



POLICY BRIEF
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Addressing Systemic Challenges of Wage Theft: Bangladeshi COVID Returnees from the Gulf States

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Soon after the outbreak of COVID-19, countries like India, Nepal, Bangladesh and the Philippines have experienced the return of large number of migrant workers. Under duress from the countries of destination, the countries of origin reluctantly became party to repatriation (in effect deportation) procedures conducted hastily without any redress mechanism. Such procedures have been put in place when courts and other dispute settlement mechanisms in the countries of destination remained closed. Without ensuring due diligence to protect and fulfill the human rights and labour rights of repatriated migrant workers, states became complicit in overseeing procedures where tens of thousands of workers were returned without getting their earned wages and not securing justice. Those workers were not provided with any document (contract, pay slip, attendance roll and the like) by their employers through which in future they can lodge legitimate claims for compensation for the deprivation of entitlements. A significant proportion of those workers faced situations of debt bondage as they had to return empty handed. While the workers endured major hardship without any possibility of redress, unplanned facilitation of 'repatriation' freed the employers from any accountability.

This Policy Brief presents findings of the experience of Bangladeshi workers from 6 Gulf countries who endured wage theft and returned after February 2020. The interview schedule was prepared in consultation with Migrant Forum in Asia and Centre for Development Studies (CDS, Thiruvananthapuram, Kerala, India). A total of 1160 returnee workers in 45 districts constituted the research subjects. Seven member organizations of Bangladesh Civil Society for Migrants (BCSM) participated in conducting the mixed method survey: in person and online.¹ The interviews of returnee migrants were held during the period March 25 to May 6, 2021.

¹Bangladeshi BFF, BOMSA, WARBE DF, BASTOB, YPSA, CCDA, Rights Jessore and RMMRU

PROFILE OF THE INTERVIEWEES

Of 1160 workers were interviewed, males constituted 85.3% while females constituted 14.7%. Saudi Arabia was the largest destination country for workers. It constituted 45.3 percent of total number of interviewees. This was followed by UAE (15.4 percent), Oman (14.6 percent), Kuwait (11.1 percent), Qatar (10.1 percent) and Bahrain (3.5 percent). 77.2 percent of the women migrants served in one destination country, Saudi Arabia. Almost half of the workers (47.5 percent) belonged to the age group between 20 to 39 years and thirty percent to the age group between 40 and 49 years.

The returnee migrants have been living in the destination countries for various lengths of period. 33 percent were living in their respective countries of destination for more than five years, and 40 percent between two to five years. 19.4 percent stated that they have been living in their respective countries from 1 year to 2 years. A further 7.4 percent migrants reported that they had arrived in the countries of destination within the 12 months prior to their repatriation/deportation. In other words, all belonging to the last group did not have the opportunity to complete the first cycle of their contract and had to return home within a very short time after their arrival in the countries of destination.

Accounting for 19.7% of the total, construction constituted the largest single sector in which these migrants were engaged. Most of those working as diploma engineers, foremen, plumbers and carpenters were also involved in the construction sector. They constituted 18.4% of the total. Therefore, taken together these two groups constituted 38.1%. The domestic workers at 15.1% was the second largest group. They were followed by unskilled workers engaged in avenues other than construction such as gardeners and cleaners (20.8 percent). Of the rest 7.1% worked in hotels, restaurants and tourism and 11.8% were in driving and sales services. A small segment of workers was involved in business (3.9%) and another group either held managerial positions (2.8%) or worked as nurses and paramedics (0.4 %). 90.5 percent of female workers worked in domestic sector. Remaining 9.5 percent worked in other professions including nursing and cleaning.

41.5 percent of the respondents stayed in homes. This figure includes those served as live-in domestic workers. 29.8 percent of respondents lived in camps located close to their workplaces and as many as 18.3 percent lived in their work places, such as hotels, restaurants and hospitals. Almost 9 percent lived in dormitories provided by their employers.

The respondents were asked about their employment status before the outbreak of COVID 19. 72 percent stated that they were employed full time with valid contracts while another 6.7 percent stated that despite having valid contracts their engagement was part-time. 5.2 percent stated that their employers could not provide them with any work and they had to fend for themselves even though they had valid contracts. 11 percent of respondents noted that they worked without any valid contracts (6.1 percent full time and 4.9 percent part-time). Only 2.5 percent stated that they did not have any contracts, nor any work.

The average monthly income of all respondents during pre-COVID 19 period was about US\$329² (Tk.27,970). Gender segregated data showed that the average income of a male worker was US\$345 (Tk. 29,339) while that of a female worker was US\$252 (Tk.20,181).

² Conversion rate US41 = Tk.84.95 (February, 2020, Bangladesh Bank rate)

Destination country specific segregated data showed that there was little difference in the average income of Bangladeshi migrants almost across the Gulf states. The average monthly income of returnee migrants was the highest in Bahrain USD \$364 (Tk.30,951), followed by Kuwait US\$361 (Tk. 30671), Qatar US\$361 (Tk. 30,662) and UAE US\$350 (Tk.29,715). With US\$299 (Tk. 25,410) Oman turned out to be the lowest earning country for Bangladeshi workers, followed by Saudi Arabia US\$315 (Tk.26,721).

KEY FINDINGS

Impact on Employment and Wages

COVID 19 had taken huge toll on the respondents most of whom were gainfully employed during pre-COVID 19 period. Almost half of the total respondents (48.6 percent) stated that they lost their previous jobs. The loss of employment was more pronounced among male migrants (51.4 percent) than those of female migrants (31.7 percent). As much as 67.7 percent of the returnee migrants interviewed said that they did not receive due wages after February 2020.

In addition to termination of work, the employers resorted to reduction of wages and reduction of working days. 38.7 percent workers experienced reduced wages during COVID 19 period. While 41.7 percent male workers reported decrease in wages, only 19.7 percent of female workers experienced such a decrease. In other words, it was the male workers who were adversely affected by wage decrease. Likewise, a total of 15.5 percent of workers reported that they experienced reduction in working days. In this case as well it was the male workers who bore the brunt (17.3 percent) compared to 4.5 percent of female workers.

Extent of Wage Loss

On average the Gulf returnees claimed that they lost US\$2119 (Tk. 179,989) as wages and other entitlements. The average figure for male returnees stood at US\$2287 (Tk. 194,308) and that of female workers at US\$1144 (Tk.97,169). US\$35 (Tk. 3000) was the lowest and US\$7063 (Tk. 600,000) was the highest amount of loss cited.

The destination country specific segregated data showed that with US\$2853 (Tk.242,373) the UAE topped the list of the average amount lost by Bangladeshi migrants. It was followed by Kuwait US\$2513 (Tk.213,472), Qatar US\$2075 (Tk. 176,278), Saudi Arabia US\$1985 (Tk.168,656), Oman US\$1668 (Tk.141,707) and Bahrain US\$1363 (Tk.115,780).

Reasons for Return

As many as 74 percent respondents stated that they had to return home as their employers wanted them to do so. The rest 26 percent returned mainly for three reasons: availed amnesty, were sent from detention or opted to return home for fear of COVID-19.

The respondents furnished a number of reasons for their return to Bangladesh. As much as 28.5 percent migrants stated that they had come on vacation and got stranded in Bangladesh. All had valid visas to get back to their countries of destination. Some of them were able to contact their employers only to be told to wait, most others failed to establish any communication with their employers and were in absolute uncertainty about their future.

Termination from work (9.8 percent) and lack of employment (22.5 percent) were the two most important factors that contributed to their decision to return home. 15.2 percent reported that their visas had expired as their employers refused to extend those. In as many as 6.7 percent cases the employers cancelled the visas that were still valid. 1.5 percent of respondents noted they were in irregular status and as they were facing difficulty in securing employment they availed the general amnesty offered by the government of the destination country. 8.4 percent of the returnee migrants stated that they were in detention prior to their repatriation that was organised by the host government. Those in detention was a mix group. While some detainees were serving sentences for criminal offences, another group was detained for days or (at the most weeks) for violating the lockdown provisions and were forcibly repatriated. The latter group claimed that they were sent back despite having valid visa and work permit. Most of those had to leave behind their personal belongings and savings as they were not allowed to collect those before repatriation. 6.5 percent of the respondents stated that they had returned on their own volition for fear of COVID-19. They stated that they were mentally depressed and wanted to be with their loved ones at this time of crisis.

Role of Employers

The employers played a critical role in the workers' return. When asked about their interaction with the employers 22.5 percent of returnee migrants stated their employers asked them to return home without settling due wages. Another 11 percent said that employers had asked them after settling at least partial amount of their outstanding dues. Only in 1.5 percent cases employers offered the workers some advance payment before they were returned home. 10 percent of the respondents stated that their employers extracted resignation letters from them. In all likelihood it was done to absolve them from any future liability of unjustified termination.

Registering Complaints

There was little evidence of returnee migrants taking their complaints of non-compliance of contract and other wrong doings of the employers with any authority. Only 8 percent of workers stated that they filed complaints. Of the 94 cases who filed complaints 83 percent were males and only 17 percent were females. Others said that they were not aware of any authority with whom they could lodge their complaints. Most of the workers stated that shut down conditions restricted their movement and they had to comply with whatever their employers had advised them to do.

Lack of information was cited to be the single most important reason by the returnee migrants (35 percent) for not filing complaints. Fear of reprisal from the employers was cited by 24 percent as reason for not reporting. Another 20 percent of returnee migrants stated they did not file complaints as they had no reason to believe that their dues could be recovered. 10 percent felt that they did not want to jeopardize their hope to re-migrate to the country by filing such complaints. The rest 11 percent assigned a range of other reasons.

Advice

When asked if they had received any advice or instruction about ways to claim their unpaid wages only about 9 percent of respondents replied in the affirmative. Of the 114 cases who received advice only 15.1 percent received such advice in written form. Others were informed only verbally. In other words, an overwhelming number of returnee migrants were completely at dark about claiming their due wages and other entitlements. 67 percent of those who acknowledged that they had secured

advice stated that they did so from their friends and family members based at home and destination countries. Company was the source for 19 percent returnees and co-workers for another 10 percent. The rest 4 percent of workers stated that intermediaries at home who facilitated their migration advised them to file such complaints. It is noteworthy that the respondents did not approach Bangladesh mission or the recruiting agencies, who facilitated their migration.

CONCLUSION

The experiences of the returnee Bangladeshi migrants from the Gulf states in the aftermath of the outbreak of COVID 19 has exposed the systemic weakness of the protection structure of migrant workers in the region particularly during an emergency situation. The arbitrary action of the employers in terminating workers in violation of the contract and without due compensation was stark. The failure of the local administration and the limited capacity of the concerned missions to render assistance to the aggrieved workers were evident. The policies of forcible and unplanned repatriation have harmed the interests of the workers as many had to return to a condition of debt bondage.

The evidence presented on the magnitude of wage theft makes a compelling case that not only a transitional justice mechanism to deal with the wage theft is the need of the hour, but also there is an urgent need for the structural reform of the labour migration regime to address the systemic challenges.

POLICY RECOMMENDATIONS

- *Emergency Provisions in Contracts:* Contracts should have provisions to deal with emergency situations including those for ensuring compensation in cases of premature termination of contract and clearance of all dues before the worker is repatriated. Migrant workers whose jobs are terminated within a year of their employment and are involuntarily returned to the country of origin should be provided with special compensation packages that should include the opportunity to re-migrate on a priority basis to the concerned country.
- *Access to Employers:* In emergency situation (i.e. lockdown), measures should be taken so that the migrant workers can contact their employers.
- *Informed Choice by Migrants:* The employers must maintain transparency so that the migrant workers can make an informed choice in facing emergency situations.
- *Opportunity to Switch Employment:* Kafala system must be reviewed so that migrant workers facing termination in emergency situations enjoy the option to get an opportunity to find new employer. Concerned embassies must get involved in that process.
- *Protection from Unlawful Termination and Unauthorised Documentation:*
 - Workers should be protected from any deceitful termination and forced leave in emergency situations. In such cases, embassies should play an active role in taking up these cases with respective employers and if need be with the authorities.
 - If migrant workers are forced to sign any documents or forms that are not in their own language and/or against their wishes, such documents should be deemed as void. Embassies should disseminate information to discourage workers from signing any blank sheets or documents that are not in their languages.

- *Settlement of Outstanding Dues:* All dues must be cleared before repatriation. In case of inability of the employers to clear such dues before the return of the workers, documents should be issued by the employers that can be presented in courts for settlement. Provisions should be made so that the embassies can make claims on behalf of the workers who are repatriated to the countries of origin.
- *Employer Pay for Involuntary Repatriation:* In case of involuntary repatriation of workers with valid contracts onus should lie on the employers to bear the full cost of repatriation including medical test.
- *Bangladesh Embassy Role:*
 - *Services of Missions:* Embassies should ensure migrant-friendly services to ensure efficient and respectful treatment of the migrant workers. In emergency situations when migrant workers' mobility is restricted embassies should offer services that require minimal travel of migrant workers. Embassies should also have facilities so that migrant workers can secure information over telephone and online about visa extension, repatriation and the like. They need to be abreast with the laws, regulations, customs and tradition and if possible, language of the host country.
 - *Resourcing Embassy:* In emergency situations when the migrant workers are in distress, the embassies are to be provided with adequate resources to extend emergency assistance to the migrant workers. Also, embassies should have motivated personnel to mitigate the plight of the migrant workers in a professional way.
 - *Registration by Missions:* Registration process following due diligence needs to be conducted by Bangladesh missions before the workers are repatriated. If any unpaid wages and other benefits remain pending, then the missions should be permitted to take the power of attorney from the migrants and pursue settlements of claims subsequently.
- *Dialogue:* Labour sending and receiving countries should begin an urgent dialogue to ensure that lessons are learnt from facing the emergency situation triggered by COVID 19 and necessary changes are affected in policies and practices in dealing with labour migrants. Platforms such as the Colombo Process and Abu Dhabi Dialogue may be used to initiate such discussion.