

KERALA

Saudi returnees stake claim to severance pay

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Saudi law has clear norms for the package, but those who lost jobs during pandemic are yet to benefit

Jayadev (name changed) had 25 years of experience behind him when the construction company he was working for in Saudi Arabia laid him off following the COVID-19 pandemic. Though it was an unexpected blow, he had hoped that the end-of-service benefits, as per the Saudi labour laws, would be a substantial amount, enabling him to rebuild life back home.

But now, months after returning to his home in Kerala, there is no sign of the severance pay coming in. He, along with many others, is knocking on all doors to get the money owed to them for their long years of service.

Lawyers Beyond Borders

The issue of repatriated workers not getting benefits came to light when Lawyers Beyond Borders (LBB), an international network of legal experts working for the rights of migrant workers, filed a writ petition in the Kerala High Court earlier this year. Several workers who had lost their jobs and did not get severance pay began contacting the LBB.

Among the complaints, quite a few were from the employees of Nasser S. Al-Hajri Corporation (NSH). A total of 286 workers from here sent in complaints, out of which 188 were from Kerala, 39 from Bihar, 38 from Tamil Nadu, 17 from Uttar Pradesh, and four from Odisha.

“I have been working there for 14 years. On the day before our return flight, they said we would have to sign in several forms if we wanted our passport and ticket. They told us that the entire severance pay would be credited to us. Nothing has reached us yet. I was hoping to clear my debts with this money. I have filed a complaint with the non-resident Keralites’ cell,” says Rajan (name changed), an employee.

What the law states

According to the Article 84 of the Saudi Labour Law, “upon the end of the work relation, the employer shall pay the worker an end-of-service award of a half-month wage for each of the first five years and a one-month wage for each of the following years.” A worker is entitled to the package upon completion of a year’s service.

Some employees have filed police complaints in their districts. LBB India has already submitted memorandums to the Chief Ministers of Kerala, Tamil Nadu, Bihar and Uttar Pradesh requesting their immediate intervention. It has also submitted a request to the Union Minister of External Affairs to take action on the issue.

Way to proceed

“The Indian missions abroad maintain a panel of lawyers to provide legal assistance in such cases. Workers who have exited the country without registering a labour case can give Power of Attorney to the mission to pursue their case. The Saudi law stipulates that the labour claims have to be made within one year of end of service,” says K.R. Subhash Chandran, convener, LBB.

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