

# Migrant Workers' Housing Rights Protection in Malaysia: From the Stakeholder's Perspective on Act 446

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## Abstract

Malaysia is one of the countries in Southeast Asia that depends heavily on migrant workers as a labor force. However, when it comes to migrant workers, issues always arise, and these problems not only happen in Malaysia but also in all countries that heavily depend on migrant workers in their economic activities. Migrant workers always found accommodation in overcrowded and live in unhealthy living conditions. This study aims to investigate whether migrant workers' housing rights are protected in Malaysia and what are the stakeholders' perspectives on the Act that protects migrant workers' housing rights in Malaysia. This study utilized the qualitative research approach. In this study, two methods of data collection

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were used: in-depth interviews for primary sources and library-based research for secondary sources. Based on the analyses, it can be concluded that migrant workers' housing rights are partially protected in Malaysia. Many stakeholders express satisfaction with the amendment, while some advocate further enhancements to Act 446 to ensure universal compliance by all employers.

**Keywords:** Migrant Workers, Migrant Workers' Housing Rights, Malaysia

## Introduction

Most countries around the globe depend on migrant workers as their labor force; Malaysia is one of those countries. According to the International Labour Organization (hereafter ILO), a migrant worker is a person who migrates from a country to another to work for someone other than himself, including anyone who is frequently admitted as a migrant for employment (ILO, 1949).

According to the Malaysian Department of Statistics, in 2022, there were about 2.2 million documented migrant workers in Malaysia. Unofficial estimates of undocumented or irregular migrants range from 1.2 to 3.5 million, making Malaysia one of Southeast Asia's top migrant-receiving countries (International Organization for Migration, 2023). Most of the migrant workers come from Bangladesh, Indonesia, Myanmar, Nepal, and other Asian countries in smaller numbers, such as Cambodia, Lao PDR, and India, and work in industries such as manufacturing, construction, agriculture, plantation, services (security and hospitality), and domestic work.

Furthermore, many migrant workers from Southeast and South Asia migrated to Malaysia due to wage disparities, unemployment, existing social networks, and government demand (I.S. Hamzah et al., 2020). This situation arises as a result of increased worker demand caused by fast development in numerous industries. However, there are always complications that occur when it comes to migrants, in this case, migrant workers. The issue of migrant workers is not restricted to Malaysia; it is a global concern that also affects countries such as Thailand, Singapore, and Qatar.

These workers are frequently subjected to unfair treatment and exclusion, including wage exploitation, hazardous working conditions, and limited access to basic human rights. This article will specifically focus on migrant workers' housing rights in Malaysia. Housing rights are being addressed in this article because, as a human, every individual in this world should be granted equal rights regardless of whether they are citizens or non-citizens. In 2019, the Malaysian Government amended The Employees' Minimum Standards of Housing, Accommodations, and Amenities Act 1990 (hereafter Act 446) to protect the workers' housing rights regardless of whether they are locals or migrants.

Nevertheless, Zahratulhayat Mat Arif in the *New Strait Times* stated that, in 2022, more than 20 migrant workers spent years living in filthy, confined, and hazardous circumstances at a tile processing factory in Simpang Pulai, Perak. The rooms clearly did not match Perak Labour Department regulations, and workers even put improper wiring in each room to access electricity. This is a hazardous scenario, and the place is unsafe for workers to reside in (Zahratulhayat Mat Arif, 2022).

Moreover, migrant workers in the construction industry usually face various kinds of housing-related issues. The main difficulties, for example, are that migrant workers are frequently housed in overcrowded, bad living conditions, lack of privacy, and insecure housing (ILO, 2022a). This article aims to investigate whether migrant workers' housing rights are protected in Malaysia and what are the stakeholders' perspectives on the Act that protects migrant workers' housing rights in Malaysia.

## Objective

To investigate whether the migrant workers' housing rights are protected in Malaysia and what are the stakeholders' perspectives on the Act that protects migrant workers' housing rights in Malaysia.

## Literature Review

This discussion is separated into two subtopics based on the existing literature in books, journals, papers, and articles on the issue. The first subtopic is the migrant workers' housing rights, and the second is the migrant workers' housing situation in Malaysia.

### *Migrant Workers' Housing Rights*

Migrant workers' housing means accommodations given to workers who migrate to a different country or region in quest of job opportunities. These people may be employed in various industries, including agriculture, construction, and household work. Furthermore, migrant worker housing might range from dorms to apartments or houses. Such accommodations are usually provided by employers or third-party housing providers. In certain cases, the housing may be short-term, while in others, it may be long-term.

According to article 25 (1) of the Universal Declaration of Human Rights (hereafter UDHR), all individuals have the right to a minimum standard of living for their health and the well-being of their family, including housing (United Nations, 2023). Furthermore, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereafter ICRMW)

provided a set of standards covering the migrant workers' rights, including housing rights.

The housing rights of migrant workers are outlined in article 43 (1) (d) of ICRMW. It stated that migrant workers must be treated equally with citizens of the state of employment in terms of access to housing, particularly social housing schemes, and protection from rent exploitation (OHCHR, 2022). Besides, article 70 of the ICRMW also states that Parties must make efforts to guarantee that the working and living conditions of migrant workers and their families in regular circumstances must fulfill fitness, safety, and health requirements, as well as human dignity values (Mustaffa et al., 2021).

Liu and Li (2019) stated that migrant workers are always unable to enjoy social security benefits such as education, medical care, and housing despite their important contributions to the state's economic and social development. This scenario has had a significant impact on migrant workers' survival. Housing is more than simply a place to secure out of the wind for migrant workers; it is also a tangible foundation for defending fundamental human rights such as the right to life (Liu & Li, 2019).

Migrant workers must have great working and living conditions since a safe and healthy environment can promote improved health, minimize the risk of sicknesses, and contribute to overall quality of life. Protecting migrant workers' housing rights is a fundamental right for migrant workers to get suitable housing in the countries where they work. It is also a core role and obligation of the state government.

### ***Migrant Workers' Housing Situation in Malaysia***

Migrant workers are usually housed in overcrowded quarters with a lack of sanitary facilities, jeopardizing their health and privacy. Furthermore, the situation is worse, and this is not a seasonal issue as the number of migrant workers in Malaysia grows. A few studies on the matter have been carried out in Malaysia, and the results show that migrant workers' health and conditions are always linked to their housing, which is overcrowded and unsanitary (Moroz et al. 2020).

Putul and Mia (2018) in *Exploitation of Migrant Workers in Malaysia and Protection under Domestic Laws*, stated that five workers frequently sleep, cook, eat, and entertain themselves in 200 square meters with no ventilation. Even though they pay their living expenditures, their living conditions are not perfect (Putul & Mia, 2018). Apart from that, the Malaysian Parliament amended Act 446 in 2019. However, Act 446 went into effect in June 2020, although employers and centralized housing providers were given a three-month grace period before the act's full enforcement in September 2020 (Sinar Harian, 2021).

Tham and Omar (2020) described a situation in Selangor in which migrant workers were forced to share a 900-square-foot housing unit with 15 other persons. These concentrations allow each worker 38 to 56 square feet of housing space (Tham & Omar, 2020). Moreover, some migrant workers live in small rooms crowded with bunk beds. Next, 30 people use two bathrooms, while water is usually in short supply during peak hours. No air conditioning exists, and the fans cannot keep them cool on hot nights.

As an effort to resolve the problems regarding migrant workers' housing, the Malaysian government has developed several laws and policies to improve migrant workers' housing conditions. In fact, Malaysia already has legislation established that provides minimum standards for employees and their families, including migrant workers. The Workers' Minimum Standards of Housing and Amenities Act (Act 446) was first enacted in 1966 and again amended in 1990. However, the 1990 amendment only applied to workers and their families in the mining industry and plantations or agricultural estates larger than 20 acres and only mandated minimal needs and housing. As a result of this circumstance, the housing rights of migrant workers working in other sectors are not safeguarded under Act 446. It has also resulted in workers being frequently oppressed and forced to live in overcrowded and unclean conditions.

Following that, Act 446 was amended again in 2019, and this amendment added a section (Part IIIA) that provides definitions of Accommodations. The Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990 Amendment 2019 was amended in response to many complaints that migrant workers are overcrowded and poor housing conditions contribute to the spread of COVID-19. The amendment occurred because the regulations must encompass all occupational sectors, including construction, and increase legal benefits to ensure workers have better housing, basic utilities, and secure health and safety. (Low. C.C, 2021).

Part IIIA of Act 446 provided details that can protect workers' housing rights. For example, the application (24A) and interpretation of accommodations (24B), accommodation to comply with minimum

standards (24F), and deductions in respect of rent or charge for accommodation (24G). Simply put, this amendment will cover aspects such as the quality of housing, safety, and basic amenities. Employers are generally required to provide suitable and safe accommodations for their employees, and failure to do so the employer can be fine. By establishing the new amendment, Act 446 aims to protect the welfare and well-being of employees, including migrant workers. It ensures that they are not subjected to substandard or overcrowded living conditions. Besides, Act 446 also will ensure the safety and hygiene of housing facilities. It sets requirements for the maintenance and upkeep of accommodations to prevent health hazards and unsafe conditions. Lastly, providing suitable and safe accommodations contributes to improved working conditions for employees, leading to higher job satisfaction and productivity.

In 2021, the Department of Labour Terengganu, known as Jabatan Tenaga Kerja (hereafter JTK), initiated action against employers at two different construction sites in Kuala Terengganu's city centre for failing to provide workers with accommodation. Terengganu JTK director Mohd Hajazy Jusoh stated that the accommodation lacks essential amenities such as mattresses, beds, and lockers. This situation demonstrates that even though the law had been enacted, irresponsible employers still just ignore the rights of their migrant workers.

While the government has established regulations and steps to ameliorate the situation, further actions are needed to ensure migrant workers have access to safe and suitable housing. Tackling these issues is critical not only for the well-being of migrant workers but also for Malaysia's economic and social development.

### ***Migrant Workers Housing Rights in Other Countries***

Inadequate housing for migrant workers has been a part of global housing issues for years (Open Society Foundations. 2020). Migrant worker housing is frequently overcrowded, poorly ventilated, and deficient in adequate drinking water. These filthy conditions raise the danger of infectious disease (Kort & Dunn, 2021). The migrant workers' housing rights issues not only occurred in Malaysia but happened worldwide, including Thailand, and developed countries such as Singapore and Qatar are also not exempt from this issue.

#### ***a) Thailand***

Thailand has no legislation governing the housing of migrant workers. Instead, housing policy is determined by a series of plans. Under the Third National Human Rights Plan (2014-2018), all agencies were expected to promote and protecting the rights to national housing in their respective areas of responsibility. Nevertheless, minimal consideration is given to workers housing, which is a significant omission considering its importance in many sectors and the role of certain businesses in providing accommodation to both locals and migrant workers (ILO, 2022b).

In Thailand most of the migrant workers comes from Myanmar, Cambodia, the Lao People's Democratic Republic, and Vietnam. Moreover, the migrant workers from these countries are governed by bilateral memoranda of understanding (MOUs) between Thailand and each of those countries. Accommodation for workers who migrated under the MOU processes is often in a

compound on or near the workplace and usually owned and leased by the company. Besides, housing for factories is often in its own compound, sometimes on-site and off-site (ILO, 2022b).

These accommodations are cramped, damp and inadequate ventilation. Personal space is also frequently limited. Migrant workers with family members will often lease a place near the workplace. Furthermore, majority of migrant workers on rubber or palm plantations live with their employers or the employer ask them to build their own accommodation in the plantation area. Next, they are permitted to construct their own housing using any materials available, such as metal sheeting and wood fragments, often with nails in them or of insufficient length, necessitating using nails to hold sections together.

In addition, construction workers were reported living in former shipping containers provided by their employer or recruitment agent or in makeshift camps built out of leftover supplies and described as "rough," with corrugated metal, wood with nails sticking out, and gaps in floors and walls. These situations shows that they are living in rough housing, with limited access to clean water or sanitations facilities.

### ***b) Singapore***

According to the Employment of the Foreign Manpower Act, employer must make sure their migrant workers, including domestic workers reside in “acceptable” housing, although the Act does not specify the scope of that requirement. Employers are also required by the Act to submit the workers’ accommodation address to the Ministry of Manpower Singapore (MOM) (ILO, 2022b).

Singapore promoted the use of dormitories as an alternative to migrant worker housing, offering high-density housing, frequently with 20 men in a room in double-decker bunks (HOME & TWC2, 2020). The majority of the dormitories, particularly the larger ones, are commercial operations run by accommodation providers. There are also smaller dorms managed entirely by companies for their own employees.

For migrant workers in the marine, process and construction sectors, employers will provide accommodations but workers have to pay for the rent. The onsite accommodation (CTQ) is a three-story dormitory with 20-square-metre bedrooms. Each bedroom has five single beds for migrant workers. There is no common room at the dormitory, so individuals have no place to rest and relax outside of working hours and on days off other than their mattresses. It clear here, even though Singapore government had tried to give the rights of housing to the migrant workers, there a still a few of them still live in cramped housing.

### *c) Qatar*

In Qatar, Migrant workers are housed in what is known as labor camps. A large number of migrant workers have lived in Qatar's Industrial Area in Doha. They were housed in awful conditions, sleeping in bunk beds in overcrowded dorms with inadequate sanitation and, in some cases, no electricity or running water (Amnesty International UK, 2020).

Most of the migrant workers in Qatar lived in labor camps. It is a small room normally containing 8 to 10 people on bunk beds, sometimes in filthy circumstances. Moreover, 200 people use a

common outdoor toilet that is filthy and scorching (40°C). Broken beds and hefty debris were discarded in the ground floor's corner. The staircase was filthy, and 8 individuals shared a small, dim room (Benjamin Best, 2019). Migrant workers are obliged to live in that condition because they have no option and are unable to change it.

In addition, many migrant workers are sleeping in construction areas because they cannot afford to pay for housing. Companies who sponsor migrant workers for city construction projects underpay them. Furthermore, these same companies do not provide housing for thousands of employees. As a result, many migrant workers are forced to sleep on the streets. As an alternative to dormitories, migrant workers frequently live on the upper floors of construction companies, in shipping containers, or in other temporary housing on construction sites. In other cases, crowded rooms house up to 30 workers without adequate ventilation or air conditioning, and cockroaches. Typically, up to 80 people or more share a single toilet (IHRB, 2020). Following huge international protests over the inhumane acts committed in Qatar, the administration vowed reforms. Even after significant reforms, the effectiveness with which the government enforces and oversees employers, as well as whether or not they comply with the law, remains critical.

The situations in these countries clearly shows that, the migrant workers' housing issues not only happen in Malaysia, but worldwide. Even though the government had provided the guidelines and laws, the fate of migrant workers still depends on their employers or companies.

## Methodology

This study utilized the qualitative research approach, which entails gathering and analysing non-numerical data through methods such as interviews and document analysis. The researcher, in particular, used qualitative case studies, which allow for an in-depth analysis of a single event inside a particular circumstance. A qualitative case study was conducted to emphasise a specific issue by giving a narrative of an individual or a group. This study emphasized the issue of migrant workers. By using qualitative case studies, researcher was able to conduct in depth investigation on the stakeholders' perspectives on the Act that protects migrant workers' housing rights in Malaysia. Moreover, throughout the qualitative research, the researcher talked with migrant workers, employers, and other stakeholders in a few states in Malaysia, such as Terengganu, Johor, and Selangor.

In this study, two methods of data collection were used: in-depth interviews for primary sources and library-based research for secondary sources. Library-based research focuses on secondary data, acquiring information from numerous sources such as books, journals, articles, past studies, and other significant material.

After that for the primary data, in-depth interview had been done. Semi-structured interviews were conducted with five groups of informants: Academicians (1), Migrant Workers (10), Employers (5), Government Officials (3), Non-Governmental Organisations (NGO) (1), and Locals (6). The informants in this study were explained about the study's objective and nature, their rights as informants, and the methods involved. Before conducting any interviews, the researcher contacted possible informants and obtained permission to interview

them for this research. The researcher arranged appointments based on the informants' available times and locations after gaining verbal permission.

In this study, 26 people were interviewed face to face, over the phone, at a Google Meet meeting, and using the WhatsApp application. It is critical to have informants from various professional backgrounds to avoid one-sided or biased results. The data gathered then being analysed simultaneously.

### **Limitations of Research**

Despite the extensive efforts put forth in this study, numerous limitations should be acknowledged when interpreting the data, thus the findings may not be applicable to other sectors in the country. Second, due to the sensitive nature of the study issue and the language barrier, access to some migrant workers was difficult. Because this study included migrant workers, there were some delicate concerns that arose. For example, some migrant workers may be undocumented and refuse to be questioned because they believe the researchers are from law enforcement authorities. To solve these concerns, researchers did not even ask documentation-related questions and visited the construction site more than once to gain their trust. Next, it was not possible to maintain the gender balance among the respondent since most migrant workers who work in construction sectors are male. Despite these limitations, this study gives useful insights regarding the housing rights of migrant workers in Malaysia's construction sector.

## Theoretical Framework

Human rights are inalienable and universal privileges that apply to all people, regardless of nationality, race, religion, or gender. They include a wide spectrum of civil and political liberties, economic and social liberties, and cultural liberties. Civil and political rights include fundamental liberties such as the right to life, liberty, and free expression. While economic and social rights include access to education, healthcare, and a reasonable quality of living (United Nations, 2023).

Malaysia, as a sovereign state, is a member of the international community, bound by a set of international rules and regulations, including those concerning human rights. This means Malaysia is responsible for respecting the human rights of all individuals inside its borders, including non-citizens, in this case, migrant workers. Malaysia has encountered severe obstacles and criticisms regarding human rights, especially migrant workers' housing rights. Migrant workers in Malaysia frequently face housing challenges, such as overcrowding and terrible living conditions, a lack of access to essential facilities, and insufficient legal protection. Besides, human rights organisations have expressed their concern over these issues. As a result, the Malaysian government established legislation to safeguard the housing rights of migrant workers.

International human rights standards, such as the Universal Declaration of Human Rights, have detailed the fundamental rights and liberties to which all individuals, regardless of nationality, are entitled. Furthermore, most of the articles of the UDHR said that no one should be discriminated in this world. According to Article 25 (1) of the UDHR, everyone has the right to a minimum standard of living

sufficient for their own health and the well-being of their family, including access to housing, food, medical care, clothing, and other essential social services.

Furthermore, migrant workers' rights are also safeguarded under the ICESCR. This covenant guarantees the enjoyment of economic, social, and cultural rights, such as the right to a decent standard of living and the right to an education. According to article 7 (a)(ii) of the ICESCR, States Parties to the Covenant recognise that everyone has the right to work in equitable and favourable conditions and to be paid a minimum wage. Migrant workers must also be provided with a decent life for themselves and their family in accordance with the Covenant's principles. In addition, in article 11 (1) of the ICESCR, the States Parties considered that everyone has a right to an appropriate standard of living for himself and his family, including proper food, clothing, and housing, as well as a continuous development of living conditions (ICESCR, 2022).

Malaysia, on the other hand, is not a signatory to the ICRMW or the ICESCR and is not legally required to comply with both covenants. However, human rights principles and the protection of the rights of all individuals (citizen and non-citizen), including migrant workers, are widely recognized as part of customary international law and are regarded as a rule of general international law.

The Federal Constitution of Malaysia also guarantees the fundamental liberties of people in this country via Articles 5 to 13, which encompass the core concepts of human rights stated in the UDHR. In addition, the Ministry of Human Resources Malaysia has adopted and revised a few acts to protect the rights of migrant workers. The major regulation governing employment legislation in

Malaysia is the Employment Act 1955 (hereafter Act 265), which protects workers' basic rights. This act establishes a basic level of protection for locals and migrant workers. The Act 265 provides migrant workers with rights such as wages and payment times, wage deductions, working period, overtime limit, rest leave, and sick leave.

Moreover, Malaysia's government took concrete steps to protect migrant workers' housing rights by amending Act 446. This law established minimum requirements for accommodation and amenities offered to workers, especially migrant workers, in all occupational sectors, including construction. By implementing laws such as Act 446, Malaysia demonstrates its commitment to preserving the rights of all workers, including migrant workers, and ensuring that they are treated with decency and respect.

It is critical for Malaysia to safeguard migrant workers' housing rights because they are part of international human rights standards, and failure to do so may result in criticism from the international community, harming the country's reputation.

## **Findings**

For the question of whether the migrant workers' housing rights are protected in Malaysia? The answer is that migrant workers' housing rights are protected under Malaysian Law. However, there are still many employers who violate Act 446 (amended), which clearly outlines that the housing of migrant workers is under the responsibility of the employer. This situation has led to migrant workers in some places still living in inadequate housing until today.

Employers are obligated by the act to provide appropriate accommodation, clean water, decent sanitation facilities, and adequate food for their employees. The act also specifies specific guidelines for living quarters' size, ventilation, and lighting. Employers must also take precautions to prevent and control the spread of transmissible illnesses.

As previously noted, Act 446 has been improved. The Malaysian government amended Act 446 to protect migrant workers' housing rights and avoid receiving criticism from international communities for disrespecting migrant workers' rights again. Furthermore, multiple stakeholders are involved in the issue of migrant workers' housing in Malaysia, each with their own viewpoints and opinions on Act 446. In addition, knowing the perspectives of various stakeholders is critical for gaining a thorough knowledge of the complexity of migrant workers' housing.

### *The Employers*

Based on the findings of this research, some employers recognise the importance of revising Act 446 in response to the negative impacts of overcrowded and dirty housing during the Covid-19 pandemic. They also admit that providing proper housing for workers can improve their overall performance and well-being. The employers are convinced that if they follow Act 446, their company will have a good image with the state government and other local authorities because of their commitment to ensuring that Malaysia does not face international criticism again (Interview, employers, 2022).

However, employers have to deal with various challenges in complying to the Act 446. Employers encounter financial hurdles while implementing Act 446. These difficulties arise because providing suitable housing for migrant workers is costly for companies. Furthermore, the Centralised Labor Quarters (CLQ) rent is expensive, which will adversely affect employers, particularly those who frequently hire a large number of workers to shorten the duration of the project.

In addition, employers must bear the cost of maintaining the centralized accommodation to guarantee that it always fulfils the minimum accommodation requirements stipulated by Act 446. Employers or companies must also pay significant costs to acquire and furnish equipment such as mattresses, beds, and locked closets for each new project. Because of the long duration of the project and the rough use by migrant workers, that equipment is classified as disposable. Most of the equipment is frequently destroyed after construction on the project site is completed (Interview, employers, January 2023).

These employers stated that, they will fully comply to the act but the government should enact extra measures, such as rent control or subsidies, to help with housing costs.

### ***The Migrant Workers***

The research fieldwork concluded that long-term migrant workers in Malaysia expressed gratefulness for significant improvements in their living situations. Additionally, many of these workers who had been in Malaysia for a long period of time and had

gained skill in the local language displayed awareness and gratitude for Act 446, recognising its efficacy in protecting their housing rights.

They were previously forced to live in small housing on construction sites, where sleeping arrangements lacked adequate bedding and cooking facilities were interlaced with sleeping spaces, but their living conditions have significantly improved. However, it is crucial to highlight that some migrant workers are unaware of Act 446 due to language issues. Nonetheless, many have reported good improvements in their living conditions, such as employers giving mattresses and kitchen spaces (Interview, migrant workers, 2022).

### *The Academicians*

An academic believes that amending Act 446 is a critical step towards protecting the rights and well-being of migrant workers in Malaysia. The academician also points out the importance of Act 446 in promoting social justice, safeguarding human rights, and assuring equal treatment of migrant workers, all of which are in accordance with international labour standards. This standard emphasizes the relevance of legislation in fostering a fair and just working environment for all workers, regardless of their nationality.

Given these issues, many recommendations have been made to strengthen the implementation of Act 446. It is recommended that enforcement agencies enhance the frequency of inspections and raids to ensure compliance. Such actions would serve as a deterrent to companies that may violate migrant workers' housing rights. Furthermore, the academician suggests that awareness campaigns and training programmes be implemented to

increase businesses' understanding of the importance of providing suitable housing to their employees in accordance with the law.

### ***The Government Officials***

During conversations with State Assembly members, they stated that improving migrant workers' housing was important for the sake of both the local community and the migrant workers themselves. They also recognized that providing adequate accommodation for migrant workers contributes to the creation of a harmonious and inclusive society in which all individuals are treated with dignity and respect.

They also stated that Act 446 is critical in preserving migrant workers' housing rights, ensuring that their living conditions are neither disregarded or compromised by their employers. He also added that, as of today, he has not received any complaints concerning the living circumstances of migrant workers in his area.

### ***Non-Governmental Organization (NGO)***

The Executive Director of North-South Initiatives, stated that to do the right things, the Malaysian government does not have to wait until it receives criticism and restrictions from the international communities. Undeniably, most acts were enacted and amended after Malaysia was critical by global communities. The amendment of Act 446 is welcome and a good start to meet the migrant workers' rights. Hopefully, after housing, the government will improve the act related to documentation and wages.

Legally, there is a pros and cons to this amendment. The employer now must comply with Act 446 and provide housing in

accordance with the criteria set by the act. Besides, the cons are that this amendment has made it more difficult for all employers in Malaysia. More procedures that employers need to undergo, which makes the employer prefer to disobey the act. In addition, when it comes to many procedures that require the approval of some parties, the possibility of corruption is huge. So that government have to find a way that can improve the procedure to avoid bribery activity (Interview, Non-Governmental Organization, 2023).

Finally, the Malaysian government's amendment to Act 446 is a brave step to ensure that migrant workers' housing rights are respected and that Malaysia is no longer accused of using forced labor and exploiting migrant workers.

### **Locals**

Locals aware of Act 446 agreed that companies should safeguard migrant workers' housing rights and provide appropriate accommodation for workers. The employer and migrant workers should have a feeling of reciprocal responsibility. This statement implies that the workers are there due to employer demands. Failure to provide enough housing will have an impact on the community. Employers must provide a suitable area for migrant workers to stay in so that everything is under their control (Interview, locals, 2022).

### **Conclusion**

In conclusion, various documents and the stakeholders' discussion, it shows that amendment of Act 446 is one step forward to protecting migrant workers' housing rights. However, the

employer is still responsible for deciding whether to comply with Act 446. This situation happened because there are still a few employers who are very concerned about the company's profit compared to the migrant workers' housing rights. Regarding the stakeholders' perspectives on Act 446, most of the stakeholders are happy and agree with the amendment, and some of them still think that Act 446 still needs to be improved to get all employers to comply with the act. There are a few recommendations that can be taken to improve the protection of migrant workers' housing rights:

1. The government should revise the Standard Operating Procedure (SOP) for the application of Certificates of Accommodation to make it less complicated and burdensome for companies who are actively working to enhance their employees' living conditions. These proposed initiatives would give additional support and incentives for businesses to prioritize migrant workers' housing rights.

2. Employers and local governments must be educated about the need to provide suitable housing for migrant workers. This could involve public awareness campaigns about the health and social benefits of appropriate housing, as well as focused outreach to companies to persuade them to prioritize housing for their workers.

3. To address the issue of language barriers, formal programmes such as Cultural Communication Competency must be introduced and included in the pre-departure training of all migrant workers. Not only should health be prioritised, but so should overall communication and rights. This project will assist them

communicate and understand what rights they should have while working in Malaysia.

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