“Dimensions of precarity of migrant domestic workers: constraints, spaces, and strategies of labour organizing in Malaysia”

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Introduction

• Labour organizing and domestic work, usually do not mix but in many countries, experiences have shown that domestic workers are not “unorganizable”.

• The most prominent example of successful migrant domestic workers’ (MDWs) organizing in Asia has been the experience in Hong Kong.

• However, organizing MDWs in Malaysia has been difficult and unsustainable unlike in Hong Kong.
But in examining the MDW organizing strategies in Malaysia, this study was confronted with:

• The hegemonic notion that domestic work is non-work embedded in class, gender and racial hierarchies;

• The MDWs’ identity encompass being workers, mostly females, and migrants where migrant workers are becoming the hyper-precarious workers in the neoliberal world order;

• and the specific political-economic and social context of Malaysia that deepens the precarity for MDWs expressed through its production relations and labour control regime.
This study wanted to find out...

• Given the constraints and spaces underlined by the dimensions of precarity of MDWs in Malaysia, to what extent trade unions, NGOs and MDWs can claim human and labour rights through labour organizing?

• How are these labour organizing strategies being shaped and informed given Malaysia’s specific political-economic and social context?
### Issues and demand-response from social actors:

**Source:** Own compilation

<table>
<thead>
<tr>
<th>Issues</th>
<th>Forms of violations</th>
<th>Demand-response from NGOs, TUs, religious groups, MDWs in Malaysia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor rights issues</td>
<td>denial of rest days; unpaid wages; long work hours; illegal deductions on salaries; bad working conditions; maltreatment of employers; exclusion from labor laws and benefits; etc.</td>
<td>Policy reform of Employment Act, Trade Union Act to recognize domestic work as work; adoption of new law for domestic workers; enforcement of once-a-week, day-off; advocacy for standardized work contract; organizing a DW association</td>
</tr>
<tr>
<td>Immigration status</td>
<td>Withholding of passports; work permit based on one employer, one contract; criminalization of status upon breaking employment contract or running away from employers</td>
<td>Policy reform advocacies on migrant workers’ right to redress and right to stay or work while pursuing labor/criminal complaints against employers (i.e. Special pass)</td>
</tr>
<tr>
<td>Human rights issues</td>
<td>Rape and torture, other physical, psychological, verbal abuse and gender violence</td>
<td>Shelters, case management, legal assistance, counseling, welfare services, community organizing, trainings and awareness-raising, campaign advocacies</td>
</tr>
<tr>
<td>Humanitarian issues</td>
<td>Food withheld; locked inside the house; no health insurance or benefits;</td>
<td></td>
</tr>
<tr>
<td>Welfare and social issues</td>
<td>Prohibited to communicate with family, outside world; suppress religious or cultural practices;</td>
<td></td>
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</tbody>
</table>
Precarities of MDWs in Malaysia

**Work/job-based precarity**
- Nature of work: isolated, DW regarded as non-work
- *disempowerment*

**status-based precarity**
- Temporary migrant worker
- Tied to work permit and one employer
- *disposability*

**national-based precarity**
- Legal non-recognition of domestic work
- Repression of activism
- *exclusion*

Productive-reproductive / formal-informal divides

Production relations (corporatist state) and political economy of Malaysia

State-civil society relations and power sources of workers
work/job-based precarity

• the contested notions on the nature of work of domestic work as either “work like any other” or “work like no other” (see Smith 2012), underline the notion of domestic work as reproductive work yet widely considered non-work.

• Gender inequality is situated at the core of the devaluation of domestic work and invisibility of reproductive work in the productive sphere under capitalist development (see Bakker and Gill 2003).
Domestic work...

• Domestic work in the neo-Gramscian sense is located in the household mode of social relations of production necessary for the reproduction of labour power vital to capitalist production yet undervalued, excluded and mostly unpaid.

• Robert Cox (1987) admits that the household mode of production is the most difficult mode to conceptualize because it is deeply embedded in social custom and “authority inheres in the social relations of the patriarchal family, and production is determined by a sexual division of labour consecrated by myth” (Cox 1987, 1:49).
‘status-based’ precarity

- Social reproduction theory cite the temporary migrant workers’ program or guest workers program in many migrant-receiving countries;

- Studies using social reproduction theory examine the increasing commodification of labour, social life and nature as also highly “racialized and sexualized” (Bakker and Gill 2003, 21) and argue that the world capitalist order is increasingly gendered and racialized while being mediated by class relations.

- This labour migration policy heighten the deportability of migrant workers who are increasingly becoming the hyper-precarious workers in the contemporary period (see Ferguson and McNally 2014).
‘national-based’ precarity

• Expressed through the restrictive and exclusive labour policies under the Malaysian labour control regime, the ‘national-based’ precarity is anchored on the non-recognition of domestic work supported by unequal power relations within the state-civil society relations in Malaysia.

• The national-based precarity dimension pertains to the exclusion of domestic workers in Malaysian labour laws and regulations considering domestic work still as ‘non-work’ done by ‘domestic servants’. In the context of the systematic repression of activism in Malaysia, the strategies of MDW organizing are contingent on the availability of workers’ power sources that can be deployed by trade unions, NGOs, and migrant domestic workers.
Precarities that engender: disempowerment, disposability and exclusion

• *Disempowerment* through the continued devaluation of domestic work as work, most often considered non-work and stereotyped as women’s work.

• *Disposability* comes from the vulnerability caused by MDWs’ status as temporary migrants through ‘guest-worker programs’ of host countries where the main objective is to regulate migrant labour through restrictive regulations such as the ‘one-employer work permits’.

• *Exclusion* refers to the legal non-recognition of domestic workers from labour laws thereby institutionally denying MDWs workers’ rights and protection.
Linkage of the dimensions of precarity

Dimensions of precarity of migrant domestic workers in Malaysia

Work-based precarity
- Nature of work: isolated, DW regarded as non-work
  - *disempowerment*

Status-based precarity
- Temporary migrant worker
  - Tied to work permit and one employer
  - * disposability

National-based precarity
- Legal non-recognition of domestic work
  - Repression of activism
  - *exclusion*

Reproduced by productive - reproductive / formal-informal divides

Production relations (corporatist state) and political economy of Malaysia

State-civil society relations and power sources of workers

Source: own
Strategies of empowerment?, engagement? or service/welfare provision?

<table>
<thead>
<tr>
<th>Strategies</th>
<th>Aims</th>
<th>Actions</th>
<th>Forms</th>
<th>Spatial</th>
<th>Approach</th>
<th>Actors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Empowerment</td>
<td>i.e. transformative / challenge / resistance</td>
<td>i.e. negotiation, organizing, representation, etc.</td>
<td>i.e. Agenda-setting, decision-making in policy reforms; unionizing or associational model in organizing; etc.</td>
<td>i.e. national, regional, transnational, multinational</td>
<td>i.e. rights-based (human/labor rights); class, gender or ethnic based organizing, etc.</td>
<td>i.e. trade unions, NGOs, MDW self-help support groups, etc.</td>
</tr>
<tr>
<td>Engagement</td>
<td>i.e. immediate relief / support / criticize</td>
<td>i.e. service provision, case-handling, etc.</td>
<td>i.e. provision of half-way houses, rescue programs, media reports, etc.</td>
<td>i.e. national, regional, transnational, multinational</td>
<td>i.e. humanitarian / relief and rescue</td>
<td>i.e. religious groups, embassies</td>
</tr>
</tbody>
</table>
Strategies of engagement and empowerment?

• **Strategies of empowerment** - actions and strategies that challenge the social, political-economic and legal structures that determine the spaces and constraints in the recognition and inclusion of domestic workers’ rights in Malaysia. Empowerment strategies and actions intend to challenge the existing social relations at the economic, political and legal fronts.

• **Strategies of engagement** - actions and strategies addressing a policy issue, whether for or against it, and are intended to engage other social forces involved such as the State, the policy-makers, the employers, the domestic workers or fellow civil society groups and aim to influence, support, criticize or assist groups or individuals on issues of MDWs.
Strategies of empowerment

• (1) *Negotiation or representation at tripartite mechanism for policy change* (trade union)

• (2) *Representation of migrant workers on legal complaints* (trade union and NGOs)

• (3) *Organizing collective organizations for migrant workers*
  • Along trade union lines
  • Along associational self-organized support groups
  • Combined trade union and NGO organizing
  • Unorganized, individualized coping and resistance strategies
Different organizing currents in Malaysia

These organizing currents do not occur exclusively from each other but may exist at the same moment in time and context.

- **NGO/religious/embassy-based MDW support groups** - domestic workers gather through assistance, education programs, etc. of NGOs, religious groups and embassies to form mutual-help groups to support other DWs;

- **Trade union/NGO-based support groups** - trade unions with NGOs assist domestic workers form their support groups by providing human, financial and organizational support.

- **National / multinational-based organizing lines** - National-based - an organizing current based on nationality and/or ethnicity; Multinational-based - different nationalities in one migrant domestic worker organization

- **Service-oriented/self-organized workers’-based** - Service-oriented would gather domestic workers based on their problems and provision of assistance by NGOs, trade unions or religious groups while self-organized workers-based organizing would gather domestic workers to provide mutual help and support independently from trade unions, NGOs or religious groups.
Thank you for your attention.