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## Unresolved Labour Cases Pileup at Indian Embassies



BY REJIMON KUTTAPPAN — JANUARY 8, 2021



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Migrant workers heading to camp from drop point in Sonapur, UAE.



*COVID-19 has exposed the cracks of our grievance redressal mechanisms, according to migrant rights activists. Scores of labour disputes of Indian migrants remain unresolved causing a lot of pain and uncertainty about their future. Hundreds of cases have piled up in the Indian Embassies in the Gulf region where a huge migrant population from India work. REJIMON KUTTAPPAN, a migrant rights researcher who has reported and worked on the plight of migrants from India and other nationalities in the Arab Gulf and is presently completing a book on the subject, reports from Thiruvananthapuram.*

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**H**undreds of Indian migrant workers labour cases remain unresolved at Indian embassies in Saudi Arabia and Oman in 2020 according to data from RTI queries.

The Indian embassy in Saudi Arabia could resolve only 27 percent of labour cases filed by Indian migrant workers between Jan and December 2020.

Out of the 2,376 cases filed, the embassy could resolve only 645 cases.

In 2019, the Indian embassy in Saudi Arabia had managed to resolve 98 percent of the Indian migrant workers' cases.

***Talking to The Leaflet, Abdul Lateefh, an Indian social worker in Riyadh for the last three decades, said: "COVID-19 restrictions might have been a problem for the Indian embassies in resolving cases. But, the Indian government should have understood the looming crisis and acted on time by***

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***enabling other platforms in resolving cases.  
The RTI data reveal that our government  
failed to help workers even during the  
crisis,” he said.***

In Oman, the Indian embassy could resolve only 40 percent of the labour cases filed by Indian migrant workers between Jan and December 2020. Among the 1030 cases filed, the embassy could resolve only 414 cases.

In 2019, the Indian embassy in Oman had managed to resolve 60 percent of the Indian migrant workers' cases.

According to the RTIs, the majority of the labour cases filed dealt with:

1. Non-payment of salary
2. Compensation
3. Harassment by the employer
- 4 Transportation of mortal remains
5. Imprisonment and other jail issues.

## **Embassies Failed to Help**

Talking to The Leaflet, Abdul Lateefh, an Indian social worker in Riyadh for the last three decades, said: “COVID-19 restrictions might have been a problem for the Indian embassies in resolving cases. But, the Indian government should have understood the looming crisis and acted on time by enabling other platforms in resolving cases. The RTI data reveal that our government failed to help workers even during the crisis,” he said.

Pushing the migrant workers in trouble, on March 15, Saudi stopped international flights and Oman had closed its airspace on March 29 to contain the spread of COVID-19.

In addition to the closing of airspace, the Arab countries also imposed curfews and lockdowns leaving the migrant workers in more trouble. Many migrant workers were even stranded in worksites when sudden lockdowns were announced. This led to a lot of migrants suffering.

***“Many migrant workers remain stranded in cities without access to services or support, or in border areas, living in precarious conditions posing as quarantine facilities,” the MFA said in a statement adding that the workers are subjected to wage theft, which is a gross violation of labour rights on a large scale.***

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As the Arab countries follow the Kafala system, a restrictive and exploitative employer-employee contract, workers often face different kinds of rights violations.

Most often, decent working conditions upheld by global labour organisations and global trade unions are denied in most of the Arab Gulf countries.

Sometimes, migrant workers are physically and mentally abused.

## **Hurriedly Repatriated**

During the COVID-19 outbreak, the Arab Gulf countries faced a different crisis as the oil price fell which pushed the companies to either halt or give up their projects.



Sonapur Camp in UAE. Feb 22, 2020.

And when the projects were in trouble, thousands of migrant workers were forced leave the country by giving up their salaries.

The workers were seen as a liability by many companies during the COVID-19 outbreak.

Holding back workers was extra expenses for companies. So, workers were hurriedly repatriated without clearing their pending salaries and end of service benefits.

The majority of the workers didn't even get ample time to register their grievances, especially on pending wages, and there was no platform to do the same.

According to the Manila-based Migrant Forum in Asia (MFA), a regional network of migrant rights organisations, the COVID-19 pandemic has severely impacted millions of migrant workers in destination countries, many of whom have experienced job loss or non-payment of wages, been forced by employers to take

unpaid leave or reduced wages, been confined in poor living conditions, and with little or no engagement in the work options before them.

“Many migrant workers remain stranded in cities without access to services or support, or in border areas, living in precarious conditions posing as quarantine facilities,” the MFA said in a statement adding that the workers are subjected to wage theft, which is a gross violation of labour rights on a large scale.

## **Wage Theft**

Wage theft consists of the total or partial non-payment of a worker’s remuneration, earned through the provision of labour services, as stipulated in a written or non-written employment contract. It also includes the payment of salaries below the minimum wage, non-payment of overtime, non-payment of contractually owed benefits, the non-negotiated reduction of salaries as well as the retention of dues upon one’s contract termination.

***And as a third step, to enable the migrant workers to effectively claim their rights, the state must use all means of communication available including public and social media, to inform them of the mechanisms through which they can claim their rights and register their grievances.***

Wage theft undermines a fundamental right to just and favourable remuneration, to which all workers are inherently entitled: Article 23(3) of the Universal Declaration of Human Rights (UDHR) affirms that “[e]veryone who works has the right to just and

favourable remuneration ensuring for himself and his family an existence worthy of human dignity.”

According to MFA and its global partners, to address wage theft, which is left unaddressed in the hurried repatriation, first, the embassies of countries of origin in destination countries should document the grievances accurately.



Workers camp in Sonapur, UAE. Feb 22, 2020.

Second, to lighten the burden of accessing justice, the countries of origin should ease the collection of documentation with practical actions.

And as a third step, to enable the migrant workers to effectively claim their rights, the state must use all means of communication available including public and social media, to inform them of the mechanisms through which they can claim their rights and register their grievances.

***Shameer is a victim of wage theft. “Even though my complaint was there with the embassy seeking my pending salary and end of service benefits, I returned empty-***

***handed as the embassy failed to resolve the case," he said.***

MFA says that to avoid massive wage theft becoming the legacy of the COVID-19 pandemic, countries of destination must exercise leadership and embrace innovation to tackle this problem until it is eradicated.

Shameer Unni, a Keralite migrant worker, was stranded in a company accommodation in Oman in October 2019 without salary when his company manager fled the country.

Shameer is a victim of wage theft.

"Around 200 Indian workers were not getting the salary. We had complained in 2019 itself. When the COVID-19 outbreak happened, we renewed our plea. But the India embassy couldn't do anything," Shameer said.

Shameer is a kidney patient. So, continuing there without a job, salary, food, and medicines was a risk for him and finally, with help of charity organisations, he returned in July. "Even though my complaint was there with the embassy seeking my pending salary and end of service benefits, I returned empty-handed as the embassy failed to resolve the case," he said.

***"When do people need help? It is when they are in trouble, isn't it? If we fail to help them when they are in trouble, then can we say that we are good, no isn't it? Our embassies have failed to help workers when a***

***pandemic happened, that is a fact. We should agree with that and think of how it can be fixed,” Reddy said.***

Shameer was eligible to get at least Rs 4,00,000 from the company as pending salary and end of service benefits.

## **Exposing Cracks**

Talking to The Leaflet, Bheem Mandha Reddy, president of Emigrant Welfare Forum in Hyderabad, said that a pandemic outbreak has exposed the cracks of our grievance redressal mechanisms.

“When do people need help? It is when they are in trouble, isn’t it? If we fail to help them when they are in trouble, then can we say that we are good, no isn’t it? Our embassies have failed to help workers when a pandemic happened, that is a fact. We should agree with that and think of how it can be fixed,” Reddy said.



An illegal market run by migrant workers in Sonapur, UAE. Feb 22, 2020.

Indian migrant workers in the Arab Gulf can register a labour complaint by visiting the Indian embassy in person, calling the hotline number, and also by sending an

email to the official email id of the Indian embassy.

Additionally, they can also register their complaint through a portal titled MADAD run by the Indian ministry of external affairs.

There are some 90 lakh Indians working in the Arab Gulf, including Lebanon and Jordan. According to migrant rights civil society organisations, out of the 90 lakh, some 80 lakh are low paid workers, who toil under exploitative working conditions. COVID-19 only made it worse for them.

*(Rejimon Kuttapan is an independent journalist and migrants' rights researcher. The views are personal.)*

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