

FOREIGN WORKERS

The Law And Practice In Malaysia

*Ashgar Ali Ali Mohamed
Farheen Baig Sardar Baig
Muzaffar Syah Mallow
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14.1 | INTRODUCTION

Migrant workers are a big help to Malaysia. This is a fact which cannot be denied. In reality, the country has gained greatly from their services. Malaysia has been able to experience rapid physical development in the past years. Women now have more time with their children and some are even able develop their careers, thanks to domestic workers. On the other hand, migrant workers themselves have benefited from being in Malaysia, especially those who land jobs with good employers who treat them well. However, there are cases where some migrant workers are far from being treated well, let alone humanely. A relationship between a worker and an employer is built on mutual trust and confidence.¹ It should work two ways. Both should render their trusts, the worker to carry out his duty and the employer to pay him his due. When either one fails to deliver, this is where the problem starts - it's the beginning of an ugly journey for both parties.

Problems such as human trafficking begins when migrant workers are not given jobs they were promised and are instead, cheated into prostitution or forced labour, amongst others. Here, the worker suffers while agents prosper. Cases of domestic servants hurting or killing their employers are possibly based on a misunderstanding between them and the employer. As the employers always has the upper hand, and the only solution for a domestic worker is to rebel or run away. However, there are also cases where the domestic servant has absconded or run away in clear breach of contract due to no fault of the employer. In another scenario, the domestic servant is physically abused by the employer. While it is true that there are barriers like communication and culture, patience and understanding are virtues to overcome this. However, domestic servants are commonly treated as slaves and for some, severely beaten and yelled at the slightest mistake.

* This Chapter is contributed by Farheen Baig Sardar Baig.

1 See Chapter 2.