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INCLUSION

Tharoor: Mission Houses Should Record Indians' Wage Grievances Before Repatriation

World Bank lead economist says that wage theft is leading to dip in remittances



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Indian missions in the Arab Gulf countries should record wage grievances of Indian workers who are leaving due to the COVID-19 outbreak as documentation is vital in addressing the wage theft issue, Dr Shashi Tharoor, MP and former Minister of State at the Ministry of External Affairs, said.

Tharoor was speaking at an online panel discussion on "Transitional Justice: Towards "Building Back Better" jointly organised by Manila-based Migrant Forum in Asia (MFA), Delhi based Global Research Forum on Diaspora and Transnationalism (GRFDT) and Beirut-based Regional Center for Refugees and Migrants (CCRM).

"I will write to the Indian Minister of External Affairs Dr S Jaishankar to set up a platform at Indian missions where the workers' grievances, especially on the wage front, can be recorded," Tharoor said.

According to him, currently, there is no mechanism available globally to address the wage theft issue and ensure justice for the migrant worker.

Escrow Fund

Tharoor suggested that an escrow fund be set up where six months of wages can be deposited by the employer when the visa is approved for the worker.

"This escrow fund can help to pay the worker when pay default happens, especially when a COVID-like crisis happens," Tharoor said, adding that the pandemic has become an excuse for employers in the Arab Gulf to remove migrant workers without clearing their unpaid wages and end of service benefits.

He added that considering the limitations of mission houses, countries of origin should put pressure on countries of destination to ensure justice for the migrant workers. He also said to fight against wage theft, civil society organisations should take a lead in organising trade unions.

Wage theft, the practice of employers failing to pay workers the full wages to which they are legally entitled, is a widespread and deep-rooted problem that directly harms



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of these workers, without any proper redress mechanism, since courts and other labour dispute mechanisms have also been closed during the period of the lockdown.

Therefore, these violations are piling up and either not be addressed or overburdening the existing dispute resolution mechanisms.

The stranded worker gets a call from the mission house giving him 48 hours maximum to purchase a return ticket. The companies often clear the migrant workers' papers only after the worker gets a travel confirmation call from the embassy.

Eventually, the worker does not have enough time to register his grievances.

India started evacuating Indians from COVID-hit countries from May 06. And from then, till July 16, Air India has evacuated 2,15,495 Indians. Meanwhile, Indian private carriers evacuated 12,258 Indians, Indian private charters evacuated 1,35,000. In addition to this, foreign charters evacuated 2,11,361 Indians.

In all, around 6.87 lakh Indians were flown into India from COVID-hit countries.

There are around 35 million migrant workers in the Arab Gulf countries who work under Kafala system, a peculiar employer-employee contract which restricts many rights and freedom of migrant workers.

Out the 35 million migrant workers, nearly 10 million are Indians.

Claims Commission

Detailing on wage theft and justice mechanism, Roula Hamati, coordinator, Cross Regional Center for Refugees and Migrants, said that the pandemic has normalised wage theft in all sectors and only a few go to courts.

“We can't continue like this. Numbers should not be a criterion in taking up this issue. We should set up an International Claims Commission to deal with the wage theft issue,” Roula said.

According to Roula, the International Claims Commission must be set up as a specialised international quasi-legal body of expedited justice to adjudicate on claims of migrant



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Cases could be received directly from migrants themselves or through entities providing support or legal representation to migrants. All pre-existing case documentation should be referred to the Claims Commissions for resolution,” Roula said.

Roula added that the International Claims Commission could be administered jointly by International Labour Organisation and International Organisation for Migration, together with other relevant stakeholders.

The latest ILO estimates show that working hour losses have worsened during the first half of 2020, reflecting the deteriorating situation in recent weeks, especially in developing countries.

The ILO report reveals that during the first quarter of the year, an estimated 5.4% of global working hours (equivalent to 155 million full-time jobs) were lost relative to the fourth quarter of 2019.

“Working hour losses for the second quarter of 2020 relative to the last quarter of 2019 are estimated to reach 14% worldwide (equivalent to 400 million full-time jobs),” the report adds.

Remittance Dip Vs Wage Theft

Meanwhile, Shahidul Haque, Former Foreign Secretary, Bangladesh, said the discussion that making rights as an entitlement for migrant workers only can resolve the issues.

“So far, we discussed how to govern migration. But we missed the rights angle. We should not repeat that. Additionally, we should force countries to honour global compact on migration even if it’s a non-binding one. As they (countries) have signed it, they should honour it,” Shahidul said.

While detailing the woes of Bangladeshi workers who returned penniless due to job loss from COVID-hit countries, he also endorsed the need of setting up an international claims commission to address the wage theft.

According to the former foreign secretary, some 500,000 Bangladeshis have returned jobless from COVID-hit countries.



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theft is a significant factor that impacts remittance.

“Due to pandemic, a 20% remittance dip is forecast. And in this 20% remittance dip, wage theft has a significant role,” he said.

India had received some \$80 billion as remittance during the last year.

Ryszard Cholewinski, Senior Migration Specialist, ILO Regional Office for Arab States, Beirut, said that ILO can look into the possibilities of setting up a Claims Commission if trade unions and CSOs come forward.

Neha Mishra, Senior Migration Specialist from Solidarity Center said that lack of freedom of association for migrant workers is leading to wage theft.

Around 450 migration experts, academicians and rights activist attended the online meeting from different parts of the world.

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