

Literature Findings on the Phenomenon of Foreign Worker Housing in Peninsular Malaysia

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Abstract

Purpose: This article aims to highlight various research findings related to dependence and the negative effects of foreign workers in the Malaysian labour market. In addition, phenomenon related to their housing and accommodation will also be examined.

Design/methodology/approach: This study uses the descriptive research method to investigate a phenomenon related to foreign workers. In this stage, the data collection process is based on examining reports, statistics, mass media and journals. Commentaries on the act and guidelines related to the housing and accommodation of foreign workers were also reviewed for understanding and reference of this study.

Findings: It turns out that Malaysia is still dependent on foreign labour and the negative effects of the presence of foreign labour in Malaysia still occur. It is found that the management of foreign worker housing and accommodation in Malaysia is still not at a sustainable level. Existing policies still need to be improved in addition to non-compliance by employers on the guidelines provided.

Research limitations/implications: The research findings for this article are based on information from the literature highlights obtained from reports, journals, statistics, and the media. Therefore, no opinion polls were obtained from the policy maker, regulatory agency, and foreign workers themselves. A more in-depth study considering all parties is expected to give better implications for this kind of study.

Practical implications: This literature finding is important to confirm the need for the next data collection process that will contribute a lot to knowledge, policymakers, and other stakeholders. Later, the completed research will be significant and important to the nation in providing decent housing and accommodation up to international standards and achieving the Sustainable Development Goals (SDG) set by the United Nations.

Originality/value: This research is important as preliminary information before the actual data collection is done. The empirical study will be incomplete if the findings from the literature are not included.

Keywords: phenomenon, housing, foreign workers, Peninsular Malaysia

Introduction

Data from the Department of Statistics Malaysia (2023a), shows that there are 1,778.0 million employed foreign workers in 2022, which is 11.55% of the total employed labour in Malaysia. This rate reached 15.57 % in 2016 (Department of Statistics Malaysia, 2017) and 15.65% in 2013, which is equivalent to 2,120.2 million foreign workers in Malaysia's labour market (Department of Statistics Malaysia, 2023c). Even though the number of employed foreign workers is less than 20% of the total employed labour in Malaysia, their contribution toward

the national Gross Domestic Product (GDP) is significant. This shows that Malaysia still depends on foreign workers and hiring them is relevant to support economic activities.

Human rights are one of the current issues arising worldwide. One of the basic rights is a decent house. Houses become an essential social and economic right. Each person is entitled to a living standard for their health and welfare. Therefore, a few organisations have stepped forward to produce a guideline and policies to address this issue. As for the international level, few organisations have set up a minimum requirement for providing adequate houses.

At an international level, the International Labour Organisation (ILO) and World Health Organisation (WHO) have listed a few elements for appropriate housing and accommodation for foreign workers. In Malaysia, guidelines for foreign workers' housing and accommodation are stated in The Minimum Standard of Housing and Workers Accommodation Act 1990 (Act 446), which was published in 1990. In the beginning, this act only focused on plantation sectors. Amendments were made to this act which was effective in 2020. In 2021, the Department of Labour also produced an Employee Accommodation Guidebook based on Act 446. One notable issue pertaining to Act 446 is its limited reach, as the law does not apply to the entirety of Malaysia. The scope of this legislation was limited to Peninsular Malaysia and the Federal Territory of Labuan.

In some areas, local authorities do not allow foreign workers to stay in residential areas of local people. It is associated with the clash of different local cultures and customs, including social problems that arise. Nevertheless, there is a lot of media coverage related to the phenomenon of foreign workers staying in overcrowded houses that lack basic amenities (Free Malaysia Today, 2020; Wahab, 2020). It is not in line with the guidelines for providing accommodation for foreign workers that employers have to follow. Therefore, this article aims to highlight various research findings related to the phenomenon of the housing of foreign workers in Peninsular Malaysia.

Review of the literature

Employment refers to any individuals of working age who work for a fixed time (Marcel, 2022). The worker is defined as any person who has signed an employment agreement with an employer, regardless of their profession or monthly salary (Malaysian Law Review Commissioner, 2023). Workers or labour are also defined as those who receive and are compensated with payment in the form of wages, salary, tips, and commission regardless of whether they are in the government or private sectors (Department of Statistics Malaysia, 2023b).

Foreign workers are defined as non-citizen workers (Malaysian Law Review Commissioner, 2023) who relocated to another country to find a job. Foreign workers also refer to any foreigner who has a work permit issued by the local authorities under the Immigration Act, Employment Act, and any rules or regulations made after (Law Insider, 2023).

Workers are the main element in the production of economic activity. A highly productive economy may produce a high volume of goods and services with the same number of resources. Increased efficiency in labour leads to better wages, increased job opportunities, greater profitability, and a boost in tax revenue (Gyorgy, 2015). Therefore, a sufficient number of workers leads to a productive economy.

The inflow of foreign workers may seem to contribute to GDP and has a positive effect. However, it also harmed Malaysians in the long term, especially in social aspects which included overcrowded houses, crimes, and the socio-cultural. In terms of society, there is never-ending research on this matter. The oversupply of workers would cause competition among local workers, increasing illegal settlement and increasing criminal offences. Low-skilled foreign workers may contribute to Malaysia's high crime rate. However, there is insufficient empirical evidence to support this. Nevertheless, some indicators may contribute to the crime rate (Eden et al., 2020). Furthermore, there is also finding on the foreign socio-cultural influences that may impact in local community (Mohamad & Hashim, 2021).

The Malaysian government had a long vision of the housing plan. Detail plans such as the Malaysian Plan and the National Housing Plan become a baseline for the Malaysian cabinet to follow. Although various plans are made, not all of the plans discuss housing and accommodation matters, especially for foreign workers.

In the Eleventh Malaysian Plan, the government is actively addressing the problem caused by the surplus of foreign workers entering Malaysia (Economic Planning Unit, 2015). The government was concerned that some industries failed to fulfil minimum standards for foreign worker housing. Act 446 was enacted to set minimum requirements for the market players to provide basic facilities for their workers regardless of their nationality. This act was enacted in 1990 and specifically for plantation sectors only.

Related to the pandemic COVID-19, this act was expanded to all sectors including increased fines imposed for those who failed to provide proper documentation, failed to report workers' accommodation and other violations. In this amended act, a few improvements were made in Section 3A: Accommodation for better enforcement and was effective in 2020. Besides, an Employee Accommodation Guidebook is also produced by the Department of Labour for employers to comply with (Department of Labour Peninsular Malaysia, 2021).

Regarding the accommodation situation of foreign workers, the most common violation of labour rights is having an inadequate place to live (Free Malaysia Today, 2020; Wahab, 2020). The COVID-19 pandemic worsened the problem and now threatens Malaysian public health. Foreign workers who live in cramped spaces and lack basic hygiene have been identified as having poor standard of living standards (Jarud Romadan & Nazihah, 2020; Racheal, 2021). There is research that found that foreign workers are placed over the recommended limit per house (Suratman et al., 2019) which is 10 workers per room (Uddin & Mohammed, 2020). Accommodation cleanliness also needs to pay attention as it exposes to contagious disease risk

(Theng et al., 2020). In this case, it is hard to lower the contagious rate among foreign workers as they live in overcrowded that have difficulty practising social distancing.

Research Methodology

The objective of this study is to highlight various research findings associated with the phenomenon of legal immigrants or foreign worker housing in Peninsular Malaysia. In accordance with the purpose of the study, this article is in the form of descriptive research that describes the characteristics of the population or phenomenon studied. It involves observing and collecting data on a given topic without attempting to infer cause-and-effect relationships. The goal of descriptive research is to provide a comprehensive and accurate picture of the population or phenomenon being studied and to describe the patterns and trends that exist within the data (Sekaran & Bougie, 2016).

During the preliminary phase, the data collection procedure relies on reviewing specific sector reports, statistical data, news from mass media, journals and other information from secondary sources. A brief review of the act related to the need for an arrangement of foreign workers housing and accommodation will also be seen to identify its suitability for the future. This research is important as preliminary information before the data collection either quantitative or qualitative is done. The empirical study will be incomplete if the findings from the literature are not included.

Literature Finding on the Phenomenon of Foreign Worker Housing in Peninsular Malaysia

The presence of foreign workers in the employment sector in Malaysia has a significant impact on Malaysian economic activity. However, some literature also discussed some negative impacts. According to the international guidelines and Act 446 which was implemented in Peninsular Malaysia, there are a few conditions to be paid attention to while hiring foreign workers. The next topic will discuss some phenomena that arise when foreign nationals become part of the workforce in Malaysia. Specific topics regarding their housing and accommodation were also discussed.

Dependency of foreign workers

Malaysia's dependency on foreign workers in the labour market is not a new thing. The history of foreign workers' migration started before the independent days when the British rule brought in foreign workers from China and India through a divide-and-rule policy (Ruslan & Abd Sukor, 2019). This inflow is due to the shortage of local manpower. After the Declaration of Independence, the government took various measures and was proactive in solving the manpower issue. In the First Malaysian Plan, Sabah state encountered this problem and the government encouraged emigration from Malaya (Office of the Prime Minister of Malaysia, 1966).

The over-dependence on foreign workers concerning as it can influence the labour market. In the Ninth Malaysian Plan, the government introduced a new policy to reduce the dependency

on foreign workers by using technology-intensive activities (Economic Planning Unit, 2006). Besides, the government also implements a multi-tier tax system to make it more expensive for companies to hire them (Wickramasekara, 2020).

Although the government tries to lower the dependency on foreign workers, some sectors are in critical manpower issues and are allowed to hire foreign workers. As foreign workers continue to be valuable to economic production, the Malaysian government must prioritise their welfare. One of the essential rights is the provision of decent housing. The provision of housing has emerged as a fundamental social and economic right. Every individual has the right to a level of life that ensures their health and well-being.

The Malaysian economy has received advantages from the inflow of foreign workers which will solve the manpower problem. Moreover, foreign workers are also cheaper than local workers (Eden et al., 2020) which will maximise the profit and indirectly increase the national economic growth. The foreign workers typically originate from the least-developed country and demonstrate a willingness to engage in labour-intensive industries, displaying diligence and dedication in their jobs.

The plantation sector is one of the most critical as this sector seems to be experiencing a shortage of workers and is not classier for the local workers to work with. The local talent is no longer interested in this sector and this job gap will affect the national GDP. During the pandemic COVID-19, all economic activities have been disrupted and the government has restricted the incoming foreign workers. However, the government agreed to allow recruitment for the plantation sector first. This prioritisation is due to the plantation sector's contribution to Malaysia's export activity (Amir, 2021; Normawati, 2021). Given their significant role in the economic activities of Malaysia, the Malaysian government needs to prioritise the well-being of these individuals.

Negative effects of foreign workers

The inflow of foreign workers also has some negative impacts. Their presence in the neighbourhood causes discomfort among the residents (Suratman et al., 2019). Furthermore, the cultural differences between the locals and foreign workers may also result in misunderstandings and conflicts, hindering social cohesion within communities. In addition, there are findings on foreign socio-cultural influences that may affect the local community (Mohamad & Hashim, 2021). The prior research revealed that migrant workers opt to reside in the private renting sector, laying priority on the importance of a pleasant and Islamic environment (Tasleem et al., 2019).

In addition, their presence would over-consume the limited resources. The population of Malaysia is experiencing growth, leading to the expansion of economies; nevertheless, this trend is accompanied by the depletion of natural resources. The influx of foreign workers can strain public resources such as healthcare, as the sudden increase in population may overwhelm

the existing infrastructure. Locals must compete with foreigners in infrastructure or receive benefits from taxpayer funds (Eden et al., 2020).

Additionally, there may be concerns about unfair competition for employment opportunities, leading to potential resentment among the local workforce. Their presence also increases an upsurge in undocumented immigration and increases in criminal activities. There is insufficient empirical evidence to suggest that low-skilled foreign workers contribute to Malaysia's high crime rate. However, there are indications they may contribute to the crime rate (Eden et al., 2020).

Habitability of houses and accommodation for foreign workers

Malaysian Trades Union Congress (MTUC) recognized the poor living standard of foreign workers' housing is a breach of labour rights during the pandemic (Free Malaysia Today, 2020). In previous research, it was discovered that foreign workers were only available to rent low-quality housing, but if they desired more decent housing, they had to pay more. The common concerns associated with low-quality rental properties include overcrowding, pest infestations, and inadequate ventilation resulting in high humidity levels (Tasleem et al., 2019; Terminski, 2011).

A filthy environment that is piled with trash and contains stagnant water may attract the presence of pests and become a breeding ground for Aedes (Mohamed Farid & Azzman, 2019). Subsequently, foreign workers often reside in overcrowded housing units that lack essential amenities, such as adequate sanitary facilities with clean water and soap (Jarud Romadan & Nazihah, 2020; Racheal, 2021).

The COVID-19 pandemic worsens the problem, as the cleanliness of accommodations must also be prioritised because of the increased risk of exposure to contagious diseases (Theng et al., 2020). Additionally, the landlord or employer made renovations to the housing, converting it into a more compact space to maximise rental profitability. These modifications worsen the issues associated with implementing social distancing measures and deviate from the required guidelines on the accommodation of workers (Azmi, 2023). The increased cases of infection among foreign workers can be caused by a lack of compliance with social distancing measures and Standard Operating Procedures (SOPs) within their workplaces and accommodations, consequently violating their labour rights (Wahab, 2020).

Some employers unethically place their workers in inappropriate housing. One company in Skudai, Johor, located some of their foreign worker in the warehouse (BERNAMA, 2023). Without adequate facilities, ventilation, and space, the employer is considered not to take care of human nature safety and violates human rights. Moreover, there is news in the plantation sector where the employer failed to provide decent houses for their workers (Glorene, 2018). Besides, some employer place their workers in temporary buildings which is dangerous to them and inhumane (Mohamed Farid & Azzman, 2019). Employers' non-compliance with Act 446

in providing habitability accommodation for their foreign workers has worsened the world's view of Malaysia.

Location of housing and accommodation for foreign workers

A strategic location of housing and accommodation is an important element in providing decent housing. Usually, the foreign workers' housing is separated from the local residents. Residential segregation can also arise as a consequence of prejudiced attitudes towards foreign workers. They desired less social isolation and more access to the availability of facilities and infrastructure (Migrant Workers Alliance for Change, 2020). This segregation would cause them to reside in substandard housing with inadequate amenities and services. Moreover, residential segregation also can be due to the limited availability of housing units and the rental cost. Some of the foreign workers who had to find their own house will consider the rental cost and the distance between the house and workplace (Tasleem et al., 2019).

A previous study in South Korea found that the main constraint in managing foreign worker's residential facilities is the location of the housing. 43% of housing was constructed on agricultural land, which is illegal because the law requires housing to be provided near the site of the workplace (Nam et al., 2023).

Subsequently, a safe route between their houses and workplaces must be appropriate for their daily commute. The selection of the location must ensure its safety from environmental hazards, including pollution, and risk of natural disasters (ILO, 2022). This factor has been highlighted in the Malaysian Plan as it is essential to locate houses near facilities and amenities. To ensure the residential areas are safe from health hazards, the developers must coordinate their housing developments with industrial growth (Office of the Prime Minister of Malaysia, 1990).

Availability of Services, Materials, Facilities, and Infrastructure (SMFI)

Decent housing not only focuses on the house criteria but also focuses on its surrounding amenities. In addition, a person needs access to food, clean water, electricity, a hospital or health facility, school, social security, recreation areas, and places of worship (CIDB, 2019; ILO, 2022). Human rights are entitled to be able to access the basic SMFI (Terminski, 2011) and the availability of SMFI becomes a priority in providing decent housing (Migrant Workers Alliance for Change, 2020). The previous research found that 36 percent of rural foreign workers in Beijing agreed that housing facilities had a greater impact on their living conditions than housing crowding and housing privacy (Tao, 2015).

The basic SMFI should be provided to foreign workers but some companies or employers neglect this criteria. A previous study conducted in South Korea found that 75.3% of foreign workers' housing provided basic facilities such as toilets and washing facilities in the same house compound (Nam et al., 2023). In the case of Malaysia, there are still not at a sustainable level. The employers did not comply with the guidelines for providing decent housing for foreign workers.

According to reports in the media, more than ninety percent of employers did not comply with the requirements provided (Sinar Harian, 2020). Since the implementation of amended Act 446, from September 2020 to January 2021, a total of 124 investigations have been opened involving 59 employers from different sectors. In addition, in November 2021 the Department of Labour Peninsular Malaysia issued a compound against 796 employers for a total value of RM9.1 million because of failure to comply with Acts 446 and 342 (Sinar Harian, 2021). In recent January 2023 to September 2023, there were 326 investigation papers with 187 of them being issued with a total compound of RM 1.9 million (BERNAMA, 2023).

COVID-19 demonstrated the importance of electricity, clean water, and internet access for survival. During lockdowns, the United Nations advised that essential services, such as electricity and water, should not be cut off for tenants who are unable to pay their bills, and that food and other related products and services be allowed to be provided (ILO, 2022).

Discussion

Although many negative effects have been discussed, the dependence of the Malaysian labour market on the use of foreign labour is only expected to be reduced. The shortage of labour, especially in the plantation sector, causes employers to rely on foreign labour from various countries. Considering the need to fulfil Act 446, employers can provide their own housing and accommodation for their foreign workers, or leave the accommodation matters to an appointed agent.

One distinct problem with Act 446 is the coverage law does not fully cover the whole of Malaysia. This act only covered Peninsular Malaysia and the Federal Territory of Labuan. The differences in law between Peninsular, Sabah, and Sarawak make it difficult to synchronize the existing law. According to reports in the media, more than ninety percent of employers did not comply with the conditions that were required (Sinar Harian, 2020). Act 446 was put into effect in 2020. Within the period 1 September 2020 to 31 January 2021, 124 investigations have been started under the same act, involving 59 employers from a range of industries. Besides that, in November 2021, the Department of Labour Peninsular Malaysia fined 796 companies a total compound of RM9.1 million for breaching Acts 446 and 342 (Sinar Harian, 2021).

The issue of inadequate housing and accommodations for foreign workers has been a concern in Malaysia. Several issues have been raised regarding habitability, such as overcrowding, social problems, and issues related to the violation of foreign workers' rights. Inconvenient housing has also been an issue in foreign workers' houses. The COVID-19 pandemic worsened the situation as this phenomenon affects Malaysian public health. The spread of infectious diseases will certainly lead to public health issues in locations where endemic infections are common. The high volume of occupants will lower the social distancing and increase the contagious rate among foreign workers. Without proper management of their welfare, including providing all basic facilities to live, these foreign workers will face life-death situations as it is challenging to contain the virus.

Conclusion

The research findings for this article are based on information from the literature highlights obtained from reports, journal statistics, and the mass media. This literature discovery holds significant importance in validating the necessity of the forthcoming data-gathering procedure, which will greatly contribute to the advancement of knowledge, as well as provide valuable insights for policymakers and other relevant stakeholders.

Based on the literature review, the current state of foreign worker housing management in Malaysia remains inadequate in terms of sustainability. The issue of overcrowding in living spaces gives rise to concerns regarding inadequate provision of cleanliness, welfare, and the emergence of social problems. There is a need for further improvement of existing policies, in addition to addressing non-compliance by employers, concerning the indicated guidelines. This research will be significant and crucial to attaining the United Nations' Sustainable Development Goals (SDG) and providing decent housing and accommodation to international standards.

This literature finding on the phenomenon of foreign worker housing and accommodation is important to confirm the need for the next data collection process that will contribute a lot to knowledge, policymakers, and other stakeholders. Subsequently, the concluded research will hold considerable significance and relevance for the nation, as it aims to address the pressing issue of providing adequate housing and accommodation that aligns with international standards. Furthermore, this research endeavour seeks to contribute towards achieving the SDG established by the United Nations.

The limitation of this article is not being able to get an authentic source about the feelings and opinions of the foreign workers themselves, related to their housing and accommodation issues when working in Malaysia. Therefore, in addition to getting feedback from foreign workers, it is suggested that future research examine what are the ways to solve the problems that arise especially in ensuring compliance with Act 446.

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