Why aren’t migrant domestic workers in Malaysia getting a day off?

“My employer never saw a calendar.”
In 2019, there were **129,168** registered migrant domestic workers (MDWs) in Malaysia, but the real figure is between **200,000 to 300,000**, as many work irregularly.

Around **1 in 5 households** in Malaysia employ a migrant domestic worker.

In 2023, the ILO found that around **a third of MDWs** in Malaysia are in forced labour.
Background to the report

This research was undertaken at the end of 2023 to examine the extent to which MDWs get a weekly rest day. The findings are based on data collected from:

- A survey of 108 MDWs
  - Indonesian: 68%
  - Filipina: 31%
- A survey of 100 employers
  of MDWs
- Focus group discussions with 11 employers of MDWs
Few MDWs get a weekly rest day

Of the MDWs who took part in the research:

43% worked 7 days a week

41% occasionally got a rest day:
- 51% once a month
- 36% once a fortnight

17% got a weekly rest day
Few MDWs get a weekly rest day

By asking about the frequency of rest days, the research identified the MDWs who get a weekly rest day in theory but not in practice (41%). This explains the following disparity in the research:

63% of employers said they give a weekly rest day.

17% of MDWs said that they got a weekly rest day.
Few MDWs get a weekly rest day

Of the 18 MDWs who got a weekly rest day, 13 either worked for some time before they were given one, or they had a previous employer in Malaysia who did not give them a day off.

Consequently, 103 MDWs (95%) had experience of being deprived of their weekly rest day in Malaysia.
Most MDWs work on their day off. Of those MDWs who got at least an occasional day off:

- **79%** had to, or sometimes had to, work on their day off (for an average of **4.5** hours).

- Around **20%** also reported that they either had to work more hours on other days, or were not always free to leave their employer’s home on their day off.
Detrimental health impacts

78% of MDWs said not having a rest day impacted their mental and physical wellbeing.

Participants most commonly reported feeling:
- Stressed (55)
- Tired (33)
- Depressed (24)

18 women reported a deterioration in their physical and/or mental health.
**Barriers**

### The actions of employers

- **15%** of MDWs were subjected to physical violence, threats and/or verbal abuse by their employer because they asked for a day off.

- **51%** of MDWs had personal property taken by their employer/agency, including:
  - Passports: **95%**
  - Contracts: **56%**
  - Phones: **39%**
The actions of employers

72 MDWs asked for a weekly day off, but only 9 received one. The reasons most often used by employers for refusing were that:

- They would run away if given a rest day. (28)
- There would be no one else to perform their duties. (22)
- They had no right to a day off. (19)
Barriers

Public attitudes

“domestic helpers”

MDWs are often referred to as “domestic helpers” and this may foster a perception that they are not formal employees.

“part of the household”

4% of employers said MDWs are not workers but “part of the household”.

“a less formal working arrangement”

15% of employers said they had “a less formal working arrangement” in which they supported the MDW in return for help around the house.
Barriers

Public attitudes

Some employers sympathised with the view that MDWs should not have the same labour rights as other workers because:

- **36%**
  “They have a poor work ethic and cannot be trusted.”

- **27%**
  “They don’t work a lot of the time and their work is easy.”
Barriers

Public attitudes

These views seem to reflect negative social attitudes towards migrants, rather than personal experience.

While these perceptions persist, there will be little social pressure on either employers or the Malaysian Government to act differently.

Example:

59% of Malaysians think migrants commit a high number of crimes.
Barriers

Awareness of rights

44% of MDWs did not know they were entitled to a weekly rest day when they started working in Malaysia.

For nearly two thirds of this group, it took more than 2 years before they realised this was the case.
Awareness needs to be raised, as MDWs with more knowledge are better able to secure their rights. Of those who got a weekly day off:

- **100%** were over 35.
- **78%** knew they were entitled to a rest day when they started working.
- **72%** had been in Malaysia for over 10 years.
Barriers

Lack of legal safeguards

- MDWs are excluded from key protections in the Employment Act.
- MDWs are reluctant to report exploitation as their work permit is tied to their employer, and a dispute could lead to them being fired and having to return home.
- There is a lack of enforcement: just 5 employers were prosecuted for violating MDWs’ rights between 2014 and 2018.
In theory, the amount recruitment agencies can charge is limited, but, in practice, costs are often around RM 20,000 (US$4,200).

90% of MDWs pay to migrate and those with debts to repay are more at risk of exploitation.

The high fees may also contribute to employers refusing rest days because they want to ‘get their money’s worth’ or fear their MDW will abscond after they have paid the up-front costs.
Employers value the work MDWs do

- 83% of employers considered MDWs to be dedicated to their job and responsibilities.
- 78% of employers valued the work performed by their MDW.
- 75% of employers agreed MDWs handled their tasks effectively.
- 91% of employers agreed that giving MDWs a day off would improve their work performance, motivation and job satisfaction.
Employers support a weekly rest day

89% of employers agree that MDWs should have a weekly rest day.

70% of employers also agree that they should not have to do any work on their rest day, and should be free to leave the house if they want to.

68% of Malaysians support improved labour conditions for MDWs (the public has more positive attitudes towards MDWs than other migrant workers).
Opportunities

Support could be further increased

Employers said their support for a weekly rest day would increase if:

- **72%** The Government passed a law to this effect.
- **72%** The costs of hiring MDWs was reduced through action to stop corruption and the high fees charged by recruitment agencies.
- **52%** Arrangements were made to ensure that rest days did not disrupt the household routine.
Opportunities

Support could be further increased

• Migration costs for both employers and MDWs could be reduced by lowering the fees charged by the Government and recruitment agencies.

• Allowing MDWs to change employers, live-out and work part-time would:
  ✓ reduce exploitation;
  ✓ encourage regular migration; and
  ✓ make it easier for employers to recruit cover when their MDWs take a day off.
Key recommendations

For the Government of Malaysia

• Introduce national legislation guaranteeing MDWs a 24-hour weekly rest day and other core labour rights, along with a standard employment contract for all MDWs, irrespective of nationality.

• Ensure MDWs do not pay recruitment costs and that they are not tied to a single employer or forced to live with them.

• Reduce costs to employers by lowering government fees, and better regulating recruitment agencies and the fees they charge.
Key recommendations

For the Government of Malaysia

• Introduce compulsory workshops for both employers and MDWs so they understand each other’s rights and responsibilities.

• Carry out unannounced labour inspections of homes/recruitment agencies, and prosecute all those who are not complying with the law.

• Raise public awareness of the contribution that MDWs make to the national economy and the skilled nature of the work they perform.