

ISSUES FACING MIGRANT AND UNDOCUMENTED WORKERS DUE TO COVID-19 AND RELEVANT RECOMMENDATIONS

NO.	ISSUES/ CHALLENGES	RECOMMENDATIONS
1.	<p>Cooperation from Embassies</p> <p>SUHAKAM was informed that there are embassies which only provided a list of names and location of migrant workers who are citizens of their countries and did not provide any form of aid to be channelled to these workers. At the same time, there are embassies which failed to obtain written permission from the Malaysian Government to provide aid to their countries' citizens.</p>	<p>a) Embassies should be more committed in providing assistance to their nationals by way of consular services, financial or food supplies and including by collaborating with local NGOs, .</p> <p>b) The Government should issue a standard operating procedure (SOP) to allow aid provision by the embassies, including through local NGOs, for the migrant workers who are also affected by the implementation of the MCO.</p>
2.	<p>Access to Food and Government Aid</p> <p>i. The migrant worker communities do not have access to government aid and they face difficulties in getting food supply due to the MCO. The government aid and food aid are provided only for Malaysian citizens.</p> <p>ii. For migrant workers who work and live outside the cities and have no personal transportation vehicles, the maximum 10km travel restriction and the limited business operating hours under the MCO also made it more difficult for them to get food supplies in the town or the nearest shop outside working hours.</p> <p>iii. Employers have also abandoned their migrant workers without providing them with adequate supply of food.</p> <p>iv. At the same time, migrant workers working in essential services sectors such as plantation, have also had limited access to food supply due to their longer working hours and the limited business hours of shops during the MCO . Some</p>	<p>a) The Government should collaborate with NGOs to implement more effective and coordinated strategies in channelling food aid including to migrant workers and vulnerable groups.</p> <p>b) The Government should not prevent nor deny NGOs from channelling aid to migrant workers and other vulnerable groups.</p> <p>c) Government assistance should be extended to all vulnerable groups including migrant workers, refugees and asylum seekers.</p> <p>d) The Ministry of Domestic Trade and Consumer Affairs should monitor and take appropriate measures in order to prevent excessive price hike of daily essential items during the MCO.</p> <p>e) The Ministry of Human Resources (MOHR) should take appropriate action and incentivise employers in protecting their workers' rights and maintaining their welfare, including by:</p> <ul style="list-style-type: none"> • providing food for their daily wage workers and for those in non-essential service sectors during and at least one month after the MCO

	<p>plantation employers have provided food delivery services to operate onsite so that their workers could buy their food and necessities. However, goods supplied by these services are too expensive and this has resulted in the workers being able to eat only once a day.</p>	<ul style="list-style-type: none"> • paying all outstanding and accruing wages to their workers on time • not laying off workers on disciplinary grounds (absences, late, etc.) • providing regular and accurate information to their workers on the current situation including the MCO and EMCO, and in preventing the spread of COVID-19 • ceasing and preventing from engaging in forced labor practices (unhealthy and dangerous working conditions and places; working overtime without sufficient rest and additional pay, etc.), especially in the essential services sector, manufacturing of high-demand products and domestic work.
<p>3.</p>	<p>Food Aid in EMCO areas</p> <p>i. Food aid is unable to be distributed to the migrant workers living in areas imposed with Enhanced MCO (EMCO).</p> <p>ii. SUHAKAM was informed that aid is only channelled through the respective <i>ketua kampungs</i>, the aid is only distributed to the locals as supply was limited.</p>	<p>The Government should implement effective strategies including by mobilising and collaborating with NGOs to ensure that the food aid and other forms of assistance in EMCO areas also reach migrant workers and other vulnerable groups without discrimination. .</p>
<p>4.</p>	<p>Access to Healthcare Services</p> <p>i. Most migrant workers live in <i>kongsi</i> houses with around 40-80 other occupants. Such crowded living conditions of workers' housing put migrant workers at higher risk of infection of COVID-19.</p> <p>ii. Meanwhile, undocumented workers are also afraid to access medical treatment or screening despite being symptomatic due to fear of arrest by the authorities.</p> <p>iii. There is a group of pregnant migrant women expected to give birth soon. Their husbands are unable to work and have</p>	<p>a) Employers should be responsible to repair the condition of the houses or living quarters of their migrant workers and provide them with sufficient protective gears.</p> <p>b) The Government should work with NGOs to provide medical services for the migrant workers and undocumented workers in reducing the risks of infection and preventing the spread of COVID-19.</p> <p>c) Yayasan Chow Kit has appealed to the Ministry of Health to provide discounts or develop instalment plan for the payment of medical</p>

	<p>lost their source of income, thus rendering them unable to bear hospital costs of ante and post-natal treatment during the MCO. In turn, failing to reduce the burden of healthcare costs for vulnerable pregnant women and children could significantly increase baby-selling in the country.</p> <p>iv. Migrant workers working during the MCO period have also reported that some of their employers have not provided them with proper protective gear such as face masks and enforce social distancing guidelines while at work.</p>	<p>care for these pregnant migrant women so that they could afford to safely deliver their babies at hospitals. SUHAKAM supports Yayasan Chow Kit's request and suggestion and urges the Government to approve the request.</p> <p>d) The Government should issue a SOP and monitor employers' compliance of the Health Ministry's guidelines on preventing COVID-19 at the workplace.</p> <p>e) The Government should also provide access to COVID-19 screening and quarantine facilities for migrant workers who have symptoms and/or positive close contact.</p>
5.	<p>Withholding of Wages by Employers</p> <p>i. Many migrant workers have not been paid wages by their employers since February 2020, i.e. even before the enforcement of the MCO.</p> <p>ii. There are also reports that some employers have been withholding payment of wages since the MCO was extended. As a result, migrant workers have not only been unable to support their livelihoods here, but are also unable to send money back to their families in their countries of origin.</p>	<p>MOHR, especially the Labour Department should investigate this matter and undertake necessary actions to ensure the welfare of the migrant worker communities.</p>
6.	<p>Risk of Retrenchment</p> <p>i. The spread of COVID-19 has had a huge impact on various job sectors employing migrant workers. Many migrant workers are therefore concerned about their status of employment as they have not received any information from their employers and agents since the MCO period started.</p>	<p>a) While the Government has announced the Additional PRIHATIN Economic Stimulus Package to assist small and medium enterprises (SMEs) on 6 April 2020, the Government should develop and implement comprehensive strategies to enable recovery that should include short-medium term assistance to migrant workers.</p>

	<p>ii. Many migrant workers are also afraid that the situation would force them to become undocumented workers especially as their work permits expire, while others fear arrest, detention and even deportation by the authorities for not having valid travel documents.</p> <p>iii. Although the Government has announced a few stimulus packages including wage subsidies, this package is not extended to the migrant workers.</p>	<p>b) MOHR and the Immigration Department should continue to monitor the situation to ensure that where retrenchment are unavoidable, migrant workers are properly terminated and well-informed of their termination. They should also be given sufficient time to find alternative employment; have their residence and work permits extended as necessary; and allowed to return home at the cost of their employers - after the MCO ends.</p>
<p>7.</p>	<p>Foreign Spouses and Children Malaysian citizens married to non-citizens and residing abroad are unable to return to the country due to the following reasons:</p> <ul style="list-style-type: none"> (a) Non-citizen spouses not given visa to enter Malaysia; (b) Unable to contact the Immigration Department to request for assistance as the general line is not responsive; (c) Majority of Malaysian women residing abroad with their non-citizen children are facing much difficulty to return home because they are worried that their children will only be given temporary visas. 	<p>As the Immigration Department counter services are closed during the MCO, the National Operation Management Centre under the National Security Council should reconsider this matter and take appropriate measures to facilitate consular services for Malaysian citizens and their families who would like to return to Malaysia.</p>
<p>8.</p>	<p>Delivery of Information on COVID-19 Many migrant workers and refugees have neither received nor could understand the public health information on COVID-19. So far, the dissemination of such information has only been made in Malay and English (i.e. not in their native languages), and through media that are less-accessible to migrant workers (due to their illiteracy or near-illiteracy, inability to own or access TV or smartphones etc.). This leaves migrant workers unaware of risks of infection, preventive measures, symptoms and appropriate steps especially if they have symptoms.</p>	<p>The Malaysian Health Coalition has come up with a series of information on COVID-19 in languages used by the migrant workers and refugees. The Government as well as the migrant worker community leaders and representatives can use these information to increase the awareness of the migrant workers regarding the disease and other relevant important information.</p>

9.	<p>Detention of Migrant Workers and Congestion at Immigration Depots</p> <p>i. As migrant workers and refugees continue to be arrested during the MCO for offences including violations of the MCO and the absence of valid travel documents, many migrant workers are afraid of being arrested if they go out to get food, necessities and medical treatment.</p> <p>ii. Meanwhile, overcrowded immigration depots with limited access to healthcare for detainees would also increase the risk of the spread of COVID-19 and other infectious diseases.</p>	<p>a) The National Security Council, the Immigration Department and the Royal Malaysian Police should have clear and strategic SOPs and directives in enforcing the MCO, taking into account the special needs and vulnerabilities of individuals such as migrant workers who have lost their source of income and livelihoods.</p> <p>b) Together with the Health Ministry, the implementation of the SOP for the enforcement of the MCO should include thorough health screening (including COVID-19 screening if necessary) and effective quarantine/ isolation until the results of the health screening and tests for each detainee are out.</p> <p>c) In order to reduce the congestion at immigration depots and the risk of the spread of COVID-19, detention due to absence of valid travel document should be suspended temporarily, especially as courts and legal aid services during the MCO are also operating in limited manner.</p>

