**Position Paper on Internal and International Migration**

**Indian Trade Unions perspective**

**Introduction**

India is a country of origin, transit and destination for migrant workers. It has the largest number of internal migrants globally, receives the highest remittances, is South Asia’s largest sending nation and also hosts a large number of migrants – both regular and irregular. India is therefore one of the most critical countries in the world that must engage with the issue of migration. Given its demographic dividend and policy to skill people, it is also likely to continue to have an important position in the area of international migration.

India set up a Ministry to deal with migration in 2004 – the Ministry of Overseas Indian Affairs (MOIA) earlier the Ministry of NRI Affairs, locating migration further away from the Ministry of Labour and Employment. The MOIA has focused on diaspora engagement more than on workers issues and has not been in any engagement with unions as representatives on the issue.

The Sartuc position is centered on international migrant workers only but the issues of India must be connected to the larger structural and internal issues, linking development to migration and other political and economic issues.

The key issues for trade unions in India are therefore

1. Understanding the role of internal and international migration in poverty reduction
2. Addressing issues of social and economic exclusion of migrant labour (gender, minorities, class, caste etc)
3. Protection of migrant labour
4. Partnerships across borders

Migrant workers provide a catalytic role in the potential to revitalize the unions, to grow their membership across borders and link local workers issues to global discourses.

1. **Understanding the role of migration in poverty reduction and development**

Poverty and growing unemployment leaves people with no alternative than crossing borders to find work opportunities to support themselves and their families. While those with the least resources –financial and social tend to travel the shortest distances and therefore migrate internally, there are increasingly large numbers going overseas to work. With the surging population pressures on limited resources, growing ambitions of a young population and limited employment opportunities and jobless growth, increasing informalization of jobs, the trend towards international migration from India is expected to escalate in the coming years.

While internal migration is a survival strategy for households and may be of temporary or permanent nature, it does not lead to moving households out of poverty as quickly or palpably as successful international migration does. Poverty elimination through employment, the reduced dependency on state social security provisions, and the associated positive development indicators observed in families on children’s education and family health is easily attributable to remittances received from workers who are overseas. However, the links and distinctions between internal and international migrant workers are not so implicitly understood or reflected in the discourse in the country. It is imperative therefore that there is an increased understanding between migrant workers of different types and the impact on poverty and development in the country.

Migrant labour has an impact on both receiving and sending countries. They are important contributors to economies of both countries of origin and destination.  Remittance from migrant labour is a major source of foreign exchange for origin countries.  Destination countries benefit from increased labour supply, particularly filling jobs which locals are not willing to take up, partially correct demographic trends and are a means to help finance and sustain a welfare state, etc. However, it is to be clearly understood that labour migration should not be treated as a solution to poverty and backwardness.  Government policies and programmes should aim at creating decent work for all, thus eliminating the necessity for workers to go abroad out of distress. For the unions therefore migration cannot be seen as an issue in isolation, but one that is inter-connected to issues of foreign investments, trade relations, international relations etc.

In the given context, TUs have the following position with regards to the roles/responsibilities of the tripartite actors:

*Government*

* Develop a robust database and identity for migrant workers –especially international migrants.
* Include international migrant labour in census data
* Ensure participation in international fora
* Propose a minimum social protection floor for migrant workers and work on portability of social security from other countries.
* Introduce saving schemes for migrant labour
* Proper enforcement of existing schemes and laws

*Trade Unions*

* Develop capacity to organize migrant workers, campaign for their trade union membership and maintain database on union membership
  + Develop a national plan of action
  + Promote and assist in organizing migrant workers
  + Develop training manuals and support materials for organizing migrant workers
* Focus on linking potential migrant labour with social security benefits
* Engage at national and international levels with policy makers

*Employers Association/ Recruitment Agencies*

* Work towards organizing recruitment agents as an industry and seek industry benefits from government for the sector
* Recognise value of an overseas employment experience and provide workers with opportunities upon return.
* Advocate for ratification of C181 – Private Employment Agencies Convention

1. **Addressing issues of social and economic exclusion of migrant labour (gender, minorities, class, caste etc)**

There are many differences in the way residents and migrant workers are treated in countries of destination. There may also be issues for migrant family members in country of origin and migrant labour upon return. For eg, in Telangana migrant labour families are deprived of BPL cards/PDS because of their having a migrant worker in their family (reference).

India’s migration patterns can in some ways be linked to gender, religion and caste. While mostly male labour left the country for economic activity, there is also a tendency for care occupations both high skilled and low skilled to attract women. The number of women labour have remained small, but is expected to increase with the recent surge in demand for care workers with changing demographics of developed countries. The Indian government has placed a number of restrictions on the migration of low skilled ECR category women, including imposing a ban the migration of women under 30 years of age to ECR countries as a pretext to protect them. It has also restricted any recruitment agent to be involved in the process. Anecdotal evidence however shows that this has forced many to use irregular channels to migrate and sheltered the recruiters, which in turn has increased the vulnerability to abuse and exploitation faced by these women.

Many Keralite Muslims first migrated to the Middle East and the trend has continued with a disproportionately high number of Muslims labour migrating as low skilled workers to the ME (in comparison with Muslim Hindu population ratio in India). Caste and class, though not studied in depth in India, could be used to explain the focus of the government with the diaspora and conversely the neglect of the gulf migrants. The PMs… GOPIO etc. all have ‘diaspora representatives but not labour representatives

With India also being a destination country, there are unique opportunities to understand exclusionary practices, even within unions and find models of inclusion of migrant labour.

In order to address these concerns, TUs have the following recommendations for the tripartite actors:

*Government*

* Remove ECR and ECNR category of migrants and ensure registration and protection of all migrants; with special assistance for those entering vulnerable occupations.
* Ensure the safety of workers and remove the ban on female migrant workers below the age of 30 years going overseas for domestic work and to end all forms of gender discrimination in migration.
* Ensure representation to all categories of workers in representative committees.

*Trade Unions*

* Advocate for the safety of women workers in particular
* Advocate for removal of the ban on female migrant workers below the age of 30 to go for domestic work abroad
* Be involved at the policy formulation level in order to ensure gender friendly labour management
* Engage at policy levels to ensure that there is no discrimination between ‘high skilled and low skilled migrants, specially in relation to policy discussions and decision-making.
* Provide services to migrants - both potential Indians and non-nationals in-country, ensuring links to social services.
* Build workers’ solidarity and have representation of migrants (returnees, family members) within unions
* National Centres to provide a vision and link up with local trade unions

*Employers’ Associations/ Recruitment Associations*

* Seek representation in policy fora for recruitment agencies based on actual number of workers facilitated for recruitment
* Establish workers’ database and share with all
* Ensure wages are not linked to nationality

1. **Protection of migrant workers**

In spite of their significant contribution to both the sending and receiving countries, migrant labour continue to remain vulnerable with rampant exploitation and absence of protection and are at times, victims of gross victimization. In most countries migrant labour receive fewer wages than the domestic labour and are excluded from social security protection and other worker benefits and entitlements.  Women workers are forced to excessive hours of work without overtime pay, denial of weekly rest days and even physical abuse. Generally, migrant workers are deprived of fundamental workers right to organise and collective bargaining.  In many countries labour laws do not cover migrant labour.  Very few countries have ratified the ILO Conventions on Migrant Labour, No.97 and 143 and the UN Convention of 1990.

Migration, especially issues of migrant labour, is largely neglected in the political and social discourse of India. Given India’s growing importance in the world as one of the emerging economies and in particular in the area of international migration, it is imperative that the issue is discussed and that more stakeholders get involved in the issue. This lack of stakeholder involvement on the issue is also why the demand for services for migrants has not found traction and India lags behind other South Asian countries in providing services for migrants. Furthermore, with the division between ECR and ECNR category workers, low/high skilled, protection is offered in a piece-meal manner.

In the given context, TUs have the following position with regards to the roles/responsibilities of the tripartite actors:

*Government*

* Develop a policy for migration
* Engage with tripartite and other stakeholders on migrants rights issues
* Increase services for migrants through the migration cycle – pre-decision to return.
* Negotiate for standard contracts with countries of destination
* Ensure effective and efficient legal aid for victims of abuse and exploitation
* Implementation of inter-state migrant workers act

*Trade Unions*

* Campaign for ratification for C98 and C87
* Exert pressure on government to ratify ILO Conventions 97 and 143 and UN Convention 1990 on the Protection of the Rights of all Migrant Workers and Members of their Families and their effective implementation.
* Hold regular dialogue and/or consultation with all stakeholders  (government, legislative assembly, employers, recruitment agencies, migrant workers) on issues dealing with migrant workers
* Develop standard text incorporating core labour standards for the partnership agreements between countries and states.
* Monitor recruitment agencies
* Provide services for potential and returning migrant labour
* Assist migrants to access existing services

*Employers’ Associations/ Recruitment Agencies*

* Develop Recruitment agencies code of conduct and monitoring mechanism
* Ensure portability of social security for workers across borders

1. **Partnerships across borders**

Unions must comprehend the need to support migrant workers at destination. The workers often need support at the country of work because of their vulnerability of encountering barriers in language, laws and legal systems by virtue of their being non-nationals.

There is often no support available as unionisation is not permitted in several of the Gulf countries. In such situations, Unions must explore other means of connecting with and providing support to the workers. They must therefore either establish their own outreach support groups and/or forge alliances with whichever group are available (union or association of different kinds) to ensure that the worker has support.

India is also uniquely placed to be a destination country for migrant labour and can therefore also appreciate and play a role in building partnerships across borders, both from the perspective of an origin as well as destination countries. This will also give unions the skills and experience of organising non-citizens, including those in precarious irregular situations.

*Government*

* Must not discourage migrant workers from joining unions/ associations
* Must ratify The Freedom of Association and Protection of the Right to Organise Convention(1948) No 87 and Right to Organise and Collective Bargaining Convention(1949) No 98

*Trade Unions*

* Facilitate in forging alliances (partnership agreements) of national trade union centers of sending and receiving countries
* Establish alliances between local and national trade unions

**Conclusion**

The issue of representing new constituencies of labour is key when different strategies for union renewal are considered[[1]](#footnote-2). Migrants represent a new constituency for several destination countries but also for origin countries like India where Unions have not engaged with migrants overseas. This therefore presents different opportunities for Trade unions.

Reflecting on migrant workers not only provides dimensions for discussions on unemployment in India, but also lack of decent employment. It also provides impetus to the discussions related to trade agreements, foreign direct investments and other international relations issues of significance for the country.

Credibility for unions on the issue will emerge only when there is representation of migrants and the voice of migrants is heard in an active manner. Therefore the need to organise and engage with migrants, through provision of services and support in destination countries would be key strategies to incorporate.

1. Comparing and Contrasting Trade Union Responses to Questions of Migration: A Comparison of Union Strategies for Decent Work in the Netherlands, Spain and the United Kingdom. 1 Heather Connolly 2 Miguel Martínez Lucio and 3 Stefania Marino. Paper presented to the 2nd Regulating Decent Work Conference International Labour Organisation, July 6 – 8 th 2011 Geneva [↑](#footnote-ref-2)