



Digital Solution for Advancing Foreign Worker's Human Rights in Malaysia

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Abstract. Through a focus group interview, this research aims to illustrate and conduct an initial proof of concept study for our innovative mobile application. Your 2 Home is a mobile app designed to help foreign workers in Malaysia understand their human rights. With the various features in the app, it is hoped that the foreign workers in Malaysia will have a better understanding of their rights and have an excellent platform to give advice or even assistance. In this day and age of advanced technology, digital solutions have been widely used for various industries such as business, marketing, health, and many more to solve their problem. Human rights are the contemporary personification of very long-ago human principles, which develop justice, equality, freedom, and dignity, targeting to defend people and protect their liberty to express themselves and their religious preferences. Although human rights exist in Malaysia, there is so much more that can be accomplished in line with the advancement of technology. Hence, the purpose of this paper is to recommend a concept of a digital solution that can be used to solve human rights issues among foreign workers in Malaysia.

Keywords: Digital solution; Foreign workers; Human rights

1. Introduction

In 2021, the number of foreign workers in Malaysia stood at 1.1 million (Lee, 2022). This represents 7% of Malaysia's total workforce. The Edge Market mentioned that the number of undocumented foreign workers in Malaysia could be greater than or comparable to the number of legal foreign workers. Why does it happen? By law, foreign workers are recruited into Malaysia under predetermined conditions and ratios. This should be practiced by all industries they are coming into. For example, the percentage of local foreign workers in the industrial sector should be around 1:3; this also depends on the company's size.

There is no previous study that suggests the implementation of digital solutions to address these issues. Most of it focuses on general issues concerning foreign workers and their rights. According to (Berawi, 2021), Malaysia has garnered substantial economic advantages from recruiting foreign workers in various industries. By providing workers, these sectors have also contributed to the country's rising trend to upper-middle-income status. Given the importance of foreign workers, the Covid-19 pandemic has prompted many governments to make a concerted effort to protect workers while ensuring economic recovery. In 2017, the World Bank estimated that Malaysia employed 2.96 to 3.26 million

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migrant workers (Loh et al., 2019). Based on the statistical data disclose that workers from our neighboring country, Indonesia, form a majority of foreign workers (39%), followed by Nepalese workers (24%), Bangladeshi workers (14%), and others from various nations (Economic Planning Unit Prime Minister's Department, 2022).

The issue of these foreign workers' human rights, which are being abused or mistreated, arises when employers bring in an excessive number of them above the quota and fail to handle them correctly. Migrant workers in Malaysia experience various challenges; employers may refuse to renew a foreign worker's visa if further problems arise. They delegate this problem to foreign workers and disregard any forms of agitation. The complex processing of foreign workers into Malaysia actually makes things worse, leading to using private employment agencies to recruit them. And many have faced lacking transparency in their recruitment process. The pandemic complicated their lives, and their human rights have been violated. For example, consider the case of a foreign security guard who works without days off and whose wages are deducted if they take time off. Seeing as Malaysia is a popular destination for migrant workers in East Asia, the human rights of these workers are not given due consideration.

The digital solution concept we recommend in this paper, a mobile application will be the first step in assisting foreign workers in Malaysia to comprehend and fight for their rights entirely. To emphasize the urgency of this issue, recently Simple Motion Sdn Bhd developed an app called ClickNCare, a digital healthcare for migrant workers in Malaysia, for SDSN Malaysia National Solutions Forum 2022. This shows that society recognizes that something has to be done for foreign workers. The novelty of this study (Your2Home) is that there is no registered application specifically on foreign workers' human rights on the Gallery of Malaysia Government Mobile Application website. As the first-ever digital solution assisting foreign workers in terms of their human rights, it is crucial that it be validated and tested, which is why this conceptual study is being conducted. Thus, the author believes adapting digital solutions will help address these issues one step at a time.

2. Literature Review

2.1. Human Rights

The term "migrant worker" refers to an individual who is about to begin, is currently engaged in, or has previously been engaged in a waged activity in a state of a different nation (OHCHR, 2022). These people are protected by human rights, which are universally recognized and protected norms that acknowledge and safeguard the dignity of all human beings (UNICEF, 2015).

Some general laws protect the fundamental human rights of migrant workers; for example, every person has the right to life, liberty, and security under Article 5(1) of Malaysia's Federal Constitution (FC) and Article 3 of the Universal Declaration of Human Rights (UNHR). The right to life implies that a person has the right to spend their life as they like, comfortably and without prejudice, in accordance with the law. The context of 'person' indicated in this section pertains to Malaysian citizens and non-citizens. It has been said that, as human beings, we should have freedom, self-respect, and equal rights. This is what we are born with. They are endowed with reason and conscience and should act brotherly toward one another. This is supported by the law, which states in Article 7 of the UDHR and Article 8(1) of the FC that everyone is equal before the law and is entitled to equal protection of the law without discrimination (United Nation Human Rights, 2022). With this being said, the term "everyone" is broad enough to include every individual, no matter race,

background, religion, gender, and so on, to be entitled to equal treatment under the eyes of the law.

2.2. Lack of Human Rights Solution & Awareness for Foreign Workers

In the Malaysian context, with charges of corruption, discrimination, and deplorable living circumstances abounding in many key businesses, ensuring that migrant workers are treated fairly and humanely remains an enormous challenge (Aziz & Basir, 2021). According to Santoso et al. (2019), the world is currently witnessing the emergence of the Industrial Revolution 4.0. However, despite the technological advancement, Malaysia still lacks digital solutions to protect the rights and interests of foreign workers.

Malaysia has recently experienced a surge in documented foreign workers, totaling 1,678,939 as of August 31, 2020. According to the World Bank Group, the number of irregular foreign employees is expected to be between 1.23 million and 1.46 million (Aziz & Basir, 2021). In spite of there are laws that govern fundamental human rights. However, migrant workers in Malaysia still face employment discrimination based on sex, ethnicity, religion, color, and a variety of other factors. In terms of wages, working hours, housing, food, working sectors, fines, deductions, and even exploitation, they differ from local employees (Putul & Mia, 2020).

Foreign workers' passports and legal documents are occasionally seized by their employers in cases of exploitation and rights violations by the employer. In certain circumstances, the passport is retained by the employer because the employer does not want the employee to leave the employer. Most of the time, when an employer holds or confiscates a foreign worker's passport, the foreign workers are unaware that something is wrong. They reasoned that it would make future record management easier. When they arrive in Malaysia, their passports are sometimes taken by the job agency, and they must pay to get them back. They are forced to labor using liabilities like repayment of their debt and sometimes threatened with violence if they do not. They have no choice but odd to obey the command and accept persecution because they are terrified of getting arrested (Omar et al., 2017). Additionally, workers report a lack of adequate safety and healthy instruments on the job, particularly on the construction site. Moreover, religious rituals are restricted in a few enterprises or businesses during working hours. Employers set a time limit for prayer. Hence workers cannot finish praying in the allotted time.

2.3. Foreign Worker's Human Rights in Malaysia

According to the Fair Labor Association, an international non-profit organization dedicated to advancing international labor regulations, migrant workers in Malaysia come from more than twelve Asian countries. Most of them are from Indonesia. Bangladesh, Nepal, India, Pakistan, Vietnam, Cambodia, Thailand, and the Philippines also contribute significantly to Malaysia's migrant worker population (Soon, 2015).

Due to the growing number of illegal immigrants and the problems they cause, the Malaysian government has enacted legislation to allow them to register and ensure that they become law-abiding citizens and workers. Legalization programs first appeared 25 years ago and have since evolved into one of the state's tools for accounting for and managing the population of illegal immigrants in their nation. They are frequently implemented in tandem with increased migration control, whether internal or external (Levinson, 2005).

Articles 6(1) and (2) of the Federal Constitution of Malaysia declared that all forms of forced labor and slavery are forbidden in Malaysia's territory, whereby 'no one shall be held in slavery. The phrase 'no person' refers to the fact that neither domestic nor foreign workers may be held in slavery or servitude. Section 345 of Penal Code Malaysia lays out

the punishment of forced labor, which reads as 'whoever unlawfully forces anyone to work against the person's will, shall be punished with a jail sentence or fine or both.

2.3.1. The Factories and Machinery Act (FMA) 1967

It covers factory workplace safety. Its goal is to ensure factory safety, health, and welfare for everyone who works there, including workers. It includes laws that govern the registration, inspection, and operation of machinery that could endanger workers and the general public. Sections 25 and 26 of FMA state that personnel must receive proper training in the use of machinery and be provided with adequate clothes, storage, water, first-aid facilities, and other things. Sections 31 and 32 lays out the obligation for the occupiers to report any accidents or infections to the nearest inspector (Mustaffa et al., 2021). The FMA is crucial, as the DOSH enforces 16 regulations under it, for example, Electric Passenger and Goods Lift Regulations 1970, Fencing of Machinery and Safety Regulations 1970, Notification, Certificate of Fitness and Inspection Regulations 1970.

2.3.2. The Workmen Compensation Act (WCA) 1952

Local workers are no longer protected under WCA as of 1st July 1992 and will be covered by the Employees' Social Security Act 1969. To clarify, the employer is responsible for the employees, and all private companies in Malaysia are required by law to register with the Social Security Organisation (SOCSO). Usually, both employers and employees ought to pay for SOCSO. However, foreign workers in Malaysia do not have to contribute to SOCSO, whereby their employers will cover their employment injury compensation under WCA.

This is due to WCA mandates that workers be compensated for injuries sustained on the job. According to Section 26 of WCA, employers are obligated to ensure that their foreign workers are covered by the panel insurance firm chosen by the Minister of Human Resources under the Foreign Workers' Compensation Scheme. Subsection 1 of the same section lays out punishment for employers that fail to comply with this provision, which is they have to face a penalty of not more than RM20,000.00 or a sentence of not more than two years in prison or both (Mustaffa et al., 2021).

3. Methodology

3.1. Designing the Your 2 Home Applications

Based on the studies of human-machine interface visualization, the process of human-machine interaction helps to transfer and feedback of information to users, and the exportation and result of conducts will be determined. Based on the theory, the designer must study the cognitive psychology problems relating to the human-machine interface to strengthen the accuracy and efficiency of information transfer. These cognitive psychology studies determine a person's main objective information, and the information will appear and also transform into knowledge and store the knowledge as well as provide guides to the user, in this case, will be the foreign workers. Cognitive psychology concerns the whole process of human psychology, from tactility to consciousness, model cognition, study, skills, forming concepts, thinking, presentation, memory, language, and sentiments, penetrating all the fields of human conduct. In light of escalating use of technology in solving legal issues, we, therefore, propose the creation of a mobile app with a human-machine interface visualization named "Your 2 Home," to alleviate the ongoing predicament encountered by foreign workers. As a proof of concept for our study, a minimum viable product (MVP) is created. This section will be divided into two sections: (i) key issues to be addressed and (ii) additional app features. The application is designed in a way to follow the design principle of interface information visualization, which is a consumer-centered principle and principle

of assisting through multiple ways. Under the consumers-centered principle, the app is designed to be consistent with modes that the user is aware of or familiar (Cooper & Reimann, 2005). Due to the different functions in our app, we follow the principle of assisting through multiple ways, where it stated that visual, auditory and tactile should be combined together to meet different needs.

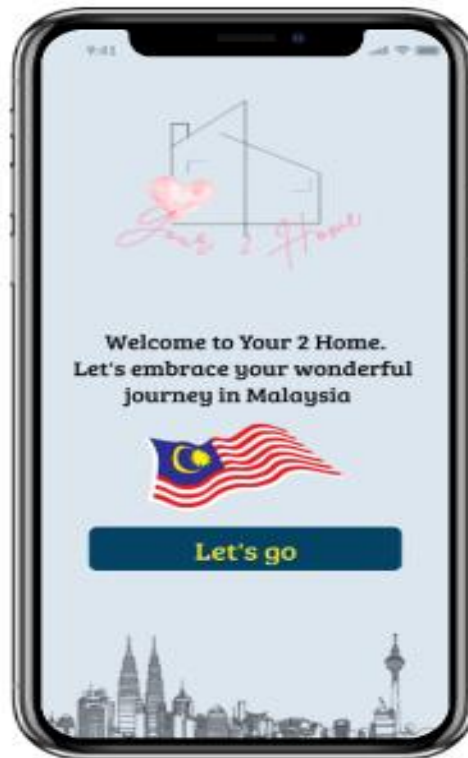


Figure 1 Login page interface for My 2 Home application

The motto of our app is to ensure that foreign workers can have an incredible journey in Malaysia by not only seeking to facilitate their daily life but also alleviate the existing sickness that afflicts them. We wholeheartedly hope Malaysia can become their second home, which abounds with love and warmth. For ease of use, this app will be multilingual. To materialize this app, we seek to collaborate with the Immigration Department of Malaysia and the Ministry of Human Resources (MOHR). It will be mandatory for every migrant worker to utilize our app. The targeted users of our app are foreign workers (blue-collar workers) and employers in Malaysia.

The violation of foreign workers' rights and the proliferation of illegal foreign workers are two major issues that need to be tackled. Ignorance is the root cause of human rights violations when it comes to the rights of foreign workers. This is further proven when it has always been the policy of the Malaysian government that an induction program must be offered to foreign workers before entering Malaysia since 2004. This program aims to expose foreign workers to Malaysian laws and culture to prevent them from being abused and enable them to better integrate into society (Lee et al., 2011). However, according to Malaysia's Director of Labour, this program is no longer compulsory. Since this program has to be conducted in the foreign workers' countries of origin, it poses a problem for the Malaysian government to monitor it effectively (Aminuddin, 2020).

Hence, our app will include a "Your Rights" section specifically to equip foreign workers with the basic knowledge of the relevant Malaysian legislation, such as the Employment Act 1955 and the Workers' Minimum Standards of Housing and Amenities Act 1990. Meanwhile, regularly updated news concerning foreign workers will be provided as well.

Keeping themselves abreast of the latest laws and government policies affecting them is undeniably the first step to reducing the violation of their rights. Since it is fundamental knowledge about their rights amongst the foreign workers, the authors propose to incorporate an effective complaint system to ventilate their grievances, which will be directed to the Ministry of Human Resources. Foreign workers can file any complaint by providing additional remarks and supporting documents such as videos and photos to substantiate their claim. Meanwhile, foreign workers can review their complaint history and keep in touch with the person in charge.

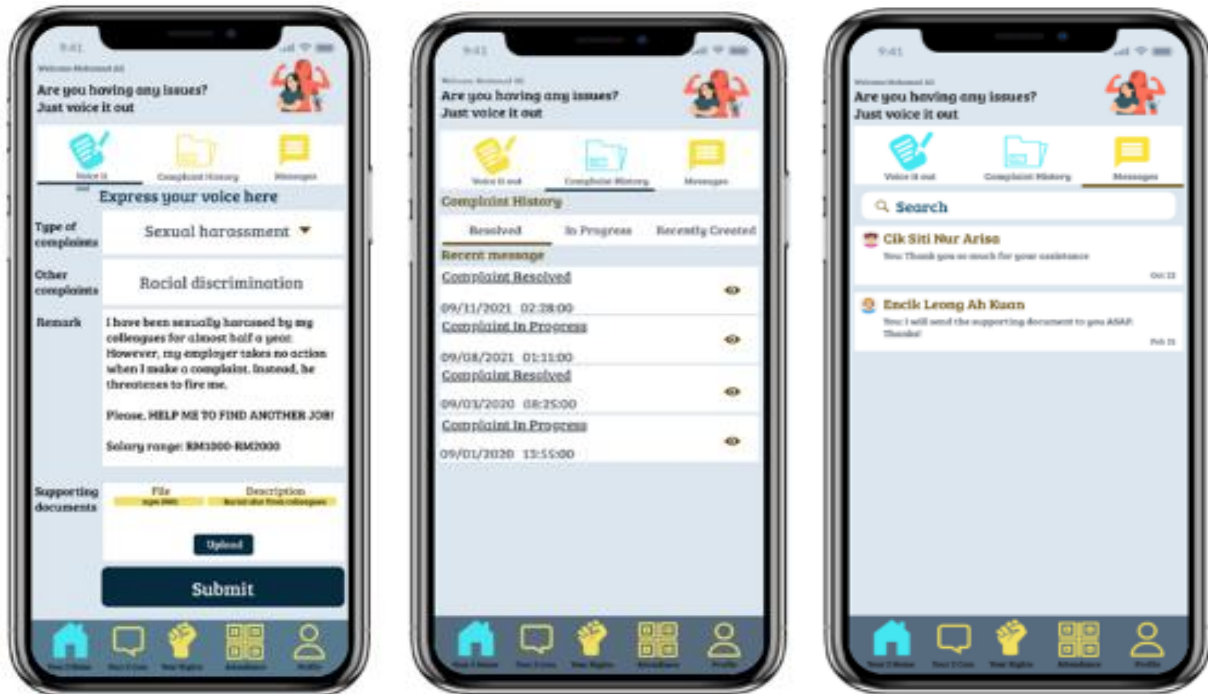


Figure 2 Complaint system for My 2 Home application

As mentioned above, the second issue is the proliferation of illegal foreign workers since Malaysia's vast job opportunities greatly tempt foreign workers. Illegal immigrant refers to anyone who enters a particular country without complying with the legal requirements. It also includes anyone who overstays their visas, even though they arrive at a specific country legally in the first instance (Hoque et al., 2020). The effects of the increasing figures of illegal foreign workers are alarming. Apart from hindering Malaysian economic development, it poses other issues, such as dwindling social security and escalating crime rates (Hoque et al., 2020).

Hence, to alleviate this pressing issue, we propose to digitalize the important information of the foreign workers such as their visas and working permit to reduce the hassle of bringing numbers of documents whenever they go. Such information will be stored in the form of QR code, which is only accessible by certain authorities, namely the Polis Diraja Malaysia (PDRM) and the immigration officers. Meanwhile, it also assists the relevant authorities in identifying the illegal foreign workers.



Figure 3 Digitalization of information for My 2 Home application

3.2. Product Testing

To validate our proposed mobile app, “*Your 2 Home*”, the authors have sought opinions from employers and legal advisors in Malaysia. This research has shown that employers validate the concept because they are one of the main determinants in implementing this app at their workplace. Thus, a focus group discussion among three panels was conducted on 20th November 2022 for 2.5 hours. A total of 15 questions were asked. This is a mini focus group according to (Kamberelis & Dimitriadis, 2005); therefore, three panels were selected for these studies using purposive sampling. Purposive sampling was adopted in these studies as the authors would like to collect more information regarding the features and feasibility of the solution. The feedback is as follows:

Panel 1, a managing director of a cleaning business for almost 20 years, highly recommends *Your 2 Home* as its all-encompassing app for employers and foreign workers. They should not be regarded as merely ‘pendatang asing’ but as part of the contributors to Malaysian economic growth. Panel 1 business primarily relies on foreign workers from Thailand, Myanmar, India, Pakistan, Indonesia, and Bangladesh.

Panel 2, currently holding the position as a legal advisor personally, thinks this app is very practical because it not only enables employers to master the basic information of foreign workers but also facilitates them to carry their legal documents easily. A good app will not only take care of one party but also take care of the convenience of both parties.

Panel 3, currently the restaurant owner, mainly deals with foreign workers from Thailand, Myanmar, India, and Indonesia. He supported that the solution can expedite the process of submitting necessary documents and renewal of visa and permit yearly, which normally consumes time and energy.

4. Discussion

Last but not least, launching “*Your 2 Home*” will undoubtedly uphold Malaysia's reputation on the global stage as a country that endorses equal enjoyment of human rights for everyone. Such adoption is of utmost importance given the fact that Malaysia had just been involved in the United Nations Human Rights Council for the 2022 - 2024 terms (FMT, 2021). The sustainability of our app in Malaysia is not a matter of concern given the fact

that Malaysia is still demonstrating a dire need to recruit foreign workers. Recently, a Memorandum of Understanding (MOU) was even signed between Malaysia and Indonesia for the recruitment and protection of Indonesian domestic helpers in Malaysia ([The Sun Daily, 2022](#)). In line with the digital transformation mentioned by ([Godin & Terekhova, 2021](#)), digitalization in education is important in creating new education models that have ICT impact-pedagogy. We believe that problems like human rights can be solved using digitalization.

The novelty of Your2Home is featured in the function of the app called Your Rights Section. Whereby the apps will smartly send the complaint to the correct government agency. We also discovered a limitation in this study, which is to test the concept of using digital solutions with the amount of information that we get from both foreign workers and employers. Without sufficient information and a deep understanding of the core of the problem, it isn't easy to roll out an effective and impactful solution. This app runs with multiple and vast amounts of information and data. Thus human-machine interface design must lead to consumer-satisfied human-machine interfaces ([Gong, 2009](#)).

Despite the noble objective we are hoping to achieve with the launching of "Your 2 Home", we are well aware that our app alone is insufficient to fully eradicate all the ongoing difficulties encountered by foreign workers. Their plights are not nascent but deeply rooted in our society. To produce significant changes, there are other illnesses to be cured, which cannot be done by the mere creation of a mobile app, including but not limited to the involvement of middleman, private agencies that privately employ foreign workers, and individuals that is managing the process foreign workers, and cover-up of corruption amongst the government officials ([Amarthalingam, 2017](#)). Be that as it may, it does not hinder our "Your 2 Home" from becoming the first initiative that acts as a catalyst for further initiatives for the betterment of the foreign workers in our country.

5. Conclusions

We believe that with the launch of "Your 2 Home", it can help to alleviate the issues of violations of foreign workers' rights. Aside from that, the foreign workers will feel respected and recognized, instilling a sense of belonging to Malaysia as their second home as they begin a new life.

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