." Accessed September 10, 2022. <https://unsdg.un.org/resources/covid-19-and-human-rights-we-are-all-together>.

Wahab, Andika. "The Outbreak of Covid-19 in Malaysia: Pushing Migrant Workers at The Margin." *Social Science and Humanity Open* 2, no. 1 (2020): 1-9. <https://doi.org/10.1016/j.ssaho.2020.100073>.

---

\_\_\_\_\_ and Aizat Khairi. "Right to Justice and Legal Aid Barriers to the Vulnerable Non-Citizens in Malaysia." *GEOGRAFIA Malaysian Journal of Society and Space* 16, no. 1 (2020): 13-23. <https://doi.org/10.17576/geo-2020-1601-02>.

Wahab, Farid. "NGOs Unhappy Over New Rules for Food Aid Distribution." Accessed April 1, 2020. <https://www.thestar.com.my/metro/metro-news/2020/04/01/ngos-unhappy-over-new-rules-for-food-aid-distribution>.

Wahyu Asmorojati, Anom (et.al.). "The Impact of COVID-19 on Challenges and Protection Practices of Migrant Worker's Rights." *BESTUUR* 9, no. 1 (2021): 43-56. <https://dx.doi.org/10.20961/bestuur.v10i1.60179>.

World Bank. "MALAYSIA: Estimating the Number of Foreign Workers." (Document of The World Bank Report No: AUS0000681 - The World Bank Group, March 28, 2019). <https://documents1.worldbank.org/curated/en/953091562223517841/pdf/Malaysia-Estimating-the-Number-of-Foreign-Workers-A-Report-from-the-Labor-Market-Data-for-Monetary-Policy-Task.pdf>.

World Health Organization. "Interim Guidance for Refugee and Migrant Health in Relation to COVID-19 in The WHO European Region." (Research Report - World Health Organization, March 25, 2020. <https://apps.who.int/iris/bitstream/handle/10665/359103/WHO-EURO-2020-5587-45352-64901-eng.pdf?sequence=3&isAllowed=y>.

---

\_\_\_\_\_. "Malaysia Strong Preparedness and Leadership for a Successful COVID-19 Response in Malaysia." Accessed August 20, 2020. <https://www.who.int/news-room/feature-stories/detail/strong-preparedness-and-leadership-for-a-successful-covid-19-response-in-malaysia>.

Zainuddin, Zarina and Muhammad Sinatra. "Dealing with COVID-19 Pandemic in Malaysia: Lessons From Negeri Jiran." Accessed June 17, 2020.

<https://www.isis.org.my/2020/06/17/dealing-with-covid-19-pandemic-in-malaysia-lessons-from-negeri-jiran-2/>.