

PROTECTION OF RIGHTS OF MIGRANT WORKERS

by

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Immigrant workers seek employment from Indo Pakistan Sub-Continent as also from Bangladesh, Indonesia, Philippines, and Sri Lanka, especially in the Middle East Countries.

Unfortunately, in these countries, although there exists Labour Laws, yet specific laws to protect immigrant workers are not available.

In countries like Kingdom of Saudi Arabia, United Arab Emirates, Bahrain, Qatar and Oman, local National alone can be the owner, although they do at time involve foreign investor as partner. No sooner an immigrant worker reaches the country, where he opts for employment, his passport is taken in possession by his employer and thereafter invariably 12 hours of work is taken from him. There has been instances, especially in Dubai and United Arab Emirates during the last recession where migrant workers were not paid their monthly salaries for months together,. The same was the situation in Kuwait, Bahrain and Qatar.

No doubt, some forms of Labour Courts do exist in these Countries but the basic and cardinal principle is that of Master and Servant. If a migrant worker is not paid salary within time or if there is a delay in the payment, there is no provision in the law under which a migrant worker would immediately rush to the Labour Court for redressal of his grievances. If he does so, he is liable to be wrath of his employer as he is in possession immigrants' passport. Invariably, the Contract or the *Iqama* (permit to work) is cancelled and the employee is asked to return back to his native country. Out of fear of such a reprisal, migrant worker have been found in some of these countries to work for months together without receiving any wages or salaries. This is not in all cases but invariably has been noticed invariably in some of the Middle East countries.

If a migrant worker is suffered an injury as a result of an accident arising out of or in the course of employment, then compensation should be paid but this is invariably not done. Keeping in view the booming economy of Kingdom of Saudi Arabia, the Construction Industry especially in the Holy City of *Makkah* and *Madinah* is booming. Invariably the percentage of fatality including death assumes alarming proportion, Adequate compensation is not paid to immigrant workers in Middle East Countries although they are subjected to International Labour Laws Organization Conventions for prompt payment of wages. International Labour Organization (ILO) Convention No.18 deals with Workmen Compensation (Occupational Diseases) Convention 1925. ILO Convention No.19 deals with Equality of Treatment (Accidental Compensation) Convention, 1976 ILO Convention No.21 deals with the Inspection of Emigrants Convention 29 is on Forced Labour Convention, Article 41 is ILO Convention on Night Work (Women). Convention No.32 deals with protection against Accidents (Dockers) Convention, Revised, 1932. So also Articles, 89 and 90 respectively deals with Night work of (Women) Compensation Revised, 1948 and Night Workers of Immigrant persons (Industries) Convention (Revised 1948) Convention Equal Remuneration Convention is incorporated in Article 100 of ILO Convention.

Invariably, most of these Middle East Countries have not adopted these ILO Conventions, although some have. They have however, purportedly made their own Labour Laws based on these ILO Conventions. The important issue for consideration is rigid enforcement of

these labour laws. which unfortunately is not being adopted although of late in some of the countries like Kingdom of Saudi Arabia and United Arab Emirates with foreign investors participating in investment, this trend is fast reduced and now by and large immigrant labour right is recognized. However, one area which requires to be discussed is ILO Convention No.87 dealing with the Freedom of Association and protection of the rights of the organized workers. ILO Convention, 98 deals with the Right to organize Collective Bargaining under Convention 1949 . In most of these Middle East Countries there is neither freedom of association and the right to form collective bargaining for the workers. This right of the immigrant workers have to be protected more as invariably local nationals of Kingdom of Saudi Arabia, United Arab Emirates, Bahrain, Qatar and Oman are provided with some sort of service security and their wages are also more as compared to those of the immigrant workers. There should be equal remuneration for equal work performance, whether by a local national or an immigrant worker. This is in conformity to the ILO Convention, 100 dealing with the Equal Remuneration Convention, 1951. Fortunate contractually Labour and female labour is not included in the migrant labour in the Middle East and therefore, their peculiar problems are not the basis as the child and female immigrant labour. It goes without saying that harmony and lasting peace can only be established if it is based on social justice Invariably, injustice, hardship and deprivation to a large number of people as this results in unrest and uncertainties and disharmony amongst the workers which is liable to be impaired . The improvements in these conditions are urgently required. For example, regularization of hours of workers including establishment of minimum working days and weekly rest days for migrant

workers, regularization of labour supply, provision for adequate receiving wages and protection of immigrant workers against sickness, disease and injury arising out and in course of employment be made. Likewise, provision of Old Age and Injury, protection for the interests of the migrant workers when employment in other than their own country are regularized. Needless to mention that this is enshrined in the preamble of the International Labour Organization Convention (ILO) and there has to be equal remunerations for workers of equal value and guaranteed in one form of principle of Association. The organization of Vocational Technical Funding should offer technical assistance in relation to migrant workers are thus called for. Failure to adopt human conditions of labour can be an obstacle in the way of other nations, which desire to improve the conditions in their own countries. Employers of migrant workers should be encouraged justice and harmony to secure permanent peace of world in order to achieve the objectives set forth in the preamble of the Constitution of the International Labour Organization.

The immigrant workers should not be left entirely at the mercy of the Countries, where they are migrated and have come for employment.