

## **SUMMARY REPORT**

### **INTERVIEWS WITH MIGRANT CONSTRUCTION WORKERS FROM UTTAR PRADESH**

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This report presents a summary of some of the key findings from in-depth interviews with 45 men from across the state of Uttar Pradesh, who migrated internationally for work in the construction trades. Interviews were conducted in several districts, including Barabanki, Pratapghar, Sultanpur and Lucknow with participants who had recently returned from working abroad in one or more of the following countries: Oman, Saudi Arabia, the United Arab Emirates, Qatar, Malaysia and Kuwait.

The interview participants held a wide range of jobs across skill ranges, which included masonry, carpentry, painting, welding, building insulation, air conditioning, electrical and plumbing, construction site driving, pipe fitting, and general labouring/helping. A majority of respondents had not completed education past 8<sup>th</sup> class.

The following summary is a brief overview of some of the findings from these interviews with special attention to the kinds of conditions that make migrants more vulnerable to exploitation by local recruiters, employers and other labour market actors. The main themes of our findings are the following:

**KEY FINDING 1: Workers have no knowledge of the e-migrate system or state workplace and life insurance schemes**

**KEY FINDING 2: Workers are overwhelmingly reliant on their supervisors to protect their rights**

**KEY FINDING 3: Recruiting agents are still deceiving about the terms of their contract and work and undermining workers' legal security abroad**

**KEY FINDING 4: Paying recruiters large illegal recruitment fees is still common practice**

## - KEY FINDING 1 -

### **Workers have no knowledge of the e-migrate system or state workplace and life insurance schemes**

- One of the most striking findings of the study is that **not a single worker in this study migrated through e-migrate, and no one knew that the e-migrate system even existed.** Quite a few interview participants expressed that they wished they had known about it - particularly those who had been deceived by local agents about their pay or work overseas, and those who had taken on debt to pay large illegal sums to recruiters.
- Instead, many workers going to destinations like to buy Saudi Arabia Qatar and Oman did so on either 2-3 year work visas or in many cases short term tourist visas. Tourist visas were often changed after the first few months of work, or the worker ended up working without legal permission in the destination country after their visa term ended.

*Interviewer: Did you have any insurance when you went from [India]?*

*Respondent: No I didn't have insurance.*

*Interviewer: You did not take any insurance, such as Migrant Indian insurance?*

*Respondent: No, I do not have any idea about that.*

*- Respondent #29, Qatar*

- Similar to the e-migrate system, **not a single interview participant knew about the government's *Pravasi Bharatiya Bima Yojana* insurance program.** A few had taken out flight insurance and a few others had life insurance provided through their employer. Several others were told they would have insurance through their employer but on arrival the employer did not provide it. However the vast majority of workers interviewed had no insurance of any kind, and were completely unprotected for workplace accidents on the job site. Most workers also expressed feeling constantly worried while abroad that something would happen to them while abroad and they will leave their families in debt and with no support.

- On a positive note, the vast majority of respondents indicated that they received safety clothing and equipment from their employer. However in many cases workplace safety notices were not in Hindi, but either in Arabic, English or another local language. In many cases, migrants would rely on more senior co-workers or supervisors to translate workplace notices.

- KEY FINDING 2 –

**Workers are overwhelmingly reliant on their site supervisors to protect their rights**

- Generally speaking, migrants had a practical knowledge of how to combat poor treatment when abroad but **little to no knowledge of their formal rights** (i.e. the right to be paid on time, to refuse unsafe work etc.). More importantly, **most did not know what a labour union was or how to get information before they left for the destination country.** Some suggested that anyone migrating should contact ‘government NGOs’ before taking work abroad, but it was largely clear that there is little to no knowledge about local Indian trade unions in Uttar Pradesh or other government agencies or migrants’ rights groups that can ensure fair work abroad and protect their rights.
- Instead, workers **overwhelmingly said they relied on the company foreman, their supervisor or manager to resolve workplace issues** – such as wage theft or delay by the employer. Their tactic was to go up the chain of command. Others suggested the labour court or in some cases the Indian Embassy would help if there was a major problem with their company. Only a fraction of those interviewed knew that there might be a labour court or Indian Embassy in the destination country but expressed that they believed these offices would help if need be. Others still thought they should go to the local passport and visa issuing office (the Maqtab Al-Istiqdam office) to complain.

*There is no redress there, all the people are Arabs there. Indians have no say... Nobody listens to you there, I went to the Embassy and the labour court, nothing happened.*

*- Respondent #12, Dubai (UAE)*

- **However, there was a stark difference between those who suggested the Indian Embassy would help them if they asked, and the actual experiences of those who did contact the Embassy.** Of those who had experience reaching out to their local Indian mission to solve a grievance with their employer, most claimed that they received little to no help from them, **even in grievous instances of years of wage theft and labour trafficking.**

- Informal **strikes by workers were not uncommon** in cases where wages were also not being paid by the employer, and these generally seemed to be effective and another key way that workers have negotiated disputes with an employer. As they have historically in the GCC, workers still use wildcat strikes to negotiate with their employer much more often than they would approach the Embassy or labour court.
- It is likely then that embassies may have restricted knowledge of the scope of worker-employer disputes or rights violations because they are so often resolved informally.

- Although it contravenes the Emigration Act (1983) and local employment standards laws in destination countries, **every single respondent, from across all destination countries (except in one case in Kuwait) had their passport taken and held by their employer.** Workers did not necessarily see this as a breach of their rights, claiming they could get it back in most cases, but would need to provide a reason and rationale for the request.
- Finally, about 2/3 of workers, particularly those in Kuwait and those who were directly recruited by their employer **felt they could refuse unsafe work,** but the other third expressed some degree of concern that refusing would have negative consequence being sent home, docked pay or otherwise penalized if they refused to do the work.

*“If I am not comfortable [performing unsafe work], I cannot take any action on my agreement. If I have already signed the contract I cannot take any action. But there is one solution to that situation, I can take an emergency leave and never go back to work.”*

*- Respondent #38, Dubai (UAE)*

### **– KEY FINDING 3 –**

#### **Recruiter deception and conditions of labour unfreedom are still significant concerns**

- Generally **there was a very significant gap in workers’ knowledge about agents’ responsibilities, the laws on recruitment or how to get reliable information about their terms of work from agents.** Many

*“Get [all the] information from your agent. Without any information don't go abroad, you may face difficulty.”*

*- Respondent #28, Dubai*

expressed that it was important to ‘get all the information’ from the agent before migrating, but few workers identified agent exploitation as deliberate fraud and the structural incentives recruiters have to give false information or withhold important details in the recruiting process.

- In 30% of the cases, agents arranged a 1-2 month tourist visa for workers. This was either changed when workers arrived and were given employment. The rest were on formal work visas of two years or more.
- **A minority of workers (10-13%) were working in conditions where they would have significant difficulty getting their passport back** or wherein they felt compelled to work, where they could not leave the camp or where they lived in fear of their employer, had never been paid and could not pay for the flight home, could not get their passport back or were otherwise immobilized by their conditions. **These cases were heavily concentrated**

**in in Malaysia and Saudi Arabia, but were also due to deception or error on the part of the recruiting agent in Uttar Pradesh.**

*[The agent sent me on a] work visa, although I am not that educated, the [visa] ... was in Arabic and English... it was work visa only which I came to know after reaching there.*

*Respondent #29, Qatar*

- **The language of workers' contracts was a key method that agents used to deceive workers.** Quite a few people did not know how to read Arabic or English and were not even sure what kind of a visa they had travelled on. They were not aware of the different kinds of visas available to them either because of language in which the visa is written or because they do not know the differences between a tourist and a work visa, or

because they are deliberately deceived by the agent in Uttar Pradesh who sent them on a fraudulent work contract that had no standing in the destination country.

- One worker suggested his passport was kept with the employer because workers' rooms were not equipped with safe storage lockers for valuables. **However, it was not uncommon for workers to have their passports taken AND have their first three months of pay held**

– therefore there is evidence that passport confiscation is still commonly used to immobilize workers and prevent them from moving to another company before the company can recoup any costs of recruiting workers. Generally,

however, it is important to note that wage theft however was less common than we expected, with many workers generally expressing satisfaction with the timely payment of their wages, through a bank account in the destination country, and with relatively easy facilities to transfer money to family back home.

*“Every company has its own rules... It is written in [my contract] that they will not pay salary for 2 months because, the company has to pay to get the 2 year labor card made for every individual, and that costs around Rs.40-50,000. When one comes back home after two years, they give you all your money. Plus they give 2 months' salary extra.”*

*- Respondent #20, Saudi Arabia*

#### **- KEY FINDING 4 –**

##### **Recruiters charging large illegal recruitment fees is still common practice**

- Illegal fees were charged by recruiters were reported by roughly half of the interview respondents. Recruitment agencies are permitted to charge a maximum of 20,000 INR under the Emigration Rules, 1983, and further that all costs beyond 20,000 INR must be borne by foreign employers directly or by agencies and then recovered from foreign

employers. **But the findings from this study show that many workers are still paying many times this fee.**

- **There was a wide variation in the fees paid, which ranged from Rs. 10,000 to Rs. 120,000** (often by a local agent, distant relative or family friend who acts as an agent or by larger agencies based in Mumbai or Delhi). In these cases the profit by these agents (assuming real costs for the visa etc. are between 15,000-20,000 INR) is an estimated 50,000 to 100,000 rupees per person.
- Many workers had the cost of their travel covered by family and friends or neighbors. Only a handful borrowed money from informal moneylenders, while **far more sold or mortgaged either their house, family jewelry or farm in order to pay recruitment fees.** The main instances when illegal fees were not charged was when an immediate family member (the migrant's father, brother or uncle) was already overseas and was acting as the intermediary in helping them secure a work visa and employment. **Distant relatives, family friends and agents in the workers' village however were all equally likely to charge illegal fees.**
- **Bribes to officials appeared generally to be rare** - only respondents from Malaysia reported having to pay regular bribes to the police. One respondent was especially vulnerable, having been sent to Malaysia on the false promise of work by a recruiter, he ended up stranded in Malaysia without a job, but eventually found work informally with an Punjabi construction firm. Without a valid work visa, he and a dozen other co-workers from across South Asia in a similar situation were targets of the police for bribes. Police would conduct nighttime raids of their labour camp and extort money from them, and if they left to go get groceries they would also be stopped and 'fined' by the police on the street.
- Cases of wage theft were found in most countries, which were often resolved by an illegal strike by workers, but in a small number of cases **we found instances of outright trafficking**, with one person having worked for two years in Saudi Arabia with no pay, after paying Rs. 1,20,000 to a recruiter. A number of other men (e.g. similar to Respondent #21 above) sent abroad by an agent on a tourist visa and found emergency work on in construction with far lower pay than expected, carrying large recruitment fee debts and having no way to get back home.

*"I used to be very scared [in Malaysia] about police raids, they used to take all the money from our pockets. If we did not have money we had to borrow money and pay the police, they used to raid four five times in a month and they used to take all the money we had in our pockets, whether it was twenty Rupees or fifty Rupees."*

*-Respondent #21, Malaysia*