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Wage theft of migrants during pandemic

Covid-19 crisis increases vulnerability to unpaid wages and benefits for Nepali workers abroad

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Some of the 43 migrant workers who had been stranded and deprived of proper wages in the UAE collectively filed a complaint with the Department of Foreign Employment when they returned to Nepal.

Hari Sharma paid Rs115,000 to Code Manpower in Kathmandu in 2018 for a food-packing job in Malaysia. When he got there, he was not paid the 1200 Ringgit (\$290) as per his contract, and has not received any payment for the past four months of the pandemic.

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Since May, the company has been forcing him to not just carry out his regular duties, but also to clean toilets, collect trash and do some heavy-lifting manual job for another company. The compensation from the other company is being taken by Sharma's original employer.

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“It has been five months since I sent any money home to my family. I barely have any money to feed myself twice a day, and have been relying on loans from friends,” says Sharma, who has stopped working for a month.

Besides Sharma, there are five other Nepalis in the same situation in the company. Three returned to Nepal recently, after a bitter confrontation with the boss. The two remaining Nepalis continue to work along with other migrants from Bangladesh and Burma.

The theory and practice of zero-cost migration

(<https://www.nepalitimes.com/latest/the-theory-and-practice-of-zero-cost-migration/>), Upasana Khadka

Examples of wages fully or partially unpaid, or end-of-service benefits contractually owed but denied, were common even before the pandemic. But one of the most inhumane realities of the Covid-19 crisis is that workers at the lowest rungs of the ladder who worked for past months under difficult conditions have been denied compensation.

For many migrant workers, a good portion of their two-year contract abroad is spent repaying recruitment costs to intermediaries. A worker in debt-bondage who has to return prematurely incurs a heavy loss.

Getting on the plane amidst a messy repatriation process was a priority for many migrants, but the scars of the unpleasant experience abroad and the pressure to repay the high-interest loans to finance it will continue to burden them.

Forty-three returnees from the UAE came to Kathmandu from all parts of Nepal this week to file a complaint with the government's Department of Foreign Employment.

Each worker had paid above Rs250,000 to get a job as a driver, which was supposed to

Each worker had paid above Rs200,000 to get a job as a driver, which was supposed to pay a basic monthly salary of Rs95,000 each.

Nine of the workers *Nepali Times* spoke to had spent between 7 to 11 months in the UAE, with half of them not working at all or working just for a month.

“The costs kept adding up beyond what we paid the recruiter, for the driver’s license, and the wages were considerably lower than what we were originally promised,” said one of the workers. “Not only were we unable to send any money home, we had to ask our family to send us money so we could survive during the lockdown.”

In the minds of Nepal’s migrant workers (<https://www.nepalitimes.com/here-now/in-the-minds-of-nepals-migrant-workers/>), Upasana Khadka

Many of the workers had a choice between sleeping in the park or somehow making it back alive to Nepal. After getting back, they decided to file the complaint jointly given their common recruiters and the employer.



Nepali workers ran out of money waiting for repatriation flights from UAE. “Back then, the priority was to somehow make it alive to Nepal,” said one of them. Some were later supported by the NRNA and the Nepal embassy.

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The Nepal government has in place provisions to help victims of migration get compensated. The Department of Foreign Employment handles these cases, and there is also a dedicated Foreign Employment Tribunal (FET).

Hefty security deposits required of recruiters are used to compensate victims, who are subject to joint liability with foreign employers. In 2017/18 and 2018/19, there were 2,129 and 2,082 cases registered of which 1,023 and 1,692 were resolved. Nepali missions blacklist employers (<https://dofe.gov.np/cancel.aspx>) who are engaged in malpractices including wage theft, and bar them from future hires. These were from 'normal' times when cases were more sporadic.

With Covid-19, an already overwhelmed bureaucratic machinery is now under further pressure to address these complicated transnational legal issues. Many workers have little idea how to navigate the complicated systems, or may not even know such legal channels exist. Workers need proof of non-payment, and do not know where to go for assistance.

Extending help to migrants is necessary, but recruiters are also struggling to keep their heads above water after a complete halt in migrant deployment. Also, they cannot be held solely liable when employers, including multinational companies, behave irresponsibly towards migrant workers.

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Many victims have also been working abroad for many years (<https://www.nepalitimes.com/opinion/labour-mobility/crossborder-virus-and-nepali-migrant-workers/>), in which case it may not be fair to penalise recruiters as in the case of newer migrants who return prematurely. The issue is transnational, and the destination country governments have to hold employers accountable, which requires proactive diplomacy by Nepal's missions abroad.