

Migrant Workers as a Peripherality

Advocacy and Organizing Activities in Malaysia

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Introduction

Migrant workers can be ambivalent in developing countries. On the one hand, migrant workers can supply low-wage labor, which is characteristic of underdevelopment, even in rapid industrializing countries. On the other hand, their presence can mean that these countries have become so affluent that their workers hate performing low-wage jobs.

From the world-system perspective, rapid industrializing countries belong to the semiperipheral region, which is a cluster of middle income societies or countries. A semiperipheral society has characteristics of both the core region and the peripheral region in the world-system (e.g., Wallerstein, 1979). The fact that migrant workers have to perform low-wage labor can be regarded as one of peripheralities in semiperipheral societies.

Malaysia, having experienced rapid industrialization since the 1970s, is now thought to be one of semiperipheral countries. This paper addresses advocacy and organizing activities for migrant workers in Malaysia. First, this paper reviews the situation of migrant workers in Malaysia—their historical background, the number of them, their ascription, working conditions, and challenges are clarified.

Second, this paper examines advocacy and organizing activities for migrant workers, which are implemented by trade unions like the Malaysian Trade Union Congress (MTUC) and some NGOs like Tenaganita. These activities include

organizing migrant workers in the Free Trade Zones *and* protecting and educating female migrant domestic workers. Third, this paper confirms challenges in these activities such as institutional restraints and the shortage of resources in these organizations. It is difficult to eradicate one of peripheralities in semiperipheral Malaysia, and so Malaysia is also difficult to climb up into the core region, a cluster of high income countries or societies.

Semiperipheral Malaysia

What is Semiperiphery?

From the world-system perspective, the world is divided into three hierarchical zones—the core, the semiperiphery, and the periphery. Each society, country, or region is allocated into one of these zones through its position in the international division of labor, which is the substance of the world-system. This means that to which zone each society is allocated is determined depending on what kind of goods and services each society can supply. In other words, on the one hand, high-wage goods are supplied from the core zone and, on the other hand, low-wage goods are supplied from the periphery. The exchange of different kind of goods from different zones can lead to unequal exchange¹ and hierarchical inequalities between countries

¹ In theory, unequal exchange can take place when the exchange of commodities is carried out

and regions.

The core zone or region is characterized by high wages, advanced technologies, skilled workers, the *hegemonic*² *involvement* of workers in industrial relations, and the like. On the other hand, the peripheral region is also characterized by low wages, backward technologies, unskilled workers, the *despotic exclusion* of workers in industrial relations and so forth. The semiperipheral region is the middle zone between the core and the periphery, and characteristic of the features of both regions in wages, technologies, skills of workers, the nature of industrial relations, and the like.

Furthermore, regarding industries, in the core region the service industry tends to be predominant, while in the peripheral region agriculture and low-end manufacturing, for example, tend to be dominant. In addition, the semiperipheral region does not only have the features of both regions in industry, but also is characterized by the cluster of manufacturing. This is because transnational corporations (TNCs) have relocated their factories in this zone since the mid-1960s and, as a result, manufacturing has been a large part of industry in this zone.³

between societies or countries with the same labor productivity and different wage level. That is to say, value or surplus can be transferred from low wage societies or countries to high wage ones through commodity exchange. However, this phenomenon is difficult to verify in a real situation.

² *Hegemonic/despotic* dichotomy in industrial relations is derived from Burawoy (1985). By *hegemonic* is meant that workers and employers can pursue their own interests, which can often be opposite.

³ For example, Newly Industrialized Economies (NIEs) have also been regarded as located in the semiperipheral zone since the 1970s. The New International Division of Labor (NIDL) was given rise to through such relocation of production primarily into this zone (e.g., Fröbel et al., 1980).

Industrialization in Malaysia

Malaysia, which has been industrialized since the 1970s, can climb up from the periphery and be now located in the semiperiphery. In 1971 the New Economic Policy (NEP) was launched and the Free Trade Zone Act (FTZ Act) was enforced in Malaysia. One of the purposes of the NEP was actually to foster Malay capitalists, and many FTZs, which are special districts remitting taxes in importing parts and resources in there, were constructed around the country based on the FTZ Act. TNCs have relocated their factories in these FTZs and their assembled products⁴ have been primarily exported to the core zone. In this way, the electric and electronic industries have primarily been grown in Malaysia in the NIDL. These activities of TNCs have promoted export-oriented industrialization (EOI) in Malaysia.

Furthermore, heavy industrialization has also been sought since the 1980s, and in particular the car industry has been fostered in collaboration with Japanese automobile companies. Such industrialization has also brought about drastic social change in Malaysia—for example, the industry has shifted from labor-intensive one to capital-intensive one; wages have been raised up; needed skills have been higher;

However, it is to be noted that the cluster of manufacturing cannot be achieved by the strategy of transnational corporations. For example, South Korea and Taiwan have not been so dependent on foreign capital in their industrialization.

⁴ These factories have originally employed female young Malay workers from rural areas. They were unskilled and they earned low wages. In other words, these workers are in the same situation as that of recent migrant workers (Crinis, 2014). For these female Malay workers, for example, also see Ong (1987).

the middle class has emerged and grown; industrial linkage between TNCs and indigenous firms has been forged (e.g., Yamada, 2006) .

Given that Malaysia was a colonized and agrarian society in the 1960s, it should have been regarded as located in the periphery. However, taking it into consideration that successful EOI since the 1970s has promoted such drastic social change in Malaysia, it is likely to climb up the hierarchy in the world-system and be now situated in the semiperipheral zone.⁵ As mentioned above, the semiperiphery has the features of both the core and the periphery. As Malaysia climbed up into the semiperipheral zone, it has a tendency to obtain coreness, the specificity of the core. Regarding industrial relations, wages are getting higher than before⁶ and industrial relations themselves are getting benign, since in-house unions have been permitted to organize.⁷

⁵ Of course, this should be empirically verified on the basis of unequal exchange theory. Nevertheless, it is extremely difficult to exactly specify the transfer of value among societies, countries, and regions. Therefore, at this time, the author will employ Gross Domestic Product (GDP) per capita as a substitute index for the consequence of produced value transfer. According to the IMF data base in 2014 (<http://www.imf.org/external/data.htm>), GDP per capita of Malaysia is \$10,457 in 2013, and it is ranked the 67th place in the world. Incidentally, that of Japan is \$38,468 and ranked the 24th place, that of South Korea is \$24,953 and ranked the 30th place. For Southeast Asian countries, GDP per capita of Thailand is \$5,676 and ranked the 94th place, and that of Indonesia is only \$3,510 and ranked the 117th place. In this way, Malaysia is situated in a rather higher position than other Southeast Asian countries.

⁶ Generally speaking, one of the reasons why wages are getting higher in *the* society is that workers depend on the market to much more degree than before. The reason for low wages, which is related to the above, is that workers are not completely taken away from means of production such as the land and that they can reproduce their labor forces, to some extent, without purchasing commodities in the market with their wages. In the peripheral zone, wage-labor is not necessarily dominant and producers live their lives self-sufficiently on subsistence level. In such a society it is not necessary to purchase commodities in the market and, as a result, wages, which are needed to buy commodities in the market, are kept low. And also the market cannot enlarge itself in this situation. In unequal exchange theory, such low wages in the periphery are a cause of unequal exchange.

⁷ However, many trade unions including the Malaysian Trade Union Congress (MTUC) are

However, with wages getting higher, EOI cannot persist because it still depends on foreign direct investments, which have been primarily prompted by relatively low-wage labor in Malaysia. Given that indigenous firms cannot necessarily promote industrialization or development for themselves, low-wage labor will be needed because it can promote investments from TNCs. How can semiperipheral Malaysia maintain its low-wage labor? One of such measures is to introduce migrant workers from other *peripheral* countries around Malaysia. In this way, migrant workers will continue to reproduce peripherality in semiperipheral Malaysia.

The Ambivalence of Migrant Workers

In short, the fact that migrant workers are employed in the low-wage sector, in which local workers hesitate to work, can mean that semiperipheral Malaysia is still retaining peripherality. In other words, a peripherality of migrant workers can maintain to make Malaysia more competitive in promoting foreign direct investment than any other countries at least in Southeast Asia.⁸ In short, Malaysia still has a tendency to depend on labor-intensive manufacturing, while, as a semiperipheral country, computerized automation has been required to introduce due to the increase

opposite to in-house unions. Traditionally, trade unions in Malaysia have been organized *nationally*. In-house unions are enterprise-based organizations and they are thought to be difficult to organize workers beyond enterprise-specific interests

⁸ Of course, low-wage labor is not only the source of competitiveness. Nevertheless, EOI has basically been predicated on low-wage and docile labor in developing countries. (e.g., Deyo, 1989)

of wages and manufacturing should be more capital-intensive.

However, it is likely that migrant workers do not only indicate a *peripherality* but also a *coreness*. For example, the middle class has been fostered in semiperipheral Malaysia, and many women primarily in this class have begun to perform various social activities instead of carrying out domestic work. In many cases, these women or housewives tend to entrust domestic workers with their tasks in their houses. Not to mention, these domestic workers are mostly female migrant workers, and such liability has strengthened. In short, migrant domestic workers are likely to replace domestic work with housewives in the middle class.

This tendency means that it is certain that the middle class has been fostered in Malaysia and conventional gender relations can be altered. However, it is domestic work that female migrant workers carry out—this actually means conventional gender relations remain as it was—and they can often earn only low wages for extremely long and heavy work.⁹ As will be mentioned in the following, it is often reported that these relations between domestic workers and their employers are often abusive ones. To put it another way, these relations can be regarded as *pre-modern* or *pre-capitalist*, and, therefore, they should have the nature of *peripherality*.¹⁰

⁹ This domestic work is to be done as live-in work. In short, migrant domestic workers have to work for long hours because there is no definite difference between their working hours and free hours. Such a situation can give rise to taking them in custody.

¹⁰ In the periphery, as mentioned above, wage-labor is not necessarily dominant. This means that capitalist relations are also not dominant, that is, that *pre-modern* or *pre-capitalist* relations can be prevalent. However, such recognition of the periphery is different from that of Wallerstein (1989). Because Wallerstein grasps the whole world-system as *capitalist*, he never asserts that

To make a summary, while Malaysia has climbed up into the semiperiphery or the *semiperipheralization* of Malaysia has proceeded since the 1990s, *coreness*—for example, the sophistication of the industry and the enlargement of the middle class—has not only emerged but also *peripherality*—for example, the persistence of low-wage sectors such as labor-intensive manufacturing and domestic work—has persisted and increased. Furthermore, migrant workers can have a tendency to contribute to preserving peripherality. And also these workers are vulnerable to such peripherality—low wages, deteriorated working conditions, *pre-capitalist* relations, and the like.

The government of Malaysia has sought to realize the idea of Vision 2020, which set up the goal that Malaysia will come into the group of “advanced countries” as late as in 2020. If the group of “advanced countries” shows the core region in the world-system, Malaysia will be required to sweep away its peripherality. Particularly, migrant workers as one of peripherality in Malaysia are most vulnerable and they should be protected. Therefore, it is necessary that the institutions for migrants should be reformed. Furthermore, if the Malaysian state does not address the matter on migrant workers, social movements including the labor movement for migrant workers are required to organize.

In the following, based on author’s fieldwork, the organizing activities of trade

pre-capitalist relations are present in the periphery.

unions and NGOs for migrant workers will be examined and their challenges will be indicated.

Migrant Workers in Malaysia

Before examining advocacy and organizing activities for migrant workers, the historical background and current situation of migrant workers in Malaysia are needed to be clarified.

Historical Background

Like many countries in the world, Malaysia is an immigrant country. As is well known, Malaysia is also a multiethnic country, which was primarily formed during the British colonial rule. Among other things, Indian or Tamil residents in Malaysia were brought as workers in plantations called *estates*. This was because the British colonial government sought to preserve the Malay society¹¹ as it was primarily through the Malay Reservation Act (1913) in order to stably supply food with other ethnic groups. Therefore, the British colonial government attempted to introduce Indians as plantation workers.¹²

¹¹ In the colonial age and its aftermath, Malays were mostly peasants and they produced rice.

¹² This was institutionalized as the *kangany* system (Parmer, 1954; Jain, 2011; Stenson, 1980). *Kangany*, who was a man of influence in his village, was sent to recruit workers from their original village. Indian migrant workers often migrated with their family and entirely had their

After the political independence from the British colonial rule, because Malaysia was less industrialized in the 1960s and 1970s, many workers in Malaysia migrated to more industrialized countries such as Singapore to get better jobs. However, Malaysia being fully industrialized or *semiperipheralized*, labor forces have been lacked particularly in the low-wage sector. Therefore, since the late 1970s migrant workers *formally* or *informally* flowed into Malaysia. They are now estimated at 21.1 million¹³ and about 25% of total labor forces (<http://www.themalaysianinsider.com/malaysia/article/malaysians-not-foreigners-behind-most-crimes-says-home-minister#sthash.GGQCHwxc.dpuf>).

The Features of Migrant Workers

Given that migrant workers, generally speaking, sought to get better jobs to complement their family income, semiperipheral Malaysia, which can supply many chances for employment, has a tendency to pull many migrant workers from *peripheral* countries around it—Indonesia, Nepal, Bangladesh, Myanmar, Vietnam, Cambodia, the Philippines, and so forth. Indonesians are the largest part of migrant workers, 44% of migrant workers.¹⁴ And Nepali occupies 17%, Bangladeshi occupies 15%, and Burmese also does 8%. All of these countries are relatively less

lives cared by *kangany*. This was a paternalist system.

¹³ However, it is indicated that there is likely to be as many illegal migrants as the legal ones.

¹⁴ Indonesians are also the largest part of construction workers (Narayanan & Lai, 2005). They are mostly from rural areas and have no experience and no skills in their jobs. Therefore, they are likely to affect the qualities of buildings negatively.

industrialized and they cannot supply their people with more wage labor. That is why these countries send their workers to Malaysia.

What kind of industry do migrant workers obtain their jobs in? As mentioned above, they usually work in the low-wage sector, which consists of labor-intensive manufacturing (35%), the construction industry (20%), plantations (16%), the low-end service industry (12%)¹⁵, domestic work (8%), and so forth

(<http://www.themalaysianinsider.com/malaysia/article/malaysians-not-foreigners-behind-most-crimes-says-home-minister#sthash.GGQCHwxc.dpuf>).

What about gender composition of migrant workers? Both male and female workers come to Malaysia, while feminization is proceeding. However, male migrant workers mainly tend to come from Nepal and Myanmar, while female ones tend to visit from Vietnam, Cambodia, and the Philippines.¹⁶ Both male and female workers also come from Indonesia and Bangladesh.

In the following, the author will pick up two cases of migrant workers—one is on workers in the FTZs and the other is on female domestic workers. This is because both types of workers are more characteristic of their *peripherality* in semiperipheral Malaysia. Migrant workers in the FTZs are important to retain low-wage labor, which

¹⁵ This type of industry usually includes the personal service industries such as restaurants and cafes. For migrant workers working in these industries, see Yee & Yuen (2014).

¹⁶ This is because gender composition by nationality was determined partly by the immigration policy in Malaysia.

is the origin of competitiveness in EOI under the NIDL.¹⁷ And also female domestic workers in households, on the one hand, are indicative of a *coreness*—the emergence of the middle class—in semiperipheral Malaysia. Nevertheless, they are, on the other hand, also indicative of a *peripherality* such as personalistic relations and custody in households. What kind of problems are these migrant workers faced with?

Troubles Facing Migrant Workers

Recruitment

In many cases, migrant workers usually come from rural areas in sending countries and they earn their incomes during their basically temporary stay¹⁸ and remit a part of wages to their families. When they take trips to Malaysia, they are likely to consult with brokers or agents and to be referred to employers in Malaysia.¹⁹

¹⁷ This does not mean that the process of globalization—for example, the transnationalization of firms—is still predicated on the NIDL. The NIDL supposed that the affiliates of transnational corporations in developing countries only produced simple and labor-intensive commodities. However, in part of these countries these affiliates have sophisticated their production and produced more value-added commodities due to higher wages—this is a process of semiperipheralization. This situation has been different from that of the NIDL. Therefore, globalization can give rise to the post-NIDL (e.g., Yamada, 2006).

¹⁸ Of course, many migrant workers visit Malaysia several times.

¹⁹ Of course, these migrant workers take trips to Malaysia in institutionalized immigration regime. Originally the immigration law was established in 1957. Afterwards the Employment Restriction Act in 1968 consequently moved away illegal Indian workers in plantations to India in the early 1970s. In the late 1970s, with the increase of illegal Indonesian workers, the Medan Agreement was enforced in 1984 so that the recruit of Indonesian migrant workers was institutionalized. However, this agreement did not necessarily stem the inflow of illegal workers. Since the late 1980s, partly in accordance with business cycle, the immigration law has been amended many times. As will be mentioned in the following, employers currently have to pay levies to employ migrant workers, and the Memorandum of Understanding (MOU) was concluded with Indonesia in recruiting female domestic workers.

This is some causes of problems with which migrant workers are faced.

First, migrant workers generally obtain basic information from these brokers or agents. Nevertheless, employment contracts were often not written²⁰, such information is likely to be false, and brokers, probably on purpose, can deceive migrant workers.²¹ For example, wages can be told to be higher than they are in reality, and factories can be different from what migrant workers were told to work with.

Furthermore, migrant workers can often be let work in different conditions from what they were told, and, as a result, they cannot earn expected incomes.²² In addition, migrant workers are likely to wait long for working so that they cannot earn enough during their fixed period of stay.²³

Second, visiting to work in Malaysia, migrant workers have to pay fees for consultation and the arrangement of trips to brokers or agents. These fees are often so expensive for migrant workers that they have to owe much of them to their families and relatives. The reason why these fees are so expensive is that brokers can exploit

²⁰ Otherwise, they are often written in English, and so migrant workers cannot read them.

²¹ Regarding Bangladeshi workers, in case of illegal migrants, it takes much longer to get to Malaysia than those of legal migrants since brokers take them along risky routes, on which migrant workers go into jungles and are faced with dangerous snakes, insects, and leeches, due to the illegality of migration (Ullah, 2013).

²² Ishida & Hassan (2000) asserted that such misinformation and its related unexpected situation primarily caused the extension of workers' stay in Malaysia. This is because unexpected low wages force Bangladeshi migrant workers to earn more through extending their stay and pay back expensive fees for arranging trips. Ishida & Hassan also emphasized that if working conditions and wage level in Malaysia were exactly informed the aspiration of workers to take trips to Malaysia would not be so high and fees would not be so expensive.

²³ In Malaysia, unskilled migrant workers are usually permitted to stay for one year, and the period of stay can be extended up to three years.

migrant workers and deduct a part of them from workers' wages because brokers are often also *direct* employers of migrant workers (Verité, 2012).²⁴ High fees and low wages—often no payment or delay of payment—are likely to make workers indentured after they return home.²⁵

Workplaces

The fact that exact information is not necessarily delivered to migrant workers can be one of causes that they have to work in unexpected bad conditions with low wages.²⁶ For manufacturing such as the electric industry primarily ruled by TNCs, it is reported that working conditions are often terrible (e.g., Borman et al., 2010; Verité, 2012). For example, on the one hand, migrant workers, mostly female, have to work for long with no rest. This is partly because they have to work so long hours so that they can pay back their fees to brokers. This also means that they can suffer from health problems partly because of toxic chemicals they often handle with. It can be

²⁴ This means that brokers actually contract with various factories and households and that they dispatch migrant workers to their *customers*. Therefore, migrant workers are likely to work with different factories from which they were told to do—even though they were told to work with TNCs, they are actually allocated to local firms of TNCs' subsidies. Such labor outsourcing or subcontracting tends to make working conditions worse (Aliran & Goodelectronics, 2013: chap.2). Furthermore, the responsibility of employers are also blurred—it is not evident who employers are (Robertson Jr., 2008).

²⁵ The problems with which migrant workers are faced can include ones after they return home. This paper only addresses problems and challenges in Malaysia. Regarding problems that female Bangladeshi workers are faced with after returning home, see Rudnick (2009). Furthermore, migrant workers are also faced with challenges in their lives in Malaysia. For example, they have housing problems (Kassim, 2013).

²⁶ In Penang, the basic wage is RM550, while the cost of living per household was estimated in 2001 at RM1,750 (Bormann et al., 2010).

said that this situation forces migrant workers to work against their wills. In short, they can carry out so-called “forced labor” (Verité, 2012).²⁷

On the other hand, partly because of the fluctuation of production, migrant workers are likely to have no work after they have arrived in Malaysia. This situation can also lead to the fact that migrant workers have to work as their employers and brokers told them. This is also likely to be another social background in which migrant workers are forced to practice “forced labor”.

Furthermore, because of harsh competition in globalization, TNCs are pursuing flexible production and, as a result, workers have to carry out their tasks efficiently and implement multiple jobs as employers request them to do (Borman et al., 2010; Verité, 2012). In short, migrant workers should perform intensified labor in their factories. In addition, the private lives of migrant workers are also supervised. They are institutionally prevented from marrying with local men and becoming pregnant. Therefore, female migrant workers have their companionship monitored and their bodies annually checked.

²⁷ Generally speaking, industrial relations consists of three spheres: the *economic*, the *political*, and the *cultural/ideological* sphere. In capitalism, the *economic* relations are wage relations, which can be full-fledged with workers separated from means of production. The *political* relations are related to the control of labor, and in capitalism they can be bureaucratic and impersonalistic control. And also the cultural/ideological relations are related to the recognition of industrial relations. In capitalism, they can be materialism and meritocracy, which can also be the origin of class conflicts. On the other hand, particularly in peripheral regions, *pre-capitalist* relations can often be replaced with capitalist ones in industrial relations. For example, regarding the *economic* sphere, workers still keep ties with means of production and wage relations cannot be completely formed. For the *political* sphere, the control of labor can be implemented personalistically and arbitrarily. And also, for the *cultural/ideological* one, paternalism can be prevalent, with which the conflict of interests cannot necessarily reveal themselves. If “forced labor” include personalistic control of labor and its related restriction of mobility, such type of labor can also be *pre-capitalist*.

What about migrant domestic workers? Regarding domestic workers, they usually work in houses of employers. As mentioned above, they have to work so long and to have little rest. They often live in the houses of their employers. Therefore, they can be supervised all day long, and they cannot have any free time. Domestic work is so diffusive that it can involve any activities in households—cooking, cleaning, washing, childcare, care giving, and so forth. Therefore, domestic workers can be forced to implement so hard work (e.g., Huling, 2012; Kok, 2013).

Furthermore, migrant domestic workers, who are generally female, very often experience verbal, physical, and sexual abuses. Their female employers have a tendency to closely supervise their domestic workers for fear that they should have their own items stolen, to nitpick at their workers, to yell at them, and to hit them. And also male employers often have a tendency to execute sexual abuses because they often live in the same houses. In this way, the situation of female migrant domestic workers can be compared to “human trafficking” (Huling, 2012; Kok, 2013).²⁸ This is because female migrant workers can have little free time and be forced to perform intensified labor under close supervision as if they were properties of their employers.

These industrial relations can be thought to be *pre-capitalist* ones. As noted above, capitalist relations consist of the bureaucratic control of labor forces *and*

²⁸ In short, campaigns for these issues are to protect human rights. This stance of the movement is often criticized (Elias, 2010). However, the most effective *framing* of global social movements is that of human rights (Keck & Sikkink, 1998).

materialism and meritocracy, while pre-capitalist ones include personalistic (*persönlich*) control of labor forces and paternalism. *Despotic* control of labor forces in flexible production and *personalistic* control in households should be regarded as *pre-capitalist* relations. Furthermore, paternalist relations are also present because employment is like employers' "charity" for migrant workers who are desperate for jobs.²⁹

Institutions

The immigration system in Malaysia is one of causes that "forced labor" and "human trafficking" has made occurrence to migrant workers. First of all, migrant workers cannot select or change their employers. This is because employers propose their needed number of migrant workers and each migrant worker is allocated to a definite employer. If migrant workers escape from their employers due to terrible conditions, they cannot be staying in Malaysia because they are illegal migrants. Furthermore, particularly in case of domestic work, passports of migrant workers are withheld by their employers. Therefore, migrant workers cannot run away all the more for this situation.³⁰

²⁹ These relations can be thought to be derived of the rural background of migrant workers. This is because in the peripheral region, particularly in rural areas, capitalist relations are not necessarily omnipresent and pre-capitalist relations are prevalently connected. Migrant workers from rural areas can have more *intimacy* for these pre-capitalist relations.

³⁰ For example, in the Memorandum of Understanding (MOU) with Indonesia in 2006, the withholding of passports by employers was definitely written. In the MOU in 2011, this article was eliminated. Nevertheless, it is reported that such a practice has been done afterwards (Huling,

Second, migrant workers cannot take part in any trade unions or other labor organizations.³¹ In export industries such as the electronics and electric industry, which are mainly dominated by TNCs, low-wage and docile workers are most critical in retaining competitiveness. Therefore, like other developing countries, in Malaysia workers have been prohibited from joining trade unions and implementing the labor movement particularly in the FTZs.³² This institutional situation has resulted in the fact that migrant workers cannot protest against their employers in order to improve their working conditions.

Furthermore, migrant domestic workers have not been approved to be workers in the immigration regime. This is because the Employment Act of 1955 provided that domestic workers were not *workers* but *servants* in households.³³ To put it another, domestic workers are not subordinated in employment relations but in *pre-capitalist personalistic* master-servant relations. In this way, unless the Employment Act is altered, migrant domestic workers cannot be protected as workers and participate in trade unions, and “human trafficking” cannot also be done away with.

2012).

³¹ In Malaysia, while the Trade Union Act of 1959 and the Industrial Relations Act of 1967 approved that migrant workers were able to join trade unions, the Ministry of Home Affairs has stated that union leaders must be citizens of Malaysia based on the Article (28) of Trade Union Act (Robertson Jr., 2008).

³² However, since the 1980s, even though in the FTZs, in-house unions have been allowed to organize. This is because enterprise-based unions have been recommended. The background of such recommendation is partly derived from the Look East Policy under the Mahathir government. The Look East Policy is to regard Japan and South Korea as a model of development for Malaysia. Enterprise-based unions are dominant in both countries. Although in-house unions formed their national federation called Malaysian Labour Organization (MLO), MLO was already exhausted.

³³ Because the MOU with Indonesia is based on Malaysian laws, it does not also regard domestic work as subsumed in employment relations.

Third, in employing migrant workers, employers have to bear levies in accordance with the number and type of migrant workers.³⁴ In many cases, these levies are not paid by employers but deducted from workers' wages. In short, migrant workers are further exploited in the existing immigration regime—their wages are estimated at less than about RM600 a month, which is the minimum wage fixed in the MOU (Huling, 2012).

As was indicated above, migrant workers staying in Malaysia are faced with serious problems. In recruitment, migrant workers are faced with the deceptive activities of brokers. They are misinformed of their jobs and they cost expensive fees. In workplaces, migrant workers experience “forced labor” and fall victim to “human trafficking”. And existing institutions in Malaysia cannot protect migrant workers and improve terrible situations.

These situations can indicate that migrant workers show the persistence of peripherality in semiperipheral Malaysia. How can such peripherality be overcome? Or can such peripherality be overcome in semiperipheral Malaysia? In the following, the advocacy and organizing activities of trade unions and labor NGOs will be examined.

³⁴ For example, regarding levies, unskilled workers are different from skilled or professional workers such as foreign employees in TNCs. Levies for unskilled workers cost RM1200 annually in 2013 (Bormann et al., 2010).

Advocacy and Organizing

In Malaysia, despite institutional constraints, there have been various activities of advocacy and organizing for migrant workers. As is well known, many NGOs come to join the labor movement, and trade unions are not necessarily primary organizations for workers in many countries (e.g., Ford, 2004; Yamada, 2014a). Therefore, the activities of NGOs will be examined, while attempts of trade unions are also addressed. The author has done fieldwork in Malaysia since 2013.³⁵ The following is tentative findings from fieldwork.

Trade Unions

Although Malaysia is thought to have climbed up into the semiperipheral zone, its industrial relations still hold authoritarian or despotic nature. Malaysian industrial relations system has been so employer-advantageous that trade unions are faced with many challenges. For example, trade unions have to be registered in the Registrar and, afterwards, to be recognized by employers and employees to be the representative of employees. This process of registration and recognition is required for a trade union to carry out collective bargaining. In short, the activities of trade unions are institutionally restricted. As a result, union density in Malaysia is very low and only

³⁵ This research is based on Grants-in-Aid for Scientific Research from the Japan Society for the Promotion of Science. This fund will be supplied until 2017.

6.5% in 2011 (<http://www.mohr.gov.my>).

In globalization, TNCs are faced with keen competition and they have to pursue the efficiency and flexibility in production. This situation has causes TNCs to seek the *involvement* of their workers in production. And also their industrial relations have become *hegemonic* or more generous for the interests of workers. For example, some TNCs in the FTZs have allowed in-house unions to be organized, if benign industrial relations can be connected with this type of unions (e.g., Yamada, 2006). However, on the other hand, partly as another measure for holding on to competitiveness, employers are still opposite to existing trade unions, which have been organized nationally. The government is anti-labor as well³⁶ and it has basically not altered employer-advantageous industrial relations system.

The electric and electronic industries, which have been a pivotal of EOI, have also experienced such constraints. For example, the electronic industry has conventionally never been organized by specific unions. However, as a consequence of request for years, a regional union was allowed to organize in the electronic industry and it also seeks to organize migrant workers.

In Malaysia, migrant workers are forbidden to join any organizations including trade unions. Nevertheless, according to activists working with the Electronic

³⁶ Nevertheless, the government enforced the minimum wage law in 2013. It is as if the government turns pro-labor and pro-labor institution is constructed. However, it is needed to be clarified whether or not such a policy shift is predicated on so-called neo-Polanyian reaction (e.g., Deyo, 2012). For the minimum wage in Malaysia, see Yamada (2014b).

Industry Employees Union Western Region (EIEU-WR) and the MTUC, in the recognition vote for trade unions by employees, migrant workers can actually have the right to vote due to secret ballot and they tend to be favorable for the EIEU-WR.³⁷ This means that migrant workers can potentially be union members even if they cannot officially join the union. However, on the other hand, since migrant workers are only temporary visitors in Malaysia, they are not so earnest in joining the EIEU-WR and, as a result, they are difficult to organize.

Given that migrant workers are a larger part of workers in various industries in Malaysia, the MTUC, which seeks to protect all the workers and improve their working conditions, also addresses the issues of migrant workers seriously. The MTUC established the Migrant Resource Center (MRC), and the MRC has carried out all the issues on migrant workers—gathering information, supporting, advocacy, holding conference, associative campaign, and so forth. The MRC has branches in Penang and Johor, and it pursues organizing migrant workers. And also the MRC has associated with various NGOs and a political party (*Parti Sosialis Malaysia*, Malaysian Socialist Party, PSM) and implemented a campaign—the right to redress—for compensating for various disadvantages from their employers such as deducted wages for paying employers' levies.

³⁷ Nevertheless, employers can still manipulate the size of the bargaining unit and exclude migrant workers and contract workers—they are also often migrants—from the bargaining unit (Robertson Jr., 2008).

The MTUC has also attempted at rescuing domestic workers and it built a domestic workers association called the CARAM Asia. This is because employers often tend to abuse domestic workers particularly from Indonesia and the necessity to rescue them is getting more serious. In this case, such domestic workers association is also associative with various NGOs including foreign ones. Such NGOs play an important role in the labor movement, particularly for migrant workers. What kind of activity do NGOs implement for migrant workers?

Labor NGOs

Recently many NGOs have emerged in Malaysia. While the Malaysian state is still regarded as authoritarian, it is also indicated that civil society, one of whose characteristics is diverse activities of NGOs, can be maturing itself. In Malaysia, since the state is authoritarian and the primary religion of Islam is inclined to disregard the rights of women, many NGOs in Malaysia are primarily to protect womens' and human rights and to carry out campaigns for that purpose. NGOs addressing labor issues, labor NGOs, are associated with ones for human rights. In the following, two labor NGOs and their activities will be addressed.

The first one is called the Friends of Women (*Persatuan Sahabat Wanita*). It was established in 1984 and its office is located in Kajang in the suburbs of Kuala Lumpur. According to one of founders, this NGO has now a membership of 100 and is

run by the executive board of 7 members. The membership due is annually RM10³⁸, and Friends of Women do not obtain any financial support from private funds. For the membership, 70% of it is Indians, 10% is Chinese, and Malays are few. This is because the main area, Kajang, where Friends of Women has been active, is a plantation-clustered one and most of plantation or *estate* workers have been Indians. Friends of Women also originally attempted at organizing estate workers.

The Friends of Women now seeks to advocate female workers including migrant workers in the FTZs. As mentioned above, female Malay workers have been employed in the FTZs. Nevertheless, as one of processes of semiperipheralization, female Malays have also come to achieve higher education, and, as a result, they tend to escape monotonous assembly work in the FTZs and to quit their jobs immediately. Therefore, migrant workers have been introduced instead of female Malay workers. These workers are often burdened with heavy workload. Since they are not well informed of their work, they are also often threatened by toxic chemicals and suffer from health problems primarily after they returned home. Therefore, the Friends of Women primarily seeks to inform migrant workers of their task and to keep them safe and healthy.

Furthermore, the Friends of Women also tries to support migrant workers

³⁸ After the financial crisis in 1998, the exchange rate between ringgit and US dollar was fixed. 1 US dollar was equal to RM3.8. However, the rate can now be fluctuated again since 2005.

working with subcontractors of TNCs³⁹ in the garment industry. These subcontractors often employ undocumented migrant workers. Undocumented migrant workers are all the more vulnerable to exploitation for their statuses.

In addition, the Friends of Women has educated and trained female workers in association with other NGOs.⁴⁰ The purpose of this activity is to develop leadership. According to an interviewee, even though they do not have any specific curriculum, they try to foster the ability to deal with information adequately, to play a role of facilitator, to negotiate with employers, to make a presentation, and to do brief research and write a report.

The second NGO is the Tenaganita. The Tenaganita was established in 1991. Its founder was Irene Fernandez, who unfortunately passed away in 2014. Currently paid staff was 17, and many of them are Indians and Chinese. It consults with various migrant workers such as Burmese and Cambodians. Therefore, it employs not only lawyers but interpreters and translators. The Tenaganita is aided from some foreign funds, not in Malaysia. According to the interview with the present director, the Tenaganita originally pursued carrying out activities for estate workers and migrant workers in the FTZs.

It has utilized various chances of cooking classes and English learning classes

³⁹ According to an interviewee, these TNCs include global brand-named firms like NIKE.

⁴⁰ These NGOs include the SUARAM, one of the most famous NGO for protecting human rights in Malaysia.

in order to organize migrant workers and to implement educational programs for reproduction, human rights, and the leadership development. The Tenaganita has addressed the issues of domestic workers particular from the Philippines and sex workers, particularly on HIV/AIDS (CARAM Asia, 2005). In short, the Tenaganita has tried to aim at three categories of workers—women, migrants, and refugees. Regarding migrant workers, since 2008 the Tenaganita has sought the legalization and institutionalization for anti-human trafficking and implemented the campaign for “one day off every week” for domestic workers (Tenaganita, 2012).⁴¹

Recently the Tenaganita has sought to implement an educational activity in migrant communities. The purpose of this activity is to foster leaders in migrant communities and inform migrants of their rights through these leaders. For domestic workers, the Tenaganita attempts at carrying out outreach in churches where migrant workers usually gather. Furthermore, it demands that leaders who returned home may recruit and educate new leaders who are supposed to visit Malaysia. This activity is quite unique because it is oriented to transnational organizing. In addition, it seeks “the Right to Redress” campaign in association with the MTUC.

Challenges for the Labor Movement

⁴¹ This campaign was to improve long working hours and pseudo-slave situation for domestic workers. In short, this campaign was to let domestic workers, particularly live-in workers, have one day off a week and communicate with their friends and relatives. Partly due to this campaign, the Malaysian government permitted migrant domestic workers to have one day off a week and hold their own passports in 2009 (Ng, 2011: 39).

As was indicated, various activities for advocacy and organizing for migrant workers are implemented in Malaysia. Nevertheless, these activities are also faced with huge challenges. In the following, they will be examined.

Subjects

As some activists mentioned, migrant workers themselves are not so earnest in joining the labor movement, since they are only temporary workers. In case of female workers, they have to take care of their children⁴² and perform other domestic tasks. Therefore, they do not have enough time to participate in such activities as joining meetings and rallies.

Organizations

In Malaysia, many NGOs are joining the labor movement. However, as is indicated in referred cases in this paper, labor NGOs do not usually have enough resources to activate the movement. They only have small membership and are lack of fund. It is true that trade unions have more resources than labor NGOs, but unions themselves are likely to have specific problems. For example, some trade unions have

⁴² In Malaysia, female migrants are prohibited from taking their children with them. However, illegal migrants are likely to do so.

corrupt staff, who are not so active in organizing.⁴³ Furthermore, most leaders of the labor movement are male, and, therefore, it is indicated that these leaders are generally indifferent to specific issues for female workers (e.g., Crinis, 2008)

Institutions

However, the largest challenges the labor movement is faced with are industrial relations system and the immigration regime in Malaysia. First, migrant workers cannot join the membership of any trade unions. Second, migrant domestic workers cannot be regarded as workers but as servants. Therefore, they cannot be protected by labor laws and trade unions cannot organize them. Third, migrant workers themselves cannot undo employment relations, however terrible such relations may be. To put it another, migrant workers cannot choose their employers for themselves, and if they disconnect employment relations, they become undocumented at once. These institutions can give rise to terrible situations migrant workers are falling into, which are representative of peripherality in semiperipheral Malaysia.

Concluding Remarks

This paper clarified the reality and challenges of advocacy and organizing

⁴³ This case is said to be true of the National Union of Plantation Workers, which is one of trade unions with the most membership in Malaysia (Loh, 2010).

activities in Malaysia. From the world-system perspective, Malaysia is likely to be now located in the semiperiphery as a consequence of successful industrialization.

The semiperiphery is a middle zone in the world-system and it has both *coreness*, the nature of the core zone, and *peripherality*, the nature of the peripheral zone. This paper regards migrant workers and their connected industrial relations as representative of such peripherality. And also it asserted that advocacy and organizing activities for migrant workers can be grasped as an attempt at overcoming such peripherality.

However, the labor movement in Malaysia, which is not only executed by trade unions but labor NGOs, has some constraints in implementing such activities for migrant workers. The largest constraints are institutional ones in industrial relations system and the immigration regime in Malaysia.

Consequently, these constraints will prevent the labor movement from achieving advocacy and organizing for migrant workers. This means that Malaysia continues to be situated in the semiperipheral zone and that it cannot eradicate peripherality. Nevertheless, the task of eradicating it will be required to be fulfilled through the labor movement, although the semiperipheral position in the world-system, in which Malaysia is now located, reproduces peripherality in *the* society due to structural command.

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