Exercise of Due Diligence On Wage Theft in the Midst of a Pandemic

The swift and massive shock of the COVID-19 pandemic and shutdown measures to contain it have plunged the global economy into a severe contraction.

The World Bank forecasts say, the global economy will shrink by 5.2% this year.

In its June 2020 Global Economic Prospects, the bank reports that in the Gulf Cooperation Council (GCC) countries, Jordan and Lebanon – where there are around 35 million international migrants – the GDP forecast ratings are taking a dizzying dive between minus 4.5 to minus 3.5 percentage.

This translates that, when the economy comes to a halt, it would be the migrant workers who will be badly hit.

Laying off migrant workers and forcing them to resign has already become a new normal due to COVID-19 led economic crisis.

While, International Labour Organisation forecast that the Middle East is going to witness 5 million job loss, citing ground reports, Migrant Forum in Asia partners confirm that 1000s of migrant workers are being subjected to wage theft and benefit cuts in the GCC countries.

And unfortunately, the migrant workers who are hastily repatriated either by companies in chartered flights or by both countries of origin and destinations are being subjected to wage theft.

They also suffer the lack of a transitional justice mechanism to find a solution to their grievances.

At the time of registration for repatriation of Indians, our partners have found that the Indian embassies are not recording grievances of migrant workers including wage theft, end of service benefits, and secure power of attorney from the returning migrant worker for further pursuance of their case.

> *"We are just recording the only reason for Indians leaving the country. We are neither addressing the workers' rights violations nor taking any power of attorney"*
>
> *Senior Indian Embassy Official in Kuwait*

> *"We are recording only information asked and provided by the Indian in the repatriation form"*
>
> *Senior MEA official in New Delhi*

The repatriation form, an online Google document form, reviewed by the MFA reveals that, out of the nine checkboxes listed down asking the reason for repatriation to India, there is only one checkbox probing whether the migrant worker is being laid off or not.

The option reads, "Migrant worker/labourer who has been laid off."

This gives no additional space for an Indian migrant worker to detail his grievances if he has to.

Additionally, the Indian embassies are not entertaining in-person visit by a grieved worker, due to COVID-19 protocol, even if the worker is willing to do so. The in-person visits are restricted trough the token system.

Additionally, MFA partners reveal that countries of destinations are not exercising due diligence concerning wage theft and other grievances migrant workers may have before repatriating them.

> *"Due to lockdown, manpower offices are not functioning in full capacity. The same is the case of courts. So, even if the worker has a grievance to file, where is the opportunity… Additionally, nobody is asking the worker even at the airport whether he has got his rights and money what he is eligible for"*
>
> *Indian Legal Advisor in Oman*

> *"I was forced to resign in an evening. And after 48 hours, I was flown back. On the day of exit, my end of service benefits was deposited in a back. I had only a few hours to withdraw the money. I didn't get the full end of service benefits. The amount was less. But I didn't have any time to raise a complaint either with the destination country or my country embassy"*
>
> *Repatriated Indian Driver in Oman*

We, MFA and our partners, urge that countries of destination must exercise due diligence concerning wage theft and other grievances migrant workers may have before repatriating them.

Unfortunately, we have found that countries of origin are also not documenting grievances of returned workers.

While India, the largest migrant-sending country is not doing it, Sri Lanka is also not doing. Other than focusing on facilitating quarantine, the Indian government is not recording the grievances. Interestingly, in Sri Lanka, the military is in charge of receiving migrant workers. However, Nepal partners confirm that there are provisions put in place to record grievances of the returned worker.

> *"Here the military is handling the situation. They are concerned only about putting the worker into quarantine. Will the military ask a returning worker about his labour grievances…?"*
>
> *Migrant Researcher in Colombo*

> *"Government is doing. There are certain mechanisms put in place…,"*
>
> *Migrant Rights Activist in Nepal*

So, we from MFA and our partners, urge the countries of origin to ensure that upon arrival and during the period of quarantine any grievance of returning migrant workers including wage theft and non-payment of end of service benefits are documented for redress purposes.