



Comparative Analysis: Bangladesh

Protection and Promotion of the Rights
of the Migrant Workers

February 2022

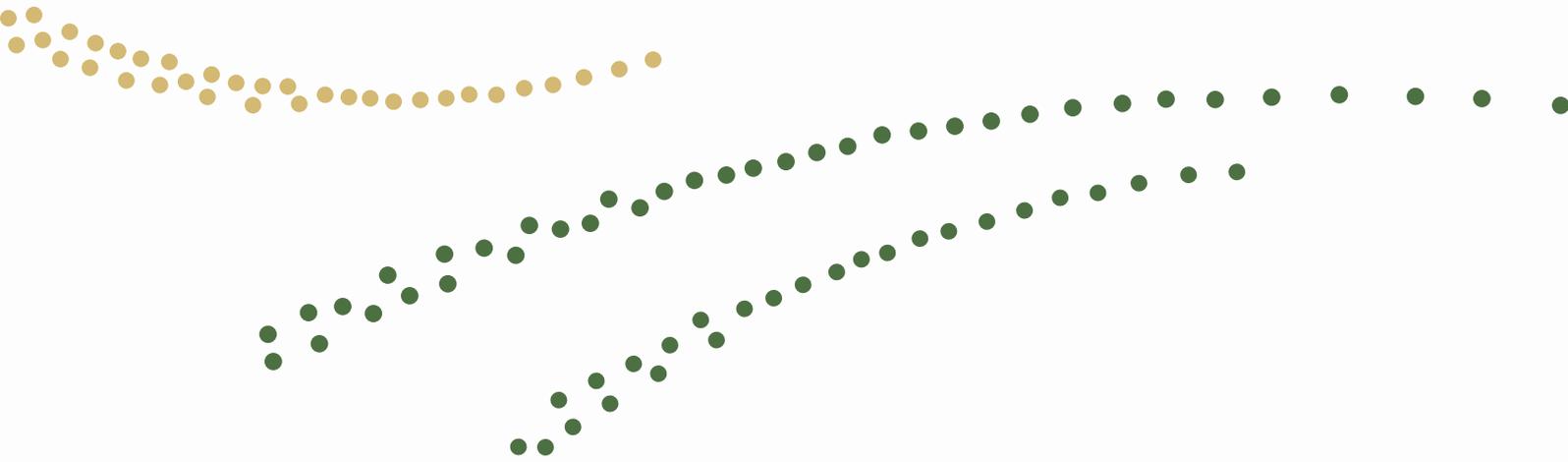
MIGRANT FORUM



in ASIA



SARTUC



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Migrant Forum in Asia (MFA) is a network of grassroots organizations, trade unions, faith-based groups, migrants and their families and individual advocates in Asia working together for social justice for migrant workers and members of their families. Since 1994, MFA has thrived into a formidable migrants' rights advocacy network in Asia affecting significant influence to other networks and processes on the globe.

South Asian Regional Trade Union Council (SARTUC) is a regional federation of national level trade unions of South Asia. Established in 1988, SARTUC exists to unite the workers organised in the free and democratic trade unions of the South Asia region and to afford a means of consultation and collaboration between member trade unions.

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The World Health Organization declared COVID-19 outbreak a Public Health Emergency of International concern on 30 January 2020, and a pandemic on 11 March 2020.¹ Countries are experiencing health, economic and financial challenges, as well as challenges related to education, housing, public safety and psychosocial needs, among other issues.² As the COVID-19 pandemic swept through in early 2020, countries were forced to impose flight restrictions and implement unprecedented lockdown causing airlines to incur losses and forced to lay off employees.³

Through the entire ordeal, numerous health advice on how people can protect themselves from the virus are being taught. Due to imposed travel bans and restrictions, there are workers who are forced to work from home and students transitioned to full home-based learning. Clearly, this pandemic exposes the deep-rooted societal and migration issues as people don't have the same opportunities and privileges. In different countries, many migrant workers have been laid off from their jobs but can't afford to return to their home country as it lacks socio-economic safety nets and there is no concrete program for reintegration. Some employers were burdened by the drastic effect of the pandemic resulting in not being able to give back-pay wages and severance pay to those migrant workers causing a loss of income for their families in their home country.⁴

Flow of Migration



According to the Bureau of Manpower, Employment, and Training, in 2021 there are 617,209 Bangladeshis migrant workers overseas. These migrant workers make a significant contribution to the country's development through sending remittances

approximately a total of \$22, 070.87 billion.⁵ Since foreign work has been highly promoted by the Bangladeshi government ever since the early 1970s, Bangladeshis are spread across the world. The most popular destinations have been in the Gulf countries, 457,227 are situated in the Kingdom of Saudi Arabia which is about 74% of the total flow of migrants. The second largest was Oman with 55,009 (9%). The United Arab Emirates is the third-largest destination receiving 29,202 (5%). Jordan was ranked 5th with 13, 816 (2%) migrants. Besides, destinations of Bangladeshi migrant workers are now emerging in the United Kingdom, Italy, South Korea, Malaysia, Bahrain, Sudan, Lebanon, and Kuwait. In this time of pandemic, the focus has been on the return rather than the flow of out-migration. According to the Ministry of Expatriates' Welfare and Overseas Employment, it was recorded in 2020 that 408,000 Bangladeshi migrant workers returned to the country mainly because of decline of oil price in the world market and shut down of different industries and sectors.⁶

Female Migration



Despite the 1990 convention on the protection of the rights of migrant workers and their families which was ratified by Bangladesh, migrant workers are still the most unprotected and exploited labour force. They face harsh conditions such as physical abuse, mobility restrictions, and wage theft that leave migrant workers financially unstable and in debt bondage. Usually, female migrant workers suffer torture, sexual exploitation, and human trafficking. A total of 21,934 female workers migrated from Bangladesh for work in 2020. In 2021 the total number of female workers who migrated from Bangladesh increased at 80,143. Female migration from Bangladesh in 2021

almost quadrupled compared to the year 2020. During COVID-19 like any other year, Saudi Arabia has been the major destination for female migrants with 53, 087. Jordan is the second-largest destination of women migrant workers with 13, 643. Oman was ranked 3rd with most Bangladeshi women migrant workers with 10, 035.⁷

Qualification and Skills Recognition Practices



An accepted and recognized skills system will improve the labour market and the value of migrant workers not only in their destination countries but also in their home countries upon return. Most of the Bangladeshi migrant workers who have returned during the current COVID-19 crisis are interested in upgrading their skills for it to be competitive in the labour market. In recent years, Bangladesh has made progress in the establishment and implementation of the Recognition of Prior Learning (RPL) system. There are 411 RPL that could facilitate 41,560 workers including 15,000 migrant workers. Since there are only a limited number of migrant workers that are being certified in Bangladesh, the Ministry of Expatriate Welfare and Overseas Employment is planning to strengthen and expand to accommodate more migrant workers.

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The Bangladesh Institute of Marine Technology provides certain courses such as a certificate course on Diesel Engine Artificer, Diploma in Marine Technology and Ship Building Technology, Ship Fabrication, Shipbuilding & Mechanical Draftsmanship, and Shipbuilding Welding. Skilled migrants in construction, marine, and processing sectors hold Skills Evaluation Certificates awarded by Building and Construction Authority, a statutory board under the Ministry of National Development of

the Government of Singapore.⁹ As a result, the employment rate of graduates of the Bangladesh Institute of Marine Technology is 90%. In addition, the Bangladesh Skill Development Institute offers a course entitled "The International Diploma in Hotel Management". Those seeking to obtain certificates have to undertake examinations conducted under the supervision of international awarding bodies such as the International Code Council based in Malaysia or the Council for Curriculum, Examinations and Assessment in the United Kingdom. In Bangladesh, the Western Marine Shipyard Limited has earned an Integrated Management System certificate that makes it eligible to compete in the global market as a reputable, internationally recognized shipbuilding company. The Bangladesh Accreditation Board is the national authority that offers accreditation programmes for training institutions that are compatible with the relevant International Organization for Standardization, International Electrotechnical Commission, and other regulatory standards and national standards. The accreditations help workers determine the quality of programmes offered by an institution and determine which institute is the best choice for pursuing a training programme in their chosen field.¹⁰

Labour Market Trends



Bangladesh has extended its labour market across the border and has become one of the leading remittance recipient countries in South Asia through labour services to the Middle East and Southeast Asian countries since the early 1970s.¹¹ The steady flow of overseas employment despite its progress still requires the other factors such as employment opportunities at home country and expected higher earnings in destination countries through

having their skills recognized and qualified. Bangladeshi migrant workers in Saudi Arabia are mostly agricultural workers and farmers, construction workers, and drivers. In the United Arab Emirates, they are mostly construction workers, cook, driver, cleaner, machine operator, tailor, salesperson, and agricultural workers. In Qatar, they are mostly working in construction and in transportation services. Lastly, in Jordan most of them are working in the garment sector.¹²

Ethical Labour Recruitment Process



All workers are entitled to protection from abuse and exploitation under the law of the state where it is performed, regardless of the worker's status/legality of the work they perform and whether it takes place in the formal or informal economy. According to the International Labour Organization, to ensure fair and ethical recruitment, recruitments and employers are prohibited from charging recruitment fees or related costs to migrant workers. However, even laws and standards relating to recruitment exist; the implementation and enforcement are often weak to fall short on the migrant workers. Nowadays, the recruitment process is complex as it involves a wide range of actors both regulated and unregulated.¹³

In Bangladesh, labour migration is complex and diverse as there are numerous government and private actors involved. The Ministry of Expatriates' Welfare and Overseas Employment oversees the entire migration process and is mainly responsible in formulating and implementing laws and policies regarding labour migration. While the Bureau of Manpower, Employment and Training is the executive agency of the ministry. The Bureau is mainly assigned in licensing and regulating recruitment

agencies, and database maintenance of prospective migrant workers. Further, they provide training to workers, hear complaints from workers, and issue emigration clearance to all departing workers. In connection with this, the recruitment processes of migrant workers may vary on their destination and recruitment channels. Actors in recruitment are service providing entities who want to maximize benefits but need to work under regulations and certain procedures.¹⁴

There are 1529 valid recruiting agencies in Bangladesh. The Ministry has suspended the license of 183 and 7 cancelled recruiting agencies after investigating implementation and various abuses. Many recruitment agencies go to rural villages where they target vulnerable women by giving them false hope of high salaries and excellent work conditions.¹⁵ In reality, when a migrant worker is offered a job, no formal contract is signed between them and their Kafeel. Bangladesh has several legislation such as the Prevention and Suppression of Human Trafficking Act of 2012, the Overseas Employment and Migrants Act of 2013, and the Overseas Employment Policy and Rule in 2016 and 2017. Despite all of these laws to uphold the dignity and protect the rights of the migrant workers- including those who are aspiring, there is still a great number of reported abuses out of profit. Therefore, the government must increase its oversight over recruitment agencies and take allegations more seriously.¹⁶

Justice Mechanisms



The Government of Bangladesh ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 in 2011. Bangladesh has incorporated the labour migration in the

country's 8th Five Year Plan (2021-2025) aligned with Sustainable Development Goal 10.7: orderly, safe and responsible migration and mobility of people, including the implementation of well-managed migration policies. The Government played a significant role in finalizing the New York Declaration for Refugees and Migrants in 2016 and adopting the Global Compact on Migration in 2018, and continue to do so in regional consultative processes including the Colombo Process, Abu Dhabi Dialogue, and SARRC Labour Migration Forum with the aim of ensuring safe and orderly migration. Over the years, Bangladesh has passed the Prevention and Suppression of Human Trafficking Act 2012 and its Rules (2017). Also, they enacted a law which is known as the Overseas Employment and Migrants Act in 2013, and subsequently framed the Overseas Employment Policy and Rule in 2016 and 2017. Likewise, they passed the Domestic Worker Protection and Welfare Policy in 2015, Overseas Employment and Migration Management Rules in 2017, and the Wage Earners' Welfare Board Act in 2018. These laws are made to recognize domestic work as a profession, uphold the dignity, and protect the rights of the migrant workers and their family members.¹⁷

One important provision that accord the rights to file criminal and civil suits for compensation can be seen in the Overseas Employment and Migrants Act 2013. The abused migrants are given rights to lodge written complaints to relevant government authorities such as with the Ministry of Expatriates' Welfare and Overseas Employment and Bureau of Manpower, Employment and Training (BMET). In 2020, it was reported that there were 905 lodged complaints in the courts for violation of the Overseas Employment and Migrants Act, 2013. Given the data, 481 complaints were solved,

which led to the recovery of around Tk 24 million for migrant workers, who in a majority of cases are cheated and abused by their recruiting agencies. However, the remaining 47% of complaints remained unsolved last year because of the lack of supporting documents and unwillingness of the recruiting agencies to respond to the notices issued by BMET.¹⁸ Currently, the Parliamentary Caucus and participation of civil society organizations (BNSK, RMMRU, WARBE, BOMSA, and other partners) are playing an important role in the ongoing amendment of the 2013. While the Wage Earner's Welfare Board is intended to extend support to migrants and their families including health treatment, repatriation of migrants' dead bodies, economic compensation to families of deceased migrants, social and economic reintegration, and scholarship to commendable children of migrant workers. To align with the Sustainable Development Goals of Bangladesh, the government adopted the Expatriate Welfare and Overseas Employment Policy. This is to ensure that there is gender equality in labour migration, therefore there has to be an emphasis on gender responsiveness in all aspects of labour migration including bilateral agreements with other countries and providing necessary training. In connection with that, from 2000, it became mandatory for women domestic workers to attend a 21-day pre- departure training that later on was extended to 30 days.

Promote Cheaper, Faster, and Safer Transfer of Remittances



According to Global Knowledge Partnership on Migration and Development Remittance inflow to Bangladesh contributing 6.6% of its GDP in 2020, making it the eight largest remittance earner.¹⁹ The World Bank established the KNODMAD to underline the impact of

remittances in the economic development of the country. Further, to generate better knowledge on remittances and to provide technical assistance to states and policymakers in sending and receiving countries. Through this, it can address gaps and quality issues regarding data on migration and remittances by researching, collecting and publishing global data to enable more effective engagement on migration and development.²⁰

Migrants are facing challenges in sending their remittances besides their pre-migration harassment and post migration hardship due to lack of institutional arrangements, formal channels, and payment of high fees. As a result, there are migrants who resort to informal channels to be able to send money back home.²¹ To increase the remittance inflow through proper channels, the government increased cash incentive on remittance to 2.5% from 2% to encourage migrants to use proper channels to send money home.²² In 2021, the largest amount of remittances came from Saudi Arabia amounting to \$4162.07 billion which is 23% of the total flow. The second largest amount came from the United States which is 16% (\$2880.17 billion). 8% (\$1505.97 billion) came from the United Arab Emirates. Also, 8% (\$1474.89 billion) came from Kuwait and 6% (\$1098.66 billion) from Malaysia.²³ Of the banks, Islami Bank Bangladesh Limited collected the highest \$550.30 million in remittance sent by Bangladeshis in July 2021. Agrani Bank collected \$194.80 million, Dutch-Bangla Bank \$229.11 million and Sonali Bank brought \$117.49 million in remittance.²⁴

Gender Responsive Policies

In 2021, women made up 7.34% of the overall number of migrant workers.²⁵ Historically, in

early 1981, certain groups/categories of female workers were prohibited from migrating abroad for employment. In the Presidential Order it was stated that those professional and skilled women could possibly migrate considering they are principal workers but for those who are considered semi-skilled and unskilled women they could not go without a male guardian. Subsequently, in 1997 there had been a complete ban on migration of women except for highly qualified, following an inter-ministerial meeting composed of the representatives of the ministries of Foreign Affairs, Finance, Labour and Cabinet Division. The large number of women would be able to move out from poverty if only they are allowed to seek employment abroad. Therefore, through the initiative of the Refugee and Migratory Movements Research Unit, they convinced the government and civil society to withdraw restrictions on female migration through seminars, TV programmes, workshops, writings/articles, and other awareness training. Also, the Bangladesh Women Migration Associations, the WARBE (Welfare Association for the Rights of Bangladeshi Emigrants), and Development Foundation and International Organisation for Migration organised campaigns through workshops, rallies and press conferences.²⁶

In 2003, there had been changes in female labour migration policy brought by the Ministry of Expatriates' Welfare and Overseas Employment. Through this change, unskilled or semi-skilled women are allowed to migrate under special permission once they become 35 years of age. In order to ensure the safety of women who are migrating, the security deposit required of the recruiting agents who wish to send women has been increased to Taka 5,000,000 equivalent to 70,850 USD. The private sectors are encouraged by the government to develop

training centres for providing specialised professional skills, communication skills and awareness training to female migrants. Prior deployment, they are being taught basic English and Arabic languages, and given awareness about their wages, accommodation and medical services. In 2006, restrictions on unmarried women were also withdrawn. However, still men and women do not enjoy equal access to participation in the international labour markets even under this updated policy. In 2015, the percentage of women migrant workers grew to 18.66%. Respectively in the following years it decreased to 15.58% and 12.12% in 2016 and 2017. The change was influenced by movements and initiatives such as the UN Women who has been working to empower and promote the rights of women migrant workers in collaboration with the Ministry of Expatriates' Welfare and Overseas Employment, Bureau of Manpower, Employment and Training and UN agencies such as the ILO and IOM. The UN Women is consistently contributing gender-perspectives and ensuring the participation of women's rights groups in the regional and global normative process including Colombo Process and Abu Dhabi Dialogue.²⁷ Likewise, supports in identifying higher-value occupations, safer migration destinations for women, and improving effectiveness of pre-departure training for female migrant workers since they are vulnerable in facing domestic violence, sexual harassment, and exploitation.²⁸ Progress were also made possible by organizations such as the study conducted by the Bangladesh Nari Sromik Kendra titled "Empowering Women Migrants: Challenges in Service Delivery" that was intended to investigate the service delivery gaps and protection mechanism for women migrant workers in the country and strengthening women migrant workers support services.²⁹ Another, WARBE & Parliamentarians' Caucus organized

pre-budget consultation and shared an analytical policy brief for those who are going to be migrant workers. Lastly, capacity development and sensitisation training with private sector employers and trade union leaders of the National Coordination Committee for Workers Education in order to promote gender equality and prevent gender violence in the workplace.³⁰

Effective Pre-departure Orientation and Empowerment



The migration cycle starts with making the decision to seek employment abroad, followed by pre-departure, settling in the workplace, adjusting to a new environment, until the migrant returns to his home country and reintegrates to his community. Migrant workers face numerous challenges in migrating, living, and working in the country of destination. Hence, Pre-departure programmes are being conducted to reduce the vulnerability of migrant workers, particularly those who are situated in remote areas of COOs, those with lower educational qualifications, and those dependent upon informal sources of recruitment. It is necessary to enable the aspirant migrant workers to maximize the full benefits through having better preparation and knowledge about their destination country regarding return and reintegration, human and labour rights, mental and physical health, and how to manage their finances, even in their pre-decision stage.

In Bangladesh there are ongoing efforts to continue organizing the pre-departure orientation programmes for migrants. For women migrants, the programme consists of 30 days. Session on host countries' regulations, what to expect in working environment, climate, culture, salary, and social and religious practices is being provided by the Bureau of Manpower

Employment and Training of the Ministry of Expatriates' Welfare and Overseas Employment. To expand the number of migrants that are being catered, the government has undertaken the mandatory training prior deployment to all migrants through their 64 Technical Training Centers and the Institutes of Marine Technology. Further, the UN Women in Bangladesh has been working on empowering and promoting the rights of women migrant workers, especially those who are low skilled who make up almost 90% of the women migrant workers from Bangladesh. This training reduces the vulnerability of migrant workers by having the right kind of information and expectation. Information is to be shared through an effective means with stakeholders at both country of origin and destination to ensure that all parties are aware of the content as well as the potential challenges that may arise.³¹ The Dhaka Principles for Migration with Dignity are based on current international human rights principles and were developed in partnership with International Trade Union Confederation, Non-Governmental Organization, International Confederation of Private Services, and employers. It is a set of human rights based principles to enhance respect for the rights of migrant workers from the moment of recruitment, during overseas employment, and through to further employment, or safe return to home countries.³² The CSOs developed curriculum, established and implemented training programmes in the grassroots levels.

Role of Missions

When a migrant worker arrives in the country of destination, they are advised to look to their foreign mission for any assistance needed. As part of their mission, they must strengthen their presence, responses, and advocacy on behalf of their nationals, most especially when human

rights violations occur. Diplomatic staff aid their nationals while simultaneously working to maximize the number of jobs available to their nationals in the host country's labour market. The dual role often leads to compromised conditions offered to migrant workers such as acceptance of lower labour standards.³³ Protection of the rights of migrant workers should be a top priority by the foreign missions in the labour-receiving countries. It should be considered to establish a Migrant Workers' Resource Centre in each of the major receiving countries within the premises and under the jurisdiction of Bangladesh. The Bangladesh missions abroad have the following tasks regarding labour migration: (a) exploring the potential labour market; (b) attestation of documents pertaining to recruitment; (c) providing consular services for Bangladeshi workers; and (d) ensuring the welfare of migrant workers.³⁴ The social protection of migrant workers needs to be enhanced through adoption of relevant policies both at the home country and in the host country. There are a multitude of good practices to ensure social security of migrants such as insurance, pension savings, employment contract violation compensation, and others. The Bangladesh embassy must engage actively with the government and other concerned agencies and institutions to protect the rights of Bangladeshi migrants. The Bangladesh missions should inform the authorities of the receiving countries regarding the difficulties being faced by the migrant workers such as exploitation, harassment, or any form of abuse by employers to be able to take appropriate measures. Also, must be accessible to all users irrespective of device in use and technology in order to provide maximum accessibility and usability to its visitors.³⁵ Lastly, the mission must negotiate with the receiving countries to simplify the procedures for receiving

benefits that fall at the end of the worker's contract for the benefit of the migrants prior departure.³⁶

Bangladesh's Sustainable Development Goals



Bangladesh made significant progress in achieving the Millennium Development Goals winning global praise. It is expected that the country will be able to continue its success in implementing the Sustainable Development Goals (SDGs) which promote inclusivity by leaving no one behind. The 8th Five Year Plan aims to bring Bangladesh closer to the goals of SDG targets and eliminate extreme poverty by FY 2031.³⁷ Migration is considered as the cross-cutting issue as it is relevant to all 17 SDGs and all 169 targets. Given that, it is important to address the relationship between migration and each goal and targets from planning, implementation, and monitoring of policies and programs of all countries for its continuity and transparency. At the United Nations General Assembly in September 2015, decent work and the four pillars of the Decent Work Agenda – employment creation, social protection, rights at work and social dialogue – became the central elements of the new Sustainable Development Agenda 2030. Specifically, SDG 8 which calls for the promotion of sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work. Also, since migrants and their families back home benefit from income and knowledge which allows them to spend on their basic needs, education, health services which clearly impacts SDG1, SDG3, SDG4, SDG 10.6, and SDG 10.7.³⁸

“Labour is not a commodity”, migrant workers are human beings with rights. Labour is not like a television set, that can be negotiated and bid

for the highest profit or the lowest price. Work is considered a crucial part of a person's dignity, well-being, and development as a human being. Job opportunities must allow people to freely work, with access to safety and dignity. When a migrant worker is protected by decent work conditions and rights, it spills over to achieving productive work, better prospects for personal development, and social integration that affect the decisions in their lives. In Bangladesh there are challenges, the Ministry of Expatriates' Welfare and Overseas Employment and its agencies who are responsible for maintaining safe migration and safeguarding rights and interest of migrants lack sufficient budget and human resources to pursue targets. On the side of the workers, the procurement of work visas and clearances are full of irregularities and corruption. Since some have poor access to education, many people are not aware of the migration process, rules and regulations especially now in this time of pandemic. With their desperation to escape and rise out of poverty, they are resorting to informal and illegal channels to migrate leading to loss of their money and increase their vulnerability to abuse, harassment, and imprisonment. As recognized by the 2030 agenda, non-government organizations play a critical role in SDG implementation by raising awareness, building capacity, designing reintegration programmes, and both support and hold governments accountable to their commitments.³⁹ On the side of the government, they must identify the relation between migration and other SDGs targets and must allocate adequate resources to the migration sector. It must be recognized that migrants are the vulnerable group to be considered under the general principle of leaving no-one behind in order to achieve the SDG targets.⁴⁰

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