

Migrant Domestic Workers in Malaysia: Forced Labour and its Catalysts

Monday 5 February 2024, by [LOW Joshua Yee Aung](#) (Date first published: 30 November 2023).

According to a report by the International Labour Organization, one in three migrant domestic workers in Malaysia are toiling as forced labourers. But what exactly is forced labour and what makes migrant domestic workers vulnerable to such modern-day slavery in Malaysia?

Work for Zheka* started at 8 a.m.

It would begin at an iron factory in a northern Malaysian state. Bending, welding, and lifting iron at her employer's manufacturing plant.

After inhaling a brew of hazardous chemicals, Zheka would end her factory work at 5 p.m.

Originally from a regency in Central Java, Zheka would then start her domestic work immediately afterwards at her employer's home, doing the laundry, sweeping and mopping the floors, and ironing clothes. All of that would continue until 9 p.m. when she switched to taking care of her employers' elderly parents until 11 p.m.

"The most important thing is that you have work," the Malaysian agent said to her when she questioned why she was being forced to work at an iron factory despite being salaried and officially commissioned as a domestic worker.

At the same time, the Indonesian agent claimed that these were the risks that she signed up for.

She was not given a single day of rest or leave until her fifth year of work when she was allowed to return home to get married. In the first two years of working, her phone and identity documents were confiscated. It was only when Zheka's employers wanted her to extend her initial two-year contract was she able to negotiate the use of her phone again as a concession—for ten minutes a month.

Zheka's forced labour nightmare only ended in heartbreak, after experiencing a miscarriage upon returning from her wedding. She lost her baby against the backdrop of physical and psychological abuse, gaslighting, and medical neglect at the hands of her employers.

Deceived. Excessive overtime. Retention of identity documents. Denied contact with the outside world. Abusive working and living conditions.

Enslaved as a forced labourer for five long years, Zheka's story is emblematic of the scourge of forced domestic work in Malaysia—a phenomenon of [modern-day slavery](#) that is gravely inhumane, hidden yet rampant, and stubbornly complex to tackle.

According to the ["Skilled to Care, Forced to Work?" report](#) released in June 2023 by the

International Labour Organisation (ILO), 29% or approximately one-third of migrant domestic workers in Malaysia face similar forced labour situations, which is comparatively higher than domestic forced labour rates in Singapore and Thailand that are at 7% and 4%, respectively. A United Nations (UN) agency that aims to set labour standards and promote decent work, the ILO surveyed about 1,200 domestic migrant workers in Malaysia, Thailand, and Indonesia.

These are striking figures given Malaysia's commitment to [end forced labour by 2030](#) as well as its [unequivocal constitutional stance](#) prohibiting all forms of forced labour.

In this *New Naratif Explainer*, we take a deeper dive into the phenomenon of forced domestic labour in Malaysia, exploring what it is, how it manifests, and why it happens.

We do so by dialoguing with two migrant domestic workers with the pseudonyms Zheka and Nana*, migrant rights activists, and the *"Skill to Care, Forced to Work?" Report* by the ILO.

But let's first start with a simple question: *Who are Malaysia's migrant domestic workers?*

Labourers in Malaysia's Upper-Middle Class Care Deficit

According to October 2023 official figures provided to *New Naratif*, over 94,000 migrant domestic workers are currently living in Malaysia. An [estimated](#) 69% are from Indonesia, 26% from Philippines, and 1% from Vietnam and Cambodia each.

With over [7.9 million households](#) in Malaysia, this means that only 1.1% of all households are dependent on what has been called the ["care migration"](#)—a taken-for-granted and gendered phenomenon whereby domestic care work is outsourced to migrant workers, a majority of whom are women. Of course, this calculation assumes that each hiring household in Malaysia only employs one domestic worker.

However, these official figures are only conservative estimates because they do not include migrants working irregularly as de facto domestic workers, either without a permit or with a permit that does not correspond to their actual work.

Nevertheless, these household figures would likely still be low as generally only middle and upper-middle class families in Malaysia can afford to hire domestic workers, a trend that started [in the 1970s – 80s](#) when Malaysia began recruiting women migrant domestic workers. This was a time when neoliberal policies of privatisation, liberalisation, and deregulation led households to outsource domestic care work to other countries so that its members—men and women alike—could participate in white-collar work.

Today, migrant domestic workers continue to fill in the care deficit in the households of lawyers, university professors, politicians, entrepreneurs, and business executives.

Hires for [the privileged few](#), domestic migrant workers often take on a myriad of tasks that require transversal skills, emotional fortitude, and resilience, involving cleaning and cooking duties, childcare duties, and home-based personal care work. [[1](#)]

This was true for Nana, whose myriad of tasks would begin before the crack of dawn.

From 5.30 a.m. to 10 p.m., she would at once be a childcare worker, a teacher, a cook, and a cleaner

in the house of employers living in an affluent suburb of Kuala Lumpur.

Hailing from a regency in East Java, Nana had cared for one of her employer's sons since he was a baby. Sleeping for only 1-2 hours a day, she would be cooking for him and his older brother, accompanying them to sleep every night, and helping them with their homework. Insomnia was a norm for Nana, as one of her employer's sons suffered from asthma, heavy vomiting, and coughing.

Speaking to *New Naratif* while living in a community safe house in Malaysia, Nana eventually escaped from her employer's house and ended up in the streets. Often subjected to verbal abuse and house surveillance, she fled after her employers repeatedly refused to pay her salary.

The non-payment of wages was the straw that broke the camel's back.

Like Zheka, she too was a victim of forced labour.



Artwork by Alanis Mah.

Forced Labour: Two Elements, Eleven Red Flags

*“All work or service which is exacted from any person under the **menace of a penalty** and for which the said person has **not offered himself (or herself) voluntarily.**”*

*– Forced Labour, as defined by
the **ILO Forced Labour Convention of 1930 (No.29)**
signed onto by Malaysia in 1957.*

Both Nana and Zheka were victims of forced labour—one of many forms of [modern-slavery](#).

They were both labouring (a) involuntarily under (b) the menace of penalty. These are two elements that constitute the widely accepted definition of forced labour by the ILO, which is also used by the [Malaysian government](#).

When someone is said to take on *involuntary labour*, this means that they are working unwillingly or working without having given informed consent. They did not agree or did not know or fully know what they were agreeing to do.

Common scenarios of involuntariness include being paid no or very low wages, working under

deception, or excessive or abusive overtime work.

For Nana, involuntariness was evident as she was not being paid what she was due, on top of needing to clean, cook, and provide childcare for 17 hours a day (5.30 a.m. – 10 p.m.).

“I asked for money and was refused. When I ask for money, I’ll be scolded. I’d get stressed, right?” Nana tells *New Naratif* how she had asked for her salary three times only to face the wrath of anger.

According to a [New Straits Times](#) article, over the past three years, Indonesian domestic workers reported unpaid wages worth RM 6.72 million (USD 1.4 million) to the Indonesian embassy in Malaysia. 95% of all 374 unpaid wage complaints filed to the embassy in that period involved domestic workers.

In contrast, for Zheka, one clear sign of involuntariness was *deception* as her employers and recruiters coerced her into working in the iron factory—something that she did not consent to do as a domestic worker.

“Why am I employed in a factory? Isn’t my permit for a domestic worker? I said that to the agent,” Zheka recounted and suspected that her agent was colluding with her employer to force her to work.

Besides telling her that the most important thing is that she has work, the agent also told her that she should be grateful for having a boss who “gives clear instructions” and “isn’t evil”.

Added signs of involuntariness in Zheka’s case include working a total of 15 hours a day (8 a.m. – 11 p.m.) with no single day of leave or holiday throughout the first four years of work.

But involuntariness alone doesn’t always constitute forced labour, as it must also be accompanied by the threat of “the menace of penalty”: repercussions or harmful forces that are coercing one to work.

This happens when a labourer is working due to a lingering menace in the form of physical, psychological or sexual violence, salary or financial penalties, identity document confiscation, debt bondage, and threats of dismissals or deportation.

Before fleeing because her wages were withheld, Nana also experienced slews of verbal and psychological abuse in a household rife with marital problems.

“If my boss has a problem in the office, if she is angry with her son, if she quarrels with her husband, I’m the one affected,” Nana narrated what the everyday work atmosphere is like at home.

Feeling like a caged bird, Nana also shared that her employers would be suspicious of her every move and place her under constant CCTV surveillance, especially when they were travelling.

“Once, I didn’t do anything to the boss’ son. He was injured by a toy,” she continued. “But my boss would threaten to send me to prison, to report me to the police! That was how it was for me.”

In one of the family’s trips, she was also starved and not given food and drinks.

In Zheka’s case, her phone and identity documents were withheld, which left her in isolation and

unable to regularly communicate with the outside world.

These are just a few “menace of penalty” tell-tales from Nana and Zheka’s lived experiences.

Normalised or invisibilised [chains](#) of coercive control, these menaces of penalty—abuse, threats, violence, power plays, or isolation—make exiting the situation carry considerable repercussions, as doing so runs the risk of perpetrating further violence or vulnerabilities. In tandem with the ILO’s official definition of forced labour, one can also use the [ILO’s forced labour indicators](#) that identify eleven forced labour red flags:

1. **Abuse of vulnerability.** This happens when someone who lacks knowledge of local laws and languages, someone who belongs to minority groups, or someone who has vulnerable traits that set them apart from the majority population is taken advantage of.
2. **Deception.** This happens when what was promised either verbally or in writing—say decent and well-paid jobs—is not materialised.
3. **Restriction of movement.** A strong indicator of forced labour, this means that someone is locked up or prevented from leaving an area.
4. **Isolation.** This happens when someone is living in a secluded place, or denied contact with the outside world.
5. **Physical and sexual violence.** Rape, manipulating or forcing one to take drugs or alcohol to gain control over them, or kidnapping are forms of physical and sexual violence.
6. **Intimidation and threats.** This includes threats to denounce workers to immigration authorities, threats to lose wages or access to housing or land, and threats to family members.
7. **Retention of identity documents.** This happens when identity documents such as passports, national identity cards, or other valuable documents are withheld.
8. **Withholding of wages.** This includes systematically and deliberately withholding one’s salary to compel them to work.
9. **Debt bondage.** When one is tied to their work with little or no way out because they need to pay off debt – e.g. an advance in wages, inherited debt, or loans to cover recruitment costs, transportation costs, or emergency costs.
10. **Abusive working and living conditions.** These are working circumstances that no worker would freely accept, such as degrading, humiliating or dirty circumstances or dangerous conditions without the necessary protective gear.
11. **Excessive overtime.** When one is denied breaks, days off, or is on call 24/7 in the absence of adequate overtime pay are elements of excessive overtime.

Nana and Zheka’s cases, however, are not outliers.

In the [Skilled to Care, Forced to Work? Report](#), the ILO found that 79% of domestic workers in Malaysia experienced at least one form of involuntariness while 41% surveyed experienced at least one form of menace of penalty. 29% experienced both—involuntariness and the menace of penalty—as victims of forced labour.

Completed between July – August 2022, the survey involved 400 women domestic workers who were out at markets, malls, and eating places, of whom 80% were Indonesians, 15% were Filipinos, and 5% were Cambodians. Proportionately, forced labour rates were two times higher among Cambodians than among Indonesians and Filipinos.

Now that we have some sense of the *what* of forced labour, as well as *how* it manifests, let us turn our sights to the pressing *why*—the forces, the enablers, the catalysts—that make forced domestic labour a banal yet perilous scourge pervasive in our neighbourhoods.

Catalysts of Forced Domestic Labour: Rules, Loopholes, and Power

Three clusters of issues make migrant workers vulnerable to forced domestic labour in Malaysia: (a) Malaysia's patchwork of protection rules against forced domestic work, (b) recruitment loopholes, and (c) the unchecked power of recruitment agents and employers in the absence of strong worker bargaining power.

In other words, let's think along the lines of rules, loopholes, and power.

Malaysia's Patchwork of Protection Rules against Forced Domestic Work

Described in the ["Skilled to Care, Forced to Work?" Report](#) as a "catalytic factor" of forced labour, Malaysia's laws governing migrant domestic work present the first clue for us to grapple with the rampantness of forced domestic work.

As a whole, Malaysia's protection rules against forced domestic work can be described as a patchwork—a hodgepodge of incongruous rules that are, on balance, inadequate to preventing domestic workers from becoming forced labourers.

Let's first take a look at the Employment Act of 1955, the primary law in Malaysia that [aims to](#) improve and protect worker welfare, ensure compliance with international ILO standards, and facilitate trade agreements.

On the one hand, since January 2023, the Act [has prohibited forced labour](#), stating that "any employer who threatens, deceives or forces" employees to carry out activities *and* prevents them from "proceeding beyond the place or area where such activity, service or work is done" can be fined up to RM 100,000 (USD 21,000) or imprisonment up to two years or both. [2]

But on the other hand, such a forced labour definition has [limits](#) as it requires one's movement to be restricted for the threshold of forced labour to be met. While locking someone up or keeping them in isolation are clear menaces of penalty, the definition appears to be silent on other everyday forced labour malpractices commonly faced by domestic workers such as the retention of identity documents, the confiscation of mobile phones, and constant surveillance.

In addition, the Act does not prohibit employers from overworking domestic workers—a protection that other employees enjoy.

Under the Act, the rules or boundaries of work, rest, and pay are clearly defined for the employee, who is defined as anyone who has entered a service or contract. It states that employees should be enjoying at least one day of rest a week, maternity or paternity leave, at least five hours of daily rest, national public holidays off, 1.5 times of overtime pay, and a maximum of 45 work hours per week under regular pay.

But all these work, rest, and pay boundaries do not apply to the domestic worker as the Employment Act also says that the "domestic employee"—anyone, both locals and non-locals, working in a "private dwelling-house" without connection to a trade, business or profession—is excluded from these protective rules. [3]

Moreover, Malaysia's official wage order under the National Wage Consultative Council also discriminates against the "domestic employee" by expressly excluding them from receiving a minimum wage, which is [now set at RM 1,500 \(USD 322\) a month](#).

Without clear time boundaries or wage rules, employers and recruitment agents then have a lot of discretionary power to define and dictate the terms of employment for the domestic worker. Not only does that power create opportunities for labour abuse and exploitation at the hands of unscrupulous agents and employers, it also allows everyday unfree labour in the private quarters of domestic households of Malaysia to slip by unseen and unpunished.

Noteworthy in Malaysia's patchwork of rules is also that migrant domestic workers are not only denied maternity leave, but they are also [prohibited](#) from getting pregnant, which is an official ground for contract termination and deportation.

These maternal rules or lack thereof were interlaced with Zheka's experiences.

After four years of incessant work, hopping between her boss' iron factory, her boss' parents' house, and her boss' house, Zheka was finally granted leave to return to Central Java to get married.

But when she returned, Zheka's labour nightmare resumed and worsened.

She was pregnant. When they learned about Zheka's condition, her boss and agent told her to abort the pregnancy by taking abortion pills, possibly because they wanted her to keep on working without risking an official contract termination.

She refused.

"After that, the boss asked me to continue working, like, deliberately giving me hard work," Zheka tells *New Naratif*. On top of factory work, Zheka's employer tasked her to carry out heavy household chores, forcing her to go up and down the stairs, wipe the glass on the balcony, and more.

This was when she initiated contact with a social worker to seek help, whose contact she found through TikTok.

At 8 weeks, Zheka experienced bleeding (flecks), leaving her employers no choice but to take her to the doctor. While doctor's orders were to take bed rest and avoid physically demanding work, her employers continued to pile work onto her, providing erratic and irregular nutrition, little or no time to rest, and mostly leftover food.

At three months, Zheka experienced a miscarriage.

"Has the patient been working too hard?" Zheka's doctor asked upon examining the miscarriage.

"No," Zheka's employer responded.

Zheka also shared with *New Naratif* that she was neither given food by her boss nor post-miscarriage care. Upon finding out that she was only getting food from her boss' parents and only doses of antibiotics, Zheka's social worker contact sent her blood-boosting drugs, vitamins, and fruits in secret, as there was fear of reprimand from her employers.

All of this eventually culminated in her being returned home.

Anguish, resignation, and courage.

That was what we at *New Naratif* heard after listening to Zheka recount her story over a voice call.

While Zheka's experiences were hard to swallow, they do raise questions about Malaysia's maternal protection laws for domestic workers (or lack thereof).

Does it [make sense](#) for a black-and-white ban that prohibits domestic workers from becoming mothers? Does such a ban cohere with [reality](#) and with the complexities of life? What harm is it doing and what life-saving protection is it not providing?

Open questions to pause and ponder.

In lieu of the Employment Act's protection coverage, Malaysia's domestic workers are also "governed" by agreements or negotiations between Malaysia and sending-countries. While these agreements or negotiations are viewed as possible sources of protection, they are limited in reach and effect.

Pushing to expand labour protection, in April 2022, the Indonesian government inked a Memorandum of Understanding (MoU) with the Malaysian government that sets the Indonesian domestic worker minimum wage at RM 1,500 (USD 322) while requiring standard employment contracts to be certified by the Indonesian embassy. On the other hand, the Cambodian government also signed a domestic worker MoU with Malaysia in March 2023, which reportedly did not [mention a minimum wage](#).

At the same time, while the Philippines does not have a MoU with Malaysia, they have a directive that [mandates](#) employers sign an employment contract with a minimum monthly salary of [RM 1680 \(USD \\$360\)](#) and provide continuous rest of 8 hours per day as well as one day rest per week.

When asked about the effectiveness of country-to-country negotiations in protecting domestic workers, Alex Ong, [Migrant Care's](#) country representative, voiced out that they are largely ineffective because Labour Department bureaucrats often claim that they can only act within the scope of the Employment Act or gazetted Ministerial decrees. Migrant Care is a prominent domestic worker advocacy group in Indonesia.

"If I'm the employer, I will ask: Who gives you the authority? Is there anything in the Employment Act that allows you to handle the case of the domestic worker?" Ong elaborates on how the hands of bureaucrats are sometimes tied.

In the words of Bariyah Iyah, the Domestic Worker Organizer of the International Domestic Worker Federation ([IDWF](#)), these MoUs are only "morally binding" but not "legally binding". The IDWF works to platform domestic worker voices, advocate for domestic worker rights, and build the capacity of domestic workers.

Classified as official state secrets for reasons not known, these MoUs are also limited in reach because employers, domestic workers, or agents do not have open access to these documents. One cannot practice something that they cannot openly access or read.

Another issue aggravating forced labour vulnerabilities is the impossibility for migrant domestic workers or [migrant workers in general](#) to switch employers.

This is because they need permission from both the Immigration Department and their employers to do so. As per [Department](#) rules, *only* employers or kin of deceased domestic worker employers are allowed to submit an employer change application.

Bonding domestic workers to their employers, this means that domestic workers wanting to leave abusive employers perpetrating forced labour cannot do so without economic repercussions. If they leave these situations without government permission, they also run the risk of becoming reported as having “run away”—officially known as “absconding”—which is a ground for one to lose their domestic worker permit.

That risk was a reality for Nana. After three failed attempts to get her salary from her employers, she decided to take things into her own hands to seek outside help. Upon return, the neighbourhood security guard warned her that her employers could report her to the police for absconding once she got back. In fear, she fled and ended up in the streets, before a caseworker found her and brought her to a safehouse.

Lastly, even though the Labour Department has the mandate to carry out labour inspections to protect all workers from forced labour, officers are at times hesitant to do so.

“When we asked the Ministry of Human Resource about labour inspections in the domestic sector, they say it is difficult to enter private households,” Bariyah Iyah notes, before adding that random house checks and interviews are a good practice.

Ong, on the other hand, tells *New Naratif* that Labour Department officers are also sometimes hesitant to carry out labour inspections for households involving higher-ups or influential figures carrying honorific titles or notable government positions, who may make life difficult or messy for everyday officers. Not wanting to “get their hands dirty”, they’ll prefer to outsource their inspection work to recruitment agents.

Of course, the [Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007](#) (ATIPSOM) also empowers labour inspectors as well as law enforcers like the police and immigration officers to enter premises if there is suspicion that a trafficking offence is being committed.

While labour trafficking investigation and prosecution rates have increased over the years, they seem considerably low in absolute terms. In its 2022 Trafficking-in-Persons reporting period, [the United States Embassy](#) reported that Malaysian law enforcers initiated 137 and continued 109 trafficking investigation cases. These numbers include *all* trafficking cases—not only labour trafficking of domestic workers, but also sex and other unspecified forms of trafficking that afflict other migrant workers too.

As what can be called “cousin concepts”, forced labour and labour trafficking are closely linked if not similar. To [oversimplify](#) both concepts, forced labour can be said to be an *outcome* or *workplace situation*, while labour trafficking is a *process* that involves [enslaving acts, means, and purposes](#). While Malaysia’s law enforcers and policymakers do not always see forced labour and labour trafficking to be similar concepts, the United States considers forced labour to be [one of trafficking’s many forms](#).

Comprising scattered laws, policies, and agreements, the incongruity, exclusions, and unenforceability of Malaysia’s patchwork of protection rules are one cluster of reasons why the forced labour of domestic workers continues to be rampant.

But that’s only the first part of the story.



Artwork by Alanis Mah.

Recruitment Loopholes: Contract Substitution

The second catalyst of forced domestic work stems from recruitment loopholes—ambiguous grey areas in the domestic worker hiring and placement system that can be exploited by unscrupulous parties—that give rise to a phenomenon called [“contract substitution”](#): the deceitful practice of changing verbal or written agreements originally agreed by migrant workers, often in the hands of profiteering traffickers, recruitment companies, and employers.

This is the practice where migrant workers are gradually tricked and manipulated into becoming enslaved domestic labourers, with ultimately very little or no way out.

While contract substitution may happen in many ways, Ong shared his insights about one long-standing labour trafficking pattern: contract substitution through commercial cleaning service companies.

Here is Ong’s account of the modus operandi of traffickers who operate via the service industry—an industry he calls the “lion’s den”:

It often starts first with traffickers or agents planting an idea—a seed or a dream—among women and girls across Indonesia, in localities such as Java, Lombok Islands, and East Nusa Tenggara, to work abroad. It could be a dream to work in big manufacturing or electronic multinational factories. Think of Sony, Panasonic, and Western Digital.

It is the Malaysian dream.

A formal job in the manufacturing sector that pays a minimum wage or more.

Preying on impoverished students [in technical or vocational schools](#), these traffickers and recruiting agents could also be working with teachers or villagers, who would be receiving a cut in exchange for promoting the “overseas placement” to the young student.

Put differently, traffickers would ensure that many community parties would have a financial stake in seeing the person sent abroad. This has been called the “calo” system or the brokerage system.

Anyone involved in the domestic worker recruitment process—whether loan sharks, community recruiters, or official or illegal recruiters—is set to make a fortune from any single recruitee or victim. Although there are now [government efforts](#) to cap recruitment costs and make them more transparent, the cost of hiring one domestic worker has been reported to be [anywhere from RM 15,000 - RM 30,000](#) (USD 3,200 - USD 6,400), set at the discretion of the various parties involved, which is equivalent to 15 to 30 months worth of minimum wages.

Once lured into the idea, the trafficker or agent would then apologize to say that the supposed job has been taken up, but instead provide an “alternative” offer of another formal sector job. A common offer would be work in cleaning service companies that operate in commercial spaces such as offices, food courts, and shopping centres, which is, under the eyes of the law, distinct from domestic work.

Unlike domestic employees, commercial cleaners are deemed as formal sector workers who are supposed to be protected and regulated by law with a minimum wage and regular hours.

In that recruitment process, the victim’s family might also be provided a money advance, or be asked to take out a loan from loan sharks or other parties to cover initial travel or recruitment fees.

And the person then becomes the victim once they get to Malaysian shores through either a [1-month social visit pass](#) [4] or a [Service Worker Temporary Employment Visitor Pass](#). While they would be assigned to a commercial cleaning services company, they would then be coerced into doing house-to-house domestic work for one or multiple households.

With all the costs incurred by various parties, and with their passport also possibly withheld, the victim cannot say “no”.

If they refuse, the traffickers could threaten to “send them to jail” for defaulting on their initial debt or threaten their families.

If they want to change employers, they can’t, as immigration rules do not allow them to do so without the consent of their employers.

If they escape, they could be reported as having “absconded” in violation of immigration law.

Essentially, they can’t refuse without repercussions. The only “choices” ahead is to run away or be enslaved.

Speaking from lived observations as a caseworker-activist, Ong has overseen at least 26 trafficking cases under Migrant Care in the past month alone.

And the numbers do appear to add up to his version of things.

In [ILO’s report](#), 35% of domestic workers said they were employed by commercial service companies in Malaysia.

Through Malaysia’s [recent migrant worker permit recalibration exercise](#), 142,204 migrant workers were granted service sector permits—710% times more than the initial 20,000 sectorial target.

In response to these irregularities, Home Minister Saifuddin Nasution said he would not rule out work permit abuse while adding that the service sector is known to violate regulations around worker accommodation, working hours, and salary payment.

To be sure, contract substitution can also happen directly in the hands of employers too. In Zheka’s case, her employers forced her to do both factory and domestic work, even though she was contracted to only carry out the latter.

Another two factors could also be incentivizing traffickers to use commercial cleaning service companies as a front to traffic domestic workers.

First, the [difficulties of processing domestic worker permits](#) compared to other migrant visas. According to Ong's estimates, it takes around 6 – 8 months for an employer to hire a domestic worker through regular channels, but weeks for one to obtain a service visa or other migrant visas, especially when there are government [quotas](#) for the latter to be filled.

Second, commercial cleaning service companies are likely to be meeting employer demand for part-time domestic work, which is technically not permissible under Malaysian law.

Moreover, the ILO report found that 51% of the surveyed lived out, 23% self-identified as part-time, and 38% worked for more than one household. While all these are indications of part-time domestic work being a [norm](#), there are technically no legal or immigration pathways for migrant domestic workers to become part-time workers.

Under current strict [government rules](#), a domestic worker permit can only be granted to someone who is (a) woman, (b) 21-45 years old, (c) working full-time and (d) living in their employer's house address. This is unlike the practices in Thailand but similar to that of Singapore.

The ILO figures make sense as a segment of Malaysia's employers may not want or need to hire full-time, 45-hours per week, and live-in domestic workers. Think of employers, say "expats" in the upmarket suburbs, who aren't used to live-in support, or unmarried young working professionals, who may only require a couple of hours of housekeeping or cleaning services per week.

Nonetheless, in lieu of an official regular hiring pathway, traffickers are then further incentivized to invent alternative but illegal pathways to meet employer demand for part-time workers, with commercial cleaning companies thus becoming one possible means to that end.

Perversely then, the lengthiness of bureaucratic procedures to recruit domestic workers and the outlawing of part-time domestic work are issues that could be playing subtle parts in construing a black market opportunity for human traffickers to enslave domestic workers.

Unchecked Employer-Agent Power in the Absence of Strong Worker Bargaining Power

The third precursor to forced domestic labour could also be the historic difficulty for domestic workers to organise and counter the unchecked power of employers and agents.

There is currently no domestic worker union in Malaysia.

No effective minimum wage regulation, no maximum working hours, no rest days, no means of exiting employment without repercussions, no enforceable limit to recruitment costs, and no regular labour inspections at homes.

Although employers have much unchecked power [\[5\]](#) to enslave domestic workers should they wish to do so, it is very difficult for domestic workers to collectively counteract these power dynamics and conditions, all of which are also exacerbated by the recruitment loopholes that can be exploited by agents or traffickers.

This is because domestic workers are unable to gather frequently, share grievances, build rights-consciousness, and collectively bargain for protection as many are confined at home and working round-the-clock without rest days. These are problems highlighted by Bariyah Iyah at the [International Domestic Worker Federation \(IDWF\)](#).

It is easy to imagine how external peer contact—or spaces to share grievances, relate, and support one another—can be crucial in addressing forced labour: how it could lead to rights-claiming, redress, or resource-sharing through peers.

Both Nana and Zheka had no support system throughout the years of forced servitude. Nana was explicitly prohibited from speaking to other domestic workers, while Zheka could not share her grievances with anyone else but her husband, especially not to factory workers, who were also related to her employers.

“Without a phone, what hurts is that you have to keep everything to yourself, cry alone. With my phone, I sometimes confided with my husband,” Zheka tells us.

“I had no friends to talk to,” she added.

The other issue hindering collective bargaining is also how under the current iteration of the [Trade Unions Act of 1959](#), only Malaysian citizens can be union officers. Migrant domestic workers are only able to join unions or associations, but cannot register or form them.

“We cannot sit in the union as officers in the leadership structure,” Bariyah Iyah points out another facet of challenges to organise as a domestic worker.

Locally, the IDWF has been supporting two emerging domestic worker collectives in Malaysia—Pekerja Rumah Tangga Indonesia Migran (PERTIMIG) and Asosasyon ng mga Makabayang Manggagawang Pilipino Overseas (AMMPO). Founded in 2019 and 2014 respectively, [both collectives](#) have been building their leadership structures, managing forced labour cases, while advocating for better social security, minimum wage, and paid leave protection, but both are not recognised as unions due to the Act.

Nevertheless, the Trade Unions Act was recently amended by Parliament to allow for [the multiplicity and diversity of unions](#), a [controversial change](#) that aims to grant [greater freedom](#) for workers, including domestic workers (both locals and non-locals), to establish unions.

Given how domestic workers do not have a single employer, unlike other migrant workers, collective bargaining is also challenging for domestic workers as they cannot straightforwardly negotiate for an agreement with all employers under one umbrella.

Regardless, for Iyah, domestic worker [unionising](#) and organising would be key as it would allow domestic workers to be a third force to negotiate with both government and employers as consultative partners and build grievance mechanisms that could tip the scale against forced domestic labour.



Artwork by Alanis Mah.

What Can We Do?

At the end of our call, Nana confided to *New Naratif* that she would be afraid to work in Malaysia again. Currently in a safehouse in Malaysia, she is fearful that doing so would entrap her in Malaysia, without the ability to ever return to Indonesia.

Grieving the traumatic events of the last five years, Zheka tells us that she is not thinking of working abroad again, at the moment. But she hopes that the Malaysian government will be firmer in tackling forced domestic labour, emphasising the need to build mutual respect between domestic workers and bosses. No longer would employers overwork domestic workers or deceive them to work in contradiction with the permits that they have.

How can we better protect domestic workers like Nana and Zheka from the scourge of forced domestic labour—to make Zheka's hopes of respect, work decency, and fairness become a reality?

Here is a non-exhaustive list that calls the whole-of-government and the whole-of-society to act:

Employers

- Remember that as an employer, you hold immense power and control over the lives of migrant domestic workers. Treat them with dignity, respect, and financial fairness. Providing **at least** a minimum wage in accordance with a 45-hour work week, overtime pay, and rest days are sensible minimal measures that you can take on your own, even if they are not clearly mandated by official legislation.
- Taking away the phones and identity documents of domestic workers—passports, national identity cards, and more—are forced labour red flags that enslave domestic workers to you. If it is unacceptable for employers in offices, universities, businesses, or government departments to take away your phones and identity documents, it is unacceptable for you to do so to domestic workers at home, even if it is a normalised practice among your peers.
- Be aware that you could be complicit in labour trafficking or forced labour processes, if not other crimes, if you withhold wages, break verbal or written agreements, verbally or physically abuse domestic workers, and more.
- Vet recruitment agencies that you are hiring from, even if they are licensed. How do they recruit in Indonesia, Philippines, Vietnam or Cambodia? Have there been any complaints toward them? Can you speak to domestic workers who have been recruited by them before?

Malaysian Government:

Policymakers, Civil Service & Law Enforcement

- Consider developing a Domestic Worker Act to streamline the patchwork of protection rules against forced domestic work. Doing so would allow law and law enforcement to cohere with the specific household- and private-based realities of domestic workers, whose situations overlap but are not completely similar to migrant workers in more public construction, factory, or hotel settings. Measures should include minimum wage and rest day protections. This was a recommendation provided by Bariyah Iyah from the IDWF.
- Develop legal pathways for part-time, live-out, and multiple household domestic work—a reality that already exists even if laws have not caught up.
- Meet human reality where it is at and develop realistic, non-punitive, and sensible mechanisms to protect domestic workers who end up becoming pregnant.
- Create an accessible employment switch or exit mechanism that allows domestic workers in forced labour situations to switch employers without the need for employer consent.
- Devise an abuse- or forced labour-identification government scheme that empowers law enforcement to carry out inspections that include random house checks and domestic worker interviews. This was a recommendation extracted from the ILO's *Skilled to Care, Forced to Work* report.
- Develop a compulsory training scheme for employers hiring domestic workers.

Media Workers

- Report and frame issues of abuse and exploitation of domestic workers in terms of *labour trafficking* or *forced labour* when either or both elements of involuntariness and menace of penalty appear to be present or when any of the [11 forced labour indicators](#) can be observed. Doing so calls a spade a spade and visibilises forced domestic work.
- When reporting on undocumented or unauthorised migration, raids, or detention, make sure that you keep an eye out on forced labour red flags that are often concurrently present but invisibilised due to Malaysia's punitive and criminalising immigration measures.
- Highlight good practices of recruitment agencies. This is something that Alex Ong from Migrant Care recommended. Good models of recruitment would enable us to imagine ourselves out of normalised, harmful, and exploitative past models of recruitment.

Agents & Recruiters

- Adopt ethical models of recruitment that move towards reducing hidden intermediary recruitment costs and risks of debt bondage. Currently working with Filipino and Indonesian domestic workers, [Pinkcollar Employment](#) is one such recruitment agency that is trying to adopt ethical practices as a means to disrupt the ecosystem.

Financial Decision-Makers & Donors

- Pump resources into tackling issues of labour trafficking and forced labour. Resources and attention tend to go into issues of sex and child trafficking—rightly so—but labour trafficking and forced labour are likely to be the [most common forms of trafficking](#) in the Malaysian context.
- Finance more community-based, disaggregated, and grounded anti-trafficking interventions. What is useful about the ILO's report is that it looks at forced labour specifically in terms of a particular group: domestic workers. Rather than talk about forced labour in the abstract, the report allows us to grasp challenges that are specific to domestic workers that may not be present in other groups. More work can be done to fund forced labour research or interventions for domestic workers, but also for other groups susceptible to forced labour in Malaysia such as refugees, stateless individuals, construction workers, service-industry workers, agricultural workers, fishery workers, and more. While this article focuses more on

Indonesian domestic workers due to time and access reasons, work can also be done to look specifically at the situation of Cambodian domestic workers or domestic workers of other nationalities as well.

Educators & Learners: University Students, High School Students, and Teachers

- Use this article as a seed for discussion, debate, and disagreement around forced domestic work in Malaysia through reading groups or lectures. Other domestic worker-related articles by *New Naratif* colleagues Teo S. Marasigan and Lengga Pradipta could also be read in tandem for a broader regional perspective:
 - [The Philippines' Dangerous Dependence on the Exploitation of its People](#)
 - [Agency Amidst Structures in Migration: Stories of Filipina Domestic Workers in Dubai](#)
 - [Reclaiming Dignity, Reasserting Agency: Female Labour Migration in Indonesia](#)

Residents: Housing Associations or Condominium Management Committees

- Use the [11 forced labour indicators](#) as a framework to identify potential labour trafficking in your neighbourhood. Report cases directly to the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) government hotline 03-8000 8000 or email MAPO at mapo@moha.gov.my

Domestic Workers

- If you are in a situation of distress or forced labour, you could consider reaching out to these organizations:
 - Persatuan Pekerja Rumah Tangga Indonesia Migran (PERTIMIG)
 - WhatsApp: +6014 911 0391
 - Facebook: <https://www.facebook.com/AkunPertimigMigran>
 - Email: pertimig2019@gmail.com
 - Association of Nationalist Overseas Filipino Workers (Asosasyon ng mga Makabayang Manggagawang Pilipino Overseas—AMMPO)
 - WhatsApp: +6017 - 250 9948
 - Facebook: <https://www.facebook.com/ammpo.sentro>
 - Email: ammposentromalaysia@gmail.com
 - Migrant Care
 - WhatsApp: +6 019 - 600 1728 / + 6016 355 1728
 - Email: secretariat@migrantcare.net
 - Facebook: <https://www.facebook.com/migrantcare>
 - The Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO)
 - Government Hotline: 03-8000 8000
 - Email: mapo@moha.gov.my
 - Women's Aid Organisation (WAO) for domestic or sexual violence cases
 - Hotline: +603 3000 8858 (9 a.m. - 5 p.m.)
 - SMS/WhatsApp TINA: +6018 988 8058 (24 hours)

Author's Note:

This long-form article was completed under the [Tip the Narrative: Beyond the Headlines Fellowship](#) organised by [Project Liber8](#). An enriching experience, the fellowship provided an opportunity for me to meet journalists or media workers, collectively learn about human trafficking

issues, meet and relate with migrant workers, develop skills, and eventually craft this article in hopes of going beyond the headlines. A note of appreciation to Zheka and Nana* (pseudonyms) for sharing their experiences, Melissa, Alia, Shern, Fatin and the greater Project Liber8 team, all our fellowship trainers, Bariyah Iyah from the International Domestic Worker Federation (IDWF), the officers from the International Labour Organisation (ILO), Alex Ong from Migrant Care, Nasrikah Paidin from Persatuan Pekerja Rumah Tangga Indonesia Migran (PERTIMIG), and Khalil Majeed and Chan Tau Chou from [Faqcheck](#). I am also grateful for my colleague, Fanya Tarissa, who carried out extensive background research, led both interviews with Zheka and Nana in Bahasa Indonesia, and reminded me of the importance of grounding our work in the granular lived experiences and realities of those whose lives we write about, even though doing so can sometimes be practically challenging or emotionally [heartbreaking](#). Finally, this article is dedicated to baby Zheka who died at miscarriage.

Joshua Low

Assisted by Fanya Tarissa

Artwork by Alanis Mah

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P.S.

New Naratif

<https://newnaratif.com/migrant-domestic-workers-in-malaysia-forced-labour-and-its-catalysts/>

Footnotes

[1] In ILO's report, more than 70% of the domestic workers surveyed in Malaysia self-reported as engaging in cleaning and cooking duties. This included making beds, cleaning kitchens, vacuum-cleaning, laundry and ironing as well as preparing and serving food, and attending to visitors and callers. About 50% of workers partook in childcare duties, which mostly includes assisting children to dress and eat, child play supervision, and disciplining children. Aiding people who are ill, disabled, or elderly, about 25% engaged as home-based personal care workers overseeing their employer's personal hygiene, workouts, mobility, and area cleanliness. Finally, 25-45% surveyed said their work requires speaking the local language, explaining what they mean, listening, managing their own or other people's emotions, using energy and water efficiently, and recycling.

[2] Section 90b of the Employment Act prohibits forced labour. This was a new provision added into the Act in 2022, which came into force only in January 2023

[3] The First Schedule 2(5) of the Employment Act explicitly states that 18 Act provisions do not apply to the "domestic employee". This includes time off to rest, maternity or paternity leave, overtime work pay, and maximum work hours.

[4] This is enabled through Malaysia's Maid Online System, which is a portal that allows employers to hire women from Philippines, Sri Lanka, Thailand, India, Laos, Nepal, Vietnam, and

Cambodia as domestic workers once they enter under a social visit pass. Although designed to speed up domestic work permit processes, the portal has been known to be a conduit for trafficking.

[5] Sustained by what Linda Lumayag calls the “everyday social rituals of name-calling”, the power asymmetry between employers and domestic workers also comes about by how we have normalised calling domestic workers “maids” and “helpers”, contemporary terms equivalent to, and morphing from, feudal and colonial landlord-tenant or master-slave relationships. It is notable that only until January 2023, domestic workers were called “servants” in the Employment Act.