

A modern day slave trade: Indonesian domestic servants in Malaysia

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16 August 2004

The plight of Indonesian maids in Malaysia was graphically highlighted in May when 19-year-old Nirmala Bonat from West Timor was discovered by neighbours in the hallway of her employer's apartment suffering from severe burns to her chest, back and legs. She told them she had been branded with an iron and scalded with boiling water by her employer Yim Pek Ha.

Nirmala Bonat had to be treated for second- and third-degree burns. She said her employer abused her for five months. A wealthy Kuala Lumpur housewife was charged over the assault but has been released on bail pending the court case.

The case, which provoked public outrage in Malaysia and Indonesia, is just the tip of the iceberg. According to Malaysian officials, 240,000 women are working as domestic servants in the country and over 90 percent are Indonesian. Most come from East Java, Lombok and Flores, driven by economic necessity and the promise of comparatively higher wages.

It is a modern-day equivalent of the slave trade, in which tens of thousands of women from impoverished families are herded by recruiting agents into menial jobs with few or no rights. Overwork, abuse and defrauding are common in what has become a major industry and source of foreign exchange for Indonesia. Moreover, it is just part of the far broader exploitation of millions of men and women from South East Asia and the Indian subcontinent, most of whom work in the Middle East and North East Asia.

A report published by the US-based Human Rights Watch on July 22 on the fate of female Indonesian domestic workers in Malaysia details aspects of this trade in human beings. It chronicled the mistreatment faced by these workers at every step of their journey from Indonesian villages to their employment in Malaysia and back again.

Most young women are signed up by a local labour recruiter who does the rounds of the villages. Many opt for domestic work, as it requires no upfront fee and the women believe that they can save more money because they are provided with food and board.

The recruiting fees are huge. The agent commonly charges four to five months' salary to pay for expenses. If the recruiter is operating illegally, he is likely to demand 1.5 to 2 million rupiah (\$US183-244)—a substantial sum for villagers, who must borrow from family and friends, or local moneylenders at usurious interest rates.

There are over 400 licensed labour agencies, with many more operating illegally throughout Indonesia. These agencies provide training, transit and placement with employers but there is little

government control over the activities. To recruit housemaids, all that is required to be legally registered is a minimum bank account.

Prospective workers are sent to a training facility where they are at the mercy of the labour agency. There are no government standards for the running of these so-called training centres. The agents apply for passports, obtain temporary employment visas, gain medical clearances, pay insurance and other fees. They conduct minimal training in housekeeping, childcare and language skills.

Describing the conditions in one centre, Nur Hasana Firmansyah, a young woman from Lombok, told Human Rights Watch: "I slept on the floor without a mat and used my bag as a pillow. There were 300 people there, all women. We were staying in a big room with no windows. There were three toilets but two were out of order. The water was not enough and the toilets were dirty. I took a bath twice a week; there were so many people that there were long lines. We were not allowed to go outside, there was a gate with a lock. Many people wanted to run away but didn't know how. Some of the women had anxiety and were crazy because it was very scary."

Many women complained of inadequate food and water, unsanitary conditions, sexual abuse, verbal and physical abuse and beatings from security guards and staff. They were compelled to accept "training apprenticeships" in which they performed domestic work locally without pay. Stays of six months at these training centres were common and many tried to escape.

Malaysian labour agents conducted interviews with the women at these training centres with a view to their suitability—treating them as tradable goods, rather than human beings. They are selected not only for their skills but also on characteristics such as age, weight, height, complexion, marital status and number of children. Those who were older or less attractive spent far longer in the training centres.

Very few workers received a copy of their contract after signing it and were given no opportunity to question its content. The documents obtained by Human Rights Watch were typically for two years. There was no job description detailing the workload or type of work required. Contracts did not regulate the number of working hours or provide for overtime pay. Contracts commonly stipulated that there should one day off a week, but even that could be waived if the employer paid for the extra day.

Malaysia's employment act specifically excludes domestic

servants from legislation covering other workers. There are no laws regulating rest days, hours of work, termination benefits or compensation for workplace injuries. Once in the household of the employer, servants have no legal rights.

According to Human Rights Watch, an Indonesian domestic worker typically works 16 to 18 hours a day, 7 days a week, without holidays. Most have no significant rest time during the day. If their work includes caring for children as well as cleaning duties, they have to be “on call” around the clock. Many report being severely chastised if they spoke to anyone outside the employer’s house and of being locked in when the rest of the household was away.

There is no legal minimum wage in Malaysia. Indonesian domestic workers are among the lowest paid in the country, earning typically 350-400 ringgit (\$US92-105) per month. Given that most work at least 15 hours a day every day of the month, this amounts to less than 1 ringgit (\$US0.25) per hour.

Most employers refused to give servants their wages on a monthly basis, paying them instead in one lump sum on termination of their contract. Many were not paid their full wage or were not paid at all.

Nyatun Wulandari, 23, described her situation: “I worked for five people, the children were grown up. I cleaned the house, the kitchen, washed the floor, ironed, vacuumed and cleaned the car. I worked from 5 a.m., to 2 a.m., every day. I never had a break. I was just stealing time to get a break. I was paid just one time, 200 ringgit (\$US52.63). I just ate bread, there was no rice for me. I was hungry. I slept in the kitchen on a mat. I was not allowed outside of the house.”

When abuse occurred, the Malaysian labour agents often blamed the domestic workers and refused to remove them from the situation. Atikah Tiri ran away because she was forced to work almost 20 hours a day at her employer’s food stall. “The agency took me back and told me not to fight the employer. They told me to just say sorry and if I make a mistake to just be silent.” Another worker, who was sexually harassed by her employer, had to call her agent three times before he picked her up. She told Human Rights Watch that the agent replaced her with another worker, knowing what the consequences would be.

Many domestic workers have little choice but to stay with abusive employers. For the first three or four months, their wages are paid directly to their Indonesian recruiter so they have no money. The employer also holds their passport. If they run away, they risk being picked up by Malaysian immigration officials, thrown into detention camps and deported as “illegals”. Finally, if they fail to complete their contract, they are compelled to pay their own return fare.

Despite these coercive methods, Human Rights Watch reported that close to 18,000 domestic workers escaped or ran away from their Malaysian employers in 2003. Even those who complete their contract and are paid in full are confronted with further extortion after returning to Indonesia. On their return they are processed separately at Jakarta airport, forced to undergo mandatory medical examinations, pay high taxes, exchange their earnings to rupiah at lower than the market rate and then bundled onto buses charging several times the normal fare.

Not surprisingly, Malaysian government officials reacted angrily to the Human Rights Watch report. Human Resources Minister Fong Chan On defended the lack of regulations covering domestic workers, declaring: “The issue of not being protected by the law does not exist. They have a choice to leave the country if they feel they are not protected. We believe in a free market operation and the Indonesian maids are here on a ‘willing buyer, willing seller’ basis. No one is forced to work here against their will.”

What the report has revealed, however, is that from start to finish the process is anything but willing. It is the operation of the capitalist market in its most naked and exploitative form. Strictly speaking, the domestic workers are not slaves—they are not owned body and soul. But as indentured labour, they have virtually no control over their lives for the two years of their contract and no legal protection from physical and psychological abuse.

The position of Indonesian maids is even worse than their Filipino counterparts. The governments of Malaysia and the Philippines have negotiated a standard contract. Unlike Indonesians, Filipinos are entitled to a minimum wage of \$US200 per month, one day off per week, a limit of 10 working hours per day, and payment of their wages in cash every month. Passports remain in the possession of the workers. The contract also stipulates that transport be provided to and from Malaysia, that workers have access to health care and employer assistance to send remittances to beneficiaries regularly.

There is no doubt that these contract conditions are flouted but they offer some minimal protection for workers from the Philippines. In the wake of the scandal surrounding the treatment of Nirmala Bonat, Indonesia and Malaysia are now negotiating an agreement on domestic workers. A Memorandum of Understanding (MoU) on labour migration was signed in May but specifically excluded Indonesians recruited as servants.

Indonesia’s overriding concern, however, will be to protect what is a highly lucrative export industry. Migrant labour is the country’s second largest source of foreign revenue, with remittances estimated to be worth \$US5.5 billion annually. According to the government’s economic plan, the target for the period 1999-2003 was the export of 2.8 million contract workers. Jakarta is not about to insist on conditions that will do anything to jeopardise this trade.



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