



## Non-resident Indian workers can 'make use of redressal platforms, forums,' says Kerala HC

The HC disposed of a petition in this regard filed by Lawyers Beyond Borders, an international network of legal experts that advocates the rights of migrant workers.



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In a development that could bring huge relief for the Non- Resident Indian workers, especially those impacted in the time of pandemic, the Kerala High Court has disposed of the writ petition filed by Lawyers Beyond Borders (LBB), that sought to address wage theft-reduced or non-payment of wages.

The petition also sought introduction of a transitional justice mechanism to address grievances of repatriated workers.

The High Court while disposing of the petition, directed that the petitioner or any aggrieved persons should make use of the schemes and the provisions of the statutes, as well as the orders issued thereon from time-to-time for documenting the claims and grievances of the returned workers.

The writ petition was filed as a Public Interest Litigation by the petitioner. Lawyers Beyond Borders is an international network of legal experts that advocate the rights of migrant workers.

The petitioner has also sought that all migrant workers, including those who may have become undocumented or are in irregular status, should have access to legal remedies for unfair treatment at work place. LBB also submitted the

about their grievance  
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The complaints received through the mechanisms are taken up by the embassies or diplomatic offices with the employers concerned for an amicable settlement. The court was also informed that India, through the embassies or diplomatic offices, maintains a panel of lawyers for any legal assistance and these empaneled law firms provide free initial legal advice to the workers.

Subsequently, the workers can engage these law firms, if required, by executing a Power of Attorney (POA) in their favour to represent them in a court of law in connection with their grievances. In case, the worker has exited the country without registering a labour case or before the court proceedings are over, he/she can give POA to any lawyer or the embassy or diplomatic office to pursue his or her case in the concerned court. If POA is given to the embassy or diplomatic office, then the case would be followed through one of the empanelled lawyers.

"India is one of the most critical countries in the area of international migration and a vast number of these migrants around nine million are in the Gulf Cooperation Council (GCC) countries; 70 percent of which are blue collared workers. Since the beginning of the pandemic, hundred-thousand migrant workers have been repatriated to India from different parts of the world. The number is expected to rise exponentially over the next few months. In the Middle East region alone, an estimated five million jobs will be lost, most of them are held by migrant workers. Kerala Chief Minister Pinarayi Vijayan had said that 74,849 out of 143,147 who returned from abroad -52 per cent- have lost their jobs," says the petition submitted on August 17.

It's also pointed out in the petition that Kerala alone could lose nearly Rs 13,000 crore in annual foreign remittances with more than four lakh Keralites who live abroad to return to home in the wake of the pandemic.

"It's because of the volume of Kerala migrant workers abroad that we submitted the petition at the Kerala High Court. Many employers used the pandemic as a cover to not pay the workers. If the employers would not abide by the rules, we would initiate contempt of court against them," Advocate Subhash Chandran, member of LBB told TNM.

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