



Post Arrival Facilitators Manual for Domestic Workers in Malaysia

by North South Initiative & Caram Asia



POST ARRIVAL FACILITATORS' MANUAL FOR MIGRANT DOMESTIC WORKERS IN MALAYSIA

Compiled by North-South Initiative
In collaboration with CARAM Asia
in the year 2022

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SECTION 1: **EXPECTATIONS** **CHECK!**

**Personal (Worker) –
Immigration –
Employer (P.I.E.)**



I) Check List for Personal (Migrant Domestic Worker's) Expectations

EXPECTATIONS	IS THIS THE REALITY? <input type="checkbox"/> / <input type="checkbox"/>	IF NOT, WHAT'S THE REALITY?
To perform certain household duties at the employer's residence (cleaning the house, cooking, washing and ironing clothes, taking care of children, elderly or sick member(s) of the family, gardening, guarding the house, driving for the family and taking care of household pets)		
To be given a tour of the house upon arrival as well as proper briefing how to use all household items especially electrical and cooking appliances, chemicals and how certain duties should be carried out		
To work for an agreed duration of time (usually 2 years)		
To be paid at least RM 1200/ month or higher, whichever was agreed upon for the performed domestic duties, paid in the form agreed upon (cash, bank deposits etc.)		

EXPECTATIONS	IS THIS THE REALITY? <input type="checkbox"/> / <input type="checkbox"/>	IF NOT, WHAT'S THE REALITY?
To work with rest (at least 8-10 hours rest at night and 3 hours of individual rest in between) each day		
To have a day's rest in a week, off on public holidays and annual leave of at least 15 days as well as freedom of movement during those off days		
To be provided 3 proper meals a day during working hours (fit for the work that is being carried out) that you can consume without prohibition or allergies		
To be provided proper living accommodations (live in or staying out with cost borne by employer)		
To be provided appropriate clothing (depending on the cultural and religious customs of both parties).		
To be allowed communication with family, friends, embassies/ consulate (that does not affect work to be done) and during free time.		
To have a valid visa during the entire duration of work with cost borne by the employer.		
To keep all personal documents (especially passport)		
To be allowed to freely join associations or labour unions		
To be allowed to move freely and even across different states with the employer's approval		
To complete duration of work period without sudden and invalid termination		
To be treated with respect and dignity, humanely and appropriately		

II) Check List for Immigration Department's Expectations

EXPECTATIONS	IS THIS THE REALITY? <input type="checkbox"/> / <input type="checkbox"/>	IF NOT, WHAT'S THE REALITY?
To be legally informed of the presence of a migrant worker in the country and have official records of the migrant worker (in the form of a legal visa in the passport, and an I-Kad)		
To ensure that the migrant worker abides by the local laws and regulations during the duration of work		
To ensure that exploitations of any sort does not happen to the migrant workers		
To be treated with respect and dignity, humanely and appropriately		

III) Check List for Employer's Expectations

EXPECTATIONS	IS THIS THE REALITY? <input type="checkbox"/> / <input type="checkbox"/>	IF NOT, WHAT'S THE REALITY?
To be legally informed of the presence of a migrant worker in the country and have official records of the migrant worker (in the form of a legal visa in the passport, and an I-Kad)		
To ensure that the migrant worker abides by the local laws and regulations during the duration of work		
To ensure that exploitations of any sort does not happen to the migrant workers		

EXPECTATIONS	IS THIS THE REALITY? <input type="checkbox"/> / <input type="checkbox"/>	IF NOT, WHAT'S THE REALITY?
To be treated with respect and dignity, humanely and appropriately		

It is VITAL for all parties to recognise their role to ensure a successful relationship, ideal for all parties. It is when advantage is taken by a party against another that problems arise. It takes MUTUAL EFFORT FROM ALL PARTIES for everyone's expectations to be met.

Note: For further information for employers: [www.imi.gov.my/index.php/en/main services/foreign-domestic-helper](http://www.imi.gov.my/index.php/en/main/services/foreign-domestic-helper)

All the above P.I.E. expectations are usually listed in a formal **EMPLOYMENT CONTRACT**.

SECTION 2: EMPLOYMENT CONTRACT & WORK PERMIT

I) Importance of an Employment Contract

An employment contract is a requirement of the country of origin to grant an approval for migration. An employment contract tries to protect the rights of the migrant worker so it is crucial to only sign a non exploitive one.

II) Employment Contract Realities - Normal Standards versus Exploitive Situations

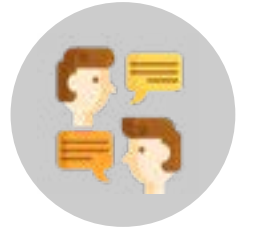
#1 Step One: The facilitator will read out statements from the normal standards and exploitive situations.

#2 Step Two: The participants will decide if this sounds 'normal' or 'exploitive'. They can even state if the situation sounds 'ideal'.

**** add on:** The facilitator can challenge the participants to give real life situations they know of what happened (sharing of experiences)

#3 Step Three: The facilitator will explain if the statement made is normal, or exploitive.

TOPICS



I. WORK

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) Cleaning the house, cooking, washing and ironing clothes, taking care of children, elderly or sick member(s) of the family, gardening, guarding the house, driving for the family and taking care of household pets. 2) Number of people in the employer's household is a rational figure and agreed upon. 3) Guidance and training required for care for elderly, disabled or infant. Paid by employer.	1) Doing any type of work for employer's business (retail store, catering, restaurant), cleaning other people's houses with a collected fee for employer, helping clean employer's friends or relatives' houses 2) 1 domestic worker having to take care of 10 family members in the household including elderly or children care. 3) Handle tasks that require special skills set without proper guidance or training. 4) Work that includes climbing trees, cutting tree branches, climbing to repair the roof, electrical or plumbing work.

II. DURATION OF WORK

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) 2 years	1) Duration of work not specified or continued past 2 years without extension of renewal of employment contract. 2) Not allowed to return home after 2 years of employment as stipulated in the employment contract.

III. REMUNERATION

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) RM 1,200 as according to official minimum wage (for other sectors). 2) Extra payment for extra tasks required but not included in the employment contract.	1) Less than minimum wage or with unreasonable deductions. 2) Extra work added on to worker's regular work load without extra payment or replacement days off.

IV. WORKING HOURS AND DAILY REST

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) 8 hours of undisturbed rest minimum daily rest stipulated as well as scheduled breaks.	1) Work continuously for more than 12 hours or up to 16 hours.

V. REST DAY PER WEEK

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) 1 day per week. 2) Able to move around or go out on rest day upon discuss with employer. 3) Arrangements to be made by employer in worker's absence. 4) 1 extra day compensated the immediate week or 1 day of extra pay for compensation for rest day forfeited.	1) No rest days, extra pay or compensated rest days. 7 days' work per week continuously. 2) Controlled movement, not allowed to leave the house even during rest days. 3) Family outing day as day off. 4) Not allowed to remain alone at home as family goes out during rest day.

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
5) Formula for compensated pay = Salary / 24 working days a month 6) Extra help for dependents to relieve worker for rest days.	5) Food not provided on rest day. 6) Expected to sacrifice rest days as there are children/ elderly/ disabled to be taken care of during rest day.

VI. PUBLIC HOLIDAYS AND LEAVE

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) Public holidays are also rest days. 2) Allowed freedom of movement on these day offs. -3) Compensated for off day if required to work. 4) 2 weeks or 14 days of off days annually.	1) No public holidays 2) No compensations for work during off days. 3) Not allowed out of the house for off days.

VII. SOCIAL SECURITY

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) 1 month's salary as remuneration for completion of the contract or if the contract is renewed/ extended, 13 months' gross salary to be paid. 2) Employer contributes to worker's social security.	1) No insurance coverage purchased.

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
3) Agent/ employer has an insurance coverage for worker's term of employment. Insurance card is attached to the employment contract.	

VIII. FOOD

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
<p>1) Provided for live-in workers or during major meal times.</p> <p>2) The food provided IS nutritious and sufficient in amount.</p> <p>3) Worker's food prohibition is respected, not forced to eat what worker does not take (religious/ allergies reasons)</p> <p>4) A regular supply of fresh food and condiments that worker can prepare own meals is arranged as worker prefers to consume food that is more familiar, or if worker is prohibited to consume the food employer's family eats, or if employer does not have regular meals.</p> <p>5) Arrangements made for at nearby eatery at the cost of employer as arrangements for fresh food cannot be made for worker to prepare own meals.</p>	<p>1) Food not provided for those who stay out.</p> <p>2) Deductions from salary for worker's food.</p> <p>3) Forced to eat food that is not allowed in the worker's religion.</p> <p>4) Worker has no choice but to eat whatever food even though she is not used to the food at all.</p> <p>5) Supply for fresh food not provided although employer's family is not home or not having meals regularly at home.</p>

IX. ACCOMMODATION (LIVE IN)

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
<p>1) Free accommodation.</p> <p>2) Room is well-lit, ventilated, private room with a lock, no attached doors to another room or to the toilet.</p> <p>3) Given a proper bed, mattress, pillow and sufficient beddings as well as storage areas, table and chair.</p> <p>4) Living area was ready upon arrival of worker.</p>	<p>1) Deduction of salary for accommodation.</p> <p>2) Forced to live in the store or with pets, no proper ventilation or lighting.</p> <p>3) Expected to stay with the pets</p> <p>4) Sharing room with the children/ elderly (need to still care for them and cannot get proper rest).</p>

X. ACCOMMODATION (STAY OUT)

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) Rental for the room borne by employer or at least subsidised reasonably.	1) No subsidies offered for live out situation

XI. CLOTHING

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) Clothing provided as there is a dress code.	1) No clothing offered, no subsidy for clothes but expected to dress appropriately especially when going out.

XII. MEDICAL ATTENTION

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
<p>1) Employer brings worker to get medical treatment at a public clinic or hospital (for injury or sickness)</p> <p>2) Employer pays what insurance does not cover.</p>	<p>1) Does not bring worker to seek medical treatment and usually opting for home treatment or quick fixes like pain reliever.</p> <p>2) Does not want to pay for any medical fee incurred and chooses to deduct worker's salary.</p>

XIII. COMMUNICATION & INFORMATION FACILITIES

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
<p>1) Worker allowed to use personal phone as long as it does not interrupt work.</p> <p>2) Worker pays for the phone charges used on own phone usage.</p> <p>3) Allowed access to the internet, newspapers and television as long as it does not interrupt with working hours, to receive information and the current news as well as to communicate with loved ones back home.</p>	<p>1) Barred from using the internet, read newspapers or watching television even for news.</p> <p>2) Phone confiscated or allowed use only during weekends/ off days.</p>

XIV. VISA, PASSPORT & OTHER RELATED EMPLOYMENT & IMMIGRATION DOCUMENTS

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
<p>1) Worker keeps her passport and all other personal documentation.</p> <p>2) Personal documents are kept in a safe place in worker's room.</p> <p>3) Worker gives consent for employer to keep her passport but has access to the passport at any time.</p>	<p>1) Employer holds the passport of the domestic worker.</p> <p>2) Refuses to allow any form of access to the worker's passport unless the contract is over.</p> <p>3) Employer forces the worker to extend the contract by refusing to return their passports to them.</p>

XV. OCCUPATIONAL SAFETY

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
<p>1) Tasks assigned are not dangerous.</p> <p>2) Given a proper briefing how to handle things in the house, especially the electrical & cooking appliances and chemicals of any sort.</p> <p>3) Immediate medical attention that is paid for by employer for any accidents. And given time off for relevant rest until worker recovers.</p>	<p>1) Expects the worker to perform tasks without considering her health or safety.</p> <p>2) Not given any briefings but expects the worker to know how to do all the housework according to his or her expectations, as well as handling electrical & cooking appliances or dangerous chemicals.</p> <p>3) Punishes or deducts the worker's salary should any items be damaged, regardless if the worker is at fault, even for wear and tear conditions.</p> <p>4) Refuse to bring the worker to seek medical treatment even if there are injuries or if the worker is sick/ overworked.</p>

XVI. JOINING OR FORMING ASSOCIATIONS/ UNIONS

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) Allowed to join groups for solidarity and group care; or unions if these allow domestic workers to join.	2) Disallows worker to have any contact with other domestic workers or associations, even if to catch up or befriend them. 2) Contract has clauses that prohibit joining, forming or taking part in any union or association related activities.

XVII. TERMINATION OF THE CONTRACT

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) Serious misconduct, wilful disobedience of employer's lawful orders, habitual neglect of duties, insubordination, violation of the laws of the country of employment, material breach of the employment contract will result to termination and worker is terminated at own expense. 2) Worker is diagnosed with a critical illness that requires serious medication and treatment. (Employer bears the costs for termination.) 3) All other conditions considered unfit by FOMEMA. 4) Worker runs away. 5) Employer breaches the contract.	1) Fired because employer got angry. 2) Unlawful termination without just cause.

XVIII. RENEWAL OF CONTRACT

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
1) Worker can renegotiate terms before extending/ renewing the employment contract. 2) Employer has a right to not renew the contract. 3) Employer's duty to ensure that the working visa is paid for and renewed. 4) Contract is properly stamped by a notary public to make it valid.	1) No formal renewal or extension of contracts. Worker continues to work without formal contracts or even working visas.

XIX. IN THE EVENTUALITY OF DEATH

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
The employer should:- 1) Arrange for the body to be sent to the hospital for post mortem (unless the worker was in the hospital). 2) The hospital will arrange for a police report to be made. 3) Inform worker's family or contacts. 4) Officially obtain a certificate of death. This is required, with other relevant documents (permit for burial/cremation and post mortem report) for the insurance to be tendered to be entitled for claims/compensation/ repatriation cost. 5) Inform the embassy of worker's passing.	1) No proper cause of death recorded or request for autopsy to be carried out. 2) The worker's remains are expected to be handled by her family members. 3) Embassy is not informed of the worker's passing. 4) Refusal to pay balance of remuneration for hours worked prior to worker's death. 5) Demands compensation for loss of a domestic worker.

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
<p>6) Handle worker's remains upon the way requested by worker's family. The insurance coverage should cover the cost of bringing the remains back to the country of origin and provide some compensation to the family.</p> <p>7) Pay up for all the hours worked by the worker and ensure that the family receives the final remuneration amount.</p> <p>8) If there is no insurance coverage, the employer should bear all cost incurred.</p> <p>9) Inform the nearest Department of Labour in regards to the passing of the worker, as required under Section 57B of the Employment Act 1955.</p>	<p>1) No formal renewal or extension of contracts. Worker continues to work without formal contracts or even working visas.</p>

XX. LANGUAGE OF THE EMPLOYMENT CONTRACT

NORMAL STANDARDS	EXPLOITATIVE SITUATIONS
<p>1) In a language that worker can understand and a copy in English, written in a simple and clear manner.</p>	<p>1) In English/ Bahasa Malaysia or any other languages that worker might not understand.</p>

Advisory Note: All reasonable expectations from the expectation check list for the domestic worker, immigration and employer should also be stipulated in the employment contract.

BASIC ORIENTATION POINTS FOR A DOMESTIC WORKER:-

- **INTRODUCTION** - to his/ her family, preferably extended family members, neighbours etc.
- **HOUSE TOUR** - Show the physical areas of the house, including the bedrooms, living or dining area, guest area/ hall, kitchen, washing areas etc.
- **SECURITY & SAFETY INFO** - introduce worker to security equipment and systems, how to use them and explain what to look out for to ensure the safety of his/ her residence including who is allowed into the house should they be away.
- **Explain the RELIGIOUS & CULTURAL PRACTICES** of his/ her family including certain taboos, guidelines and restrictions. This is so that you are able to understand and respect the beliefs and practices that they profess.
- **Explain their norms and practices** around FOOD, HYGIENE, FAMILY PRACTICES & ROUTINES.
- **INTRO TO APPLIANCES & CHEMICALS** - explain how to use all electrical/ cooking appliances in the house as well as chemicals used for different purposes.
- **BASIC PROVISION** - provide all basic amenities that are needed for personal hygiene and a furnished, private living space.
- **SPECIAL TRAININGS (if required)** – special guidance and trainings (first aid, care for elderly, disabled or infant etc.) if this is the job requirement.
- **EMERGENCY/ DISASTER PLANS** -explain what to do in case of emergencies or disasters.

SECTION 3: FOMEMA REQUIREMENTS

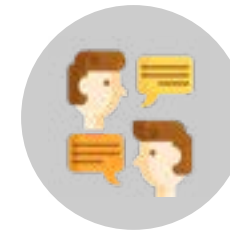
All blue collared migrant workers must, within 2 weeks of their arrival, undergo a FOMEMA certified medical screening to complete the application for the work permit. Do note that medical screening is required for the first 2 years for the renewal of one's work permit.

Failure of tests= deportation.

✓ For FOMEMA standards, unfit conditions include, communicable diseases such as tuberculosis (TB), HIV, Hepatitis B, sexually transmitted diseases (STD), malaria and leprosy; chronic non-communicable diseases such as hypertension, diabetes, epilepsy, tumours and psychiatric disorders; as well as pregnant women. The presence of cannabis or opiates also qualify for the worker to be considered unfit.

✓ This is specially to prevent the spread of communicable diseases in the country. Nevertheless, for chronic non-communicable diseases and pregnant women, they usually need regular medical attention and thus are considered unfit according to FOMEMA's regulation.

✓ Results from FOMEMA is automatically linked to the immigration system.



Explore these scenarios and list out if worker will successfully pass FOMEMA or get deported:

Scenario 1:

A arrives in Malaysia. She goes for a FOMEMA test and finds out she is pregnant. Will she be deported?

Scenario 2:

B is trying to renew her contract. During her FOMEMA test, her result shows that she is diabetic although she has no idea when this started. Will she be able to renew her contract?

Scenario 3:

C contracted an STD from her partner during her work in Malaysia. As she already passed her FOMEMA test before, and does not plan to renew her contract, will she be immediately deported?

Note: Participants are encouraged to discuss situations where they 'heard' someone got deported due to failing the FOMEMA health screening.



SECTION 4: PROPER DOCUMENTATION



What are the important documents? Why?

i) Visa & Passport

Your passport is your life line. Do not lose it. Do not let it be damaged. Do not let others have access to it unless you are applying for a legal procedure that requires submission of your passport.

When you're abroad, your passport is the only thing that can prove your identity legally.

Passport is to be kept at home for security reasons.

You need to have a valid visa. A passport without a visa is not enough.

ii) I-Kad

I-Kad must be brought along wherever you go when you leave your workplace for work errands or personal free time.

Police/ immigration will expect to see your I-Kad during any road blocks or immigration checks. This is a legal and common procedure. Likewise for Malaysians, they are expected to show their IC (identification card).

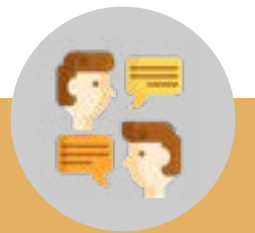
iii) Bank ATM Card/ Documentation

You should always keep your ATM card or bank documents in case of emergencies.

SECTION 5: USEFUL TIPS ON RELIGIONS – CUSTOMS – CULTURES – TRADITIONS (R.C.C.T.) PRACTICES

These points would benefit the domestic worker greatly.

Discuss if these tips also apply to the domestic worker's background/ culture or how is it different back home?



- ELDERS are highly respected
- Malaysians have CLOSE FAMILY TIES
- Hand shakes are done with the RIGHT HAND only
- The Malay language is the official language but other spoken languages/ dialects include but are not limited to: Mandarin and other Chinese dialects – Cantonese, Hokkien, Hakka, Foo-chow, Tamil and other Indian languages, Sarawakian, Sabahan and Orang Asli (indigenous) languages like Iban, Bidayuh, Kadasan, Dusun etc.
- It is useful to PICK UP SOME COMMON LANGUAGES used in the household you are working at
- Islam is the official religion but there are also other religions practiced. Some households/ spouses might even practice 2 different religions
- RELIGION is a highly personal matter. Malaysians are usually deeply religious
- Be highly sensitive towards inter-cultural and inter-religious dynamics
- It is not encouraged to joke about issues related to RCCT matters
- Know what FOOD/ BEVERAGE IS FORBIDDEN and what is not forbidden (different religions and races have different food prohibitions)
- Malaysian food is usually spicy and they generally enjoy cooking with spices and edible grasses to infuse their food dishes.

- Different races have entirely different types of cuisine
- Malaysians REMOVE THEIR SHOES before entering one's house and in some religious places. This is practiced by all the races
- Gendered social relations is highly sensitive and LGBT relations are still deemed as legally punishable acts
- Some religious groups do not permit males or females to have open physical contact. Only shake hands when it is acceptable by the other party's religious boundaries
- Public display of affection is not a common practice
- Other cultural codes include dressing. People are expected to dress modestly especially when visiting places of worship, government offices, houses of religious groups that practice modest dressing and certain public places
- Fasting is observed by certain religious groups. Muslims must fast during the month of Ramadan unless they are religiously excused for certain limitations such as those required to be on medication, children, pregnant women and elderly persons
- Muslims found not fasting are liable to a fine of RM 1,000
- Muslims are not allowed to consume alcoholic beverages, participate in gambling activities, consume non-halal food, among other prohibitions
- Presents and money gifts during festive occasions or special celebrations are common norms in Malaysia. However, these should be accepted as willing gifts of your employer and with no strings attached. Please make sure that this is explained to you before receiving

SECTION 6:

R.C.C.T.

DIFFERENCES

AND WORKING

REQUIREMENTS

Role play these scenarios and how the worker and employer can engage in effective conversations on bridging the RCCT differences and working requirements.



- Preparing food/ beverage that you are forbidden to consume
- Cleaning areas where food you are forbidden to consume is prepared
- Cleaning religious shrines
- Attending religious events at religious places (to help care for elderly/ children)

You might also want to engage with your employer in a discussion about your religious/ cultural beliefs and practices such as the following.

- Prayers that may need to be performed during your work hours
- Religious articles in your room
- Fasting and abstinence for a religious occasion or belief
- Forbidden food or beverage handling and consumption
- Allowable clothing according to your religious/ cultural beliefs

Should problems arise, and the worker faces resistance related to the following, what are the possible ways to discuss these serious topics with the employer?

- In no circumstances should you be forced to be involved in a religious or cultural activity or event that you are not comfortable with.
- You should not be forced to handle, prepare or consume food or beverages that are forbidden by your religion (e.g. pork for Muslims, beef for Hindus/ Buddhists etc.). Nevertheless, these should be brought up and stipulated in your employment contract.
- Should it not be in your employment contract, you should proactively speak to your employer about this
- Should your employer be unwilling about this, you would need the help of your recruitment agency to intervene.

SECTION 7: **ADDRESSING** **ABUSES**



Emphasise the points that make certain actions ABUSES.

I) Rape & Sexual Harassment

Rape: Penetration into any parts of the body without consent

Some forms of Sexual Harassment include:

- Unwanted kissing or touching
- Unwanted sexual advances – physical or verbal (including sexual talk and jokes)
- Requests for sexual favours (including massages)
- Threats if you do not oblige
- 'Checking you out' – being constantly stared at

Some important facts to remember about sexual harassment are:

- Victims of sexual harassment include both men and women.
- A woman can also be the harasser, it is not necessarily just a man.
- If you see someone being sexually harassed, you should also offer help to the person affected.
- Harassment can occur at your employer's residence, during events or trips when you are brought along, or even when you visit another relative or friend's residence with your employer.
- Harassment from anyone, even if it is an outsider (delivery man, electrician, plumber etc.) should also be reported.
- What is sexual harassment and what is accepted?

THIS IS SEXUAL HARASSMENT

FLAT REFUSAL: You are totally not interested and have tried to reject his/ her advances.

OFFENSIVE BUT TOLERATED: The worker does not like the harassment but is too scared to report, or does not want any trouble.

ACCEPTED (but may cause unwanted troubles)

UNINVITED BUT WELCOMED: The worker was not interested but does not mind any of the physical or verbal advances.

INVITED: The conduct is accepted and welcomed. This is NOT harassment at all.

For the accepted cases, although it is not harassment, there might be issues should the relationship go sour. Also, if the other party is married, this is an affair and might stir up major problems in your workplace.

Advisory: No one should sexually harass you in any manner. No matter what you wore, what you did or said, if you did not agree to any sexual harassment conduct, it is wrong. If you suffer from any sexual harassment cases, get help!! Find out how below.

II) Physical Abuse

What is physical abuse?

- Any contact with the body or object that causes physical harm (including shoving, pushing, pinching, slapping, hair pulling)
- Physical violence can be serious and even small assaults, deprivation of liberty and manslaughter.
- Physical abuse might lead to bigger and more serious problems, even manslaughter or murder cases.

Advisory: Regardless of what you did wrong, you should not be physically abused in any manner. If you suffer from any physical abuses, get help!! Find out how below.

III) Psychological Abuse

What is psychological abuse?

- Frightening, controlling, isolating you from others.
- Confiscating of phone.
- Demeaning words used or name calling.

- Loud or raised voices.
- Insisting that you have psychological problems and need help, but refusing to let you get any help.
- Getting angry for no apparent reason.
- Telling you that you are useless.
- Psychological abuse could result to something more serious like physical abuse.
- Insulting your family, country, or something that you associate yourself to or hold dear to.
- Insisting that you stole something or broke something although you did not.
- Insisting that you are having an affair with his/ her spouse or child, relative or associate although you did not.
- Stating that you are morally loose or a flirt, or worse.
- Finding out something negative or bad happened and telling you that you deserve that.

Advisory: It does not matter if it is a bad day or if you have committed a mistake, you should not be psychologically abused in any manner. It may seem minor and not a problem but these problems could develop into something serious. Also, your mental health is very important. If you suffer from any psychological abuses, get help!! Find out how below.

Use existing case studies to discuss if the situation involved any SEXUAL, PHYSICAL OR PSYCHOLOGICAL ABUSE.

Find/ write at least 5 different case studies.



SECTION 8: MYTHS AND TRUTHS ABOUT MALAYSIAN LAWS FOR MIGRANT WORKERS



Participants are asked to listen to the statements. If it is true, they will run to the right side of the room. If it is not true, they will run to the left. If they are unsure, they will stay in the middle.

An explanation is given to them after each statement to clarify what is the 'real truth'.



TOPICS

I. SALARY BELOW MINIMUM WAGE

Myths	Truths
- You can be very rich earning Malaysian ringgit and working as a domestic worker.	- There are many employers who do not even pay the minimum wage of RM 1200 per month - Some employers do not pay regularly every month.

I. RUNNING AWAY FROM EMPLOYER

Myths	Truths
- I can easily find a new employer if I run away, there are many people who need domestic workers.	- Even if there are working opportunities, you are legally not allowed to work for another employer if you run away. - If you are wronged or abused in any way, you need to report to the relevant authorities. You may reapply for another work after the entire process. - You may need to return back to your country before restarting work with a new employer.

Legally change employer

Myths	Truths
- I can legally change employers if I leave the old one.	- There are extremely few cases where the worker successfully changed employer. Most of the cases you hear of, the workers become illegal migrants and are vulnerable to deportation and other legal means.

Looking for job after coming to Malaysia

Myths	Truths
- I can find a job after I come to Malaysia. I will change my social visa to a working visa.	- You need a working permit and working visa to continue staying in the country and work as a domestic worker.

Health check ups

Myths	Truths
- They will not find out about my health problems. I will hide them.	- You are required a FOMEMA health check up when you arrive in the country before you work, as well as if you plan to renew your contract. - If you have any chronic illnesses, infectious disease, are pregnant or unwell, they will find out and you may be deported if considered unfit to work.

Pregnancy

Myths	Truths
- I can work even if I am pregnant.	- Even if you are still able to work, being pregnant is a condition considered unfit by FOMEMA check up. Nevertheless, you can always try to discuss with your employer about your options and get advice from relevant NGOs.

Chronic health issues

Myths	Truths
- Even though I am sick, if they don't know, I can still continue working without a problem.	- If you are diagnosed with certain chronic illnesses, you will need regular check ups and medication. FOMEMA considers chronic illnesses and especially contactable diseases as unfit conditions.

Day off

Myths	Truths
- My employer will not let me go out as it is very dangerous outside. I am asked never to leave my employer's residence.	- Every worker should be entitled to a day off. That is the least amount of rest time to demand.

Trainings and requirements

Myths	Truths
- I need to pay a lot of money to attend trainings and submit many requirements before I can work.	- There are certain trainings and requirements that may be required by your country of origin. Please ensure that the training you are attending is genuine. You can check with your local NGOs that cater to the needs of migrant workers.

Remittance Channels

Myths	Truths
- My friend knows someone who can send money back home for very cheap rates.	- Only use proper and legal remittance channels. This way, you will ensure that your recipient will receive the amount you intend to send, without hidden charges or without being scammed.

Working for more than 1 employer

Myths	Truths
- I can work for my current employer and also find other work so that I can earn more money.	- You can only work for the employer that you applied to work with, stated in your working permit and visa. All other ways are illegal and will result to you being unprotected and vulnerable.

Business related work other than household work

Myths	Truths
- My employer said that I should also help out with his/ her business. - My employer asked me to help clean his/ her relatives/ friends' houses.	- You are only supposed to work at your employer's registered residence. - You are not allowed to work for anyone else even if they are connected to your employer, or for an extra allowance for you.

Social visa vs work visa/ permit

Myths	Truths
- You can get work with a social visa as long as no one finds out. - You only need a work visa or permit if it is a very important job in an office. - Part time work or domestic workers do not need proper working permits or working visas.	- If you do not have a working permit and visa, any form of work is considered illegal. - For a foreigner or migrant worker to work in Malaysia, you need a working visa. - Many forms of part time jobs are actually illegal as they do not have working visas issued.

Workers to bear cost of visa

Myths	Truths
- I have to pay a lot of money for my working visa.	- Your employer should bear the cost for your 2 year working visa. If your employer forces you to pay, that is considered a form of exploitation.

Deduction of salary due to faults/ mistakes

Myths	Truths
- My employer will deduct my salary if I accidentally break something or damage something.	- You are supposed to be given a proper briefing how to use all the things in the house for your housework. You should not be forced to pay for any damages especially if it's a wear and tear condition. However, if you continuously damage the items in the house, this may result to your termination as it shows you are unfit to work in that environment.

Withholding of passport/ legal documents

Myths	Truths
- My employer insists of keeping my passport so I will not run away.	- You are the only person allowed to hold your passport, unless the passport or your working visa is due for renewal. In that case, you need to have the proper documentation to certify that your passport or working visa is being renewed. Note: This is as per the Passport Act 1966 where the passport is considered a property of the country of issuance and should be in the possession of the passport holder only.

CCTV in worker quarters

Myths	Truths
CCTV in worker quarters	- No one should install any CCTVs in your room. This is a violation of your privacy.

Payment in lump sum of remuneration at the end of contract

Myths	Truths
- My employer wants to help me keep my money and pay at the end of my contract.	- If a domestic worker marries another foreigner, the marriage must be registered with the embassies. - There have not been any legal marriages of a domestic worker while she is working with an employer legally. - If a worker marries a Malaysian, their work permit would be cancelled and converted to a spousal visa which does not allow them to work.

Registration of children born in Malaysia

Myths	Truths
- If I have a baby in Malaysia, my baby will be a Malaysian citizen.	- Foreign babies are allowed to be registered in the country but are not automatically given citizenship. - Pregnancies may result to deportation for domestic workers.

Advance salary or loans from your employer

Myths	Truths
- I can ask my employer to give me an advance for my salary or loan me money if I need.	<p>- Although this is to be negotiated between your employer and you, it is not encouraged.</p> <p>- However, an advance of not more than a month should be given if any is permitted by your employer. This situation is usually not stipulated in any employment contracts and could put you in a vulnerable situation where you are in debt to your employer.</p> <p>- No interest should be imposed to your advance or loan if ever it is given.</p>

Here are additional exploitive scenarios that can also be read out as statement of truths:

- Prohibited to communicate with anyone or confiscated handphone
- Forced to stay with pets/ animals
- Forced to sleep with children/ elderly
- Prohibited to join associations/ unions
- Extra and unlawful charges from recruitment agency
- Forced to eat stale food
- Not given money for food and no food available (sometimes when employer is not home)

SECTION 10: EMERGENCIES & PROBLEMS ARISING



Who can help?

Ask each participant to list out a problem that they might face in the country. And put it in a bag. Draw a few pieces of 'problems' out and ask the participants who can help them for some of those problems.

Contacts of different parties are printed out, or accessible in a website, for participants who need reference to obtain easily.

1) EMBASSIES/ CONSULATES, LOCAL

How to find list of embassies, consulates & services: <https://www.kln.gov.my/web/guest/foreign-embassy-in-malaysia>

Common services or help provided by embassies include:

- renewing passports
- replacing lost or stolen passports
- providing aid in obtaining medical and legal assistance
- notarising documents
- assisting with tax returns and absentee voting
- making arrangements in the event of death

- registering births to nationals abroad
- certifying– but not performing or granting – marriages and divorces abroad
- providing information on dealing with host country authorities
- arranging for evacuation or other assistance in emergency situations
- press local authorities to ensure fair treatment and access to legal representation

Different embassies may provide different services. Consulates may be more limited with the services provided. Please check with your own embassy/ consulate for the services they can help you with.

2) MENTAL HEALTH OUTREACH

3) REPRODUCTIVE HEALTH & PREGNANCY ISSUES

According to the Malaysian laws, foreign domestic workers are not allowed to be pregnant as this is one of the conditions that are considered unfit for the required FOMEMA check up. If a woman is tested to be pregnant, she is to be deported.

Abortion in Malaysia is illegal. Should you or anyone you know gets pregnant during your duration of work in Malaysia, you can contact some local NGOs like WAO to get counselling and understand your alternatives.

4) JUSTICE LEAGUE

5) MALAYSIAN EMERGENCY NUMBERS & GOVERNMENT AGENCIES

6) SUPPORT SYSTEMS – LOCAL NGOS & NGO IN SENDING COUNTRIES

SECTION 11: **LABOUR UNIONS,** **ORGANISATIONS** **& ASSOCIATIONS –** **GETTING** **ORGANISED**



RAP by JALA PRT, Indonesia.

RAP is a recruitment strategy introduced by JALA PRT of Indonesia. The benefits of this strategy include:-

- * only short encounters which includes a 15-minute conversation
- * adaptable to field situations
- * does not require a specific time or place for the domestic worker (DW) and organiser to meet

The basic 6 steps of RAP (by JALA PRT, Indonesia)

1. Introduction. The organiser introduces their group, objectives with simple language, short and clear speech to gain the trust of the DW.
2. Explore the problems. They talk about the general problems faced by the DW, allowing the organiser to understand her realities, build rapport and giving ample knowledge how to persuade the DW to join the group.

3. Raise consciousness regarding issues of responsibility. The organiser talks about responsibility towards the realities they face, the DW's rights, raising awareness of ethical employment and decent work and workplace, importance of legal protection and understanding towards labour legislations and how the group can more effectively advocate for DW protection and voicing of the DW's interests.

4. Vision/Dreams. The organiser engages the DW to talk about her visions and dreams, from a decent workplace to her personal goals she is striving for. The organiser tries to describe how the group can help through collaboration of other domestic workers, with more experiences and knowledge, the strength of a group versus the fight of a mere individual. The organiser will then talk about what it can do for its members, advantages of participation and empower the DW to advocate for her own interest through the group's activities that may include trainings that could help better oneself, or the simple act of journeying together through similar hardships.

5. Invitation to join. The organiser then asks the DW to consider joining the group, and getting her contact to establish future contact. However if the DW refuses, the organiser can still approach the DW after a few months and repeat the steps as above, acting as a catch up to check on her.

6. Encourage the target to take action. If the DW wants to join the group, the organiser will invite her to future get together sessions/ meetings/ trainings, official or unofficial, or maybe even join a Whatsapp group created for the group.

Providing SKILLS TRAINING through potential partnerships with local/ international NGOs

This could be a recruitment strategy to attract domestic workers to join their associations or groups by partnering with local or international NGOs to organise free trainings on the days off of these workers. Below are the possible areas where trainings could cover:

- i) Language & communication skills training
- ii) Domestic cooking for various Malaysian races
- iii) Child care
- iv) Elderly care
- v) Care for disabled children/ adults (hearing impaired, blind, mute etc.)
- vi) Care for autistic children
- vii) Post natal care

SECTION 12: **TROUBLESHOOT,** **GETTING HELP!**



1) Getting Help for Faulty Employment Contract

How to get help if my employment contract is faulty?

- If your realities are different from your employment contract, try to get your recruitment agencies involved in a discussion with your employer as things are not as they were agreed. Contract substitution is a very serious violation of the law and your rights.
- If your employment contract that you are supposed to sign is different from the one that you initially signed in your country of origin, please contact a local NGO who can give you advice what to do. Alternatively, you may also contact your embassy as a remedy to any possible exploitation.
- If you have already signed a faulty contract, you need to contact a local NGO who will guide you through a very complicated legal process of what to do which is usually a case by case scenario.
- You should try to get help to resolve contractual disagreements before they get bigger and more complicated.

2) Getting Help for Damaged/ Lost I-Kad

How to get help if I lost/ damage my I-Kad?

- ◇ Make a police report.
- ◇ Bring the police report to the Jabatan Pendaftaran Negara, and apply to make a new I-Kad.

**A penalty might be incurred.*

3) Getting Help for Damaged/ Lost Passport

How to get help if I lost/ damage my passport?

- ◇ Make a police report.
- ◇ Go to your embassy and report of your passport being damaged or lost with the police report.
- ◇ Your embassy will advise on the steps to make a new passport. You will need to pay for the charges for this.

4) Getting Help for Forced Participation in R.C.C.T Practices

How to get help if I am forced to participate in a R.C.C.T activity/ event that I am not comfortable with?

- ◇ Find a suitable time to talk to your employer about this.

Here are some lines that could help you to have this conversation:

Worker: Ma'am/ Sir, I would like to talk to you about something important. May I discuss something with you for a short while?

Situation 1:

Worker: As you know, I am a (believer of your religion) and I am not supposed to consume, handle or prepare (type of food you are forbidden to prepare, handle or consume)/ serve alcohol (for Muslims).

Worker: I will still prepare food and beverage that I am not prohibited from consuming and serving. I hope you can understand.

Situation 2:

Worker: As you know I am of a different religion. I do not feel comfortable entering another place of worship/ cleaning your religious altar/ shrine.



Worker: I hope that you can understand my dilemma and exempt me from participating in your religious activity/ going along to your religious place of worship/ clean your religious altar or shrine.

If there is resistance from your employer.

Worker: Ma'am/ Sir, I am truly sorry for the inconvenience, but according to the Ministry of Human Resources, it is my due right to refuse handling, preparing and consuming food or drinks that is forbidden by my religion/ participating or being involved in something that is different from my religion. I would truly appreciate your kind understanding on this matter.

- ◇ If your employer is still not convinced, try to get your recruitment agents involved in negotiating with your employer about this.
- ◇ You can also get the advice from your fellow migrant domestic worker friends or from local NGOs working with migrant workers.
- ◇ Alternatively, find a representative from your religious groups to discuss with your employer about this.

5) Getting Help for Abuses

How to get help if I have been raped?

If you have been raped by your employer or a relative/ friend, immediately get help from anyone who could help, to send you to the nearest police station or public hospital, for a medical check up to ensure that you might not get pregnant or contract any possible sexually transmitted disease.

How to get help if my safety/ life is in danger?

If your safety or life is at stake, ensure that you run away with your passport and I-kad or some form of documentation for your identity. Immediately run to your embassy or consulate for help, or the Department of Labour, or to any local NGOs that may be able to help you. (Please refer to the list in Section 7.3, 7.6 or 8.1)

How to get help if I am sexually harassed/ physically or mentally abused?

- Collect evidence of harassment/ abuse. (messages, videos, voice recordings, possible witnesses etc.)
- Collect culprit's personal details (name, I.C. number, address, contact number). If it is your employer, these should be in your employment contract. If not, try to find a utilities bill or any correspondence with the relevant basic info. If it is a visitor or other members of the family member, you may need to inform your employer to get your employer's assistance.
- Contact a Malaysian or international NGO with a Malaysian chapter or domestic worker groups/ associations for advice or assistance.
- Contact your embassy for help.

- File a case with the relevant authorities.

Note:

- ◇ If your handphone is confiscated, try to get help from the neighbours, postman, any delivery person, or when you have the opportunity to go out of the house to run errands or when you are expected to accompany your employer.
- ◇ Negotiations may work if the problem is minor, like a one-time psychological abuse incident that could be a misunderstanding. However, attempted negotiations for anything else may result to even more serious grievances.

Talian Nur Helpline (Ministry of Women, Family and Community Development)

Tel. : 15999

If you are abused or if you know any foreign domestic helpers who are abused you can call Talian Nur for help!

6) Getting Help for Exploitation Issues

How to get help for exploitive problems listed above?

- Collect evidence of exploitation. (take pictures, videos, voice recordings, messages, possible witnesses etc.)
- Collect employer's personal details (name, I.C. number, address, contact number). These should be in your employment contract. If not, try to find a utilities bill or any correspondence with the relevant basic info
- Try to get your recruitment agents to help negotiate, if your working environment's reality is different from the employment contract.
- Contact a Malaysian or international NGO with a Malaysian chapter or domestic worker groups/associations for advice or assistance.
- Contact your embassy for help if the matter is serious especially if you are lawfully wronged or hurt.
- File a case with the relevant authorities if necessary.

For problems with WAGES, please contact the Department of Labour/ Jabatan Tenaga Kerja. (please refer to 7.6)

For UNLAWFUL TEMRINATION, please contact the Department of Industrial Relations/ Jabatan Perhubungan Perusahaan. (please refer to 7.6)

For PASSPORT RETENTION, please contact the police or Department of Immigration. (please refer to 7.6)

Note:

- ◇ If your handphone is confiscated, try to get help from the neighbours, postman, any delivery person, or when you have the opportunity to go out of the house to run errands or when you are expected to accompany your employer.

- ◇ Negotiations may work if the problem is minor, like if your employment is not aware that what he or she is doing is wrong. You would know the real temperament of your employer more than other parties involved (recruitment agencies, authorities, NGOs etc.). If you feel that there is intention to exploit you, please get help and intervention. Nice people do not purposefully exploit another human being. Do not let the problem grow bigger.
- ◇ Attempted negotiations will not work if the employer has intention to exploit and may result to abuse as the problem persists.

Things to Know Should You Be Stopped by the Police

Here are some relevant information that foreign domestic workers should be aware of:-

The police in Malaysia are usually required to wear a uniform during official duties. Plain clothes police should identify themselves with proper police identification (with their name and ID). If they do not show you this, you should ask to see their police identification. If they produce a card that is red, this means the police has been suspended and has no authority to stop, detain or arrest you. Remember the registration plate number of the patrol car or police motorcycle that is used by the police who stopped you.

When asked to produce your identification (this is legal and common practice), show them your I-Kad. If your I-Kad is being processed, show them the document that states that. If they demand for more information, gently but firmly ask if you are being arrested without giving away too much information.

NOT ARRESTED:

- ◇ If you are not under arrest, you can refuse to follow the police officer.

ARRESTED:

◇ If you are not allowed to leave, asked to be taken to the police station or handcuffed, you are being arrested. Do not resist the arrest. Instead, you should ask why you are being arrested. It is unlawful to arrest you without informing you of the reason.

◇ You should also ask them the name of the police station you are being taken to, what is going to happen and your rights during detention. You have a right to make a telephone call. You are encouraged to call your local contacts, employer, embassy or NGO that you are familiar with. have 1 or 2 calls, do not call your family.

◇ Inform who you are calling that you have been arrested, the reason for your arrest, when and where the arrest occurred, the name of the police station you are at. You may be detained up to 24 hours at the police station or a lock up for a police investigation.

◇ Should the detention be extended beyond 24 hours, the police must bring you to a Magistrate to request for a remand order that could be up to 14 days. The police cannot detain you for more than 15 days without charging you for an offence.

**Pusat Perdagangan, A-2-7,
Jalan Sungai Jernih 8/1,
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46050 Petaling Jaya, Selangor
03-7663 5466**

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