

NATIONAL (/NATIONAL)

Victims of wage theft, migrant Nepalis are losing hope of recovering their money

Although Nepali workers returning home without salary, bonus and other company benefits has been common for years, the issue of wage theft came to the fore after the pandemic.



More than 400 Nepali workers were repatriated during the early days of the pandemic last year. **Photo courtesy: Maheshwor Nepal**

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THE KATHMANDU POST



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Kathmandu

Gopal Pariyar, 42, has lived toiling hard in the Persian Gulf region for more than 12 years.

Pariyar, a migrant worker from Pokhara, Kaski, has been trapped in circular migration—a phenomenon in which a migrant is shuffling repeatedly between home and labour destination countries.

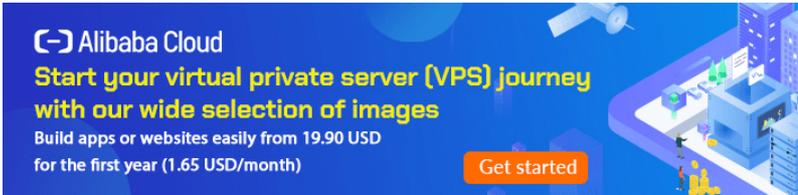
Pariyar stayed in Qatar from 2007 to 2012. Then he went to Saudi Arabia and stayed there until 2016. After a break of nearly one year, he again headed back to Qatar in September 2017.

“I consider myself unfortunate. I never had any easy jobs all these years,” lamented Pariyar. “Every time, I had to work under the scorching sun. Nor could I make good money.”

In Saudi Arabia, he worked as a marble mason which included cutting, tooling and setting marble slabs on the floors and walls of buildings. In Qatar, he was loading and unloading goods for a monthly income of Qatari Riyal 600, excluding food.

His second stint in Qatar was the most painful, he says.

Although he had applied for an electrician job through a Pokhara-based recruiting agency, he was given the job of a helper at one of the project sites of Doha Metro. He had paid Rs120,000 for the job.



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“As an employee of Abantia Tempo, one of the subcontractors of the Doha Metro project, I was working at the firefighting section,” said Pariyar. “One can imagine how difficult such jobs can be. I had to manage everything with my basic monthly salary of Qatari Riyal 900 [Rs29,355], including my food.”

For Pariyar, who had been carrying on with the job of taking care of a six-member family back home in Nepal, the Covid-19 pandemic came as a personal disaster last year.

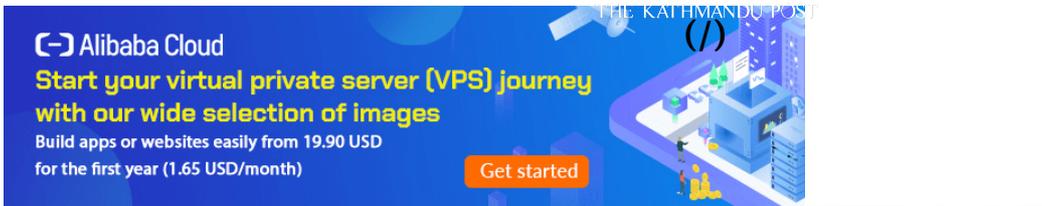
He was deported to Nepal in March, 2020.

On March 13, when he had gone out with five other fellow Nepali workers to withdraw the money from an ATM, the group was arrested by the local police.

“We had no idea that going out was prohibited. The company had not shared any information with us about such a restriction,” said Pariyar. “The police told us that they would release us after Covid-19 test, but took us elsewhere where hundreds of others were rounded up.”

Pariyar and his friends could never go back to their camp after the arrest. On March 18, after five days of detention, he was directly deported to Nepal.

Pariyar was among [more than 400 Nepalis who were](https://kathmandupost.com/national/2020/04/16/qatar-used-coronavirus-pandemic-as-a-ruse-to-expel-nepali-migrant-workers-amnesty-international-says) sent back last year after local authorities accused them of not abiding by the government measures enforced to [contain the spread of coronavirus](https://kathmandupost.com/national/2020/03/26/nepalis-in-qatar-live-in-overcrowded-and-squalid-conditions-even-during-pandemic).



Pariyar, like others, was back in Nepal without any money or even any belongings.

“The company did not care about us,” said Pariyar. “Everything we had was left in our room where we never returned.”

But he lost not only his belongings or items, but something more valuable—his hard-earned money.

The company owed him two and a half months’ salary and extra amount for overtime work.

According to him, the amount totals Qatari Riyals 4,500 which is equivalent to Rs146,778 as per Friday’s exchange rate.

Pariyar is among hundreds of Nepalis who have returned home virtually [empty-handed as victims of wage theft](https://kathmandupost.com/national/2020/07/04/jobless-and-without-pay-migrant-workers-are-returning-home-but-they-have-no-recourse-for-compensation) (<https://kathmandupost.com/national/2020/07/04/jobless-and-without-pay-migrant-workers-are-returning-home-but-they-have-no-recourse-for-compensation>) since the pandemic struck.

Although the Nepali workers returning home without salary, bonus and other company benefits and experiencing arbitrary breach of contracts have been common for years, the issue of wage theft became more pronounced after the pandemic.

According to migrant rights activists, [wage theft](https://wagetheft.net.au/what-is-wage-theft/) (<https://wagetheft.net.au/what-is-wage-theft/>) can be conceived as an amalgamation of a number of different types of labor rights abuses and occurs when the worker is not paid as per the law.

According to the Pravasi Nepali Coordination Committee (PNCC), a group working for the welfare of migrant workers, 720 cases of wage theft involving Nepalis have been recorded in various labour destinations since the start of the pandemic. These employers owe the victimised workers around Rs 4 million, according to the committee.

“Although [Nepali workers have been facing the issue of non-payment of wages](https://kathmandupost.com/national/2017/11/23/poor-treatment-of-workers-goes-on) (<https://kathmandupost.com/national/2017/11/23/poor-treatment-of-workers-goes-on>) for several years, the pandemic exacerbated the situation,” Som Prasad Lamichhane, executive director of the committee, told the Post.

Wage theft includes total or partial non-payment of a worker’s remuneration, payment of salaries below the minimum wage, non-payment of overtime, non-payment of contractually owed benefits, the non-negotiated reduction of salaries and retention of dues upon one’s contract termination.

As per the committee’s statistics, the highest number of wage theft incidents have been reported from Qatar with 362 Nepalis returning home unpaid, followed by Saudi Arabia (157), Bahrain (134), Malaysia (58), the UAE (17) and Kuwait (2).

According to Lamichhane, these cases were documented by the committee’s outreach coordinators and volunteers in Nepal and labour destination countries, migrant workers themselves who came in contact with the committee, its rescue units and shelter teams.

“But the actual numbers could well be beyond the figures we have compiled from our resources and migrant workers who reached out to us,” said Lamichhane. “If a worker suffers wage theft that means the main objective of their decision to migrate is not fulfilled and it can have long-term impacts on them and their families.”

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When the coronavirus crept into Nepalis' foreign job destinations, tens of thousands of workers, who [struggled for their safety and to meet basic needs for several months](https://www.ceslam.org/uploads/backup/research-paper-x-covid-19.pdf) (https://www.ceslam.org/uploads/backup/research-paper-x-covid-19.pdf), were [rendered jobless and suffered pay cuts](https://kathmandupost.com/national/2020/05/18/without-work-and-salary-nepali-migrants-protest-in-covid-hit-uae) (https://kathmandupost.com/national/2020/05/18/without-work-and-salary-nepali-migrants-protest-in-covid-hit-uae).

Many had to return home empty-handed after their contracts were terminated or the companies refused to pay them.

Following a [Supreme Court order to repatriate Nepali workers](https://kathmandupost.com/national/2020/06/17/supreme-court-orders-government-to-use-welfare-fund-to-repatriate-nepali-workers-stranded-abroad#:~:text=On%20May%2025%2C%20in%20order,should%20be%20borne%20by%20them.) (https://kathmandupost.com/national/2020/06/17/supreme-court-orders-government-to-use-welfare-fund-to-repatriate-nepali-workers-stranded-abroad#:~:text=On%20May%2025%2C%20in%20order,should%20be%20borne%20by%20them.) free of cost, the government [prepared a directive](https://kathmandupost.com/national/2020/07/01/guidelines-ready-for-repatriation-of-migrant-workers-who-cannot-pay-for-their-flights) (https://kathmandupost.com/national/2020/07/01/guidelines-ready-for-repatriation-of-migrant-workers-who-cannot-pay-for-their-flights) to provide financial assistance to stranded migrant workers to buy tickets to return home.

The directive had also mandated the Nepali missions in labour destination countries to ensure that workers were paid their dues before they boarded their flight.

However, a majority of workers who have returned home since the Covid-19 pandemic were not only unpaid but also [uncompensated](https://kathmandupost.com/national/2021/03/27/only-217-migrant-workers-availed-of-pandemic-repatriation-scheme) (https://kathmandupost.com/national/2021/03/27/only-217-migrant-workers-availed-of-pandemic-repatriation-scheme) as they had [bought the tickets themselves](https://kathmandupost.com/national/2020/08/22/decision-after-decision-government-rubs-salt-into-workers-wounds) (https://kathmandupost.com/national/2020/08/22/decision-after-decision-government-rubs-salt-into-workers-wounds).

The hasty exit from labour destinations meant they had to leave behind everything. Migrant workers' homecoming, which means they [bring back remittances and valuable luxury items for families back home](https://kathmandupost.com/national/2020/09/20/migrants-would-return-home-with-money-and-gifts-now-it-is-just-themselves) (https://kathmandupost.com/national/2020/09/20/migrants-would-return-home-with-money-and-gifts-now-it-is-just-themselves), turned into empty-handed showing up.

According to Ganga Sundas, information officer at the Department of Consular Services, under the Ministry of Foreign Affairs, the office has witnessed a rise of complaints from migrant workers about non-payment issues since the start of the pandemic.

“The number of more and more workers reaching out to the department with complaints that they were not paid their salaries and other amounts,” Sundas told the Post. “Although we do not have the exact number of such complaints, their numbers have gone up significantly since the pandemic.”

It's not only that workers were denied their remunerations.

Many had to even return home even before the expiry of their job contracts for which they had invested tens of thousands of rupees often taken at exorbitant interest rates. Such a sudden exit meant [they would be burdened with debts](https://kathmandupost.com/national/2021/01/19/migrant-workers-paid-hefty-sums-for-overseas-jobs-and-returned-now-they-are-waiting-for-compensation-for-their-losses) (https://kathmandupost.com/national/2021/01/19/migrant-workers-paid-hefty-sums-for-overseas-jobs-and-returned-now-they-are-waiting-for-compensation-for-their-losses).

As per Section 75 of the [Foreign Employment Act, 2007](http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=78258&p_country=NPL&p_count=120) (http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=78258&p_country=NPL&p_count=120) when “workers have to be immediately brought back to Nepal due to a war, epidemic, natural calamity in the country where such workers are engaged in employment, the Government of Nepal shall make arrangements for the repatriation of such workers.”

Section 36 of the same law says, if any employer does not provide employment as per the terms prescribed in the agreement, the worker or his or her representative may file a complaint at the Department of Foreign Employment, along with evidence for compensation. Upon inquiry, the department can ask the recruiting agencies to compensate for all expenses incurred by workers while applying for foreign employment.

However, as pandemic-hit Nepali migrants started to return home unpaid and often trapped in 'debt bondage' after being unable to clear loans that they had taken to fund the overseas jobs, migrant rights activists have been demanding the [setting up of transitional justice mechanisms](https://kathmandupost.com/national/2020/08/02/set-up-a-mechanism-for-ensuring-migrant-workers-wages-labour-rights-activists-say) (https://kathmandupost.com/national/2020/08/02/set-up-a-mechanism-for-ensuring-migrant-workers-wages-labour-rights-activists-say) to ensure workers are paid and compensated for their losses. X

But there has been no recourse or guarantee [if these workers would ever be paid or compensated](https://kathmandupost.com/national/2021/01/19/migrant-workers-paid-hefty-sums-for-overseas-jobs-and-returned-now-they-are-waiting-for-compensation-for-their-losses) (https://kathmandupost.com/national/2021/01/19/migrant-workers-paid-hefty-sums-for-overseas-jobs-and-returned-now-they-are-waiting-for-compensation-for-their-losses).

“Even the repatriation guidelines said workers’ dues should be cleared before returning to Nepal or at least there should be documentation. But it [did not happen effectively](https://kathmandupost.com/national/2020/09/05/repatriation-quandary-persists-even-with-funds-to-support-migrant-workers-airfare) (https://kathmandupost.com/national/2020/09/05/repatriation-quandary-persists-even-with-funds-to-support-migrant-workers-airfare). There should be [a separate mechanism for crisis management](https://kathmandupost.com/national/2021/05/27/migrant-rights-activists-call-for-a-mechanism-for-rescuing-stranded-workers) (https://kathmandupost.com/national/2021/05/27/migrant-rights-activists-call-for-a-mechanism-for-rescuing-stranded-workers) to protect the rights of Nepali workers during extraordinary times like the pandemic,” said Lamichhane. “In normal times, embassies may handle the situation but in circumstances like the ongoing pandemic, there should be a permanent mechanism for their evacuation and ensuring their rights like payment.”

Significant number of workers (39 percent) facing the issues of wage theft are from the construction sector and are unskilled workers. The committee’s data show wage theft complaints by female workers is only 32 cases or 6 percent of such cases due to reluctance of the workers to report the cases, whereas undocumented workers may not seek remedy due to unavailability of the evidences.

“Providing compensation to these workers comes with obstacles now as most of these workers do not have evidence like pay-slips and other documents which can confirm that their employers owed them money,” said Lamichhane. “Many have even forgotten the exact amount they were unpaid and have returned to Nepal making it further complicated. But government agencies should work to ensure that all repatriated workers with legitimate claims are compensated.”

The committee has directly forwarded these cases to government agencies like the Department of Consular Services, Foreign Employment Board and directly reported such cases to the authorities concerned in the labour destinations either with support from Nepali missions or its own outreach.

But how many workers who faced wage theft have been compensated no one knows.

“Upon receiving their complaints, we forward these grievances to respective Nepali missions in labour destination countries where the Nepali missions deal with local employers to ensure dues of Nepali workers are paid,” said Sundas, the government official. “Some workers even settle the non-payment issues themselves. Also, workers, once they have received compensation, do not update us back.”

Since returning home in March last year, Pariyar has been visiting various offices for help. He has been to the Qatar Embassy in Nepal, which asked him to go to the Ministry of Foreign Affairs, which in turn asked him to go to the District Administration Office which again sent him back to the Department of Foreign Employment in Kathmandu.

For Pariyar and his seven-member family, who still live in a rented accommodation in Pokhara, the dues mean everything.

Meanwhile, he is again planning to go for foreign employment as his hopes of recovering his unpaid wages are fizzling out.