

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

January 2024

"My employer never saw a calendar."



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## About the authors

This research was jointly undertaken by the Association of Nationalist Overseas Filipino Workers in Malaysia (AMMPO), Indonesian Migrant Domestic Workers Association (PERTIMIG), International Domestic Workers Federation (IDWF), Project Liber8 and Ratio:Cause.

AMMPO was established in 2014 and is a membership organisation for Filipino workers in Malaysia. It provides services to its members (e.g. counselling, capacity training and legal assistance), and undertakes policy and advocacy work to protect their rights and welfare in Malaysia. <https://tradeunion.org.my/ammpo/>

PERTIMIG is an Indonesian migrant domestic workers' organisation, which was set up in Malaysia in 2019. It organises and builds the capacity of its members and advocates for policy changes which will promote decent work and the welfare of Indonesian migrant domestic workers and their families in Malaysia. [https://tradeunion.org.my/pertimig\\_en/](https://tradeunion.org.my/pertimig_en/)

IDWF is a membership-based global organisation of domestic and household workers. It has 88 affiliates in 68 countries and serves 670,000 members. Since its inception in 2006, the IDWF has advocated internationally for all domestic and household workers to enjoy the same rights as other workers. <https://idwfed.org/about-us/>

Project Liber8 is a non-profit organisation dedicated to providing resources and opportunities, which empower young people to change narratives and take action against human trafficking, forced labour, exploitation and discrimination affecting trafficked people, migrant workers and refugees. <https://projectliber8.org>

Ratio:Cause is a creative agency focused on social impact which helps to cultivate creativity in social campaigns and corporate social responsibility programs in Asia.

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Porticus works to create a sustainable future where justice and human dignity flourish. It strives to bring about system-level change by developing programmes with its partners to explore and find proven solutions.

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## “My employer never saw a calendar.”

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

*“I feel my life is not normal like other people’s. Other people work and they have a day off, but that doesn’t apply to me. I don’t have a day off no matter whether it’s Sunday or Hari Raya [Eid]. My employer never saw a calendar.”* Fau

## 1. Background to the report

In 2019, Malaysia’s Ministry of Home Affairs reported that there were 129,168 registered migrant domestic workers in Malaysia, of whom 72% were from Indonesia (92,405) and 25% from the Philippines (32,277).<sup>1</sup> However, it is estimated that the total number of migrant domestic workers in Malaysia is between 200,000 and 300,000, as many work irregularly.<sup>2</sup>

The importance of migrant domestic workers to Malaysian families and the wider economy is reflected in the fact that just under one in five Malaysian households employed a migrant domestic worker in 2019, an increase of 9% since 2010.<sup>3</sup> Despite this, the International Labour Organization (ILO) recently highlighted that migrant domestic workers are subject to disproportionately high levels of exploitation and abuse in Malaysia, largely due to their physical isolation, restrictions on their movements and inadequate mechanisms to ensure the accountability of employers.<sup>4</sup>

In a 2019 ILO survey of 190 employers in Malaysia, around two thirds said that their domestic workers were not entitled to sick leave, a rest day, paid leave, overtime pay or to keep their mobile phone.<sup>5</sup> Less than a quarter of employers allowed their domestic workers to keep their passports or leave the house and 13% said that they did not provide any of the above rights to their migrant domestic workers.<sup>6</sup>

The following year, the ILO conducted research with 310 migrant domestic workers and

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<sup>1</sup> D.L. Spitzer, *et al.* “Globalization and the health and well-being of migrant domestic workers in Malaysia”, *Global Health* 19, article no.29, 2023.

[https://globalizationandhealth.biomedcentral.com/articles/10.1186/s12992-023-00925-w#:~:text=Around%20the%20time%20of%20our,Philippines%20\(32%2C277\)%2C%20and%20the](https://globalizationandhealth.biomedcentral.com/articles/10.1186/s12992-023-00925-w#:~:text=Around%20the%20time%20of%20our,Philippines%20(32%2C277)%2C%20and%20the)

<sup>2</sup> Ministry of Human Resources, cited by the World Bank, 2019. Jenna Holliday, *Skilled to care: forced to work? Recognizing the skills profiles of migrant domestic workers in ASEAN amid forced labour and exploitation*, ILO, 2023. [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_885139.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_885139.pdf)

<sup>3</sup> ILO and UN Women, *Public attitudes towards migrant workers in Japan, Malaysia, Singapore and Thailand*, 2019. [https://www.ilo.org/asia/publications/WCMS\\_732443/lang-en/index.htm#:~:text=Women%20migrant%20workers-,Public%20attitudes%20towards%20migrant%20workers%20in%20Japan%2C%20Malaysia%2C%20Singapore%20and,and%20practices%20against%20migrant%20workers.](https://www.ilo.org/asia/publications/WCMS_732443/lang-en/index.htm#:~:text=Women%20migrant%20workers-,Public%20attitudes%20towards%20migrant%20workers%20in%20Japan%2C%20Malaysia%2C%20Singapore%20and,and%20practices%20against%20migrant%20workers.)

<sup>4</sup> ILO CEACR, *Observation on Malaysia’s compliance with the Forced Labour Convention, ratified:1957*, 2023. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4320737,102960:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4320737,102960:NO)

<sup>5</sup> The percentage of workers who were not given these rights varied between 62% and 69%. ILO and UN Women, *Op. Cit.*

<sup>6</sup> ILO and UN Women, *Op. Cit.*

found that a significant proportion were denied basic rights which are extended to other workers in Malaysia. For example, 89% worked more than 48 hours per week; 41% had their passports or travel documents withheld by their employers; and 31% did not have a rest day.<sup>7</sup>

In 2023, the ILO published further research based on interviews with 400 migrant domestic workers in Malaysia, which found that nearly a third (29%) were in conditions that constituted forced labour (i.e. they were being forced to work against their will under the threat of some sort of penalty).<sup>8</sup> It also recorded that a quarter of those interviewed worked seven days a week.<sup>9</sup>

In view of the above, the current research was undertaken with the objective of providing a detailed assessment of the extent to which migrant domestic workers in Malaysia are given a full weekly rest day. It also identifies any issues which might impede them from accessing this right.

## 2. Methodology

This report is based on both quantitative and qualitative research methods. Primary data was collected through surveys of both migrant domestic workers and employers, both of which were completed between 9 September and 15 November 2023. In addition, focus group discussions were held with a small number of employers between 23 November and 8 December 2023. This information was supplemented by desk research, which was carried out between August and December 2023.<sup>10</sup>

A total of 108 women participated in the migrant domestic worker survey. The only criterion for participation was that the individual must currently be working as a migrant domestic worker in Malaysia, although researchers tried to ensure that the nationalities of those interviewed broadly reflected the ratio of those employed in Malaysia.

The survey was completed in person and potential participants were contacted by reaching out to domestic workers in public spaces (e.g. parks, malls, markets, restaurants etc.), via organisations which assist migrant domestic organisations (e.g. embassies and domestic worker groups) and through referrals from migrant domestic workers who had already agreed to take part in the research.

It should be noted that this approach is likely to under-represent those migrant domestic workers who are least likely to be given a rest day, namely those who are confined to their employer's home.

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<sup>7</sup> ILO, *Research Brief: Migration cost survey among Indonesian and Filipina domestic workers in Malaysia*, October 2020. [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_758614.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_758614.pdf)

<sup>8</sup> Jenna Holliday, *Op. Cit.*

<sup>9</sup> *Ibid.*

<sup>10</sup> The migrant domestic worker survey was carried out by AMMPO and PERTIMIG. The employer survey and focus group discussions were undertaken by Project Liber8 and Ratio:Cause.

Of those domestic workers who participated in the survey, 68% were Indonesian, 31% were Filipino and 1% were Cambodian. The great majority of respondents (84%) were working in Selangor and Kuala Lumpur.

Most participants were experienced migrant domestic workers with 80% being over 34 years old and 40% having worked in Malaysia for 11 years or more. However, a third of respondents had been working in Malaysia for two years or less and 16% of this group had been in the country for under a year.

The survey questions focused primarily on workers' access to a rest day and, where this was provided, any restrictions placed on their ability to enjoy their day off (see Appendix 1 for the full list of questions used in the migrant domestic worker survey).

The second survey was conducted online and was completed by 100 employers of migrant domestic workers in Malaysia (51% male and 49% female). Most employers described their ethnicity as Malay (53%), followed by Malaysian Chinese (34%) and Malaysian Indian (7%). All the employers spoke English and 61% spoke Malay.

The nationality breakdown of the migrant domestic workers who worked for those completing the employer survey was: 63% Indonesian, 18% Filipino, 10% Vietnamese and 9% other.

Approximately three quarters of the employers who completed the survey (76%) were aged between 25 and 44. Nearly all the employers (91%) lived in cities or large towns and just under two thirds (65%) lived in Selangor or Kuala Lumpur (a further 21% came from Sabah and Johor).

Almost all the employer respondents were in full-time employment (91%), with the majority (61%) having senior or middle management roles. Nearly half (46%) were employed in either construction, finance and insurance, manufacturing, marketing, education, or government and public administration.

In terms of their financial situation, 83% of employers said that their monthly household income was over Malaysian ringgit (RM) 4,851 (US\$1,019).<sup>11</sup> Of this group, 22% had a monthly income of over RM 10,971 (US\$2,304).

Three quarters of employers said they were doing well financially and either had no money problems (43%) or only sometimes could not afford to do or buy the things they wanted (32%). A quarter of participants reported having some financial issues with 17% stating that they were doing okay, but sometimes did not have enough money and 8% indicating that they were struggling financially.

As with the first survey, employers who took part in the research were not screened and the only criterion for inclusion was that they must currently employ a migrant domestic worker in Malaysia.

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<sup>11</sup> The currency exchange rate used throughout this report is RM 1 = US\$0.21 with rounded figures (taken on 1 December 2023).

Employers were asked to complete the survey through an online survey platform. The respondents included those who were already signed up to take part in online polling, as well as members of the public who were invited to take part in the survey (e.g. by contacting Facebook groups of employers of domestic workers in Malaysia).

The employer survey excludes those without internet access and this is likely to explain why participants are tilted towards younger, better educated and more affluent employers who live in cities or large towns.

The employer survey explored their working relationship with their domestic worker; their attitudes towards domestic work more generally; and any reservations they had about giving their employees a full rest day each week (see Appendix 2 for the full list of questions used in the employer survey).

Focus group discussions were also held with 11 employers. They explored these issues in greater depth and to get additional insights into what employer see as the challenges in providing a weekly rest day to migrant domestic workers.

Potential participants for the focus groups were identified by Ratio:Cause, Project Liber8 and organisations connected to them. As with the survey, the only condition for inclusion was that participants were currently employing a migrant domestic worker in Malaysia. Of the employers who agreed to contribute to the focus group discussions, eight employed Indonesian domestic workers and three employed Filipinos.

To protect the identities of both the migrant domestic workers and the employers who took part in this research, their real names have not been used in the report.

The research findings are set out in detail below and assess the following: what proportion of migrant domestic workers receive and can properly enjoy a full weekly rest day; the impact not having a day off has on the women affected; and the issues that obstruct or could encourage access to a rest day. The final chapter sets out the report's conclusions and recommendations.

### **3. What proportion of migrant domestic workers get a weekly rest day?**

Migrant domestic workers are legally required to reside at their employer's address and are not permitted to change employers without the permission of the Immigration Department of Malaysia. They are also excluded from key labour law protections, which are provided to other workers under Malaysia's Employment Act, 1955 (e.g. days off,<sup>12</sup> limited working hours, paid holidays and sick leave).

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<sup>12</sup> The Employment Act was amended in 2022 and states that every employee is allowed a weekly rest day (Section 59). However, it is not clear that domestic workers can access this right in practice as they are excluded from Section 60 which covers work on rest days. This exclusion appears to permit employers to compel domestic workers to work on their rest day.

Migrant domestic workers' rights and conditions of employment are set out in their contracts and in any memorandum of understanding (MOU) signed between Malaysia and the country of origin. For example, the standard employment contract for Filipino domestic workers, issued by the Philippine Overseas Employment Administration, stipulates that they must receive: a minimum basic monthly salary of RM 1,680 (US\$353); at least one rest day per week; continuous rest of at least eight hours a day; free suitable accommodation and adequate food/food allowance; free medical and dental services; and paid leave of not less than 15 days per year of service.<sup>13</sup>

Similarly, the MOU signed between Malaysia and Indonesia on 1 April 2022 requires that workers and employers sign a standard employment contract and that Indonesian migrant domestic workers should: only be assigned domestic chores; be given nutritious food and proper rest, including sleeping time; be paid their salary at least monthly; and not be caused any injury by their employer.<sup>14</sup>

In practice, many employers do not extend basic labour rights to migrant domestic workers. Of the 100 employers that participated in the research survey, less than a third provided paid maternity leave (29%) or allowed their employees to keep their passport (32%), and only around half let their domestic workers leave the house when they were not working (43%); gave them access to their phones out of work hours (52%); and paid sick leave (59%):

*"I regret coming to work in Malaysia as a domestic worker. I cannot use the phone except once a week to call my family. They also hold my salary and I don't know where to report this."* Martine

On the specific issue of weekly rest days, nearly two thirds of employers (63%) stated that they gave their migrant domestics one day off per week. However, this is not consistent with the information provided by migrant domestic workers.

Of the migrant domestic workers who completed the survey, 46 (43%) stated that they did not receive a weekly rest day and a further 44 (41%) said they were only sometimes given one. Over half of those who sometimes got a weekly rest day received just one day off a month or less (58%).<sup>15</sup> Of the remainder, 36% said they got a day off once every two weeks and just 7% (three respondents) said they usually were given a weekly rest day.<sup>16</sup>

Consequently, only 18 of the 108 migrant domestic worker participants (17%) actually received a weekly rest day from their employer.

These findings initially appear at odds with data from in-depth research carried out by the ILO in 2020 and 2023, which found that a much smaller percentage of migrant domestic

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<sup>13</sup> Philippine Overseas Employment Administration, *Standard Employment Contract for Filipino MDWs employed in Malaysia*. <https://www.dgmaidagency.com.my/pdf/POEAandAffidavit.pdf>

<sup>14</sup> To be eligible to work as a domestic worker in Malaysia, applicants must be: female, aged between 21 and 45 years old, and confirmed fit by an appointed medical centre. Immigration Department of Malaysia, *Foreign Domestic Helper*. <https://www.imi.gov.my/index.php/en/main-services/foreign-domestic-helper-fdh/>

<sup>15</sup> 51% of those who sometimes got rest days said they received one day off per month and 7% said they "hardly ever" got a day off.

<sup>16</sup> Percentages may not always add up to 100 due to rounding.

workers were denied a rest day (between a quarter and a third of participants). However, closer examination of the research methodology used in the ILO projects explains this discrepancy.

For example, more than half (51%) of the 400 workers surveyed in the ILO's 2023 research were live-out migrant domestic workers and those who do not live with their employers are generally much better placed to secure their rights at work, including a weekly rest day.<sup>17</sup>

Similarly, the 2020 ILO study found that just under a third of migrant domestic workers did not have a paid rest day, but there was a significant variation according to nationality with 59% of Indonesians not getting a day off compared to 17% of Filipino respondents. However, 65% of those surveyed were from the Philippines and just 35% were from Indonesia.<sup>18</sup> If the survey sample more accurately reflected the nationalities of migrant domestic workers employed in Malaysia (e.g. 75% Indonesian and 25% Filipino) then the report would have identified 49% of respondents as not having a day off. This is consistent with the data from the current research, which found 43% did not get a rest day.

Most importantly, the current research specifically asked migrant domestic workers how often they were given their weekly rest day. Thus, this research identified a significant additional number of migrant domestic workers (41%) who get a weekly rest day in theory, but not in practice.

This also explains the discrepancy between the percentage of employers who reported they give their employees a weekly rest day (63%) and the proportion of domestic workers who said they received one (17%).<sup>19</sup> It appears that many employers consider that they are providing a weekly rest day even when, in practice, they do not allow their domestic worker to take it every week or require them to work on their "day off" (see chapter 4 below):

*"Usually during holidays, my employer brings me to join them and the employer considers this as a day off for me, even though the reality is I still have to work."* Idah

It should also be noted that of the 18 women who did receive a weekly rest day, 10 worked in Malaysia for some time before this happened. On average, these women worked for over six years before they received a weekly day off.

In TK's case, she was initially told that she was not entitled to a day off and it was only after two years and threatening to quit that she persuaded her employer to give her a weekly rest day:

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<sup>17</sup> The lockdown restrictions that were enforced during the Covid-19 pandemic led to an increase in migrant domestic workers with irregular immigration status who live-out and work for multiple employers. See: Jenna Holliday, *Op. Cit.*

<sup>18</sup> 310 migrant domestic workers were surveyed for this research. ILO, *Research Brief, Op. Cit.*

<sup>19</sup> If domestic workers who only sometimes get a day off are categorised as receiving a weekly rest day, then the difference between the employers who say they are providing one, and the migrant domestics who say they are receiving one, is reduced to 5%. This small outstanding anomaly could be explained by the fact that the employer survey has a greater percentage of live-out domestic workers who are generally better able to access their rights.

*“I negotiated with my employer after my first two-year contract and I told them I don't want to renew my contract without having a weekly day off.” TK*

A further three women in this group had worked for a previous employer in Malaysia who did not permit them to take a weekly rest day. Consequently, all but five of the 108 migrant domestic workers who took part in this survey (95% of respondents) had experience of being deprived of their weekly rest day while working in Malaysia.

It should also be underlined that of the five women who always received a weekly rest day when working in Malaysia, four reported conditions being placed on their ability to enjoy their day off. These included: sometimes being required to work on their rest day; having to work more hours on another day; or having restrictions placed on their ability to leave their employer's home on their day off.<sup>20</sup> The extent to which rest days really constitute a 24-hour break from work is examined in more detail in the next chapter.

#### **4. Do migrant domestic workers really get to rest on their day off?**

When migrant domestic workers are allowed to take a day off, they generally do not get a full rest day. Of the 62 women who got at least an occasional day off, over three quarters (79%) did not get a full 24-hour rest period (42) or only sometimes did (7). On average, these women had to work for 4.5 hours on their “day off”:

*“Before I go out, I need to take care of my duties. I have to give grandma a bath, to cook and clean the house. Only then can I take time off. After I come home, I need to work again.” LS*

*“[On my rest day] I have to prepare food for members of the family, wash the five cars of the employer and wake up earlier, about 4.00am.” Ira*

*“I need to ask permission from my employer. If she has work, I cannot go out. My day off is not confirmed. ... (even when I have a day off) ... my employer will call me and ask me to come back to do work.” May*

In addition, 22% of those who got at least an occasional rest day reported that they had to work more hours on other days when they took a day off:

*“On Saturday, I need to settle my Sunday duties. I must iron clothes and do the cooking for breakfast and lunch.” Idah*

*“I have to do extra work a day before I have a day off.” Naj*

A fifth (20%) of respondents also reported that they were not always free to leave their employer's home on their day off:

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<sup>20</sup> Of the 18 women who received a weekly day off, 61% were required to work for an average of 3.8 hours on their rest day.

*“I only go out with my employer.” Leonida*

*“I can only leave the house to send money and then I have to go back home.” Caday*

Three women also noted that their employer deducted money from their salaries if they left the house or did not work on their rest day. For example, UP highlighted that while her employer allowed her to take a rest day once a fortnight, they deducted RM 50 (US\$11) when she took a day off.

In Adel’s case, the requirements set by her employer before she could take a rest day meant that she was unable to do so:

*“They said I can go out, but I need to find a replacement and they would deduct this from my salary.” Adel*

A couple of participants wanted to work on their day off because they needed the money. However, the great majority of respondents said they needed to take a rest day and underlined the negative impact that not being able to do so had on their health (see chapter 5 below):

*“It’s convenient for me [to work on my rest day] because my boss pays compensation for not having a day off. I also don’t want to spend more money when I go out.” Lyn*

If migrant domestic workers agree to work on their rest day - even if it is just for a short period of time - then they should be properly compensated for doing so. However, only around a third of participants said that their employer paid them (30%) or sometimes paid them (5%) when they worked on their day off:

*“Domestic workers should have the right for a day off. If not, then employers should pay as overtime.” AS*

## **5. Impact of not having a day off**

Migrant domestic workers generally work extremely long hours. Employers who took part in the focus group discussions for this research stated that, on average, their domestic workers worked 13.3 hours a day.<sup>21</sup> This is consistent with the 2020 ILO research, which found that 60% of migrant domestic workers in Malaysia work more than 12 hours a day.<sup>22</sup>

In addition, domestic workers often have demanding jobs with multiple responsibilities, including taking care of the elderly and/or sick people and young children. For example, Citra had to look after her employer’s two houses and take care of a baby and an elderly person who had suffered a stroke.

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<sup>21</sup> Nine of the 11 employers who took part in the focus group discussions provided estimates of how many hours their migrant domestics worked per day.

<sup>22</sup> ILO, *Research Brief, Op. Cit.*

Unsurprising, working long hours for prolonged periods of time without a regular rest day seriously affects domestic workers' mental and physical wellbeing. Of the women surveyed for this research, 18 (17%) had been working for their current employer for more than two years without a day off:

*"In 23 months, I never had a day off. I feel like I'm in prison. So much stress. [...] I'm so depressed, bored and I often cry."* Nilam

*"We are humans not robots, we need to take care of our health physically and mentally."* Zheka

More than three quarters (78%) of participants said that not being able to take a rest day had a negative impact on them and they most commonly reported feeling stressed (55) and tired (33):<sup>23</sup>

*"I feel angry because I work almost 24 hours a day. [...] I feel stressed [...] Especially with duties like taking care of sick people, I feel tired physically, but also tired mentally. I need to focus to prepare the medicine and healthy food for her."* Yan

*"I am so tired and I always have to work. I don't have enough sleep. I have no appetite and I've lost weight."* Dar

*"I feel pressured, stressed, I want to share my feelings with other friends, but I cannot meet them. I often cry and talk to myself."* Diana

*"[It causes...] stress and tiredness because we must work and only work."* Sri

Survey participants also frequently mentioned feeling depressed (24) and bored (20):

*"I feel trapped in the house, and jealous of other domestic workers who have a day off. [...] I feel depressed. If I could go out, I would feel so happy."* Wagi

*"I feel so bored and tired. Every day I have to work and work. [...] I feel pressured, humiliated, I have no freedom. I sleep in a small storeroom where there's no window or fan."* Iza

A significant proportion of migrant domestic workers also spoke about how their physical and/or mental health had deteriorated as a consequence of not being able to take a rest day. Eleven women noted they had problems controlling their emotions and seven said that they got physically ill:

*"I get sick easily and was admitted to hospital twice after my employer took me. They deducted the medical bills from my salary. We need to look after ourselves, not just work and work."* Ani

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<sup>23</sup> Participants frequently reported multiple negative impacts (e.g. feeling stressed, tired and bored) and each issue was separately recorded.

*“I got negative effect as my monthly menstruation stopped for five months and then I bled for 10 days. I was taken to a hospital and the doctor gave me an injection.” Santi*

*“I always cry. I want to be angry, but I don’t know how. I feel emotional and so tired because I’m always working.” Titin*

*“I feel so stressed and I have lost my appetite [...] I also lost weight - from 80kg to 59kg. I don’t get enough sleep and have to control my emotions.” AS*

*“My blood pressure is high because I’m so stressed ....” AM*

Several participants also highlighted that being able to take a rest day is also in their employer’s interests, as it ensures that they can perform their tasks more efficiently, contributes to job satisfaction, and makes domestic workers more likely to stay with their employer for the long term. These views were shared by many of the employers who took part in the survey and the focus group discussions (see chapter 7.2).

*“It’s important to have a day off to refresh my body and mind, so that I can work better.” Lorin*

*“A day off is really important for me as a domestic worker. That way I can refresh my mind, have enough rest and do my work with new spirit. [...] [if I have a day off] I would work more diligently and extend my contract.” Iza*

While 23 women reported that they were not negatively impacted when they were unable to take their day off, it should be noted that five of these women did receive weekly rest days. The remaining 18 women all either had at least one day off a month and/or had been working for their employer for less than a year.

The testimonies above show that being deprived of a weekly rest day is generally detrimental to the health and wellbeing of the women affected. The following chapter considers the key issues, which prevent migrant domestic workers from taking their day off.

## **6. Issues impeding migrant domestic workers from taking their rest day**

### **6.1 Migrant domestic workers’ awareness of their rights**

Workers who are unaware of their rights are much less likely to petition their employer for them and just under half the migrant domestic workers surveyed for this research (44%) did not know they were entitled to a weekly rest day when they first started working in Malaysia. For nearly two thirds of this group (65%), it took more than two years before they realised they had a right to a day off.

The women who were aware of their right to a rest day when they started work most commonly identified their contract as the source of this information (68%). Nearly a fifth (18%) said they knew because they were told by the recruitment agency and 5% were told by their employer. Just 8% learned about their entitlement from friends, family, migrant organisations or social media:

*“It states in my employment contract that I have a day off weekly.” Yan*

*“The first agency said I would get a day off every week and they promised if the employer did not give it, they would fight for me.” KK*

*“My employer told me that I have day off.” Liza*

Even when workers are aware of their rights this does not guarantee that they will be able to access them. However, an analysis of the survey data did find a correlation between an individual’s ability to obtain a weekly rest day and their age, experience of working in Malaysia, and knowledge of their rights.

Of the women who did receive a weekly rest day: 100% were over 35 years old (as compared to 80% of all migrant domestic workers who participated in the survey); 72% had worked in Malaysia for 11 years or more (as compared to 40% of all participants); and 78% knew they were entitled to a rest day when they started working in Malaysia (as compared to 56% of all participants).

Conversely, only one of the 13 survey respondents who were under 30 received any rest days and even in her case this was just one day off a month and she did not get a full 24-hour rest period. Furthermore, over three quarters (77%) of this cohort of younger migrant domestic workers were unaware that they were entitled to a weekly rest day (compared to 44% of all participants) and 85% had been in the country for 1-2 years or less (compared to 33% of all participants).

This younger group of migrant domestics were also more vulnerable to other sorts of coercion. For example, all these women had personal items (e.g. passports and phones) taken by their employer or recruitment agency, as compared to 51% of all participants.

While knowledge and experience do increase the likelihood that migrant domestic workers will be able to take their weekly rest day, the attitudes and actions of employers remain key to determining whether this happens in practice.

## **6.2 Employers refusing to grant rest days**

Although 72 of the women who responded to the survey (67%) talked to their employer about taking a weekly rest day, only nine of them (13%) were able to persuade their employers to give them one and all these women still had to do some work on their “day off”.

The most common reasons given by employers to justify their refusal to provide a rest day were that: the domestic worker would run away if they were given a day off; there was no one else to perform their tasks if they were not there; and that they had no right to a rest day.<sup>24</sup>

Twenty-eight migrant domestic workers said their employer was reluctant to give them a rest day because they were worried that they would run away:

*“They don’t not trust me. They heard from other people that if you give a day off, the domestic worker will run away.” Mus*

*“They’re scared that I will be influenced by outsiders and run away. They don't want me to meet with other friends.” Iza*

*“My boss said if I go out, I will find a boyfriend and get bad influence.” Yati*

*“My employer said they [used to] give a day off, but the previous domestic worker ran away. Now my employer’s scared to allow me to have a weekly day off.” Naj*

While it is true that some migrant domestic workers do leave their employers and look for jobs elsewhere, this normally happens because they are trying to escape exploitation and abuse (e.g. not getting a rest day, being threatened, having their phone confiscated, etc.):

*“I want to change employer [...] so that I can go out on Sundays.” Kimsan*

*“I always woke up at 5am, cooking, cleaning and taking care of eight people in the house, including a child and grandma as well as four dogs. In the end, I ran away.” Dia*

*“It’s very important to have a day off so I can relax. I can communicate with my family, meet friends. I will feel happy. I won’t run away if I have a day off.” Titin*

Evidence that migrant domestic workers leave their employers because of mistreatment has also been provided by the Indonesian Ambassador to Malaysia. In February 2022, he stated that the Embassy had assisted 206 domestic workers who had been subjected to forced labour. This included one case where the employer had not paid their migrant domestic worker any salary in 10 years, arguing that they were provided with food and accommodation instead.<sup>25</sup>

In fact, it is not in the interest of migrant domestic workers to leave their employer as, unless they have prior permission from the Immigration Department of Malaysia, they would be in violation of their conditions of entry to Malaysia and be subject to detention and deportation.

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<sup>24</sup> Some employers provided more than one reason for not giving their employees a day off and these have been recorded separately.

<sup>25</sup> Jenna Holliday, *Op. Cit.*

Even if they are not apprehended by the authorities, their irregular status leaves them at greater risk of exploitation. This was evidenced in the ILO's 2023 research, which concluded that undocumented workers were 2.2 times more likely to be in a situation of forced labour than migrant domestic workers with regular immigration status.<sup>26</sup>

Indeed, participants in the current research who did not have a work permit noted that their employers cited this, and the consequent risk of arrest, as a reason for not giving them a day off:

*"I explained to my employer that I wanted to meet my friend, but they said if I go outside [...] I could be arrested because I'm undocumented, so it's better to stay at home."* Sri

*"I have no document and the employer just follow the agency order that I don't have a day off."* E

However, the focus group discussions also showed that some employers are genuinely concerned about their migrant domestic worker's irregular immigration status and want to address this. Two employers in the focus groups specifically called for the Immigration Department to make it easier for employers to legalise their irregular workers' status in Malaysia.

Several domestic workers noted that getting their employer to trust them was pivotal in convincing them to allow them to take a day off:

*"[I was allowed to take a rest day.] [...] Because my employer caught me talking with the neighbours [and realised] that I am very happy."* Shie

*"I always shared the schedule of activities with my employer so that they won't think I'm cheating them and the important thing is to come back on time."* KK

The second most frequently used rationale for refusing rest days was that there would be nobody to take care of their children and/or elderly relatives if the migrant domestic worker was not there. Twenty-two participants said their employer used this as a reason for not giving them a day off.

*"[My employer said it's] my duty is to take care of the elderly and sick. If I go out, there's nobody to replace me."* AS

*"The reason [given by] my employer is because I have to take care of the kids."* SM

*"[...] as (it's) my duty is to take care of the elderly woman [...] I need to stay all the time with her."* Yul

*"I have to take care of five kids. If I go out, there's nobody to take care of them."* SA

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<sup>26</sup> *Ibid.*

The final reason commonly cited by employers for not providing a rest day was that domestic workers were not entitled to one. Nineteen survey respondents said they were told this by their employers:

*“My employer did not give me a weekly rest day [for the first two years ...] as they said it’s stated in the contract that I was not entitled to a weekly rest day.” TK*

*“My employer said that in Malaysia they don’t have a day off regulation and only the employer can give it.” Martine*

*“I have asked my employer for a weekly rest day, but they did not allow it. They said because I’m working for them, I have to comply with their rules.” Nilam*

In the focus group discussions, employers provided similar explanations for the reasons why they or other employers would not provide a weekly rest day. Concerns about their employees running away was the reason most often cited, followed by employers not believing they needed to give their workers a day off.

The other issue that was raised by several participants in the focus groups was how some recruitment agents tell employers not to give their domestic workers a day off. This issue was also mentioned by a couple of domestic workers in their survey responses, indicating that agents play an important role in determining whether migrant domestic workers get a weekly rest day.

Many employers clearly feel they are under no obligation to give their domestic workers a day off and that it is up to them to decide whether and on what terms they will provide it. In a minority of cases, employers used violence and other forms of coercion to ensure that their migrant domestic workers worked seven days a week.

### **6.3 Coercion and restrictions on freedom of movement**

Sixteen of the survey participants (15%) were threatened, mistreated or pressured by their employer specifically because they asked for a rest day. In five cases, this involved physical abuse with four women being beaten by their employer and one being forced to sleep in the garage without food:

*“When I asked for a day off, my employer threatened me, [and said] if I go out, I will be dead. They beat me using a rattan, they stepped on my head. I almost fainted. My nose was broken.” Prihar*

*“My employer threatened me when I asked for a day off and beat me. When I asked them to send me home, they also abused me. My employer stepped on my feet until they became swollen.” Lorin*

*“[My employer ...] put me in the garage for two days without food. I slept there on the floor without a mat or pillow. I felt cold and I covered my body using plastic and*

*old newspapers. ... My employer said I came here to work and so if I don't work that means I won't get money or any food. Ani*

In the other cases, employers used threats or verbal abuse to intimidate workers, including that they would be arrested or attacked if they left the house:

*"If I ask for a day off, my employer always scolds me badly. She shouts loudly and I feel scared to ask again." Dar*

*"[My employer told me that] if I go out, the police will catch me and they will put me in jail. They always say if I leave the house and pass by the security area, somebody will rape me and I will become pregnant." Iza*

*"[The employer ...] said that if domestic workers have a day off, they will be happy and that's not supposed to happen because they come here to work [...] They said they pay me to work not for sightseeing or to sleep." Fau*

*"I was threatened when I asked for a day off. They said I will be kidnaped by someone and I will suffer. The agency also scolded and threatened me." Martine*

In addition, more than half of the survey participants (51%) reported that their employer or recruitment agency had confiscated their personal property, including identity documents and mobile phones. For 95% of this group, their passport was one of the documents that was seized and for more than half, it was both their passport and contract.

This directly impacts on these women's ability to take their rest day. Without their contracts, domestic workers cannot check and/or prove the terms and conditions of their employment. Similarly, if they leave the employer's home without identity documents that prove they have a legal right to be in Malaysia, they could be arrested by the authorities.

Those migrant domestic workers who do not have a work permit are obviously at greater risk of being detained and deported, and the survey responses show a correlation between an individual's migration status and their chances of receiving a rest day.

For example, all the survey participants who received a weekly day off had work permits. Conversely, of the 18 respondents who did not have a work permit, 14 (78%) did not get any rest days and the remaining four were only given one day off a month.

Twenty-one survey participants (19%) also reported that their employer/agency took away their mobile phone. This, along with restrictions on their freedom of movement, isolates migrant domestic workers and makes it more difficult for them to find out about their rights or report abuse.

*"[...] cannot contact my friends and especially my family because my employer does not allow me to hold onto my cell phone." Sri W*

*“The door is always locked. I have no way to get out, even when they are not at home.” Put*

*“I cannot use my phone, just once a week to call my family.” Martine*

Finally, in relation to freedom of movement, previous research has indicated that migrant domestic workers who live-out are better able to access a weekly rest day. For example, the 2020 ILO research found that all of the Filipino domestic workers who reported not having a rest day were live-in domestic workers, as were 89% of Indonesian domestic workers.<sup>27</sup>

The current research also found that live-out domestic workers were more likely to be able to take rest days. In the employer survey, 19 respondents said they had live-out domestic workers and nearly three quarters of these employers (74%) said their domestic worker received a weekly rest day.

While only three of the women who responded to the domestic worker survey were live-out migrant domestics, it is noteworthy that one of them got a weekly rest day and the rest did get at least an occasional day off. In addition, two of the three reported that they never had to work on their days off.

#### **6.4 Attitudes towards domestic work and migrant workers**

Prevailing social attitudes towards both domestic work and migrant workers may be part of the explanation for why many employers feel it is acceptable to compel migrant domestics to work on their rest day.

In Malaysia, domestic workers are often referred to as “maids”, “helpers” and “servants” rather than “workers”. While the Government of Malaysia has recently amended the Employment Act, 1955 so that migrant domestic workers are now referred to as “domestic employees” rather than “domestic servants”, this change in language has not been adopted by all government departments.<sup>28</sup> For example, at the time of writing, the Immigration Department of Malaysia continued to use the term “Foreign Domestic Helper” on its website.<sup>29</sup>

The fact that domestic work continues to be excluded from standard legislative employment protections (e.g. covering working hours, paid holidays, sick leave, maternity benefits, etc.) is also likely to contribute to some Malaysians considering that domestic work is not a professional job and that people who assist with household tasks are not formal employees.

Indeed, the 2019 ILO/UN research into public attitudes in Malaysia found that 6% of those employing migrant domestic workers stated that they had no interaction with migrant workers. In the same survey, 5% of those who were asked whether domestic workers

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<sup>27</sup> ILO, *Research Brief, Op. Cit.*

<sup>28</sup> This amendment to the Employment Act came into force in January 2023. See: Jenna Holliday, *Op. Cit.*

<sup>29</sup> Immigration Department of Malaysia, *Foreign Domestic Helper, Op. Cit.*

should have the same benefits as other workers responded that migrant domestics were not workers.<sup>30</sup>

Of the employers who participated in the current research, 4% said their migrant domestic workers were “not workers”, but rather “part of the household” and a further 15% described their relationship as “a less formal working arrangement” in which they supported the migrant domestic in return for help around the house.

While four fifths of employers who completed the survey did characterise their relationship with their migrant domestic workers as a formal one between an employer and an employee, many still did not extend them basic labour rights. For example, only 29% provided paid maternity leave; 32% allowed domestic workers to retain their passports; 43% allowed them to leave the house when they were not working; 52% gave them access to their mobile phones outside of work hours; and 59% paid sick leave.

The majority of employers who responded to the survey (61%) did not think migrant domestic workers should have the same labour rights as other workers in Malaysia and a significant minority sympathised with views justifying this on the grounds that they: “get free accommodation and food” (44%); “have a poor work ethic and cannot be trusted” (36%); and “do not work a lot of the time and their work is easy” (27%). These attitudes indicate that many employers do not appreciate how much work migrant domestic workers do or the level and range of skills they possess, including in relation to childcare and the provision of personal care to the elderly and/or sick.<sup>31</sup>

The perception among more than a third of employers that migrant domestic workers “have a poor work ethic and cannot be trusted” may reflect commonly held societal views about migrants in Malaysia, rather than personal experience.<sup>32</sup> For example, the ILO/UN 2019 public attitudes survey found that 59% of Malaysians agreed that migrants commit a high number of the crimes in Malaysia and 47% believed that migrant workers have had a net negative effect on the Malaysian economy.<sup>33</sup>

These negative views do not align with the reality,<sup>34</sup> but they are likely to underpin the following adverse opinions regarding migrant workers that were recorded in the ILO/UN survey:

- Nearly three quarters of participants (73%) agreed that migrants should not receive the same working conditions as local workers.

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<sup>30</sup> 1,009 people were interviewed as part of this survey. See: ILO and UN Women, *Op. Cit.*

<sup>31</sup> The ILO found that domestic workers are undertaking tasks which should be classified at least at Skill Level 2, as they require more technical skills, good transversal skills and a higher educational standard. See: Jenna Holliday, *Op. Cit.*

<sup>32</sup> In fact, employers’ personal experience of migrant workers is overwhelmingly positive with 83% of participants agreeing that their migrant domestic worker was “dedicated to their job and responsibilities”. See also chapter 7 for further discussion of this issue.

<sup>33</sup> ILO and UN Women, *Op. Cit.*

<sup>34</sup> World Bank research concluded that an increase of 100,000 migrant workers in Malaysia would reduce crime by 9.9% and that a 10% net increase in “low-skilled” migrant workers could increase Malaysia’s GDP by up to 1.1% and create additional jobs for Malaysians. See: ILO and UN Women, *Op. Cit.*

- More than two thirds (68%) agreed that the influx of migrant workers threatens Malaysia’s culture and heritage.
- More than half (59%) agreed that migrant workers who end up being exploited only have themselves to blame, even though 47% thought migrants who suffer violence or abuse often do not report it because they are afraid.<sup>35</sup>

While these perceptions persist, there is unlikely to be much social pressure either on employers to provide their migrant domestic workers with a full weekly rest day, or on the Malaysian government to reform the current legislative framework to extend fundamental labour rights to domestic workers. This point was underlined by the ILO in 2023:

*“[...] public attitudes towards migrant workers remain negative and are expressed through discriminatory actions, such as [...] public support for laws that enshrine social exclusion of migrant workers...”<sup>36</sup>*

## 6.5 Lack of legal safeguards

As highlighted above, domestic workers are excluded from many of the protections set out in Malaysia’s Employment Act, 1955.<sup>37</sup> While their contract may state that they are entitled to certain rights, such as a weekly rest day, the fact that this is not set out unequivocally in national legislation makes it harder to challenge exploitative practices and seek redress when their rights are not respected.

Migrant domestic workers consequently find it difficult to enforce their rights and this means that employers who do provide a weekly rest day are not compelled to act differently. This issue was underlined by the UN Special Rapporteur on Extreme Poverty and Human Rights following a recent visit to Malaysia:

*“[...] domestic workers are vulnerable to exploitation because they work in isolation in private homes without regular monitoring and because a carve-out in the Employment Act 1955 excludes them from basic protections, such as leave days, medical coverage or restrictions on their working hours.”<sup>38</sup>*

In addition, a migrant domestic worker’s work permit is tied to an individual employer, which means that if they challenge their employer about their working conditions, they risk losing their job and being forced to return home.

As a result, migrant domestic workers are extremely reluctant to report exploitation and few employers are investigated let alone sanctioned for failing to honour their contractual

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<sup>35</sup> ILO and UN Women, *Op. Cit.*

<sup>36</sup> ILO CEACR, *Op. Cit.*

<sup>37</sup> ILO, *Research Brief, Op. Cit.*

<sup>38</sup> UN Special Rapporteur on Extreme Poverty and Human Rights, *Visit to Malaysia*, 6 April 2020.

<https://www.ohchr.org/en/documents/country-reports/ahrc4440add1-visit-malaysia-report-special-rapporteur-extreme-poverty-and#:~:text=Summary,poverty%20is%20just%20not%20true.>

obligations. According to Malaysian officials, just five prosecutions against employers took place for violations of the rights of domestic workers between 2014 and 2018.<sup>39</sup>

The lack of prosecutions is also a result of inadequate monitoring and enforcement of existing legal provisions covering migrant domestic workers with officials relying on domestic workers to self-identify as victims of exploitation or abuse.

Labour officers could take a more pro-active approach to ensure that employers comply with their legal responsibilities, as provisions in the Employment Act, 1955 enable them to enter homes where domestic workers are employed, without prior notice, to inquire about cases where migrant domestic workers are present, but not registered. In addition, under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, Labour officers can enter premises where they suspect an offence under the Act is being committed.<sup>40</sup>

The UN Special Rapporteur on Extreme Poverty and Human Rights underlined the need for better implementation of existing regulations covering migrant domestic workers' rights and recommended that the Government of Malaysia:

*"[...] rapidly enhance the enforcement of labour protections, ensure migrant workers can assert their rights without fear of deportation and extend standard employment protections to domestic workers."*<sup>41</sup>

## 6.6 Cost of the migration process

The 2020 ILO research found that nearly two thirds (64%) of migrant domestic workers incurred migration costs to take up jobs in Malaysia and 40% reported salary deductions.<sup>42</sup> However, the more recent 2023 ILO research, which surveyed 400 migrant domestic workers in Malaysia, found that 90% paid to migrate and that the average cost they incurred was the equivalent of US\$930.<sup>43</sup>

Many migrant domestic workers borrow money to pay these migration costs. The need to repay these loans, combined with the fact that their work permit is tied to their employer, make it difficult for them to challenge exploitative work practices, as doing so may lead to them being fired and having to return home. If this happens, they will have no way of paying off their debts or supporting their family.

The bulk of migration costs come from high recruitment fees, which can be charged by agencies in both countries, and typically include travel costs, a medical exam, training fees, accommodation, a passport, certification, health insurance and agency fees.

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<sup>39</sup> *Ibid.*

<sup>40</sup> Jenna Holliday, *Op. Cit.*

<sup>41</sup> UN Special Rapporteur on Extreme Poverty and Human Rights, *Op. Cit.*

<sup>42</sup> The average monthly salary deduction was equivalent to US\$208. Most respondents said their salaries were deducted for one year or less and that more than 50% of their salaries was deducted during this period. See: ILO, *Research Brief, Op. Cit.*

<sup>43</sup> Jenna Holliday, *Op. Cit.*

In theory, the amount recruitment agencies can charge is limited. For example, the MOU between Malaysia and Indonesia states that the maximum charge a Malaysian recruitment agency can make is RM 15,000 (US\$3,150).<sup>44</sup> However, in practice, costs can be RM 20,000 (US\$4,200) or more, as agencies charge between RM 5,000 and RM 10,000 (US\$1,050 - 2,100) for tasks such as processing and documentation.

Part of the problem is that the cost structures have never been published. So, while the Malaysian government's Private Employment Agency Act (PEAA) requires all private recruitment agencies to be licensed by the Ministry of Human Resources to recruit foreign workers and stipulates that placement fees charged to migrant workers cannot be more than one month's wages, the PEAA does not define which costs should be included in the placement fee. This issue was also noted by the UN Special Rapporteur:

*"The PEAA capped employee-paid "placement" fees at one month's basic wages for non-citizens employed within Malaysia. The law did not define what comprised a "placement fee," and enforcement of this rule was lacking; the majority of migrant workers in Malaysia paid much higher fees to recruitment agents, including in their home country, which contributed to the workers' vulnerability to debt-based coercion."<sup>45</sup>*

Migration costs vary between nationalities, as well as between domestic workers with previous experience of working overseas and those who are migrating for the first time.<sup>46</sup> The cost of migration is important, as there is evidence to indicate that those migrants who pay more and have larger debts are less likely to be able to insist on their rights, including having a weekly day off.

For example, the 2020 ILO research found that Indonesian migrant domestic workers in Malaysia, on average, paid higher migration costs than their Filipino counterparts, were more than twice as likely to experience salary deductions and nearly three and half times more likely not to have a rest day.<sup>47</sup>

The high recruitment charges and related migration costs also explain why some migrant domestic workers travel to Malaysia without a work permit, even though this leaves them at greater risk of exploitation.<sup>48</sup>

*"For me it is very difficult because employer only gives one day off in a month, [...] I have no work permit for now, this is also a challenge for me." SD*

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<sup>44</sup> To be eligible to work as a migrant domestic worker in Malaysia, applicants must be: female, aged between 21 and 45 years old, and confirmed fit by an appointed medical centre. See: Immigration Department of Malaysia, *Foreign Domestic Helper. Op. Cit.*

<sup>45</sup> UN Special Rapporteur on Extreme Poverty and Human Rights, *Op. Cit.*

<sup>46</sup> ILO, *Research Brief, Op. Cit.*

<sup>47</sup> *Ibid.*

<sup>48</sup> The ILO/UN public attitudes survey found that 69% of Malaysians thought migrant workers came to Malaysia illegally because of the complex or expensive migration procedures. See: ILO and UN Women, *Op. Cit.*

It should be stressed that migration costs are also paid by employers. In the 2023 ILO study, 183 of the 205 employers interviewed (89%) reported paying migration costs. These include fees charged by both recruitment agents and the Malaysian government.<sup>49</sup>

The Immigration Director-General, Khairul Dzaimie Daud, stated in 2022 that “The Immigration Department only charges a fee of RM 1,136 (US\$239) for the recruitment of each foreign domestic helper for the first time”<sup>50</sup> and that this includes the “levy, visa according to the source country, processing fee, employment pass payment, surety and a few other payments”.<sup>51</sup>

The high fees charged by recruitment agencies and the Malaysian government significantly increase the cost of hiring a domestic worker. This in turn may influence the behaviour of some employers who may refuse rest days because they want to ‘get their money’s worth’ and/or because they are worried their employees may abscond after having paid significant up-front costs to facilitate their migration to Malaysia.

*“My employer said no day off because I’m taking care of the grandmother and they paid a lot to the agency. So I have to follow what my employer says.” Diana*

This issue was also identified in the 2023 ILO research:

*“[It] is very expensive to get (a) domestic worker to come to Malaysia – if [an] employer wants to hire migrant domestic worker they have to spend 24,000 ringgit [US\$5,040]. This impacts how the employer treats the worker. Because the employer has spent the money, they want the worker to be on-call for 24 hours.”*  
Representative of civil society in Malaysia.<sup>52</sup>

While it may be expensive for employers in Malaysia to hire a migrant domestic worker, most of the costs are still paid by the migrant domestic workers themselves. The ILO’s 2023 research found that the average amount paid by employers towards the migration costs was around two thirds of that paid by migrant domestic workers. Furthermore, of those employers who did pay migration costs, 88% passed some of the costs on to their workers (e.g. for the medical exam).<sup>53</sup>

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<sup>49</sup> Jenna Holliday, *Op. Cit.*

<sup>50</sup> “Immigration charges RM 1,136 for first-time recruitment of foreign maid”, *The Sun Daily*, 7 January 2022. <https://www.thesundaily.my/home/immigration-charges-rm1136-for-first-time-recruitment-of-foreign-maid-FA8736263>

<sup>51</sup> The amount charged by the Malaysian government will vary, as the cost of each component (e.g. visa fees and surety bond) differs, depending on the nationality of the domestic worker. See: Alyaa Alhadjri, “Costs to hire migrant domestic helpers unclear – RM 1,136 an ‘unlikely’ sum”, *Malaysiakini*, 8 January 2022. <https://www.malaysiakini.com/news/606177>

<sup>52</sup> Jenna Holliday, *Op. Cit.*

<sup>53</sup> *Ibid.*

## **7. Factors that could help secure migrant domestic workers a weekly rest day**

### **7.1 Employers value the work migrant domestic workers do**

As part of the current research, 100 employers were asked to what degree they agreed with a series of statements regarding their relationship with their migrant domestic worker.<sup>54</sup>

Between 75% and 88% of employers agreed that: they valued the work performed by their migrant domestic worker; their workers were dedicated to their jobs; handled their tasks effectively; followed the household rules and routines well; and that there was good communication and understanding between them. Between 19% and 31% strongly agreed with these statements and less than 10% disagreed with any of them (between 5% and 16% gave neutral responses).

The focus group discussions supported these findings, with employers particularly noting how much they valued having someone they could trust to look after their children and how their migrant domestic workers freed up time for them to work, take care of other responsibilities and enjoy more time with their family.

Employers in the group discussions also underlined how difficult it would be to find local domestic workers, as Malaysians generally do not want to do this kind of work and there are no agencies that train or supply them. Several also noted that even if Malaysian domestic workers were available, it would be too expensive to employ them.

In addition, employers who took part in the survey generally empathised with their domestic workers' motivation for migration with 88% agreeing that they respected the fact that they were working to support their children and family members back in their country of origin. Nearly half (42%) of those surveyed strongly agreed and just 6% disagreed.

Contrary to the polling, which showed that more than two thirds of Malaysians thought the influx of migrant workers threatened Malaysia's culture and heritage (see above), 86% of employers agreed that they were comfortable with the cultural differences between their migrant domestic worker and themselves (26% agreed strongly and just 6% disagreed).

Similarly, while nearly half of Malaysians (47%) believed migrants had a negative impact on the national economy, 74% of employers agreed that migrant domestic workers play an important role by allowing Malaysian nationals to work and contribute to the economy (only 11% of employers disagreed with this statement).

These responses show that employers generally have a high level of satisfaction with their migrant domestic workers and the work they perform. They also recognise the wider contribution they make to Malaysian society.

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<sup>54</sup> Employers were asked to rate their level of agreement on a scale of 1 to 7 with 1 being strong disagreement and 7 being strong agreement. Consequently, responses from 1-3 show different levels of disagreement, 4 a neutral response, and 5-7 different levels of agreement.

## 7.2 Employers support the principle of a weekly rest day

Most employers who completed the survey saw the positive benefits of giving migrant domestic workers a weekly day off. For example, 91% agreed it would both increase their work performance and efficiency (45% agreed strongly) and their job satisfaction and motivation (31% agreed strongly).

Similarly, 87% of employers agreed having a rest day would strengthen the employer-employee relationship and 85% agreed it would improve the overall well-being and health of the domestic worker (with 35% and 37% agreeing strongly).

Of the employers who took part in the focus groups, more than three quarters (82%) also recognised the benefits of giving migrant domestic workers a day off. Most participants noted that everyone needs a break from work and highlighted how important it is for migrant domestic workers to be able to rest, relax and socialise with friends. Employers also believed that having a day off gives domestic workers something to look forward to and helps ensure that they are happy, motivated and can function properly.<sup>55</sup>

When asked specifically whether migrant domestic workers should get a weekly rest day, 89% of employers who responded to the survey said they should and nearly two thirds (63%) said they would be willing to speak out publicly in support of this. Just 5% of employers did not agree with giving migrant domestic workers a weekly rest day and 6% were unsure.

Of the employers who thought migrant domestic workers should get a weekly rest day, 79% also agreed that they should not have to do any work on their day off and should be free to leave the house if they want to. Of the remainder, 10% were unsure and 11% disagreed.

Survey responses also indicate that many employers would support providing migrant domestic workers with greater rights and protections beyond a weekly rest day. For example, 84% of participants agreed that there should be a legal framework to protect migrant domestic workers from violence, abuse and exploitation (40% agreed strongly), and 78% agreed that they should have better labour conditions (25% agreed strongly). Less than 10% of employers disagreed with these statements.

More specifically, 72% of employers thought there should be a maximum number of hours that migrant domestic workers work each day and 64% thought they should receive overtime pay.

In the employers' focus group discussions, there was also support for providing migrant domestic workers with additional benefits that are extended to other workers in Malaysia (e.g. paid sick leave, regulated work hours, overtime pay, etc.). Some employers qualified this support, for example, stressing that the system had to be better regulated (especially agents and the fees they charged) or that there had to be trust between the employer and

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<sup>55</sup> While there was a consensus around the benefits of having a day off, only around a third of employers (36%), who took part in the focus group discussions, said they provided their migrant domestic workers with a weekly rest day.

the domestic worker to make this work (e.g. so the employer would be confident that the domestic worker would return if they were given paid holidays).

The survey data therefore shows strong support among employers for introducing legislation that would provide domestic workers with additional rights at work, including a full 24-hour weekly rest day. A significant minority of employers (39%) also believe that migrant domestic workers should have the same labour rights as other workers in Malaysia.

### **7.3 Most Malaysians support more labour rights for migrant domestic workers**

While the ILO/UN 2019 public opinion poll identified widespread negative attitudes towards migrant workers in Malaysia (see above), further examination of the data shows that people's views are more complex than some of the statistics initially indicate.

Malaysians, like most people, can hold ambivalent and even contradictory views on migration and migrant workers. For example, in the ILO/UN survey, respondents gave conflicting responses to the same question, with more than half both agreeing and disagreeing with two different questions, which asked whether Malaysia needs more "low skilled" migrant workers.<sup>56</sup>

This reflects how perceptions and attitudes towards migrants are influenced by a range of factors. These include: how the question is asked; the nationality of the migrant; recent media coverage of the issue; what sector of the economy the migrant is working in; and personal circumstance and experience.

The ILO/UN survey shows much stronger public support for improved labour rights for migrant domestic workers than for migrant workers in general. For example, more than two thirds of participants (68%) supported improved labour conditions for migrant domestic workers and 41% supported providing migrant domestic workers with the same labour rights as other workers.<sup>57</sup>

The most likely explanation for why Malaysians generally have more positive attitudes towards migrant domestic workers than to other migrant workers is that many Malaysians have direct contact with migrant domestic workers in their day-to-day lives and know them as individuals. People who hold negative views about migrants often have little interaction with them and their opinions are frequently not based on personal experience.

In addition, domestic workers are primarily women and perceptions about migrants being involved in crime and a drain on the economy are more likely to be projected on to male rather than female migrants.

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<sup>56</sup> 56% agreed that "Our country does not need low skill migrant workers from other countries" while 53% responded to the question, "Does the country have a need for more workers?" by selecting "Yes, but mainly for low skilled workers doing manual labour". See: ILO and UN Women, *Op. Cit.*

<sup>57</sup> ILO and UN Women, *Op. Cit.*

The information above indicates that there is public support in Malaysia for action to improve labour conditions for migrant domestic workers, including the provision of a full day off each week. The next section considers what steps could be taken to consolidate existing support and ensure that migrant domestic workers can enjoy a weekly rest day in practice.

## 7.4 Measures that could consolidate support for a weekly rest day

### Legislation

When asked about issues which would increase their support for giving migrant domestic workers a weekly rest day, nearly three quarters of employers (72%) said this would be the case if the Malaysian government passed legislation to this effect.<sup>58</sup> In the focus group discussions, employers stressed that legislation and proper enforcement of rules, including through random spot checks on homes and recruitment agencies, was key to ensuring that rest days are provided:

*“If it’s law, more employers would definitely give domestic workers a day off, but unless it’s being monitored, no one will do it. [...] Random checks should be conducted to ensure the domestic worker is okay.” AB*

One employer also proposed that domestic workers should be given the flexibility to change employers if they are not being treated well. Furthermore, the employer felt that abusive or negligent employers should be blacklisted so that they cannot hire migrant domestic workers in the future.

This indicates that most employers want to comply with the law and would welcome legislative clarity on this issue. This conclusion is also supported by the argument most frequently cited by migrant domestic workers as being successful in convincing their employer to give them a day off, which is that they were obliged to do so under the terms of their contract.

While employers should already be aware that they are contractually obliged to provide their domestic workers with a day off, some do not appear to properly understand their legal responsibilities. Indeed, a representative of employers in Malaysia noted that domestic workers are “employed by individual employers who are not conversant with employment or how to treat their employees properly.”<sup>59</sup>

In the focus group discussions, several employers underlined the importance of ensuring that employers and domestic workers understand each other’s rights and duties. They felt that this would have a beneficial impact in terms of building trust between them:

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<sup>58</sup> Employers who took part in the survey were given five scenarios and could select multiple options, which would increase their support for a weekly rest day. One of the options was “None of the above”, but this was only chosen by one respondent.

<sup>59</sup> Jenna Holliday, *Op. Cit.*

*“I hope the Government puts more effort into reviewing regulations that are stated in the contract [... the right to a weekly rest day] must be clear among the parties.”*

Tati

Some migrant domestic workers who responded to the survey noted that their employers appeared to be refusing them a day off on the advice of their recruitment agency. Others believed that their employers were fully aware that they were entitled to a weekly rest day, but acted as though this was not the case:

*“My employer knows about the day off, but they pretend they don’t know anything.”* WW

Consequently, as well as amending the Employment Act to require employers to provide a 24-hour weekly rest day, more needs to be done to ensure that both employers and domestic workers are aware of their rights and responsibilities. It is worth reiterating that 44% of the migrant domestic workers who took part in the survey did not know that they were entitled to a day off when they started work in Malaysia.

Such measures should include setting up introductory workshops for employers of domestic workers and running orientation programmes for newly arrived domestic workers in Malaysia, like the ones that already exist in Singapore.

These sorts of initiatives will raise awareness amongst both employers and domestic workers about their rights and obligations. They should also ensure that each party has realistic expectations of the other and help lay the foundations for a positive working relationship:

*“[...] If employers and workers understand each other, everyone will be happy.”* Liezi

In addition, including the right to a 24-hour weekly rest day in national legislation will make it easier for migrant domestic workers to seek legal redress when their employer is not honouring this requirement.

However, it is also crucial that the Malaysian authorities take responsibility for properly monitoring compliance and prosecuting those who are not discharging their legal obligations. Employers who break the law must face punishments, which will deter others from denying migrant domestic workers their basic rights:

*“The MoU is already signed, but it’s not implemented on the ground. Employers don’t follow the rules, but they (the Government) don’t take any action.”* Yan

### Reducing costs

Cost is clearly a consideration for employers when hiring a migrant domestic worker and nearly half of the employers who completed the survey (49%) stated that they sympathised with the view that it would be too expensive to employ migrant domestic workers if they were given the same conditions as other workers. However, the same percentage said that

their support for a weekly rest day would increase if the cost of employing a domestic worker was reduced.

When asked if they would be more supportive of giving migrant domestic workers the same conditions as other workers if employer costs were reduced through action to stop corruption and the high fees being charged by recruitment agencies, nearly three quarters (72%) of employers said they would. A further 17% were unsure and just 11% said it would not make them more supportive.

In the focus group discussions, more than one employer said agency fees were too high – citing the cost at between RM 15,000 and 20,000 (US\$3,150 to 4,200). They stressed how this increased the financial risk to employers and their concern about migrant domestic workers running away as, if this happened, they would have to repeat the whole process and pay the recruitment fees again.

Improved regulation of recruitment agencies and the fees they charge, combined with a reduction of the fees charged by the Malaysian government (e.g. for processing applications), would reduce the cost of hiring migrant domestic workers for employers. Thus, this would also increase their backing for a weekly rest day.

Action to reduce the cost of migration for domestic workers and regulatory changes that give them greater freedom to change employer and live outside their employer's home would also remove some of the issues which compel migrant domestic workers to stay with exploitative employers (e.g. debts and an inability to change jobs). This in turn would make it easier for the workers to insist on their right to a day off.

### Facilitating alternative arrangements

More than half of employer participants (57%) said that their support for providing a weekly rest day would increase if alternative arrangements were made to ensure that it did not disrupt their household routine.

In homes where there is more than one migrant domestic worker, it should be relatively easy to ensure that employees can take a full rest day without significant disruption to the household.<sup>60</sup> This point was highlighted by one participant who noted that she did not need to do more work on other days when taking her day off because:

*"[...] there are two domestic workers in the home and we help each other."* Rutche

Where only one migrant domestic worker is employed and there are complicated caring arrangements, households may need to get in extra help to assist when their domestic worker is taking their day off. This would be facilitated if the Government allowed migrant domestic workers to live-out and work for multiple employers on a part-time basis.

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<sup>60</sup> ILO research found that on average each household employed 2.1 domestic workers. See: Jenna Holliday, *Op. Cit.*

The fact that 51% of the 400 migrant domestic workers who participated in the 2023 ILO research were live-out domestic workers and 23% worked part-time shows that many migrant domestic workers in Malaysia already do this, albeit unofficially.<sup>61</sup>

This current situation is not in the interests of the migrant domestic workers, who are at increased risk of exploitation and abuse, or the Government, which cannot properly regulate migration and loses associated income (e.g. from issuing visas).

By allowing migrant domestic workers to live-out and work part-time, the Government will encourage more regular migration, reduce exploitation and make it easier for employers to recruit cover when their migrant domestic worker is taking a day off, ill or on leave.

### Peer pressure

Finally, nearly a third of employers (30%) said their support for a weekly rest day would increase if their friends and relatives thought migrant domestic workers should have one. While employers signalled that this would have less influence on them than a legal requirement, cost or practical considerations, peer pressure would clearly still contribute to more domestic workers being given their weekly day off in practice.

It is probable that social attitudes towards migrants will become more positive over time as increasing numbers of Malaysians get to know people who are migrant workers.<sup>62</sup> Indeed, the number of Malaysians who regularly interact with migrant workers or have friends or colleagues who are migrants, increased by at least 10% between 2010 and 2019.<sup>63</sup> In the same period, the percentage of Malaysians hiring migrant domestic workers also increased by 9% to reach 19%.<sup>64</sup>

However, greater interaction between Malaysians and migrant workers will not automatically translate into greater social pressure for more labour protections to be extended to migrant domestic workers. It is also likely that there will continue to be significant sections of society that have relatively little interaction with migrants and/or feel threatened by them.

It is, therefore, important that efforts are made to challenge some of the common misconceptions Malaysians have about migrant workers. For example, it would be beneficial to raise public awareness about the valuable contribution migrant domestic workers make to the country's economy and the skilled nature of the tasks they perform (e.g. caring for children, the elderly and the sick).<sup>65</sup>

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<sup>61</sup> Jenna Holliday, *Op. Cit.*

<sup>62</sup> In general, younger people in Malaysia have less negative attitudes towards migrants. For example, in the ILO/UN survey, those aged 18-24 were more likely to respond to questions by saying they were "not sure" or "didn't know" than older age groups and, on average, 20% stated that they were not sure when responding to factual questions about migrant workers in Malaysia. See: ILO and UN Women, *Op. Cit.*

<sup>63</sup> 60% of those surveyed said they regularly interact with migrant workers and 34% said they had friends or colleagues who were migrants. See: ILO and UN Women, *Op. Cit.*

<sup>64</sup> ILO and UN Women, *Op. Cit.*

<sup>65</sup> The ILO's conclusion that domestic workers are undertaking tasks, which are at least at Skill Level 2 could help challenge the narrative that domestic work is unskilled or low skilled. See: Jenna Holliday, *Op. Cit.*

## 8. Conclusions and recommendations

*“It’s important for domestic workers to have a day off. It’s not every day, only once a week. It should be no issue.” Fau*

The practice of compelling migrant domestic workers to work on their rest day is endemic in Malaysia. Of the 108 domestic workers that participated in this research, 95% had experience of being deprived of their weekly rest day while working in Malaysia.

By probing how often migrant domestic workers were given their rest day, the research identified a significant percentage of workers (41%) who received a weekly rest day in theory, but only occasionally got one in practice.

Even when migrant domestic workers are permitted to take a day off, they are rarely allowed to rest for the full 24 hours. Of those who got at least an occasional day off, 79% were required to do some work on their rest day or sometimes had to. These women worked an average of 4.5 hours on their “day off”.

Not getting a proper rest day is detrimental to the health of migrant domestic workers with 78% stating that it negatively impacted their mental and physical wellbeing. These women most commonly reported feeling stressed, tired and depressed, but nearly a fifth described a deterioration in their physical and/or mental health.

Migrant domestic workers’ ability to take a weekly rest day is impeded by: their lack of awareness of their rights; having their right to work in Malaysia tied to their employer; being required to live in their employer’s house; needing to repay debts, which they incurred to pay the migration costs; and, above all, a reluctance on the part of their employer to provide them with one.

In practice, employers decide whether and under what conditions they will allow their migrant domestic workers to have a rest day. One of the main reasons employers do not let their migrant domestic workers take a day off is that they do not trust them to come back to work and are worried that they will have to pay the high recruitment costs again.

Employers who exploit their workers are not compelled to act differently as there are insufficient labour protections for domestic workers in national legislation; a lack of monitoring and enforcement of existing laws; and an absence of social pressure which makes non-compliance unacceptable.

However, the research also found that around three quarters of employers valued the work performed by their migrant domestic worker and considered them dedicated and effective employees. Employers also recognised the positive benefits of giving migrant domestic workers a rest day (e.g. 91% agreed it would increase their work performance, motivation and job satisfaction):

*“[...] if employers give a day off, it would impact positively not only for domestic workers, but also for employers.” Su*

Consequently, there is strong support among employers for a weekly rest day with 89% agreeing they should have one and 70% specifically agreeing that domestic workers should not have to do any work on their day off and should be free to leave the house if they want to. Previous ILO/UN research indicates that over two thirds of the public in Malaysia would also back improved labour conditions for migrant domestic workers.<sup>66</sup>

Furthermore, employer support for a weekly rest day could be significantly increased if the Government passed a law to that effect; reduced costs through action to stop corruption and the high fees charged by recruitment agencies; and/or helped ensure that households could make alternative arrangements when migrant domestic workers took their day off.

In view of the above, it is recommended that the Government of Malaysia implement the following recommendations to ensure that migrant domestic workers in Malaysia enjoy a full weekly rest day.

- Amend national legislation to specify that migrant domestic workers must be provided with a 24-hour weekly rest day. Additional labour protections provided to other workers in Malaysia should also be extended to domestic workers (e.g. limitations on their hours of work, paid holidays and sick leave).
- Introduce a standard employment contract so that all migrant domestic workers, irrespective of their nationality, receive the most favourable terms and conditions of work.
- Improve regular labour migration opportunities for domestic workers by ensuring that: they do not pay recruitment fees and associated migration costs; they are not tied to a single employer; and they are free to choose whether they live with their employer or in their own accommodation.
- The cost of hiring a migrant domestic worker should be reduced for employers by lowering government-controlled fees (e.g. for processing applications) and through improved regulation of recruitment agencies and the fees they charge.
- Introduce an orientation programme for all newly arrived migrant domestic workers to help them adapt to life in Malaysia. The programme should ensure that they understand their rights and duties at work and how they can resolve any problems they encounter in the workplace.
- Introduce a compulsory workshop for all employers of migrant domestic workers which: stresses the formal nature of their employment relationship; details their obligations and responsibilities; and underlines that those performing domestic work have a professional vocation and are not “maids”, “servants” or “helpers”.
- Ensure migrant domestic workers’ rights are respected in practice, including by carrying out unannounced labour inspections of recruitment agencies and homes

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<sup>66</sup> ILO and UN Women, *Op. Cit.*

employing migrant domestic workers. All those who are not complying with the law should be prosecuted and employers who are found guilty should be prevented from hiring domestic workers in the future.

- Raise public awareness of the positive contribution that migrant domestic workers make to the national economy; the skilled nature of the tasks they perform (e.g. caring for children, the elderly and the sick); and of their rights and entitlements at work.

# Appendix 1: Migrant domestic worker survey questions

## Part 1: Demographics

1. Nationality:
2. Age:
3. Length of time working in Malaysia:
4. Location of work (city/state):

## Part 2: Survey Questions

1. Which one of the following best describes your work status?
  - (a) Full-time Live-in domestic worker
  - (b) Full-time Live-out domestic worker
2. Do you have a work permit?
  - (a) Yes.
  - (b) No.
3. Has your employer/agency taken the following? Yes / No
  - (a) Phone? Yes / No
  - (b) Passport? Yes / No
  - (c) ID card? Yes / No
  - (d) Contract? Yes / No
  - (e) Bank Cards? Yes / No
4. How long have you been working with your current employer?
  - (a) Less than a year
  - (b) 1-2 years
  - (c) 3-5 years
  - (d) 6-10 years
  - (e) 11-20 years
  - (f) More than 20 years
5. Did you know you were entitled to a weekly rest day (day off) when you first started working as a domestic worker in Malaysia? Yes / No
  - If "Yes", how did you know?
  - If "No", after how long did you realise this was the case?
6. Does your current employer give you one rest day per week? Yes / No / Sometimes

- If “Sometimes”, which of the following best describes how often you do get your rest day?
  - (a) Usually
  - (b) Once every two weeks
  - (c) Once a month
  - (d) Hardly ever

*For those who answered “No”, go to Q10.*

7. Do you get a full 24-hour rest day? Yes / No / Sometimes
  - If “No” or “Sometimes”, how many hours on average do you work on your rest day?
8. Are you free to leave your employer’s home during rest days? Yes / No / Sometimes  
If “No” or “Sometimes”, please explain.
9. Do you have to work more hours on other days because you take your rest day? Yes / No / Sometimes Please explain your answer.
10. Have you ever been threatened, mistreated, pressured to work, etc. by your employer because you asked for or took your rest day? Yes / No
  - If “Yes”, please explain how you were mistreated or threatened.
11. Does your employer pay you when you work on your rest day (including when you only work for short periods of time)? Yes / No / Sometimes / N/A
12. Does your employer deduct from your salary if you leave the house or do not work on your rest day? Yes / No / Sometimes / N/A
13. How long (in months, years, etc.) after you started working in Malaysia did your employer allow you to have a weekly rest day?
14. Did you talk/negotiate with your employer about taking your weekly rest day? Yes / No
 

If “Yes”, could you explain:

  - Why they were reluctant to give you your weekly rest day?
  - What convinced them to let you take your weekly rest day?
  - How long did it take before they allowed you to take a weekly rest day?
15. Have you worked as a MDW for a previous employer in Malaysia, aside from your current employer? Yes / No
  - (a) If “Yes”, did they allow you to take your full weekly rest day? Yes / No / N/A

(b) If “Yes”, did you have to convince your employer to allow you to take it? Yes / No / N/A

16. When you are not able to take a rest day, does it negatively impact you? Yes / No

- If “Yes”, explain how it impacts you physically, mentally and/or emotionally?

17. Is there anything else that you want to say about the weekly rest day that we haven’t talked about?

## Appendix 2: Employer survey questions

### Part 1: Demographics

1. Are you:
  - (a) Male
  - (b) Female
  - (c) Other
  
2. Which best describes the place where you live?
  - (a) City, urban centre or large town
  - (b) Rural area or small town
  
3. Which of the following age groups are you in?
  - (a) 18-24 years old
  - (b) 25-34 years old
  - (c) 35-44 years old
  - (d) 45-54 years old
  - (e) 55 years old or older
  
4. What is your main activity at the present time (select one)?
  - (a) Employed full-time
  - (b) Employed part-time
  - (c) Self-employed, seasonal or piecemeal work
  - (d) Unemployed, looking for work
  - (e) Home duties
  - (f) Studying
  - (g) Retired
  - (h) Other
  
5. What is your ethnicity?
  - (a) Malay
  - (b) Orang Asli
  - (c) Malaysian Chinese
  - (d) Malaysian Indian
  - (e) Others, please specify \_\_\_\_\_
  
6. Which of the following best describes the financial situation of your household (select one)?
  - (a) We are struggling financially
  - (b) We are doing OK, but sometimes we don't have enough money
  - (c) We are doing well, but sometimes we cannot afford to do/buy the things we want
  - (d) We are doing well, we have no money problems.
  
7. What would you say is your total monthly household income (RM)?
  - (a) More than RM 10,971
  - (b) RM 4,851 – RM 10,970

- (c) Less than RM 4,850
- (d) Prefer not to answer

8. Which of the following best describe the current employment situation of your full-time domestic worker?

- (a) I have a live-in domestic worker
- (b) I have a live-out domestic worker

**Part 2: Survey Questions**

1. What best describes the type of working relationship you have with your migrant domestic worker (select one)?

- (a) It's a formal working arrangement where we have an employer-employee relationship, they provide agreed services which we pay for
- (b) It's a less formal working arrangement, where we support them and in return they help around the house
- (c) Migrant domestic workers are not workers, they are part of the household
- (d) Others, please specify \_\_\_\_\_

2. Which of the following benefits do you provide to your domestic worker (select all that apply)?

- (a) Paid holidays or annual leave
- (b) Paid sick leave
- (c) One day off per week
- (d) Paid maternity leave
- (e) Overtime pay
- (f) Access to her mobile phone out of work hours
- (g) Ability to hold and keep her own passport
- (h) Freedom to leave the house after work hours and on day off
- (i) None of the above

3. What nationality is your migrant domestic worker?

- (a) Indonesian
- (b) Filipino
- (c) Cambodian
- (d) Vietnamese
- (e) Others, please specify: \_\_\_\_\_

4. Please rate the current satisfaction level on the following statements:

Statements	1 - Strongly disagree 7 - Strongly agree						
	1	2	3	4	5	6	7
I value the work performed by my migrant domestic worker.							
My domestic worker handles household tasks and responsibilities effectively							

My domestic worker understands and follows my household rules and routines well	1	2	3	4	5	6	7
There is good communication and understanding between me and my domestic worker	1	2	3	4	5	6	7
I am comfortable with the cultural differences between me and my domestic worker	1	2	3	4	5	6	7
I think my domestic worker is dedicated to their job and responsibilities	1	2	3	4	5	6	7

5. Please rate the current level of agreement with the following statements:

Statements	1 - Strongly disagree 7 - Strongly agree						
	1	2	3	4	5	6	7
The work migrant domestic does benefits Malaysian households	1	2	3	4	5	6	7
Migrant domestic workers play an important role in Malaysian society by allowing Malaysian nationals to work and contribute to the economy.	1	2	3	4	5	6	7
I respect the fact that migrant domestic workers are working to support their children and family members back in their home countries.	1	2	3	4	5	6	7
There should be a legal framework governing the employment of migrant domestic workers which protects them against violence, abuse and exploitation.	1	2	3	4	5	6	7
Migrant domestic workers should have better labour conditions.	1	2	3	4	5	6	7

6. Do you think migrant domestic workers should have a weekly rest day (day off)?

- (a) Yes (Go to questions #7 and #8)
- (b) No (Go to questions #9 and #10)
- (c) Not sure (Go to questions #9 and #10)

7. Do you agree that on their day off migrant domestic workers should not have to do any work and should be free to leave the house if they want to?

- (a) Yes
- (b) No
- (c) Not sure

8. Would you be willing to speak out publicly in support of migrant domestic workers having a weekly day off?

- (a) Yes
- (b) No
- (c) Not sure

9. Please rate the importance of the following potential positive benefits of giving migrant domestic workers a day off:

Statements	1 - Strongly disagree 7 - Strongly agree						
	1	2	3	4	5	6	7
Improved overall well-being and health of the domestic worker.							
Enhanced job satisfaction and motivation.							
Increased work performance and efficiency.							
Strengthened employer-employee relationship.							

10. Please indicate which of the following would increase your support for giving migrant domestic workers a day off. You may select multiple options from the following list:

- (a) The Malaysian Government passed a law stating that all domestic workers must have a day off each week.
- (b) Your friends and relatives said they thought domestic workers should have a day off every week.
- (c) The cost of hiring a domestic worker was reduced.
- (d) Alternative arrangements were made to ensure that the day off did not disrupt the household routine.
- (e) Others, please specify: \_\_\_\_\_

11. Which of the following labour rights do you think migrant domestic workers should be entitled to (select all that apply)?

- (a) A maximum number of hours they work each day
- (b) Paid leave
- (c) Overtime pay
- (d) Access to their mobile phone out of work hours
- (e) Keeping their own passport
- (f) Having the same labour rights as other workers in Malaysia

12. Which of the following views do you sympathise with (select all that apply)?

- (a) Migrant domestic workers shouldn't get the same conditions as other workers as they have a poor work ethics and cannot be trusted
- (b) Migrant domestic workers shouldn't get the same conditions as other workers because they do not work a lot of the time and their work is easy
- (c) Migrant domestic workers shouldn't get the same conditions as other workers because they get free accommodation and food

(d) If migrant domestic workers were given the same conditions as other workers it would be too expensive to employ them

13. If employer costs were reduced through action to stop corruption and high fees being charged by recruitment agencies, would you be more supportive of giving migrant domestic workers the same conditions as other workers in relation to regulated hours of work, paid holidays and a day off, annual and sick leave and overtime pay?

- (a) Yes
- (b) No
- (c) Not sure