

Abused and alone : legal redress for migrant domestic workers in malaysia

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Abstrak

Malaysia's rapid economic development has relied on Malaysian workers as well as on migrant workers, especially from ASEAN countries and South Asia. The sustained high economic growth rates in Malaysia over approximately three decades caused the increase in migrant workers, who were to meet the rising demand in certain sectors of the Malaysian labour market. The objective of the article is to identify potential opportunities for policy and legislative reform in relation to Malaysia's implementation of its obligations as a Migrant Domestic Worker (MDW) receiving country specifically in relation to the barriers to MDW bringing claims where their rights have been breached. This article has identified the relevant policy, legislative and support mechanism (NGO and government) landscape in Malaysia regarding the realisation of the rights of migrant domestic workers in Malaysia to bring claims where their rights have been breached; best practice examples of the relevant policy, legislative and support mechanism landscapes in at least 2 'best practice' MDW receiving countries regarding the realisation of the rights of MDW to bring claims where their rights have been breached; and potential opportunities for policy, legislative and support mechanism reform in Malaysia to further enhance the realisation of the rights of MDW in Malaysia specifically in relation to redress mechanisms for breaches of the rights of MDW.

Pertumbuhan ekonomi Malaysia yang pesat bergantung pada tenaga kerja Malaysia dan tenaga migran, khususnya dari negara-negara ASEAN, dan dari Asia Selatan. Pertumbuhan berkelanjutan yang tinggi dari ekonomi di Malaysia selama lebih dari tiga dekade telah mengakibatkan meningkatnya tenaga migran, karena kebutuhan untuk memenuhi permintaan yang meningkat di beberapa sektor dalam pasar jasa Malaysia. Tujuan artikel ini adalah untuk mengidentifikasi peluang reformasi kebijakan dan legislasi dalam kaitannya dengan implementasi Malaysia akan kewajibannya sebagai Negara penerima migrant domestic worker (MDW) khususnya terkait hambatan MDW dalam melakukan gugatan ketika hak mereka dilanggar. Artikel ini telah mengidentifikasi tataran kebijakan, legislasi dan mekanisme dukungan (terkait realisasi hak-hak MDW di Malaysia dalam melakukan gugatan; contoh praktik terbaik (best practice) tataran kebijakan, legislasi dan mekanisme dukungan yang terkait di setidaknya dua Negara penerima MDW yang memiliki 'best practice' dalam merealisasikan hak MDW dalam melakukan gugatan; serta potensi peluang reformasi kebijakan, legislasi dan mekanisme dukungan di Malaysia untuk semakin meningkatkan realisasi hak-hak MDW di Malaysia khususnya dalam mekanisme ganti rugi atas pelanggaran hak-hak MDW.