

FOREIGN WORKERS

The Law And Practice In Malaysia

*Ashgar Ali Ali Mohamed
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CONTENTS

Preface	i		
Acknowledgement	iii		
Foreword	v		
Biographies of Contributors	vii		
List of Abbreviations	ix		
Table of Cases	xi		
Table of Legislation	xxix		
Table of Foreign Legislation	xxxvii		
CHAPTER 1			
MIGRANT WORKERS:			
AN INTRODUCTION			
<i>by Farheen Baig Sandar Baig</i>			
1.1 INTRODUCTION	1		
1.2 MIGRANT WORKER AND WORK PERMIT	9		
1.3 EMPLOYMENT OF MIGRANT WORKERS IN A FOREIGN LAND: THE REASONS	11		
1.4 EXPLOITATION OF MIGRANT WORKERS	15		
1.5 CHAPTERIZATION	21		
1.6 CONCLUSION	24		
CHAPTER 2			
CONTRACT OF EMPLOYMENT: A NON-COMMERCIAL CONTRACT			
<i>by Ashgar Ali Ali Mohamed</i>			
2.1 INTRODUCTION	25		
2.2 CONTRACT LAW IN RELATION TO EMPLOYMENT	28		
2.3 FREEDOM OF CONTRACT: A REALITY IN CONTRACT OF EMPLOYMENT?	29		
		2.4 CONTRACT OF EMPLOYMENT: A COMMERCIAL OR PERSONAL CONTRACT	33
		2.4.1 Employer-Employee Relationship: A Special or Personal Relationship	33
		2.4.2 Relationship between Employer and Employee - Regulated by 'Status' not 'Contract'	36
		2.4.2.1 <i>The Introduction of Statutory Protection and Erosion of Freedom to Contract</i>	38
		2.4.2.2 <i>Against Exploitation of Workers in Employment: Implying Terms</i>	40
		2.4.3 Implying Terms in the Contract of Employment	41
		2.4.3.1 <i>The Recognition of the Implied term of Trust and Confidence</i>	44
		2.4.3.2 <i>The Origin of the Implied Trust and Confidence Term</i>	46
		2.4.3.3 <i>The Employer's Conduct of Infringing the Implied Term of Confidence and Trust</i>	49
		2.4.4 International Labour Organisation Slogan: 'Labour is not a Commodity' and the Performance of Service is not Akin to the Supply of Goods	53
		2.5 CONCLUSION	55

CHAPTER 3		4.5	UNITED NATIONS INSTRUMENT: INTERNATIONAL CONVENTION ON THE PROTECTION OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES	97
MIGRATION OF FOREIGN LABOURERS INTO MALAYSIA				
<i>by Ashgar Ali Ali Mohamed</i>				
3.1	INTRODUCTION	57		
3.2	FOREIGN INVASION INTO THE MALAY PENINSULA	61	4.6	UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948 AND THE UNIVERSAL ISLAMIC DECLARATION OF HUMAN RIGHTS 1981
3.3	MIGRATION OF FOREIGN LABOURERS	62		99
3.4	CONDITIONS OF MIGRANT WORKERS	63		
3.5	LABOUR LEGISLATION PROTECTING MIGRANT WORKERS	66	CHAPTER 5	
3.7	INFLUENCE OF THE DOCTRINE OF LAISSEZ-FAIRE	69	RIGHTS OF WORKERS FROM THE ISLAMIC PERSPECTIVE	
3.7	INFLUX OF MIGRANT WORKERS SINCE 1957	70	<i>by Farheen Baig Sardar Baig</i>	
3.8	CONCLUSION	71	5.1	INTRODUCTION
			5.2	HISTORY OF FOREIGN WORKERS IN ISLAM
			5.3	TREATMENT TOWARDS SLAVES / FOREIGN WORKERS
				105
CHAPTER 4			5.3.1	Equality
INTERNATIONAL STANDARDS ON TREATMENT OF MIGRANT WORKERS			5.3.2	Kindness, Maintenance as a Moral Duty
<i>by Farheen Baig Sardar Baig</i>				106
4.1	INTRODUCTION	73	5.3.3	Masters/Employers Should Not Have Harsh Attitude towards Servants/Workers
4.2	INTERNATIONAL LABOUR ORGANISATION (ILO)	74		108
4.3	ILO MULTILATERAL FRAMEWORK ON LABOUR MIGRATION (MFLM) - NON-BINDING PRINCIPLES AND GUIDELINES FOR A RIGHTS-BASED APPROACH TO LABOUR MIGRATION	76	5.3.4	Humility and Respect towards Slaves and Establishing Brotherhood between Master and Slave
				110
			5.3.5	Human Dignity
				113
			5.4	CONCLUSION
				116
4.3.1	MFLM - Principles and Basic Guidelines	77		
4.3.2	Review of ILO's MFLM	92		
4.4	ILO RELATED INSTRUMENTS ON MIGRANT WORKERS	93		

**CHAPTER 6
EMPLOYMENT STATUTES
AND THEIR APPLICATION
TOWARDS MIGRANT WORKERS**

by Ashgar Ali Ali Mohamed

6.1	INTRODUCTION	117
6.2	EMPLOYMENT ACT 1955	118
6.3	EMPLOYMENT (TERMINATION AND LAY-OFF BENEFITS) REGULATIONS 1980	120
6.4	EMPLOYEES PROVIDENT FUND ACT 1991	121
6.5	EMPLOYEES' SOCIAL SECURITY ACT 1969	123
6.6	WORKMEN'S COMPENSATION ACT 1952	126
6.7	WORKMEN'S COMPENSATION (FOREIGN WORKER'S COMPENSATION SCHEME) (INSURANCE) ORDER 2005	127
6.8	INDUSTRIAL RELATIONS ACT 1967	127
6.9	TRADE UNIONS ACT 1959	130
6.10	OCCUPATIONAL SAFETY AND HEALTH ACT 1994	130
6.11	FACTORIES AND MACHINERY ACT 1967	131
6.12	WORKERS' MINIMUM STANDARDS OF HOUSING AND AMENITIES ACT 1990	132
6.13	SECTION 28A OF THE CIVIL LAW ACT 1956	132
6.14	CONTRACT LAW	137
6.15	PROTECTION AT COMMON LAW	140
6.15.1	Implied Term of Trust and Confidence	140

6.15.2	Employer's Duty of Care for the Health and Safety of Employee	144
6.16	JURISDICTION OF THE INDUSTRIAL COURT AND THE LABOUR COURT	145
6.16.1	Industrial Court	145
6.16.2	Labour Court	146
6.17	CONCLUSION	147

**CHAPTER 7A
MIGRANT WORKERS: THE
IMMIGRATION LAW, RULES AND
PROCEDURES IN MALAYSIA**

by Muzaffar Syah Mallow

7A.1	INTRODUCTION	149
7A.2	THE GOVERNING BODY WHICH ENFORCES THE IMMIGRATION LAWS IN MALAYSIA	149
7A.3	IMMIGRATION ACT 1959/1963 (REVISED 1974)	152
7A.3.1	Admission and Departure	153
7A.3.2	Entry Permit	166
7A.3.3	Removal of Prohibited Immigrants from Malaysia	174
7A.4	CONCLUSION	175

**CHAPTER 7B
HIRING MIGRANT WORKERS:
RESTRICTION WITH
REFERENCE TO EMPLOYMENT
(RESTRICTION) ACT 1968**

by Ashgar Ali Ali Mohamed

7B.1	RESTRICTIONS UNDER THE EMPLOYMENT (RESTRICTION) ACT 1968	177
7B.2	RESTRICTION UNDER THE EMPLOYMENT (RESTRICTION) (EMPLOYMENT PERMIT) REGULATIONS 1969	184

7B.3 EMPLOYING MIGRANT WORKER WITHOUT A VALID EMPLOYMENT PERMIT: THE CRIMINAL OFFENCE	188
7B.4 EMPLOYMENT OF MIGRANT WORKERS IN CONTRAVENTION OF THE 1968 ACT: ITS EFFECT ON CONTRACT OF EMPLOYMENT	191
7B.5 REMEDY OF MIGRANT WORKERS WITH VALID WORK PERMITS WHOSE EMPLOYMENT CONTRACT WAS PREMATURELY TERMINATED	193
7B.6 CONCLUSION	196

**CHAPTER 8
EXPLOITATION OF MIGRANT WORKERS: ITS FORMS**

by Mohammad Naqib Ishan Jan

8.1 INTRODUCTION	197
8.2 DEFINITION OF MIGRANT WORKERS	198
8.3 PULL AND THE PUSH FACTORS DRIVING MIGRATION	200
8.4 EXPLOITATION OF MIGRANT WORKERS	200
8.4.1 Forms of Exploitation of Migrant Workers	201
8.5 STATES' OBLIGATION TO PROTECT THE HUMAN RIGHTS OF MIGRANT WORKERS	209
8.6 CONCLUSION	218

**CHAPTER 9
EXPLOITATION OF MIGRANT WORKERS: THE LIKELY IDENTIFIABLE CAUSES**

by Muzaffar Syah Mallow

9.1 INTRODUCTION	219
9.2 THE ABUSE AND EXPLOITATION OF MIGRANT WORKERS IN MALAYSIA	220
9.2.1 Inefficient and Inadequate Legal Protection towards Migrant Workers	222
9.2.2 Social Misunderstanding toward Migrant Workers	226
9.2.3 Lack of Religious or Moral Values of the Abuser or Exploiter	226
9.3 CONCLUSION	230

**CHAPTER 10
EXPLOITATION OF MIGRANT WORKERS: A CASE STUDY**

by Muzaffar Syah Mallow

10.1 INTRODUCTION	231
10.2 AN OVERVIEW OF REPORTED CASES INVOLVING THE EXPLOITATION OF MIGRANT WORKERS IN MALAYSIA	232
10.3 ABUSE CASES INVOLVING MIGRANT WORKERS IN MALAYSIA: THE LEGAL IMPACT	240
10.4 CONCLUSION	241

**CHAPTER 11A
EXPLOITATION OF MIGRANT
WORKERS: CRIMINAL
SANCTIONS PROVIDED UNDER
THE MALAYSIAN PENAL CODE**

by Muzaffar Syah Malloa

11A.1	INTRODUCTION	243
11A.2	AN OVERVIEW OF THE THEORY AND PRINCIPLES OF CRIMINAL LAW	244
11A.3	THE STANDARD COMMON LAW TEST OF CRIMINAL LIABILITY: <i>ACTUS NON FACIT REUM NISI MENS SIT REA</i>	249
11A.3.1	<i>Actus reus</i>	250
	<i>11A.3.1.1 Act</i>	251
	<i>11A.3.1.2 Omission</i>	252
11A.3.2	<i>Mens rea</i>	256
11A.4	EXPLOITATION OF MIGRANT WORKERS: CRIMINAL SANCTIONS PROVIDED UNDER THE MALAYSIAN PENAL CODE	260
11A.4.1	Possible Sanctions under the Malaysian Penal Code (Act 574)	260
11A.4.2	Case Study Involving Migrant Workers which Had Been Tried by the Courts under the Penal Code	267
11A.4.3	Criminal Sentencing Principle in Malaysia	279
11A.6	CONCLUSION	280

**CHAPTER 11B
CRIMINAL OFFENCES AND CIVIL
WRONGS BY OR AGAINST
MIGRANT WORKERS**

by Ashgar Ali Ali Mohamed

11B.1	PHYSICAL ABUSE OR ILL-TREATMENT OF MIGRANT WORKERS: THE PUNISHMENT	281
11B.2	OFFENCES AGAINST MIGRANT WORKERS: ILLUSTRATION FROM DECIDED CASES	284
11B.3	A REVIEW OF SELECTED CASES	289
11B.4	CONCLUSION	306

**CHAPTER 12
EXPLOITATION OF NATIONAL OR
LOCAL WORKERS AND THE
LIABILITY OF THE EMPLOYER**

by Ashgar Ali Ali Mohamed

12.1	INTRODUCTION	307
12.2	LABOUR IS NOT A COMMODITY	310
12.3	FORCED LABOUR PROHIBITED	311
12.4	RELATIONSHIP OF MUTUAL TRUST AND CONFIDENCE	315
12.5	EMPLOYEES' RIGHTS IN EMPLOYMENT AKIN TO 'PROPERTY RIGHTS'	317
12.5.1	Withholding of Salary or Failure of Salary Payment	318
12.5.2	Demotion or Reduction in Status and Rank	320
12.5.3	Transfer of Employee	322
12.5.4	Secondment Must Be <i>Bona Fide</i>	326

12.5.5	Retrenchment Justifiable on Genuine Commercial Reasons	329	13.6	CASES ON NON-RENEWAL OF FIXED-TERM CONTRACTS INVOLVING MIGRANT WORKERS	360
12.5.6	Outsourcing to Victimise Employee	331	13.7	CONCLUSION	368
12.5.7	Voluntary Separation Scheme Being Forced or Coerced on Employee	332	CHAPTER 14		
12.5.8	Other Circumstances	334	MIGRANT WORKERS: ADEQUACY AND SUFFICIENCY OF LAW		
12.6	CONSTRUCTIVE DISMISSAL AND REMEDIES	335	<i>by Farheen Baig Sardar Baig</i>		
12.6.1	Constructive Dismissal	335	14.1	INTRODUCTION	369
12.6.2	Remedies for Dismissal without Just Cause or Excuse	340	14.2	MIGRANT WORKERS' ACCESS TO JUSTICE	370
12.7	CONCLUSION	342	14.3	ADEQUACY AND SUFFICIENCY OF THE LAW	374
CHAPTER 13			14.4	PROBLEMS FACED BY MIGRANT WORKERS	378
PREMATURE TERMINATION OF FIXED-TERM CONTRACT AND ITS REMEDIES			14.4.1	Discriminatory Wages	378
<i>by Ashgar Ali Ali Mohamed</i>			14.4.2	Inadequate Housing	379
13.1	INTRODUCTION	343	14.4.3	Insurance	379
13.2	FIXED-TERM ENGAGEMENT ON GENUINE GROUNDS	347	14.4.4	Medical Facilities	379
13.3	LEGITIMATE EXPECTATION OF RENEWAL OF FIXED-TERM ENGAGEMENT	350	14.4.5	Cancellation of Work Permits	380
13.4	COMPENSATION FOR PREMATURE TERMINATION OF FIXED-TERM CONTRACT	356	14.4.6	High Costs for Renewing Work Passes	380
13.5	HIRING MIGRANT WORKERS OR EXPATRIATES ON FIXED-TERM CONTRACT	358	14.4.7	Other Related Problems	381
			14.5	RECOMMENDATIONS	382
			14.6	ESTABLISHING MIGRANT WORKERS' RIGHTS: ITS IMPORTANCE	385
			14.7	CONCLUSION	388

CHAPTER 15			
ASYLUM SEEKERS AND THE RIGHT TO WORK			
<i>by Mohammad Naqib Ishan Jan</i>			
15.1	INTRODUCTION	389	
15.2	THE DEFINITIONS OF ASYLUM AND ASYLUM SEEKERS	391	
15.2.1	Definition of Asylum	391	
15.2.2	Definition of Asylum Seeker	393	
15.3	PROTECTION TO ASYLUM SEEKERS EASIER SAID THAN DONE	394	
15.4	CLASSIFICATION OF ASYLUM	395	
15.4.1	Territorial Asylum	396	
15.4.2	Extra-Territorial or Diplomatic Asylum	399	
15.5	THE RIGHT TO WORK: IS IT AVAILABLE UNDER INTERNATIONAL HUMAN RIGHTS LAW TO ASYLUM SEEKERS	404	
15.6	THE RIGHT TO WORK: IS IT AVAILABLE TO ASYLUM SEEKERS IN MALAYSIA?	412	
15.7	CONCLUSION	414	
CHAPTER 16			
HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS: THE INTERNATIONAL INSTRUMENTS AND DOMESTIC LAWS OF MALAYSIA			
<i>by Ashgar Ali Ali Mohamed</i>			
16.1	INTRODUCTION	415	
16.2	HUMAN TRAFFICKING: THE INSTRUMENTS	416	
16.2.1	United Nations Convention Against Transnational Organized Crime	416	
16.2.2	Malaysian Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (Act 670)	430	
16.3	DECIDED CASES OF HUMAN TRAFFICKING: A REVIEW	454	
16.4	ISLAMIC APPROACH TO HUMAN TRAFFICKING	475	
16.5	CONCLUSION	477	
CHAPTER 17			
DILIGENCE AND TRUSTWORTHINESS: THE QUALITIES OF A MUSLIM EMPLOYEE			
<i>by Ashgar Ali Ali Mohamed</i>			
17.1	INTRODUCTION	489	
17.2	EMPLOY HIM WHO IS STRONG AND TRUSTWORTHY	493	
17.3	CONCLUSION	504	
CHAPTER 18			
IMMIGRATION LAW, RULES AND PROCEDURE FOR MIGRANT WORKERS: A COMPARATIVE STUDY FROM VARIOUS JURISDICTIONS			
<i>by Muzaffar Syah Mallow</i>			
18.1	INTRODUCTION	507	
18.2	IMMIGRATION LAW, RULES AND PROCEDURE FOR MIGRANT WORKERS UNDER VARIOUS JURISDICTIONS	510	
18.2.1	United States of America	511	
18.2.2	United Kingdom	516	
18.2.3	Australia	519	
18.2.4	Hong Kong	520	
18.2.5	Singapore	525	
18.2.6	Saudi Arabia	527	

18.3	THE ISSUES ON THE EXPLOITATION OF MIGRANT WORKERS IN SINGAPORE, SAUDI ARABIA & HONG KONG	528	19.7.6	Protection of Informers or Whistleblowers	556
18.4	CONCLUSION	532	19.7.7	Implementation of Minimum Wages Order: The Guidelines	557
CHAPTER 19			APPENDICES		579
THE LAW ON MINIMUM WAGES IN MALAYSIA			Appendix A		579
<i>by Ashgar Ali Ali Mohamed</i>			Appendix B		582
19.1	INTRODUCTION	533	Appendix BA		599
19.2	MINIMUM WAGE FIXING CONVENTION, 1970 (NO. 131)	534	Appendix C		619
19.3	MINIMUM WAGE FIXING RECOMMENDATION, 1970 (NO. 135)	536	Appendix CA		628
19.4	MINIMUM RATE OF WAGES FROM ISLAMIC PERSPECTIVE	539	Appendix D		637
19.5	MINIMUM WAGE LAW IN SELECTED COUNTRIES	541	Appendix E		676
19.6	MINIMUM WAGES ORDER 2012 (MALAYSIA)	545	Appendix F		682
19.7	APPLICATION OF MINIMUM WAGES ORDER: AN EMPLOYEE UNDER A CONTRACT OF SERVICE	546	INDEX		697
19.7.1	The Rates of Minimum Wages	549			
19.7.2	Council to Review Minimum Wages Order	553			
19.7.3	Negotiation for Restructuring of Wages	553			
19.7.4	Enforcement of the Minimum Wages Order	554			
19.7.5	Compounding of Offences	555			

CHAPTER 5

RIGHTS OF WORKERS FROM THE ISLAMIC PERSPECTIVE*

5.1 INTRODUCTION

In Islam, workers are accorded full protection. Islamic teachings deplore acts of cruelty towards workers, exploitation or ill-treatment of workers. Islam does not distinguish between the treatment of local and foreign workers. It requires the parties to the contract to adhere to the established principles of justice and equality. The contracting parties should transact their businesses with kindness, courtesy, amity and mutual co-operation. This system did not emerge due to oppression from the capitalist, nor was it an outcome of some mutual conflicting interest of the employer and workers. It was revealed to the world** as the ordained system of life at a time when men attached no particular importance to economic factor/capitalism. Against this backdrop, this chapter discusses the treatment of workers from the Islamic perspective.

5.2 | HISTORY OF FOREIGN WORKERS IN ISLAM

Slavery existed and thrived in most civilizations throughout history, across Europe, India, America, China and Russia, to name but a few. When the message of Islam was first received by Prophet Muhammad (p.b.u.h.), it came to address the ignorance of the people that existed at that time, slavery being one of them. It was so, that victorious nations used to take their captives as slaves and servants, treating them mercilessly as if they were mere commodities. This was recorded in history throughout the world.

Islam was the first religion in history that safeguarded the rights of slaves more than fourteen centuries ago. Prophet Muhammad (p.b.u.h.) elevated their human rights, upgraded their position in society and called upon the

* This Chapter is contributed by Farheen Baig Sardar Baig.

** The Qur'an was revealed 1430 years ago, bringing divine instructions to the Prophet (p.b.u.h.), who would then relate it faithfully to the people.