

THE UNFAIR WELFARE PRACTICES TOWARDS FOREIGN WORKERS IN THE MALAYSIAN CONSTRUCTION INDUSTRY

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ABSTRACT

Foreign workers are considered as one of the main elements in the Malaysian construction industry. The foreign workers are regarded to be important and with the best of interest by contractors or employers. This is due to employing them at a minimal cost as compared to having local Malaysians. Nevertheless, the construction industry has been battered by chronic problems such as poor health and safety conditions, poor working conditions and lack of quality, resulting in poor productivity and overall efficiency. Apart from the take-home salary that foreign workers receive, the welfare facilities and practices are vital as well in the whole ecosystem. Decent welfare facilities and practices are important in keeping the morale and motivation of workers high thus influencing productivity. The objectives of this paper are to investigate the types of unfair welfare practices towards foreign construction workers, identify the critical factors contributing to unfair welfare's practices, and recommend solutions on the improvements on the unfair welfare's practices. The paper is segregated into two (2) methods, which are the distribution of questionnaires survey and semi-structured interview. 100 respondents were targeted for the questionnaire and five respondents for the semi-structured interview. Statistical analysis was used to analyse the data collected from the questionnaire survey while content analysis was applied for the data collected from the semi-structured interview. This paper reveals that no annual paid leaves as unfair welfare practices and lack of inspection as the critical factors contributing to the unfair welfare towards foreign workers. The findings from this paper will be able to shed some light on this issue and the relevant parties can fully utilise it to improve the construction industry as a whole. Indirectly it will be able to set the country on a path towards building its economic and social resilience that will enable the whole country to move forward.

Keywords: *foreign workers, unfair, welfare, practices, facilities, construction, Malaysia*

INTRODUCTION

The Malaysian construction industry has always relied on foreign workers since the 1980s, but there was not a comprehensive policy with regards to the recruitment and placement of foreign workers as reported by (Athukorala & Devadason, 2012). However, legal employment started in 1981 and this was followed by the signing of the 1984 Medan Agreement with countries that were the primary sources of labour. This strong recruitment of foreign workers in the Malaysian construction industry is indeed not a new phenomenon. Malaysia has been experiencing labour shortages since the 1980s. Jamaludin *et al.* (2014) mentioned that although the wage rates in all categories of workers have increased due to labour shortages, the supply of labours has failed to increase adequately to match that demand, hence foreign labour construction workers filled that gap. The construction industry has been experiencing persistent problems such as poor health and safety condition, inferior working conditions, and non-achievement of quality, which have harmed construction productivity, overall performance, and image. These issues have affected the workers' productivity and the project timeline.

There are various types of welfare that foreign construction workers should be provided with, such as suitable wages, safety, satisfactory welfare facilities and healthy well-being. Therefore, foreign workers welfare is very important to ensure the vitality of their work meets a satisfactory level. This is also supported by the International Labour Organisation (ILO) stating that workers should be protected from sickness, diseases, and injury arising from their employment. This is because of its

contribution to losses in terms of compensation, workdays, interrupted production, re-training, as well as health-care expenditure, which represents 3.94% of the world's annual GDP as highlighted by International Labour Office (2018). Moreover, it is a challenge to employers as they have to face the unwanted cost of early retirements, loss of skilled staff, absenteeism, and high insurance premiums.

International Labour Office (2018) defines workers welfare as services, facilities, and amenities as may be settled in or outside the vicinity of undertakings to enable workers employed by them to be able to perform work in healthy, favourable surroundings which are conducive to good health and high morale. Good welfare is important in keeping the morale and motivation of employees high to retain them for a longer duration. Every worker of a construction site is entitled to welfare facilities provided by the employer as highlighted by Abdul-Aziz *et al.* (2003). It is the responsibility of the employer to provide necessities for workers which is required by law. Every employer should consider these at the planning stage of projects, including planning and preparing phases such as availability of welfare facilities, location on site and how they will be maintained. This is due to the satisfactory and well-maintained facilities which can have a desirable benefit on the health and well-being of the workers. Although the awareness of foreign labour welfare has been highlighted and discussed widely in international conferences and talks, there are still some employers who chose to ignore these issues. Malaysian Employers Federation (2014) mentioned that although clients pay the recruiters a considerably high price for the foreign workers supplied, the wages these contractors provide to their foreign workers are still at the minimum. This was agreed by Ajis (2014) who revealed that one-third of foreign workers are living in a low-grade, contaminated, and congested housing area. Furthermore, a report by Ang *et al.* (2018) stated that some of the international employers failed to provide proper scaffolding, platforms, working procedures and sometimes these workers only wore wide-brim straw hats and slippers in preference to helmets and boots. They also do not provide proper shelter for their injured workers and this has contributed to psychological distress. Lette *et al.* (2018) reported that work-related injuries such as falling, injured by an object, musculoskeletal disorder, skin disorder, eye problem, breathing difficulty, cardiovascular disorder and hearing problem are the main causes for absenteeism, retirement, mutilation or even death. Mostly in a developing country, work-related injuries are rampant due to a lack of supervision and regulatory enforcements. The nature of the construction project itself which is considered temporary, cheap labour, and the majority of illiterate workers make the condition worse. Lette *et al.* (2018) added that about 11.5% of work-related injuries are among construction workers while another 7.2% are industrial workers. Moreover, McCollum & Findlay (2012) highlighted that the toilets are not cleaned daily and less than half mentioned there is not enough soap or sanitary bins at the site. Some of the construction sites even do not have women's toilets available. Furthermore, one in ten sites does not supply toilet paper and half of the construction sites does not have any showers.

Even though provisions are there to protect the foreign workers, there are still cases that occur in which the provisions are probably neglected throughout. This has significantly contributed to the reduction in productivity and project performance which causes adverse effects to employers. Therefore, this paper intends to investigate the types of unfair welfare practices towards foreign construction workers; identify the critical factors that contributed to that unfair welfares practices and recommend solutions on the improvements on the unfair welfare practices. The findings of this paper may highlight to the employers in providing better welfare to foreign workers and indirectly be able to improve the foreign workers working performance overall. It would also be able to propel the economy as better management of workers flow and maximise growth towards a higher income economy.

This paper is divided into three (3) parts. The first part covers the literature review of the subject matters which includes the scenario of foreign workers in the construction industry, the common types of welfares provided such as the facilities and wages. The second part elaborates on the research methodology which includes the data collection process and analysis used. The last part presents the result of the analysis and discussion with research matters.

FOREIGN WORKERS IN THE CONSTRUCTION INDUSTRY

Foreign workers are considered to be one of the main sources of manpower required for construction sites. This is because the construction industry in Malaysia is facing a worsening labour shortage. According to Zaki *et al.* (2010), the industry is still lacking 600,000 to 800,000 more workers to meet the requirement of 1.2 million workers in the construction industry. Malaysia is a developing country with a large number of upcoming mega infrastructure projects. However, it did not spell out foreign workers welfare practices which may give an impact to project performance productivity. Even though there are measures that have been promoted by the Government such as the implementation of the Industrialised Building System (IBS), automation and training of skilled workers to promote attractiveness to the local industry will take time to produce the desired results. However, Zaki *et al.* (2010) iterates that skilled workers produced from vocational training are not sufficient to meet the industry's current needs. Given these evidence, the Malaysian construction still relies on foreign workers due to the high demand for rapid development and poor support from the local resources. According to Bank Negara (2019), the number of foreign workers in 2017 was approximately 30% higher than the total in 2011 and the latest number which is 2.015 million foreign workers in 2018 is 215,000 more compared to 2017. This shows that the numbers keep increasing, and they have been part of the main workforce for the construction industry. In Malaysia currently, the Klang Valley recorded the highest residing foreign workers with 30% followed by Johor and Sabah (Jian Wei *et al.*, 2018). Based on the facts, there is an inclining dependency of foreign workers to assist in improving the productivity level of work performance at construction sites. As a developing country and in globalisation, Malaysia needs to tackle one of the major issues which is the lack of foreign labour welfare. Chin (2019) reported that the common unfair welfare practices are low wages, poor welfare facilities and exposure to occupational injuries and diseases.

Foreign Workers Welfare

Cambridge University Press (2019) defines workers' welfare as efforts of taking care of employees' well-being to make their life worthwhile. Welfare does not only mean wages, but it also includes anything that is done for the comfort and improvement of employees. The keyword here is the comfort that will be able to keep the motivation and morale of employees high so that they can be productive and able to stay longer in an organisation. Abrey & Smallwood (2014) added that it does not only comprise of productivity but also other positive impacts such as fewer time delays and lost time injuries, better construction image, increase morale and satisfaction and improvement of quality of life as a whole. This was agreed by Gopalakrishnan & Brindha (2017) stating that providing peacefulness, solace and improvement, and intellectual and social wellbeing of the employees taking aside wages are not the only wants of the employees. Wells (2018) added that it is the responsibility of the employer to look beyond the perspective of wages and to consider the whole environment and concept of labour welfare to encourage productivity. Workers' welfare aims to help workers especially the poor and needy ones which are the most deserving community. It is also able to contribute to the total improvement of workers' personality which is based on humanitarian grounds. Furthermore, the main objective of a decent worker's welfare is to minimise exploitation of workers which has been rampant nowadays. Understandably, the management wants efficient, productive, hardworking, sincere and law-abiding employees, but structured and sincere welfare measures should

be contributed towards achieving it (Rahim Abdul Hamid *et al.*, 2018). Some of the outstanding features of labour welfare are additions to wages, functions, dynamics, flexibility, voluntary and a basic purpose. Additionally, workers' welfare may also provide a sense of responsibility and belongingness among employees. This is also portrayed based on Maslow's hierarchy of needs which is basic needs as the first tier of the pyramid. Workers' welfare should not only benefit the employees but also their families and society as a whole. All the statements stated exemplify the importance of the worker's welfares not only to the workers themselves but the organisation and social communities as a whole.

Workers' Wages

Based on the report by Malaysian Employers Federation (2014) that is based on the employer's view, they claim that they pay their workers at a minimum wage of RM1,200 to RM1,758, depending on the length of employment. Nevertheless, it is highly unlikely and the data are only limited to a small proportion of workers who work in SMEs and large firms. In Malaysia, it is a common perception that hiring foreign workers is relatively cheaper and cost-effective than investing in high technology machineries (Gopalakrishnan & Brindha, 2017) However, it is important to note that the foreign workers are not machines and should not be treated like one. According to Rahim *et al.* (2015), wage-setting is determined by market forces and not under the influence of any institutional imposition and trade union employment. Therefore, employers must provide equal treatments to foreign workers (Hanum, 2015). In Malaysia, there is a huge gap in income between the foreign and local workers, which is known as the wage segmentation or wage hierarchy. Wage hierarchy is portrayed by the locals occupying the apex, followed by Indonesians and then Bangladeshis. The causes of wage segmentations are due to skill variation, diligence, docility and nationality (Jabar *et al.*, 2015). This is also supported by a survey done by Rahim Abdul Hamid *et al.* (2018), which reported that Indonesian workers are more hardworking and abide by the regulations better than the locals. Additionally, another element is due to various levels of incentives needed to attract a specific nationality group to work in a certain economic sector. Abdul-Rahman *et al.*, (2012) mentions that some employers tend to be ignorant or have a lack of information about their workers' productivity. Hence, this also affects the segmentation of wages overall. According to Jabar *et al.* (2015), most of the foreign workers are not aware of the prevalence of wage equality and uncertain of the existence of wage segmentation. This is because they are more attracted to the abundant job opportunities present in Malaysia rather than high wages. They have also enjoyed the earnings in Malaysia, where they gain several more than what could be offered back in their respective home countries. Migration to Malaysia has provided them and their families economic improvement and that is already adequate for them. Therefore, this paper investigates the average wages of foreign workers in the construction industry to give better clarity on this matter.

Occupational Diseases & Injuries

(International Labour Office, 2018) stated that 2.78 million work-related fatalities are recorded every year, of which 2.4 million are related to occupational diseases. Although ILO already sets its standards of workers who must be protected from sickness, disease and injury, the problems still prevail. This means that the necessary action to prevent this issue is not highly regulated or properly sanctioned. Furthermore, it does not only affect the workers but also loss in terms of compensation, lost workdays, interrupted production, training and reconversion as well as high health-care expenditure. (Hargreaves *et al.*, 2019) highlighted that the construction workers health needs are critically overlooked in research and policy and this makes them at risk of work-related ill health and injury. Accessible, affordable and appropriate health care, including insurance coverage, should be provided by employers to meet the needs of this important work population. (Chan *et al.*, 2017)

indicated that lack of safety and health awareness, low skill level, language and communication barriers, insufficient safety training and materials, insufficient support from the government are some of the causes for major safety and health problems. This is considered appalling to learn that many foreign workers are unaware of health and safety management such as the hand-arm vibration syndrome which will have a long-term effect on them. Meanwhile, Lette *et al.* (2018) reported that personal injury such as falling, injured by object, musculoskeletal skin disorders, eye problem, breathing difficulty, cardiovascular disorder and hearing problems are some of the occupational threats exposed to construction workers. Abrey & Smallwood (2014) highlighted that the musculoskeletal disorders are also affecting Malaysian construction workers due to unbalanced lifestyle and working habits. MSDS tops in the list for 50% encountered back pain, 43 % joint pain stiffness and 7% experienced muscle weakness. The effects are also worsened due to task-factors performed too frequently or for long hours with insufficient rest or recovery time. Wong & Lin (2014), stated that some foreign workers anticipated that they were not provided with sufficient safety training. Moreover, most of the safety training provided was informal and they had to learn through observation of more experienced co-workers, which sometimes might not be particularly right. According to A. R. Abdul-Aziz (2001), the foreign workers may not understand the language of safety in the safety manuals provided by employers themselves but compensate with their character strengths such as being obedient, diligent and lack fastidiousness and positive attitude. Zainon *et al.* (2018) also added that the foreign workers may be adequate and be more well-versed to safety rules and regulations as compared to local workers when they understand the language better. As responsible employers, workers should be protected from these occupational diseases, through actions of providing sufficient safety policy and work method statement.

Welfare Facilities and Management

Employers have an obligation in preparing the temporary facilities for workers including ensuring the health, safety, security, and environmental protection around the site. Some of the temporary facilities that are considered a minimum requirement and should be presented on-site are temporary buildings, lighting and power, water supply and earth drain. All of the items should already be taken into account inside the preliminary cost of the building constructed. Temporary buildings consist of site offices, workers accommodation, sanitary and toilet facilities, electricity, drainage system, medical and recreational facilities should be provided for workers.

Workers Accommodations

The Star (2017) reported that the migrant workers are staying at a place claimed to be 'Kongsi', which is a makeshift home, constructed by plywood, whilst having only three (3) shared toilets. These are living quarters with undefined sizes, normally located nearby or by the construction sites they are working, on which are being stuffed by four hundred (400) people, and sometimes including women and children as well. This ought to be considered as a terrible environment to be living in, what more raising a family there. Jones *et al.* (1995) and Stopher (1995) highlighted that there are regular outbreaks of contagious diseases resulting from living in cramped spaces and having poor hygiene facilities. This does not come as a surprise to many especially the authorities, as these makeshift homes are using materials that could easily be razed by fire or any other hazards. According to Blinder & Jeannet (2018), housing is an important part of a worker's welfare because accommodation is a basic need of a human being. Without accommodation, a worker will not be able to rest properly and to regain their energy to do their work. As per the laws of Malaysia under Act A1604, workers' minimum standard of housing and Amenities Act 1990, the building constructed for the workers should comply with the requirements. Should there be any defect or deficiency it is the responsibilities of the contractor to make the accommodation good. In clause 6(1), it is stated that the employer must

provide free and adequate piped water drawn from a public main pipe, adequate electrical supply, ensuring buildings are in good state of repair and with a satisfactory appearance and to ensure there are no unauthorized alterations made to the buildings. This Act states the minimum requirements for the temporary construction site workers amenities as well as accommodation. Wong & Lin (2014) address that to provide workers with appropriate accommodation that is clean, safe and at a minimum basic standard need of workers should fall under the employer's obligations. Furthermore, it should also meet national legislation and international good practice in relation, for example, a minimum amount of space for each worker, provision of sanitary, laundry and cooking facilities and portable water (IFC & EBRD, 2009). The location of accommodation should also be free from any hazards on site that may affect the worker's safety and health. According to Department of Standards Malaysia (2014), a living facility should be built with sufficient materials and the conditions must be good, clean and trash free. Furthermore, it should be built in a way where it can obstruct flooding and other natural disasters, be located within an acceptable distance from the worksite, provide free transportation to the worksite and comply with standard cabins or any erected metal deck or materials. Contractors should be aware of this standard to plan well before preparing workers' accommodation.

Sanitary and Toilet Facilities

Pillai *et al.* (2016) stated that the poor sanitary and toilet facilities are considered as a prime issue, which leads to hygienic matters surrounding the workers. It has been reported that the workers are absent from coming to works or are deemed unfit for the day's work due to them falling sick. Diseases such as body lice and tooth decay are often mentioned by clinics when the workers are being treated (Edison *et al.*, 2017). This is presumably caused by the situation of when using dirty facilities, but by limitation of time and usage, these workers are only able to use it briefly. According to Abdul-Aziz & Hussin (2003), sanitation refers to the arrangement of facilities and services for humans to dispose excretion from the toilet to containment which follows through the process of storage and treatment onsite and eventually disposal. Insufficient sanitation is said to be the major contributor to infectious diseases such as cholera, typhoid, and dysentery world-wide. Besides that, it also affects the well-being of the workers which may cause absenteeism, anxiety, and safety with lifelong consequences. Yen *et al.* (2018) also reported that the toilets should be sufficiently ventilated, lit and maintained in a clean condition where the frequency of cleaning is dependent on the level of usage. Ventilation and cleanliness are two of the most important aspects of sanitation and toilet facilities. This is because any room containing sanitary facilities should be well ventilated to remove odours. Good natural ventilation may suffice should the toilet facility is well-sealed from other work rooms and it should have a door. Cleaning should be done, not only the physical part such as wall and floors, but also through emptying and cleaning of bins. Apart from that, toilets should be appropriately sanitised and have a pleasant and fresh smell. Besides toilets, related facilities such as washing facilities and showers should be provided. To prevent exposure to infectious substances such as skin contamination by poisonous, or filth, oil or grease, cleaning items such as towels, drying area, sinks that are large enough to wash face, hands and forearms should be adequate (Yen *et al.*, 2018). The minimum requirement set by each country is required standard should be strictly followed and made known to the employers (International Labour Office, 2018). Furthermore, it is advisable to place washing facilities next to rest areas and also contractors should provide a supply of clean, cold and hot/ warm water detergent/soap to their workers. As a rule of thumb, toilets and showers used by foreign workers should be cleaned at least once a week. Separated toilets for men and women should also be provided.

Drinking-Water

Dehydration is caused when one is lack of water or fluids going through the body. There are often reports of workers collapsing due to heat stroke especially in a humid country like Malaysia (Tomiura *et al.*, 2019). These workers have limited time and supply of fresh drinking water, when sometimes, at the worksite are not given any drinks, and the workers look forward to replenishing their energy at the accommodation. For instance, the accommodation is stuffed with a large number of people, which brings to limited food and drinking water supply as to cater for every worker there, and the upcoming days, as these supplies are normally replenished as lowest priorities by the contractors or employers. The contractors need to supply safe water from any contaminated materials in the workers' dwelling to provide for all personal and household uses (International Labour Office, 2018). The drinking water provided should meet the World Health Organization (WHO) drinking water standards and water equality must be monitored regularly (IFC & EBRD, 2009) The process of drinking water should be produced by dedicated catchment and treatment facilities or tapped from existing municipal facilities. Furthermore, the provision of drinking water is essential to prevent dehydration, water poisoning and diseases caused by a lack of easy access to a source of clean water. This was supported by Zaki *et al.* (2010) stating that every supply of drinking water should be marked by appropriate signage to indicate that the water is safe for drinking and supply should be renewed daily. Close precautions should be taken to preserve the water and vessels from any contamination. A supply of clean water is crucial as it goes through the body, and water diseases that can easily spread. Moreover, the use of common drinking cups should be prohibited in construction sites. This is also strengthened by facts from Yen *et al.* (2018) that water storage facilities should be marked on-site to prevent the drinking of hazardous liquids or water which may not be pure for drinking. According to Abdul-Aziz & Hussin (2003), the code of practise outlines the following guideline where drinking water should be easily accessible by workers and a detailed outline where it should be close to where hot or strenuous work is being undertaken. Moreover, drinking water facilities should be separated from the toilet or washing facilities to avoid contamination. Based on the articles concerned, other countries have provided detailed guidelines for drinking facilities. However, in Malaysia, a general guideline is only provided by DOSH and the survey for this study will determine how strict the employers follow the guidelines.

FACTORS THAT CONTRIBUTED TO THAT UNFAIR WELFARES PRACTICES

The Exploitation of Recruitment Agencies

According to Cambridge University Press (2019), exploitation means an act of treating someone unfairly to benefit from their work. In this case, the recruiters or employers are taking advantage of the foreign workers. Foreign workers are considered naïve and do not understand our native language, hence this brings opportunity for employers to manipulate them. McCollum & Findlay (2012) highlighted that many exploitation cases go unreported and it is difficult to quantify it.

Ye (2014) reported a case of recruitment of Bangladeshi workers recruited by "Dalals". The "Dalals" is a chain of sub-recruiters in their home country and who has a connection to the recruitment agencies in the country they want to go to. Some of these workers are deceived by the high pay, which is USD235 per month. However, there is no written agreement on that, hence, they always get paid less or either nothing at all. These people have also been reported that they have sacrificed a lot in terms of finances to get out of poverty and to work overseas. Some of them even mortgaged their land or sell their properties to pay these recruiters for arranging their work abroad.

This was echoed by Wells (2018) who reported that in the United Arab Emirates, Bangladeshi workers are monitored by the 'Kafala' immigration rule. The foreign worker's visas are tied up to the employers so that they are unable to change jobs without their employers' consent. This makes them

feel trapped in the country, and are being pressured and stressed out by these 'Kafala'. Should they get an abusive employer, and try to escape from it quietly, they will be punished with imprisonment, fines and deportation. Given these evidence, these are the reasons they are keeping quiet about it. McCollum & Findlay (2012) added that in the UK, nationality like Polish and Lithuanian workers have experienced late payments and are underpaid than the local workers. Nevertheless, there are many moves implemented by the UK government to reduce these issues, with one of them is through company payroll systems as opposed to cash in hand payments. This reduces the likelihood of recruiters not paying their employees the right amount of wages. Ajis (2014) highlighted that the exploitation of recruitment agencies may begin as early as the moment the foreign workers arrive at the airport. These workers with limited English and very little local support and also lack of understanding of their rights are taken advantage of (McCollum & Findlay, 2012). Furthermore, the current economic situation also plays a significant role, where employers have to cut costs rather than pay for a high amount of fees for these foreign workers. All the findings in the literature review state that it is happening not only in the developing country but also in a developed country, thus this matter should be taken seriously. Legislative measures implemented by the government of the day may able to reduces the concerns about the exploitation of recruitment agencies practices.

Lack of Workplace Inspections

Malaysia has a low rate of workplace inspections by the authorities as the frequency is only once a year or either none (Crisis, 2005). Usually, the inspections will only come into place, when someone lodged a complaint. According to Devadason & Meng (2014), lack of coordination and co-operation is one of the contributing factors. This is due to low government support on this matter, which is probably due to a lack of awareness and detailed information relating to foreign workers labour welfare. Even though there is a team set up for the National Labour Advisory Council the meeting is not there to meet up once in a while (Athukorala & Devadason, 2012). This is because members present are also holding various other roles. Apart from this, there is very limited consultation with ILO or other relevant social partners at the policy and strategic setting level. Hence, knowledge and information are not presented. Lack of inspection is also due to weak policy implementation. Malaysian policies and laws concerning foreign labour are said to be erratic and also are already put under the radar of international organisations due to no clear directions (Department of Labour Malaysia, 2017). International organisations are putting a close watch on the policymakers to ensure that they are doing their job by following the labour standards that have been gazetted. Ang *et al.* (2018) reported that many Malaysian cases are related to policy reversals which can be said as not well-aligned, uncoordinated and inconsistent. Bans such as retrenchments, deportations and import bans are being lifted currently. This is due to policy-makers not being aware of the critical contribution of foreign workers and how important they are to the construction industry. This leads to having the policies built on the concept of a short-term remedy for labour shortage problems instead of other appropriate matters. Athukorala & Devadason (2012) mentioned that some of the functions of the worker's inspection are to ensure that terms and conditions of work such as wages, working hours, off-days are honoured by employers. It is also to ensure the safety and health conditions of the workers are preserved at the workplace. Other than that, regular inspection is highly required to ensure the welfare of foreign workers is taken care of. Furthermore, it is also to ensure that the regulations relating to foreign workers are put into place and followed by employers.

Another relevant factor that is related to foreign workers inspection is the challenges of implementation of policies. One of the causes is the lack of support from stakeholders in enforcing existing regulations which has brought about to failure of decentralisation in the recruitment and placement of foreign workers. Due to this failure, the policies are not implemented in the long run and are also not tightened. Some of the policies that have already been implemented need to be reviewed. This is to ensure that equal protection is provided to foreign workers as per what has been

received from their local counterparts. For instance, the compensation packages received by the foreign workers in the Workmen's Compensation Act 1953, is much lower than SOCSO received by the local workers. This is due to the policy-makers tending to overlook these matters. Apart from this, the levy system is also a crucial factor. The government keeps increasing the levy of foreign workers, which makes the employers seek other alternatives such as illegal foreign workers. This shows that workplace inspection is crucial to ensure that all of these policies and the welfare of foreign workers are being protected.

Amidst all the challenges presented above, the immediate focus for policy action is actually on the stakeholders instead of the foreign workers. What the policymakers can do with proper enforcement and regular inspection is to ensure that employers would not seek other options such as turning to illegal foreign workers. Workers' welfare such as wages and working conditions can be monitored closely with regular inspections. Devadason & Meng (2014) stated that it is also important for policymakers and employers to recognise foreign workers as an economic asset instead of a liability. This also comes with proper migration policies and effective management. Above all, foreign workers roles and contribution to the economic welfare should be re-defined to maximise the benefits of their temporary migration.

RESEARCH METHODOLOGY

Literature review, questionnaire survey and semi-structured interview were used to collect the data for this research. The literature review provides an in-depth of the subject matter. Furthermore, literature reviews provide a stepping stone on producing the questionnaires by identifying the gap between the subject matters. Mediums such as books, journal, thesis and report were reviews with the subject matters. The data collection was focused on Klang Valley due to the highest residing foreign workers as reported by (Jian Wei *et al.*, 2018).

Questionnaire Survey

The questionnaire was deployed to record the perception and attitudes towards unfair welfare practices among site workers. The questionnaires were handed out to the construction workers who work under G7 contractors and live on construction sites. The justification for that is because that type of workers experiences first-hand how G7 contractors providing the facilities and welfare as a whole. About 100 respondents were selected randomly based on the availability during the site visit by the researcher. The questionnaire was done without any interventions from their employers. All the questions set in the survey were based on the findings in the literature reviews. The questionnaire was divided into three (3) parts as followings:

- **Part A:** This is the landing page where it explains the research topic and the objectives of the questionnaire. By stating this on the front page, the respondents are able to understand the objective of the questionnaire survey and the overall research. This is important to set a proper context before the respondents answer the questionnaire survey. A statement on the data collected will be treated as private and confidential also was in the part. This gesture allowed respondents to respond to all of the questions without holding back their opinions.
- **Part B:** This part mainly focuses on the respondent's demographics which include the years of working experiences, trades involved and average salary per month. The dichotomous scale was used to collect the data.
- **Part C:** This part dives into the types of unfair welfare practices. This includes the availability and condition of the welfare facilities themselves. The 5-points Likert scale was used to collect the data. By using the Likert scale, the researcher able to measure to what extent the respondents

agree or disagree with a particular statement. This ability is able to generalise the findings and draw a conclusion from the data analysed.

The questionnaire survey was straightforward to minimise any dropout along the way. Simple English was used for the ease of foreign works to answer and overcome any language barriers. The collected data were analysed via various statistical analysis such as a simple frequency and mean analysis were used to generalise the findings.

Semi-Structured Interview

The semi-structured interview was deployed to allow a deeper and rich discussion with the employers. Through interviews the researcher was able to pursue in-depth information around the research subject and it was very useful in getting the full story behind the respondent's experiences. The respondents consisted of the top management of Construction Labour Exchange Berhad (CLAB) and project managers. In total, 5 respondents were interviewed. All the respondents were chosen based on their vast experience in handling local and foreign workers. Since the respondents hold a high position in their respective organisation, the details of the respondents were not released and only marked as "Respondent 1 (R1) or Respondent 2 (R2)." Each interview session took around 30 to 45 minutes.

RESULTS & DISCUSSION (QUESTIONNAIRE)

Years of Experience in the Construction Industry

In term of years of experience, most of the respondents have been involved in the construction industry within six (6) to ten (10) years totalling 40 respondents (40%). Next, 37 respondents (37%) have 10 years and above, and the rest are respondents that have 1 to 5 years of experience in the construction industry with 23 respondents (23%). Table 1.0 summarises the years of respondent's years of experience in the construction industry. Considerably, the samples are relevant to answer the questionnaire with the majority held by the experienced respondents.

Table 1.0: Respondents Years of Experiences

Years of Experiences in the Construction Industry	Frequency	Percentage (%)
1 to 5 years	23	23
6 to 10 years	40	40
10 years and above	37	37
TOTAL	100	100

Nationality & Religion of Foreign Workers

Indonesians dominate the construction site with a total of 37 respondents (37%). Followed by Bangladeshi with 30 respondents (30%) and Nepalis with 23 respondents (23%). The findings are similar to the record of the Department of Statistics (2017), which reported that 41% of foreign workers in Malaysia are Indonesians. As for the religion of the respondents, the majority of the foreign workers are Muslim with 70 respondents (70%) while Buddhist only 13 respondents (12%). This is also reflected due to the majority religion belief in Malaysia, where the religion with the highest number of followers is Islam. It makes an ideal choice for Muslim foreign workers to choose to work here in Malaysia. These findings are similar to what has been reported by (Hirschmann, 2020) which highlighted that the majority of foreign workers in Malaysia are Indonesians. Indonesia was the single largest provider of immigrants to Malaysia, owing to their common culture, religion, and a fairly similar language. Indonesians also make up the majority of migrant workers in the country, with many looking for work in construction, agriculture, or as domestic helpers. However, in 2017, the estimated number of Indonesian migrant workers in Malaysia differed from the official numbers provided by the Indonesian government, indicating that a large portion may have travelled to Malaysia illegally. Table 2.0 and 3.0 summarise the nationality and religion of foreign workers.

Table 2.0: Nationality of Respondents

Nationality of Respondents	Frequency	Percentage (%)
Indonesian	37	37
Bangladesh	30	30
Nepal	23	23
Others	10	10
TOTAL	100	100

Table 3.0: Religion of Respondents

Religion of Respondents	Frequency	Percentage (%)
Muslim	77	70
Buddhist	13	12
Others	10	9
TOTAL	100	100

Types of Project Involved

Based on the findings, most of the respondents involved in residential projects with 53 respondents (53%) followed by commercial projects with 33 respondents (33%) and lastly the infrastructure works with 13 respondents (13%). In general, collective data represent those respondents from different types of projects and site conditions. In such a way, collective feedback from all the above-mentioned respondents about this study is valid and significant since it is not focused on one type of project and site conditions. Table 4.0 summarises the types of projects involved by the respondents.

Table 4.0: Types of Projects Involved by the Respondents

Types of Projects Involved by the Respondents	Frequency	Percentage (%)
Residential	53	53
Commercial	33	33
Infrastructure Works	13	13
TOTAL	100	100

Average Wage paid per month

The findings illustrated that most of the foreign workers earning more than RM2,000 per month inclusive of their overtime payments with 53 respondents (53%). Based on the researcher’s opinion, this value is quite reasonable for the foreign workers, and issues of unfairness relating to salary payment can be deferred. No foreign workers are earning less than RM1,000 per month. The findings are consistent with the report by the (Department of Statistics Malaysia, 2018), which revealed that the average wage for construction foreign workers is RM2,499. However, this information also is limited to only three (3) companies, that the researcher managed to get during the Movement Control Order (MCO). Further research and supporting evidence from the semi-structured interview’s results will prevail.

Table 5.0: Average Wages per Month of the Respondents

Average Wages per Month of the Respondents	Frequency	Percentage (%)
RM1000-RM1500	30	30
RM1501-RM2000	17	17
More than RM2000	53	53
TOTAL	100	100

Types of Unfair Welfare Practices towards Foreign Workers

Mean analysis was used to analyse the data collected. The lowest mean score represents the most critical unfair welfare practice towards foreign workers. While the highest score represents the least unfair welfares practice towards foreign workers. Ranks 1 and 2 are considered as unfair welfare practices towards foreign works but rank 3 onwards are considered as fair welfare practices towards foreign workers, it is the least that the respondents choose. The objective of this part was to inquire about the reality and get confirmation on the unfairness experienced by the foreign workers as reported in the literature review. Based on Table 6.0, the lowest mean score is 3.23 and ranked 1 while for the types of unfair welfares practice is no paid annual leaves given to the foreign workers. As for these, most of the workers understand the requirements. Most foreign workers’ salary is counted daily, it is indirectly to ‘motivate’ them to come to work every day. Even, if they took any medical leaves, they will not get paid for that particular day. Most of them come to Malaysia to work and provide for their family back to their country. They prefer to work rather than taking off day if there are no urgent matters. The foreign workers will work extra hours to get extra payment.

This followed with the second low mean score of 3.43 and ranked 2, no channel to give comments and suggestions in term of the site operations. As foreign workers, they do believe every

one of them needs to have a channel to provide comments and suggestions in term of the site operations. Nevertheless, in Malaysia, usually, the heads of the workers will take and collect any input from the rest of the workers and voice it out to the site personnel. Although the workers have expressed their opinions to their site supervisors or project managers, however, it is up to them whether to bring their concerns to the management or not. But most of the time, the workers will just keep quiet about it, and continue to do their work.

Next is the safety manual/training was provided in a language that is understandable for the foreign workers with a mean score of 3.97. In Malaysia, every person that wants to enter a site needs to get the green card from the Construction Industry Development Board (CIDB). All foreign workers are also included. The training programme enhances their safety levels and awareness in terms of working on site. Through this programme, all the site personnel need to undergo one-day "Safety Induction Course and Health for Construction Personnel" training. This is to ensure that they comply with the safety policy of construction site in Malaysia. Furthermore, under this program, the participants will also be able to register for Takaful Insurance for free, which covers death insurance (due to an accident/sickness), burial expenses, permanent handicap, and hospitalisation benefits. Even though some of the foreign workers might be experienced workers in their country, this programme is required by the Government of Malaysia, thus all workers need to undergo accordingly.

The payment of wages is always late especially for foreign workers, which is represented with a mean score of 4.13. The respondents do not agree with this statement. Some of the employers in Malaysia are very responsible for paying their wages on time. Most of the employers even prepared an agreement with their foreign workers to ensure that they agree with the timing provided e.g. on a monthly or fortnightly basis. The foreign workers feel secure and comfortable with this exercise thus they can focus on their work on site.

Lastly, all respondents do not agree that they could earn more back in their country compared to working here in Malaysia with a mean score of 4.33. Most of them come from third world countries which have a lower currency exchange than Malaysia. The following findings illustrated that not all issues stated in the literature review occur in Malaysia. Hopefully, this paper will clarify this matter.

Table 6.0: Types of Unfair Welfare Practices Towards Foreign Construction Workers

Types of Unfair Welfare Practices Towards Foreign Construction Workers	Mean	Ranking
No paid annual leaves	3.23	1
No channel to give comments and suggestions in term of the site operations.	3.43	2
Safety manual/training was not provided in a language that is understandable for foreign workers.	3.97	3
The payment of wages is always late	4.13	4
Earning more wages back in my country, compared to working in Malaysia	4.33	5

The Availability of the Welfare Facilities Provided by the Employers.

As stated in the literature review, the welfare of the workers does not limit to take-home salaries only. It also encompasses all that is done for the comfort and improvement of workers. Good welfare facilities to the workers are able to make them feel comfortable and secure thus increase their productivity and motivation to perform and remain with the organisation longer. It is a win-win situation for both sides, the employer and workers. As for the employers, the turnover rate of workers leaving is low which is a good indicator for an organisation. Meanwhile as for the workers, they will

have a conducive working environment. This part elaborates the availability of facilities provided by the employer on-site for the workers. Mean analysis was used to analyse the data collected. The lowest mean score represents the least available for the welfare facilities provided while the highest mean score indicates the most availability of the welfare facilities provided.

The locker has the least mean which is an average number of 3.00 and it was set as the lowest among all the elements. Most of the workers' claimed that they were living with no lockers and it was hard to get lockers at their rented house. All these circumstances occur because the employer believes workers do not have to have lockers as they merely stay on the construction site which is only for a short period. Besides, the nature of projects is also temporary, hence employers do not see the urgency and necessity in having lockers for workers.

Next is the medical room with a mean score of 3.03, due to there is no such requirement for medical room at construction sites, as once an accident happens to the workers, the responsible parties will take them straight to the hospital. It is also not a mandatory requirement to have a medical treatment room at the site and usually, the site condition is harsh and it is better to get any medical treatment at the proper facilities outside of the site.

In rank number three (3) with a mean score of 3.10 is basic sleeping setup due to the unavailability of the basic sleeping setup such as sheets, pillow, and bed. Although, the employers are aware that the workers require proper accommodation for resting, however, some of the employers are unable to provide comfortable facilities to each of the workers' individually, as it will cost a lot of money.

Followed by the proper drainage system in number four (4) with the mean score of 4.10, most of the workers agree that that the proper drainage system is often available at their accommodation. Employers are aware of the situation because it has been stated under the Malaysian Standard Construction Site Workers' Amenities and Accommodation Code of Practice which could have implications due to improper drainage system. Nonetheless, some employers still refused to set up a proper drainage system on-site as part of the welfare of the workers because of the cost and it is temporary.

Rank number 5 is the Surau with a mean score of 4.30. As most of the foreign workers surveyed are Muslims, hence the surau facility are sometimes available. Usually, the Surau's availability depends on the total number of Muslim staff who work at different sites. Only if most of the staff are Muslim would the Surau be erected. The employer, however, can convert one of their cabins or site offices into a prayer room for the convenience of the staff if there is no Surau. This element is important since the announcement of the MCO, no foreign workers are allowed to perform their pray at public Surau or Mosque. Having the facilities inside the site, it will make all the Muslim workers perform their prayers, especially for foreign workers.

Next is the washing/drying area with a mean score of 4.40. The employers have seen a need for these drying areas to be provided to the workers. However, washing facilities instead is seen as sometimes available on construction sites. Working on-site is often dusty and filthy, so a suitable washing/drying area should be given as a simple hygienic measure to prevent contaminants from being absorbed through the skin. Besides, it can also act to eliminate dirt and grime that can be ingested and cause disease. Overall, the employers must understand that it is necessary for everyone who works on any sites to have the rights and access to adequate toilet and washing facilities including a suitable area for them to keep and dry their clothing.

Last but not least is the first aid kit with a mean score of 4.43. Most of the employers due provide this on-site and it is a norm nowadays. The availability of the first aid kit has been stated under regulation to ensure that medical facilities such as the first aid kit should be provided at the construction sites as highlighted in the literature review.

In summary, most of the necessities are sometimes available and have been provided by employers. However, additional elements such as lockers and medical room are seen as unnecessary by employers due to the temporary nature of projects. Nevertheless, basic items such as basic sleeping

setup are also sometimes available. Table 7.0 summarises the availability of the welfare provided by the employers.

Table 7.0: The Availability of Welfare Facilities

The Availability of the Welfare Facilities	Mean	Ranking
Locker	3.00	1
Medical Room	3.03	2
Basic sleeping setup (bed, pillow and sheets)	3.10	3
Proper drainage setup	4.10	4
Surau	4.30	5
Washing/Drying Area	4.40	6
First Aid Kit	4.43	7

Factors of Contributing to Unfair Welfare Practices Towards Foreign Workers

This part elaborates on the factors contributing to the unfair welfare practices towards foreign workers. The objective of the part was to inquire validation on the drafted causes of unfairness towards the foreign workers if it is happening in Malaysia. The highest mean represents the critical factors contributing to unfair welfares practices toward foreign construction workers and ranked first. Table 8.0 summarises the factors contributing to unfair welfare practices towards foreign workers. The first ranked in the list is the ‘Lack of workplace inspections’ with a mean score of 3.53. Even though some employer is aware of the consequences if get violating the rules set but the Government but some employer tends to ignore it as their main concern is the cost factor. Some respondents stating that ‘There is never a regular workplace inspection done, or even at least once a month and I am not aware of the workplace inspection procedures’, have the least mean for this category means that most of the workers disagree with the statement. This might be because the foreign workers are confused with the safety and workers welfare facilities inspections. However, there is a body like SHASSIC (Safety and Health Assessment System in Construction), which plays a role in the inspection by also putting the OSH system in the plan at all construction sites. The guidelines components of SHASSIC includes document checks such as OSH policy and organisation, identifying high potential hazards areas, and also a closed-interview with the workers, in relating to the management of safety at the site. Although the safety of the site is well inspected in Malaysia, it is not related to welfare.

Next is the exploitation of recruiters from their country with a mean score of 3.43. Nevertheless, the respondents mention that these issues never happened to them personally but occurred to their friends and relative in different sectors. The participants are working in a non-abusive environment and have not seen their peers being abused. However, there might be abusive employers in other sectors. For example, there is a case that was publicised in Malaysia which is a ban on a Malaysian rubber glove manufacturer due to indications of forced labour. This company has been accused of passport confiscations, illegal withholding of wages, restricted freedom of movement and which are threatening to the workers. Living in an abusive environment might not be abused by the physical state, however also include restriction of rights and necessities.

In conclusion, foreign workers need to have a big and risky initial investment to go and work in Malaysia. Some workers need to mortgaged their properties in their country to come to work in Malaysia. Nevertheless, the main factors that push foreign workers to work in Malaysia is because they want to improve their living condition and bring back money to their families. However, before they came here, they are unaware of the consequences of some irresponsible recruiters and employers.

Since they did not understand the whole process of Malaysian intake of foreign worker’s system, there is a big possibility that the recruiters always take for granted their rights and obligations. Foreign workers are essential to the Malaysian economy, as they provide labour whenever it is needed whether it be skilled or unskilled. Their willingness to do work in any sector should be praised and acknowledged. To ensure continuity and economic growth, foreign labour is still needed, so that our country can produce many exports to other markets.

Table 8.0: Factors Contributing to Unfair Welfare Practices

Factors Contributing to Unfair Welfare Practices	Mean	Ranking
Lack of workplace inspections’	3.53	1
The exploitation of Recruiters and Employers	3.43	2
Unfamiliar with the whole process of Malaysian intake of foreign worker’s system	3.20	3

Employer Initiative to Improve Foreign Construction Workers Welfare

An open-ended question was prepared at the end of the questionnaire survey. The aim was to collect the data on what aspect can the employer initiate to improve the welfare practices among foreign workers. The findings would confirm in case the list of suggestions is relevant, up-to-date, satisfy the needs of both workers and employers, and ensure that projects are run smoothly and workers are also productive. The current list of programmes can be delimited as being relatively successful in enhancing the welfare of foreign workers. Based on Table 9.0, the first initiatives with the mean score of 3.93 shows that the employer can adopt to improve the welfares practices among workers is appreciating them. This includes highlighting their achievement is they managed to deliver the task to the standard and deadline given, employers hosted a dinner or team building session for the foreign and local workers. In terms of appreciation by employers, it is highly encouraging that the employers praised the workers, as it may provide a safer and fairer environment for the foreign workers to live and work. This is also because they are the people who help build homes, schools, hospitals, roads, parks and many other amenities. Hence, in appreciation of their service and contribution, the least we should do is to treat them graciously, and also ensuring that their well-being is taken care of properly.

Some organisations celebrate International Migrants Day, which is a day of recognition for the contributions made by migrants to promote respect for their basic human rights. These actions perhaps are seldomly experienced by the foreign workers in Malaysia. Most of the respondents have about the ‘International Migrants Day’ held by their employer. This is a celebratory day which is in conjunction with appreciating their hard work and sacrifices of leaving their own country and giving back to ours. According to the United Nations (2020), throughout human history, migration has been a courageous expression of the individual’s will to overcome adversity and to live a better life. As globalisation presents, and together with communication advances and transportation has greatly motivated people, who have the desire and capacity to move to other places. Hence, the workers should be made well known of the ‘International Migrants Day, and their contributions should be highlighted and their challenges should be emphasised. Other programmes include handing out greeting cards, screening a video thanking foreign workers and a photo exhibition on their contributions.

Next in line is more exposure to the Foreign Workers Welfare Management Centre (FWWMC) with a mean score of 3.97. Most of the workers are not aware of the existence of this organisation. FWWMC is an organisation that works to manage and attend to the welfare of all foreign workers in Malaysia. FWWMC is also working closely with the Ministry of Human Resources Malaysia to curb any issues related to abuse or injustice employment towards foreign workers. Having this platform

can create a channel for the foreign workers to give input on any issues regarding the welfare practice in their organisation. The organisation can be the ‘check and balance’ to the employers that engaged the foreign workers. Indirectly, employers need to ensure that all the welfare practices in their organisation is decent and appropriately.

Lastly is a good working environment and teammates with a mean score of 4.00. In Malaysia, although the Malaysian are portrayed as generous and friendly people, it might not apply to foreign workers. Some might have stigma or perceptions of foreign workers. It is undeniable that there are foreign workers that spark some problem with the locals here in Malaysia, but it may be a small number of them.

As stated in the literature reviews, increasing the welfare practices to all the workers indirectly will influence their motivation and morale, which can be translated towards improving their productivity and works longer with an organization. It is a win-win situation for the employers since the low turnover of workers is low and increases their productivity. The employer also will not get caught or penalised if there is any inspection conducted at their construction.

Table 9.0: Employer Initiative to Improve Foreign Workers Welfare

Employer Initiative to Improve Foreign Construction Workers Welfare	Mean	Ranking
Shows some appreciation to the foreign workers	3.93	1
More exposure to the Foreign Workers Welfare Management Center (FWWMC)	3.97	2
Cultivates a good working environment and teammates	4.00	3

RESULTS & DISCUSSION (INTERVIEW)

Based on the data collected from the questionnaire survey, the research went deeper to get a lengthy and rich explanation about the research context by conducting the semi-structured interview. The findings from the semi-structured interview was able to validate the findings from the literature review and questionnaire survey thus able to answer the objectives of this research and providing more comprehensive conditions of the welfare practices by the employers. Table 10.0 summarize the respondent’s years of experiences in the construction industry. Based on these findings, the majority of the respondents 70% have more than 10 years of experience in the construction industry, thus making the data collected reliable.

Table 10.0: Respondents Years of Experiences

Years of Experiences in the Industry	Frequency	Percentage (%)
6 to 10 years	3	30%
10 years and above	7	70%
TOTAL	10	100%

Types of Unfair Welfare Practices Towards Foreign Construction Workers

The poor condition of 'Rumah kongsi' or the accommodation of the foreign workers is considered unfairness to the workers, as they are living in an unhealthy and filthy condition, which can contribute to diseases. Other feedback received, are an obligation of the employers to provide training, green card and SOCSO insurance to the workers, which some of them did not provide at all. By not providing these necessities, the workers are exposed to other risks presented on-site and also off-site. Below are summarises the typical comments from the respondents on the types of unfair welfare practices towards foreign construction workers.

- **R1:** *"The 'eyesore' conditions of 'Rumah kongsi' and also the salary paid to the foreign workers. There are also circumstances where there is 'pinching' of illegal workers, where another competing company steal the workers, by providing a higher salary for example. This thing happens because Malaysia is a free country..., The employers also do not bother with the welfare of the workers, as they know they can still hire other illegal foreign workers easily if one or few of them run"*.
- **R2 & R3:** *"The condition of welfare facilities in Malaysia which does not meet the required standard. The poor living condition of the foreign workers which contributes to diseases such as dengue, malaria and many more. Unfair welfare is also by not providing a clean water supply and filthy living conditions"*.
- **R5:** *"...I think about the payment of the foreign workers i.e. Salary that has been given to the foreign workers especially on payment of overtime. I have made comparisons among companies, wherein this company, for e.g. the practice here where the working hours is up till 10 pm, the payment is RM1,500 per month and after hours which is after midnight, they will get up to RM2,000 per month. However, for other companies, they practised where if the foreign workers are working until midnight, but the payment is only RM1,000/month...Their salary is also not paid on time Another point is relating to training, as most of the workers came untrained and zero experiences working at a systematic place with proper SOP....Some of the companies that I have work with does not even provide green card and SOCSO to their workers, which I think is considered as a basic necessity to the workers."*

The conditions of the accommodation for foreign workers

The conditions of 'Rumah kongsi' or accommodation at the site is impoverished, however, the workers are also offered other options such as rented house and also labour quarters. Usually, for a large project, the employer will provide well-equipped labour quarters. Respondents also highlighted the Centralized Labour Quarters (CLQ), which is underutilized currently. This is because there is a lack of government support and also enforcement by the authorities, to make it mandatory for foreign workers to stay there. The facilities provided are top-notch, complete with the security system and also the training centre. However, large contractors nearby the area do not even bother, as they think it will add up to their cost and because they preferred to pay "illegal foreign workers" instead. Below are summarizes the typical comments from the respondents on the conditions of the accommodation for the foreign workers

- **R1:** *".....the welfare facilities at Malaysia's construction site especially 'Rumah kongsi' is very poor. However, it is still the role of the contractors to ensure that they provide the necessities at the 'Rumah kongsi' or placed them in a proper labour quarter. CLAB has been providing labour quarters for the workers....The rental fees are only RM150/per person per month. However, the facilities are underutilised, as currently, only 100 plus workers have been staying there, whereby the place can fit up to 900 workers. The problem is because the government is not serious about helping."*

- **R2 & R5:** *“CLAB and CIDB in promoting these facilities, as they still allow the building of ‘Rumah kongsi’ at site....Foreign workers are also flooding the low cost and affordable housing, which are reducing the opportunities for the locals first time home buyers to buy a property. Due to this, the government should be encouraged and strictly enforced that the foreign workers are staying in a proper labour quarter...”*
- **R3:** *“.....there are some sites that have proper quarters such as in Pegoh, Melaka. However, they are also Rumah kongsi which made from timber and is very improper. For large projects that I have handled previously, they have proper content which is very in order including a recreational area for the workers..”*
- **R4:** *“The welfare facilities at this site, is considered as appropriate. We have followed the requirements to apply for permits to do ‘Rumah kongsi’ from DBKL. We are providing the very basic requirements which are enough to the workers, but not in a Grade A sense. However, not until the extend of providing a fully equipped fire-fighting system etc. In one (1) ‘Rumah kongsi’ there are 2 to 3 people, the house is made from plywood to segregate between rooms and doors. We also rented a house for the foreign workers nearby, but with a very high-density population..”*

The Foreign Workers Welfare are Been Protected in Malaysia

Two (2) respondents stated that the worker's welfare is not fully protected in Malaysia. The reason their welfare is not being protected is because of the cost involved, as it will add up to the construction cost that is not a priority to their clients. The respondents also mentioned that their rights should have been protected, as they are exposed to higher risks especially accidents on site. On the other hand, a respondent countered that claims by stating that when the Green Card is provided to the workers, indirectly the rights of the workers are being protected. The green card is an integrated program that includes the registration and accreditation of construction personnel in increasing the level of safety at the site. Below are the summarizes of the typical comments from the respondents on whether the welfare of foreign workers is protected in Malaysia.

- **R2:** *“Not really, as it all comes down to the cost issues, as contractors do not want to pay more as it might increase their construction cost, which will cause them to lose the contract from the government/developer, which prioritise the cost of development in awarding contracts. Although, we have many acts in protecting the rights of foreign workers....however, there is no enforcement in these acts”*
- **R5:** *“.....No, but they should have been protected because the welfare of workers is a necessity. They have been working tirelessly for us Malaysians to build houses and buildings. They are also very prone to accidents, hence stricter safety regulations and enforcement should be looked upon to protect them”*
- **R10:** *“For me, I think once they have been provided with the green card, they are protected. Especially on-site, however, I am not sure for outside of work activities.”*

Factors Contributing to Unfair Welfare Practices towards Foreign Construction Workers

This part discusses the factors contributing to unfair welfare practices towards foreign construction workers. The findings from the semi-structured session are able to give a deeper insight into the current situation relating to the reasons, why these issues continue to persist. Most of the response from the respondents are related to the increase in cost. The increment in construction cost seems to be the root cause of the problems, why contractors and developers, do not want to enhance the welfare and living conditions of the workers. Even the foreign workers have the same thinking and do not want to cause trouble and financial loss to the company as it will affect their livelihood in Malaysia. A respondent added that because of the lack of enforcement from the relevant authorities, the issues

continue to occur. Although many Regulations and Acts in protecting the welfare of the workers have been introduced, however, some are not been enforced properly. The respondents stated that in Singapore, penalties of \$5,000 and \$30,000 or imprisonment for up to 1 year, or both for employers who employed foreign workers without a valid work pass. Below are the summarizes of the typical comments on the factors contributing to unfair welfare practices towards foreign workers in Malaysia.

- **R3:** *“As I mentioned before, due to lack of enforcement from the authorities. We have all the rules and regulations to follow, however, most people especially the top management does not take this matter seriously, in providing good welfare to them”*
- **R8:** *“It is all come down back to the construction costs. As any increase on the welfare of foreign workers, which will portray in the preliminaries, can contribute to the increment of construction costs”.*
- **R10:** *“This is all because of the costs, as contractors couldn’t afford to entertain the good welfare system to the foreign workers, as it is costly too them, and increase their construction cost.”*

Site Inspections Relating to the Welfare Practices on Site

Based on the literature reviews and findings from the questionnaire survey stating there are lacking of site inspection on-site with the welfare practices, thus this question was imposed to the respondents to get first-hand experience and explanation on this matter. Most of the respondents reported that they never experienced any inspection done by relevant authorities about the welfare facilities provided by the employers. This was parallel with the findings from the literature review and questionnaire. However, a respondent did mention that he has encountered a site inspection before, but it is focusing on the validity of the workers permit only. The inspection wants to identify whether the workers is a legal or illegal worker in Malaysia. Most of the inspection in Malaysia is still on the reactive approach, where if there are any complaints by the public or the workers themselves. Most of the time, the authorities will inspect the safety practices and method of construction, including the building permit. Below are the summaries of the typical comments on the site inspection concerning the welfare practices on site:

- **R4, R6:** *“Not in related to workers facilities or welfare, that I know of.”*
- **R1, R3:** *“Yes, but only for authorities that inspect the validity of the workers permit. Besides that, before constructing workers accommodation, the authorities will check the site for approval. Besides that, authorities will come depends on any complaints by the employer relating to workers permit. However, not a detail inspection of the conditions of facilities.”*
- **R9, R10:** *“For relating to workers facilities no. However, sometimes authority comes to check on the building permit, JKPP came 3-4 times a year to check for safety. DBKL and Jabatan Bangunan also come to check on the progress of construction works, however not to the extent of checking the workers’ facilities.”*
- **R7:** *“No. We only have an encounter with authorities, who checked our work. For example, there is one time where there is an issue with the excavation, where authorities require railing for safety... We always say sorry instead of having to explain the real conditions to the authorities.”*

Recommended Solutions on the Improvements of the Unfair Welfare’s Practices

This part elaborates on the solution on how to improve the welfare practices towards better workers productivity. Based on the findings in the questionnaire survey, most of the respondents stated that shows some appreciation to the workers will able to boost up their productivity. Most of the respondents agreed with that statement, which is indeed giving a proper treatment can improve the workers’ performance overall. The proper treatment includes help the workers in the process of getting their permit approved, better pay and good facilities also might be able to help them achieve their daily targets. The small gestures will bring a big impact to their work, as they are happier. For

foreign workers, their family is the main motivator for them to work harder, but their peers are also able to motivate them. They are very loyal to an organisation if they received proper them from the employer. The foreign workers also tend to be very reserved sometimes because they do not want to cause any issues to the organization that might jeopardise their place in working with the organisation. Below are the summarizes of the typical comments on the recommendation solutions on the improvements on the unfair welfare's practices.

- **R5, R6:** *“Of course. This is because, we are still been relying on them in years to come, especially on hard labour work. Hence, good facilities and better pay won't hurt. CLAB has also managed to help them in making a police report and work closely with immigration.”*
- **R1, R2, R3:** *“Yes. For example, by providing them with a better salary, and paying them the salary that they should be getting. Assisting them in transferring money to their hometown for their family. The employers should also arrange and take care of their permit approval process. This is because many of that I encounter is their salary will be deducted when paying the permit...”*
- **R7, R8, R10:** *“Yes, as that is supposed to be done. We usually evaluate workers performance, in terms of their quality of works and attendance which is from 8 am-5 pm. We also put daily targets on the workers, and they have to comply with that....”Furthermore, there is also a site supervisor who will be monitoring their work and ensure that they achieve the daily target. We have a team of 3-4 skilled workers and others are helpers. Although sometimes, the helpers made mistakes, however, we will try to resolve it together.”*

CONCLUSION

Based on the findings, it is clearly illustrated that the construction parties especially the employers and government need to get an in-depth understanding of the unfair welfare practices that are currently happening within the industry. All parties also must play a big role in ensuring that this problem will not persist. The paper discloses that no paid annual leaves and the improvement of basic welfare facilities for foreign workers are the main forms of unfair welfare practices towards foreign construction workers. While the critical factors contributing to the unfair welfare's practice are due to the lack of workplace inspections by the relevant authorities. For example, the government in collaboration with CIDB is to ensure that when the workers arrive, they are mandatory to be registered. There should be only one way for the entrance of foreign workers, and to block any illegal ways or loopholes, where the illegal foreign workers can penetrate. The workers should also be allowed to be exposed to parties like the FWWMC and CLAB. Most of the respondents highlighted the cost as the major issue for the employers to provide proper welfare, hence the government might be able to assist especially in providing financial incentives, imposing strict regulations and expansions, such as not awarding the contract or providing working permit, should all workers be not registered under CIDB. Employers that have not provided green card, should be charged with higher fined or jail terms. Not only that, what the government can do is also extend contracts and permits for legal foreign workers who have work more than fifteen (15) years for example, so that the employer will be able to retain their skills. Lastly, the main recommended solution for the improvements on the unfair welfare's practices is to show some appreciation to the foreign workers. Appreciations do come in many forms and it does not always mean in monetary terms. It is a good gesture if the employers were able to instil some human touch that allows people to experience a sense of belonging. Relevant parties might able to take up the findings and utilise them to improve the construction industry as a whole. Indirectly it will be able to set the country on a path to build economic and social resilience that will enable the whole country to move forwards.

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