Research and Innovation Podcast

ILPC Episode 1: Filipino Migrant workers in Malaysia: trajectories of undocumented labour

Speakers: Professors Chris Forde and Jonathan Winterton

[00:00:00] **Chris:** Hello, and welcome to this episode of the Research and Innovation podcast at Leeds University Business School. I'm Chris Forde and I'm Professor of Employment Studies at the Centre for Employment Relations, Innovation and Change (CERIC). And I'm joined today by Professor Jonathan Winterton, who's Professor of Work and Employment at CERIC, also.

And we're going to be discussing today migration and looking at the experiences of migrants and their motives, and some of the outcomes associated with migrants. This is a topic of wide interest, I think, to academics, policymakers and to a wider audience. And we're going to look specifically at research conducted by Jonathan, into the experiences of Overseas Filipino migrant Workers in Malaysia.

So welcome Jonathan.

[00:00:49] **Jonathan:** Good morning, Chris. Thanks for doing this.

[00:00:53] **Chris:** Thanks very much. And perhaps to begin with, then you could tell us a bit more about what motivated you to research this issue. What's your interest in this area and how did the research come about?

[00:01:03] **Jonathan:** Right. Well, it was largely by accident. In the early days I was working in Sarawak which is Eastern Malaysia on the island of Borneo. And I was actually working on undocumented workers and the so-called Jalan Tickus - the mouse trails through the jungle.

And in the course of that, I got talking to some Filipinos who were working in Brunei, in Sabah and elsewhere, and discovered that there was, firstly, a lot of Filipino migrant workers in Malaysia. And secondly, that there was a substantial number of undocumented workers. And I was interested to find out how this happened.

[00:01:56] **Chris:** The extent of this then - just how extensive is it in terms of the numbers or proportion of Filipinos who were migrants in Malaysia?

[00:02:06] **Jonathan:** Well, I mean, it's probably as well just to set it in the context of ASEAN, the Southeast Asian nations. There are around 650 million people in ASEAN. Varies from, estimates vary from 622 to 669 million which you might find strange because there are official data. There's also officially 24 million migrants in ASEAN: 8 million of them stay in ASEAN and 16 million go elsewhere - UK, US, Middle East, and so on. Now within that bigger picture, and bearing in mind, you know, 650 million - this is twice the size of the United States and is substantially higher than the European Union as well, so this is a big population out there.

Now the two nations that we're talking about, which is Malaysia and the Philippines, Malaysia is the biggest user of migrant workers, and the Philippines is the biggest sender of migrant workers. In fact, it's the third biggest in the world, so certainly the biggest within ASEAN.

[00:03:27] **Chris:** And academically then if you think about this, there's lots of theories to try and understand this. This is a huge phenomenon, as you've talked about, which is typically understood in terms of, what are called push or pull factors. So demand and supply-side factors, but also there's a lot of interest around, increasingly in research, around sort of networks and the role of families, et cetera.

So were these sort of things that motivated you - you say it was almost an accident that you did this research, but when you started out looking at this, what were the things that you were interested in trying to understand and what sort of theoretical conceptual ideas were you trying to draw upon?

[00:04:09] **Jonathan:** Well exactly those. I mean, as you say, the sort of classical economic push-pull. Clearly people migrate from low wage to high wage economies. I mean, that's understandable, but it's how they come to do it because you know, not everyone moves. There's the potential difference between the low wage and the high wage, but this is not electricity. It doesn't work like that, people don't flow automatically. They make decisions. And in those decisions, families are often involved in the Philippines. Families are enormously important, but also there are networks. So we discover that there are particular agents or human agency. That's human agency in a sociological sense, which may or may not involve agents and agencies who supply workers. That's big business in the Philippines and in Malaysia.

But there's also a kind of interaction with the regulatory frameworks and you know, what we have is what Massey calls cumulative causation. You've got all of these things on top of each other, and you know, that played out in the interviews that we did.

And I mean, these were largely people who were working in Malaysia as domestic helpers, because the regulatory framework only allows Filipinos to work in Malaysia as domestic helpers. We did, however, find people who were working in shops, who were working particularly in restaurants and even in manufacturing in the oil sector and of course, in oil palm plantations.

So, you know, by definition, these are areas that are forbidden to Filipino workers. So, of course, they were undocumented. And so that's how the kind of story began to unfold. We started, as I say, with kind of accidental conversations with people. We then moved to Peninsular Malaysia, and then did some really targeted selected interviews with Filipinos working in Peninsular Malaysia, and then literally went back out to Sabah and out to the Philippines to undertake other interviews so it became increasingly focused and targeted as new questions arose.

[00:06:58] **Chris:** So the research evolved as you were doing it. I think that's a really interesting approach. And this, this idea of trying to get beyond the economic idea that it's simply about, you know, demand and supply, and we don't really need to understand what's going on, the sort of processes behind it.

I think trying to unpack that and explore that a bit, looking at networks of the regulatory framework, but also as you say, these brokers and intermediaries, which may be sort of employment agencies as we might understand them, but maybe individual agents as well, who seemed to have an important role to play around migration dynamics.

I think if we, if we think about the methodology here, before we move on to look at some of the results, the approach that you're adopting, how did you try and build that in? So were all interviews

with the migrants themselves, or were there, other data that you drew upon as well to try and get a handle on the role of these sort of agents and other sort of players in this relationship?

[00:08:00] **Jonathan:** Well, the primary resource was the migrant workers themselves. And in that I must mention my co-author, Lizel Nacua, who is Filipino and who was also an OFW in the Middle East and in Hong Kong. So they returned to ASEAN as a Balikbayan is the Filipino term for a returned overseas worker. So that was very helpful because of establishing rapport and being able to interview in Tagalog, Cebuano and Visaya (Philippine languages).

But beyond that, yeah. We then wanted to follow up specific issues. So we did get some agents who were prepared to talk to us and employers. And the employers' perspective was very interesting, you know, and it's all about what it costs to employ migrant workers in Malaysia because there's levies on, for instance, an annual levy of a 425 US dollars per head in the service sector. But higher fees in sectors like manufacturing and construction. I mean, we interviewed, I interviewed a construction employer who exclusively used Indonesian workers. They are allowed to work in construction, Indonesians in Malaysia, but they're supposed to be documented and none of them were, so, I mean, this is, this is not a kind of rarity. This is systematic and it's a much bigger phenomenon than we could imagine.

[00:09:50] **Chris:** That's really interesting. Well, let's turn to some of the findings now and give us a little bit more detail on a few of the things. Perhaps we'll look at some of the motives of migrants and then look in a bit more detail, at the role of these agents and some of the other issues around this.

So in terms of the motives, what were the main motives that you found for migration? Was it as simple as a desire to secure higher earnings? Or was it more complex?

[00:10:15] **Jonathan:** No, the earnings issue was paramount and I mean, it's related to this strong sense of family in the Philippines and often very large families. All of those we interviewed, talked about the hardship, the poverty, the lack of opportunity in the Philippines, and all of them had a perception - and I stress perception - that they would get much higher earnings, even if they were doing a job for which they were obviously overqualified. And often that was the case but of course the sad story there is the majority incurred huge debts to become OFW and continued repaying throughout the duration of the contract. I mean, there's in the literature, someone referred to the OFW as a "low risk crop". Instead of growing rice, you send one of the family members abroad and I would extend that analogy and say, yeah, and they get harvested all the way along the system by agents that send them, by agents that receive them, by agents that manage them, by the employers quite often, and of course, by the family. I mean, people told us, "well, I'm really treated like a cash machine". You know, it's… they're not working for themselves.

[00:11:45] **Chris:** And there's this ongoing dependence I noted in some of the research that the agents are cultivating, as you say. So, almost continuing this relationship promising almost that papers will, you know, will come to allow them to move into more regular employment if they're undocumented, but, these processes took a long time and were often dependent upon further money being paid to the agent.

So there is this, this seemingly this sort of dependence been cultivated by agents to ensure that these workers sort of continue providing them with an income or a cut of money.

[00:12:22] **Jonathan:** Well, and of course the most unscrupulous agents actually charge a monthly fee. And sometimes they give the migrant workers a piece of, paper, which they say is an employment pass. It is not. An employment pass is in your passport. I had one all the time I was working in Malaysia. They gave them a piece of A4 paper, which was stamped by Malaysian Immigration, which tells you something about where some of the money goes. And this is all highly irregular. Occasionally immigration officials and police officers do get arrested when the Malaysian Anti-Corruption corporation does a sting or a big bust, but it's endemic.

This is not one or two individuals. This is endemic, and that's why it's such a problem. And of course, once someone gets undocumented working in an occupation for which they're not allowed to be there, or simply runs away from the employer because they're badly treated and goes working off the radar, by definition they're illegal and they're then open to so much more abuse and exploitation.

[00:13:39] **Chris:** And what about those that are in documented roles? Is the picture more positive there? I mean, are there opportunities, I'm thinking about opportunities for progression and movement within a more regular work or are there sort of vulnerabilities and risks even for those that are in more documented roles in sectors of the economy where they are allowed to work?

[00:14:02] **Jonathan:** Yes, they are less vulnerable, but it's down to the employer. So some people who went in properly documented, had very good experiences with the employers, were looked after properly, were treated as members of the family even. But for everyone that said something like that, there was another one that reported they were never paid. "I was never paid. I was beaten. I was starved." I mean, you know, so there's a really big range of experiences. And of course there are people who get tricked into coming in, believing they're going to be working in a supermarket or as a domestic helper and find that they've actually been trafficked into sex work. And this is a big issue as well. So yeah.

[00:14:57] **Chris:** The picture you're portraying is one of around almost these multiple trajectories of exploitation, I think is a phrase that you use in the research that I've seen you write around this. It's almost this, irregular work is being socially constructed. It's the outcome of a range of factors.

It's not just about the individual decision, but you've got other stakeholders and agents who are involved in it. And though, that includes employment agencies, but also the state, I think you're saying here, so the state has an important role to play in this.

[00:15:34] **Jonathan:** Well that's, this is the paradox - that the regulatory framework in Malaysia actually acts as a disincentive for employers to hire documented workers. They go off radar and then you have this, as you say, social construction of irregular work, and degrees of conformity with the regulations and most of the workers believe they are complying with the requirements.

And as I said, they often have a piece of paper that they show you, which they believe is some kind of employment pass. So yeah. Multiple trajectories, but even when it comes to those who came illegally in the first place through backdoor routes, those that we interviewed, no two came in on the same boats, or the same destination, arrival place. So clearly there's a lot of it about.

Similarly, one or two agencies in the Philippines were mentioned by several, but there was an awful lot of agents and agencies that were mentioned by the 122 people interviewed. It gives an idea of

the scale of this. You would expect, you know, three or four that will be dominant, but no, there's an awful lot of people involved here.

[00:17:01] **Chris:** Just a final question then. What's the prospects for the future here? Is this an area where there's talk or consideration of greater regulation and if so, where's the push for that going to come from? Is it going to come from the state? Is it in employers' interests to maintain this situation as it is, or would they prefer to see more regulated, documented work in this area? What's the prospects here do you think?

[00:17:29] **Jonathan:** Well, I mean, the way it's set up, you mentioned well as a prospect for them to become kind of regular workers. Well, no, because even if you come properly documented, you've got a two-year contract. And then you have to go back. I mean, that applied even to the more privileged so-called ex-pats. So the, you know, working in a university, you get a two-year contract when it's ended, you're on the next flight home. And you know, there's no, no negotiation around that, even if you come back for an extension of contract. That kind of creates a bit of a problem.

Will the state look to change this? The problem is the state discourse actually in the Philippines, tries to kind of obscure the fact that the country is absolutely dependent on remittances. And in Malaysia, the discourse is a denial of the absolute dependence on migrant workers. They are possibly, more than a third of the workforce, including undocumented.

So, you know, this is a major, a major issue. Neither country really wants to address the issue. And certainly the employers don't because it's their way of coping with tight labour markets.

[00:18:58] **Chris:** Thank you very much, Jonathan. It's really interesting to hear about this research, and thanks a lot for your time today.

[00:19:05] **Jonathan:** Well thanks very much, Chris, for organising this interview.

[00:19:10] **Chris:** And if you're interested in finding out more about the research, please feel free to get in touch. And thanks very much for listening to this podcast today.