

POLICY PATHWAYS FOR TRANSFORMING 3D SECTORS IN MALAYSIA

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Received Date: 15 Julai 2024 Accepted Date: 1 September 2024 Published Date: 20 December 2024

ABSTRACT

Foreign workers have been consistently integral to the workforce in the ‘dirty, dangerous and difficult’ (3D) sectors in Malaysia for the past 40 years. The persistent high dependency on foreign labour, which shows no signs of diminishing soon, coupled with a lack of engagement from the Malaysians workforce in these sectors, gives rise to several issues including social, security, economic, and labour rights concerns. This article aims to address the identified challenges by proposing policy pathways and improvements, focusing notably on the realms of working conditions and workers’ rights. To achieve these objectives, the authors rely on qualitative library research involving the analysis of primary and secondary sources. The article concludes that it is imperative for policymakers in Malaysia to institute changes and interventions, particularly by rebranding the 3D sectors from being perceived as dirty, dangerous and difficult to diligence, dignified and duty- oriented. The shift towards a more ‘humane’ perception of 3D sectors holds the potential to reduce reliance on foreign workers in the future and make 3D jobs for appealing to the local workforce.

Keywords: *3D Sectors, Working Conditions, Rights of Workers, Foreign Workers*

INTRODUCTION

It has been commonplace in Malaysia that most jobs in the so-called ‘dirty, difficult, and dangerous’ or 3D sectors are dominated by foreign workers. Foreign workers in Malaysia refer to immigrants or non-citizens who migrated to Malaysia to seek for employments. These people can consist of foreign workers with permits, illegal foreign workers, refugees, and political asylum seekers (Hamzah & Daud, 2016). Since there are undocumented and illegal foreign workers who are working in this country in addition to the documented workers, it is difficult to have an accurate number of foreign workers in Malaysia. According to Minister of Home Affairs Datuk Seri Saifuddin Nasution Ismail in his statement on 18 October 2023, the projected number of foreign workers in Malaysia has currently reached 2,730,153, exceeding the target previously set by the Ministry of Economy in the 12th Malaysia Plan (Ismail, 2023). These foreign workers are mostly employed in Malaysia's critical sectors/sub-sectors which have always been associated with 3D sectors.

Notwithstanding the rising trend of foreign workers recorded every year especially in 3D sectors, one simple question that remains unanswered; how long will Malaysia depend on these foreign workers while many of its own youngsters are stuck in a jobless rut? It is therefore important to find the answer to this question to ensure that in the future the country will no longer depend heavily on foreign workers to work in the 3D sectors. In addition, the persistent challenges underlying foreign workers which include social, economic and security concerns as well as labour rights issues such as of exploitation, human trafficking, working condition etc have all reinforced the need to improve the current policies implemented by government and current practise in local 3D sectors. This brings to the objective of this article that is to address the identified challenges by proposing policy pathways and improvements, focusing notably on the realms of working conditions and workers' rights.

METHODOLOGY

To achieve the objective of this article, the authors have undertaken a qualitative analysis based on library research method by analysing primary and secondary sources. This includes the existing literature in the forms of books, journal articles, newspaper reports, government policies, key statistics, and findings in academic research as well as the statements by industrial players. This article will first provide an overview of 3D sectors in Malaysia, followed by an analysis on the problem statements which include the dependency on foreign workers, lack of involvement among Malaysian workforce and some prevalent challenges. Having identified these challenges, this article finally summarises its findings by outlining the policy pathways and improvements, recommendations and call for action.

DISCUSSION

3D Sectors in Malaysia: An Overview

The 3D sector is an abbreviation for the infamous 'dirty, dangerous and difficult' jobs and employments which mainly covers various sectors such as construction, manufacturing, agriculture, plantation, cleaning services, and automotive maintenance. Very limited number of locals prefer to work in these sectors largely due to negative perception that most Malaysians have on these jobs (Ahmad et al., 2018). According to Malaysian Employers Federation (MEF), most Malaysians refuse to work in 3D sectors due to lack of social acceptance, not the salary. Hence, it is necessary that such menial jobs be enriched and rebranded to attract more locals, particularly the youth (Bardan, 2020). Malaysians typically avoid working in sectors like agriculture or any industry that involves manual labour not because of the low wages but because society does not view them as highly-respected career choices. The 3D jobs are looked down socially and people doubt the 3D jobs are given any recognition (Kumar, 2016). There is a stigma on the jobs such as in construction or cleaning services as being less glamorous or low class. This perception is encouraged by society's attitude towards people who perform those jobs. Their employers pay them low wages and do not provide them with humane working environments. These poor and unencouraging working condition have caused the society to look down on them (Ng., 2016).

Furthermore, the nature of work in the 3D sectors are rough and needs more physical strength which most Malaysians are not interested in as compared to working in air-conditioned office and comfortable working environment. The fact that many Malaysians are not willing to perform 3D jobs has contributed to the country's dependency on the foreign workforce. Most

foreign or migrant workers, having left their home countries to find employment with better pay in Malaysia, are commonly ignored of their basic rights by their employers. They are 'forced' to accept this situation to ensure their employment's 'survival' in Malaysia. Many employers have taken advantage of foreign workers' vulnerable nature by exploiting them and to a certain extent, violating their basic rights as employees. Although the laws of Malaysia do not discriminate against migrant workers, in practice, the rights of migrant workers are not fully protected. The employment laws are not sufficient in ensuring the compliance of employees' basic human rights by the employers. The employers in construction and plantation industries, for example, do not provide a safe and healthy working environment to their employees. If any casualties occurred, they are not covered by insurance scheme. This is clearly a violation of their rights and employees. Migrant workers are also reported to be underpaid and overworked (Ahmad et al., 2018).

Dependency on Foreign Workers

Malaysia has officially introduced the policy to permit foreign workers to work in the country since the early 1970s. Initially, the implementation of this policy was meant to be an interim solution to the increasing demand for low-skilled labour due to the government's focus on industrial development strategy at that time. However, low-skilled foreign labour has instead become a prevalent feature of Malaysia's economy until today (Solomon, 2020). Currently there are 15 countries allowed to supply workers to Malaysia namely Indonesia, Bangladesh, Nepal, Myanmar, India, Vietnam, Philippines, Pakistan, Thailand, Cambodia, Sri Lanka, Laos, Turkmenistan, Uzbekistan, and Kazakhstan (Mohamed Razali et al., 2023).

Realising that the dependency on foreign workers shall have implications to the country, Malaysian Government has from time to time implemented various policies and regulations to manage issues related to foreign workers. Generally, the Malaysian Government's policy on foreign workers is influenced by four main macro factors, namely, security, socio-culturalism, economic interests, and the rights of workers. The 11th Malaysia Plan states that the percentage of foreign workers in the workforce will be capped at no more than 15% in 2020. This target will be achieved through the automation of labour-intensive activities and migration to knowledge-intensive activities in all sectors of the economy, especially agriculture, manufacturing and construction sectors that employ more than 30% of foreign workers based on the book RMK-11 published in 2015.

Nevertheless, a report by the Department of Statistics Malaysia indicated that there are three sectors of employment of foreign workers recorded a percentage exceeding the target of 15 percent employment of foreign workers, namely construction (25.8%) followed by manufacturing (24.5%) and agriculture (70.8%).¹ These figures indicated that there is a need for the government to increase efforts to avoid over-dependence on foreign workers. This can be done by enhancing transparency and efficiency in foreign labour acquisition which will help push the country into not only acquiring quality talents but also fostering local skills improvement. Apart from use of automation in certain sectors, encouraging more local youth to enrol in Technical and vocational Education and Training (TVET) are steps in the right direction in reducing reliance for foreign labour (Annuar & Nehru, 2024).

¹ The calculation was done on data from the Immigration Department of Malaysia (JIM) (employees using temporary employment pass by sector up to 31 December 2020) and the Department of Statistics Malaysia (DOSM).

Lack of Involvement Among Malaysian Workforces

The high dependency on foreign workers in 3D sectors has led many to believe that the main reason for the scenario is due to the reluctance by Malaysians themselves to fill in the demand in these sectors. On the contrary, some have suggested that this perception is erroneous considering that there are many Malaysians working abroad in 3D sectors such as in Singapore. This reflects that it is not the case that Malaysians are reluctant to work in the sector (Loshana, 2016). An overview of existing literature points towards several factors that contribute to lack of number of Malaysian working in local 3D sectors.

First, naturally, for the locals, the availability of job options, mobility factor and matter of convenience allow them to avoid the difficult, dangerous and dirty jobs (Marhani et al., 2012). A study by World Bank (2013) on the Malaysian policy on Immigrant Labour suggests that a sufficient number of Malaysian workers are highly mobile across industries mainly to opt for better salary, economic opportunities, and work condition including the use of modern technology and facilities (Ibrahim, 2018). The fact that many Malaysians working in overseas such as in Singapore and Australia in 3D jobs is due to the options that they have, mobility and higher wages (Loshana, 2016; Aris, 2018). This scenario opens for labour shortages in 3D job sectors locally which created demand for foreign workers especially unskilled workers.

Second, the greater opportunity and mobility that the locals enjoy is mainly due to their higher education level compared to the foreign workers already in the industry (Marhani et al., 2012). A study found that the presence of foreign unskilled workers allows Malaysians to invest in their own education and enables them to work in high-skilled occupations (World Bank, 2013). Contrary to the perception that foreigners replace local workers leading to job losses among the locals, immigration has in fact generate jobs for the locals by reducing the costs of production which lead the local firms to be more competitive in the global market, allowing them to expand and hence increasing demand also for Malaysian workers. This is especially true for local workers with middle and high levels of education who are not impacted by the presence of immigrants. However, it is admitted that the immigration did have negative effect on the locals of the lowest educated groups whose opportunities are filled in by the immigrants.

In addition, jobs in the local 3D sectors, mainly the low skilled, offer lower salary compared to the risks that they carry (Kumar, 2016). Despite being indicated earlier in this article that salary was not the main reason that keeps away Malaysians from 3D jobs but it has to be admitted that the salary paid to the workers is important variable for choice of work and good salary pay would not hinder Malaysians from working in the sector (Loshana, 2016). This was the one of the main motivations behind the willingness of Malaysians to work in 3D sectors in foreign countries such as Singapore and Australia. Apart from this, the working environment is another important variable in the choice of job especially for locals who have greater option. Poor working condition, long and odd hours as well various safety and health issues which are prevalent in these sectors are the other push factors for the locals (Trakic, 2010). A considerable number of injuries and accidents at workplace hinder the locals to opt for the sectors (Amnesty International, 2010).

Accordingly, the status of job is another important variable suggested by some (Zuher, 2016). The 3D jobs are looked down socially and people doubt the 3D jobs are given any recognition. The unpopular and unglamorous reputation of these jobs is due to the social stigma of being looked down on and the portrayal of a bad image. It was seen as jobs that have unclear career path and not financially sustainable. Some of the jobs may only last for few years,

temporary in nature and thus does not guarantee a better future for employees. Poor and harsh environments have made these sectors further unfavourable in the eyes of Malaysians. Hence, these empty positions have been filled by foreign workers who are willing to take up riskier jobs because of the availability of these jobs, and they tend to have lower incomes and less wealth than the locals (Sh Said, 2022).

Challenges

According to an article by Murray Hunter (2019) entitled “Malaysia’s Massive Foreign Worker Dependency”, the number of undocumented workers in Malaysia stood at 2.5 million to 3.3 million. The figure, if added with the documented and legal foreign workers, is very alarming. Its total number of 5 to 6 million if set against Malaysia’s 33 million population, will place the number of foreigners at approximately 15% of the total population. Among the reasons for this extreme number of foreigners is the fact that most foreign workers whose permits have expired chose not to return to their country of origin, staying on illegally. Although the influx of foreign workers in Malaysia does contribute to the development as well as the economy of the country, but the negative impact on the people and the country cannot be ignored.

Among the primary challenges facing foreign workers employed in Malaysia's 3D industries are legal ones, which might involve infringement on their fundamental rights as workers. The rights of migrant workers are rarely completely safeguarded in practise, despite the fact that Malaysian laws do not discriminate against them. Employers' adherence to fundamental human rights is not sufficiently ensured by employment laws. For instance, businesses in the construction and plantation sectors fail to offer a safe and healthy work environment for their workers. In the event that there are casualties, insurance plans do not cover them, and this is a clear violation of employees' rights (Ahmad et al., 2018). It is also reported that migrant labourers are overworked and underpaid. Furthermore, the absence of appropriate documents and other legal concerns frequently affect foreign workers in Malaysia, leaving them open to exploitation by authorities and employers (International Organization for Migration (IOM), 2023).

In short, the underlying concerns relating to foreign workers who have dominated 3D sectors in Malaysia are non-compliance of workers' rights, exploitation by employers and poor or unsafe working conditions, all of which have contributed to Malaysians' reluctance to work in 3D sectors. The prevalence of forced labour, unpaid wages, lack of rest days, coupled with unhygienic and cramped living conditions have led to humans being treated like commodities. Surprisingly, some 91.1 per cent or 1.4 million foreign workers in Malaysia are provided with accommodation that does not comply with provisions in the Workers' Minimum Standards of Housing and Amenities Act 1990 or Act 446 (Saravanan, 2020). This is exacerbated by the lack of education, language barriers and limited access to institutions, which means migrant workers are trapped in a vicious cycle of exploitation. The rise of gig economy and hybrid/flexible working hours have shaped the modern workplace in the post-pandemic era. The perception is that manual labour is reserved for poor migrant workers or underprivileged people, who require only low levels of skills to perform these jobs (Sh Said, 2022). Due to these legislative obstacles, foreign workers in Malaysia have unfavourable working circumstances and are more susceptible to abuse and exploitation at the hands of their employers. Malaysia's reliance on foreign labour for the 3D industries is partly a result of the absence of adequate legislative protection for these workers (Ahmad et al, 2018; Mohd Najib et al, 2019).

The second issue is the problem of the influx of immigrants in this country may lead to a drastic increase in crime rates, especially in times of economic challenges facing the country. This will inevitably happen when foreigners end up being unemployed with no income to cover their cost of living. Media reports had in fact recorded that the crime rate involving foreigners was recorded at 42,451 cases in 2016 to August 2019, according to the Ministry of Home Affairs (KDN). The Ministry had also recorded that a total of 12,647 cases involved theft, 11,862 cases of burglary and 4,822 cases from motorcycle theft. Nevertheless, due to efforts of the Royal Malaysian Police, the overall crime index involving foreigners showed a decline from 13,110 cases in 2016 to 11,441 in 2017 and 10,751 in 2018 (Bashah, 2021)

Moreover, the foreign workers may also contribute to economic impacts. In certain situation, some of them have even started businesses in Malaysia, including grocery stores, roadside stalls or even stalls in the market. Admittedly and regrettably, the ‘Ali Baba’ practices among some locals have also contributed to the spread of foreign workers overstaying. If this trend continues, it will not be impossible that soon some industries will be dominated by foreigners and the Malaysians will end up seeking jobs from these foreigners (Bashah, 2021).

In addition, the outflow of national currency at a high rate every month will be detrimental to the country in terms of currency exchange which could be carried out easily and quickly and offering cheap services. Based on media reports, almost RM5 billion of the country's money flows out through foreigners working for a year in the construction sector alone. Apart from that, the government would also have to incur a high cost of RM1.169 million for the purpose of detaining illegal immigrants within a day. This will indeed put a high burden on the country's finances and will threaten the economic growth of the country (Theng & Ng, 2018).

FINDINGS

Based on the above discussion, it is acknowledged that the Malaysian government, through its relevant ministries and agencies, must review the effectiveness of the current policies, from time to time. Engagement with relevant stakeholders and policy research can be a good mechanism for government to gain feed backs from various perspectives to pave the way for policy pathways and improvements. Undeniably, the government must start working seriously on rebranding and transforming 3D sectors from ‘dirty, dangerous and difficult’ to ‘diligence, dignified and duty’ sector (Kwong, 2016). The government, employers and trade union need to look at the current job positions that offered in local job markets, especially the so-called 3D jobs, so that at the end of the day, it’s no longer needed to have any jobs classified as 3D. In addition, it is believed that rebranding of these jobs may make them more attractive to locals and at the same time, reduce the dependency on foreign workers. For example, a rubbish collector can be rebranded as “hygiene associate”, a gardener can be called a “landscape associate”, and a bus driver as well as a security guard can be known as a “bus captain” and “auxiliary police” (Tang, 2022).

Policy Pathways and Improvements

Rebranding 3D sectors by merely changing the name of the jobs may not be sufficient if no substantial transformation were made on the policies related to these sectors. Firstly, the wages’ structure paid for the jobs in these sectors need to be reviewed and improved. The dangers and difficulties that come with working in the 3D industry are frequently not reflected in the wage

structures that are in place. The belief that the pay is insufficient to compensate for the demanding nature of the work may discourage local workers. In order to increase the attractiveness and competitiveness of these jobs in the local labour market, salary discrepancies must be addressed. The first stage is to perform a comprehensive analysis of the current wage structures in the 3D industries. This entails evaluating the wage in relation to industry norms, the cost of living, and the unique difficulties experienced by employees in these fields. To attract and keep local talent, wage must be raised to reflect these considerations. Some initiatives can be done, for example, by upgrading of skills and by creating a grade for these 3D jobs. Salaries and benefits must be in line with the grade levels and should match the increasing cost of living. A clear career progression plans, including salary increments is necessary to attract more Malaysians to work in these sectors.

Secondly, revaluation must be done on the regulations and policies relating to rights and welfare of workers in 3D sectors such as basic access to healthcare, reasonable working hours, insurance for undertaking risky jobs and fair wages. In addition, the same goes to the employees' right to safe working environment and living conditions of workers. The government must ensure the existing regulations are fulfilled by the industrial players. It is alarming that it was reported 91.1 per cent or 1.4 million foreign workers in Malaysia are provided with accommodation that does not comply with provisions in the Workers' Minimum Standards of Housing and Amenities Act 1990 or Act 446. Fortunately, this was discovered because enforcement activities were enhanced during COVID-19 pandemic. In this regard, the government must enforce the existing laws on the protection of human rights compliance at the workplace to improve the status of 3D workers. The low-class image of these jobs due to non-compliance of these rights needs to change so that they can be regarded as respectable careers. To this end, stricter punishment and regular enforcements must be implemented to ensure the errant employers are not left unpunished and freely make profits by exploiting their workers.

Thirdly, the government should provide the industry with the necessary support and incentives for automation and mechanisation. This can also be done by providing automation incentives to ensure small and medium enterprises (SMEs), especially micro enterprises, are given assistance to mechanise, automate, digitalise and adopt new technology in their operations. Moreover, it is important to those in the sector to continuously gain knowledge, especially in Technical, Vocational Education and Training (TVET), to gather experience and knowledge in becoming highly skilled workers. Those who were trained in the TVET sector had higher work productivity compared to those not from that field, in line with the country's desire (Ujang, 2023).

Recommendations

To ensure that all pathways for policy improvements are properly put in place, it is important that education and mindset of the community towards 3D sectors be changed. Government, industrial player, and employees must see these jobs as essential and vital to society and the country. The negative conceptualisation of the 3D sector needs to change in a developing nation like Malaysia. All jobs are clean and equally important. It is fundamental to rebrand the current jobs into something more interesting and palatable to the locals and significant to the society at large (Solomon, 2020). Without these jobs, there will be great losses to the country. Initiatives to rebrand 3D jobs and alter public attitudes can be supported by policies. Policy frameworks can help with media cooperation, education initiatives, and public awareness campaigns. This may help to change the unfavourable perceptions attached to these positions, increasing their

appeal to the local labour market. Stricter rules can be enforced by policy changes to enhance working conditions in the 3D industries. This involves establishing guidelines for appropriate working hours, health, and safety. Local workers will find the work environment more attractive and secure if these policies are implemented and their compliance is monitored.

The problem of low wages in the 3D industry can be resolved by changing wage structures. Policies can be created to guarantee that pay is appropriate for the type of work, taking into account the risks and difficulties involved. This can close the pay disparity between the perceived difficulty of the work and the remuneration package, increasing locals' attraction to the jobs. Furthermore, worker rights and legal protections in the 3D industry can be strengthened by comprehensive policy changes. This may involve stipulations concerning equitable compensation, safeguards against exploitation, and healthcare accessibility. Through the formalisation of these rights in laws, the government can provide a structure that protects employees, provides a sense of security, and promotes community involvement.

Hence, it is recommended that specific policy changes which have been proposed earlier are implemented based on feasible strategies to avoid potential long-term negative impacts to the country. It is crucial for the government to have projection in the future that the dependency on foreign workers in 3D sectors be gradually reduced. However, policymakers and government cannot effectively make improvements without involvement of other relevant stakeholders. It is a collective responsibility of all related stakeholders such as the relevant government ministries/agencies, employees' unions, industrial players, non-governmental organizations (NGOs), social activists and others to ensure transformative change. With the support and cooperation from all related stakeholders, it is possible for Malaysia to build a sustainable future for 3D sectors. The shift towards a more 'humane' perception of 3D sectors holds the potential to reduce reliance on foreign workers in the future and make 3D jobs more appealing to the local workforce.

CONCLUSION

This article highlights the real and ongoing issues behind the employment in 3D sectors in Malaysia. Due to its nature of work and its working environment, the 3D sector has always been seen as less favourable job to the locals and therefore making way for massive influx of foreign workers to take up these vast jobs opportunities. Malaysia's substantial reliance on foreign labour in the 3D industry, as evidenced by the rising numbers, presents a serious concern. This calls into question the long-term viability of the current workforce model and highlights the need for targeted efforts to address the root causes of this dependency and foster an environment that draws in local labour. Moreover, one of the issues that have been noted is the Malaysian workforce's low participation in 3D sectors. Malaysians have general poor opinion of 3D jobs, which is a result of societal views and difficult working conditions. The unfavourable impression turns into a significant obstacle, making locals reluctant to engage in this sector. It is essential to launch a thorough rebranding and perception-reshaping campaign for these positions in order to overcome this.

A systematic and comprehensive approach that addresses the negative perception as well as the more general problems of mobility and chances for skill development among the local workforce is necessary to address these complex challenges. By fostering an atmosphere where Malaysians are more likely to engage actively in 3D sectors, this all-encompassing plan seeks to lessen the country's significant reliance on foreign labour. To address the challenges at hand, Malaysian policymakers should adopt a comprehensive approach, implementing policy

pathways and improvements. This involves addressing issues related to working conditions, labor rights, and the societal perception of 3D jobs. Over the years, the Malaysian government has introduced various policies and regulations to oversee the management of foreign workers. However, persistent challenges are evident, particularly in sectors where the percentage of foreign workers surpasses the targeted limits. It is imperative to continually adjust policies and ensure effective enforcement to overcome these challenges.

The article puts forth specific policy recommendations aimed at transforming 3D jobs. These include rebranding initiatives, equalising minimum wages, extending legal protections to domestic workers, enhancing workplace safety, and fostering international collaboration. By adopting these recommendations, Malaysia can work towards creating a more equitable and sustainable environment in its 3D sectors. Against the backdrop of these identified issues, this article underlines several policy pathways in particular by reviewing salary structures, enhancement or human rights at workplace and the use automation. All the relevant parties such as the government and the employers must rebrand 3D sectors as a more respectable career that guarantees a better living and sustainable career path for the employees. Only by doing this, more Malaysians will have their confidence in the employment in these sectors. Hence, it is foreseeable that in the near future the country will no longer depend heavily on foreign workers to work in the 3D sectors.

ACKNOWLEDGEMENTS

Special thanks to Ministry of Higher Education under Fundamental Research Grant Scheme (FRGS) - grant No. USIM/FRGS/FSU/32/51616, for supporting our research, from which this article is extracted. We also would like to express our gratitude to USIM and all researchers for their cooperation in this study.

This article is an output from the Fundamental Research Grant Scheme (FRGS)'s research entitled 'Developing Legal and Human Rights Guidelines for Improvement of Employment in 3D Sector: A Way Forward to Attract Malaysian Nationals' funded by the Ministry of Higher Education (Ref. Code: FRGS/1/2016/SSI10/USIM/02/3)

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