

# **Policies for protection of international labor migrants in host countries: a case study of Indian migrant workers in Lebanon**

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## **ABSTRACT**

Foreign migrant workers are mostly employed in low paid, marginal, inadequately regulated sectors of economic activity involving generally dangerous and menial jobs. They are highly vulnerable to exploitation during recruitment, travel and employment abroad. The protection of migrants is, therefore, becoming a dominant policy issue in international labour migration. The present paper attempts to contribute to understanding of policies needed for protection of migrant labourers in host countries. Findings are based on first-hand data collected from low skilled Indian migrants working in host country Lebanon, unlike most of studies based on data collected from return migrants. We found that exploitation of migrants occurs, largely due to collusion between recruiting agents, middlemen and employers. The paper concludes with policy recommendations for protection of migrants in host countries including compulsory insurance by employer, free legal aid, responsible immigration in receiving nations, strengthening of labour attaches of sending nations and bilateral labour agreements.

## **INTRODUCTION**

It is now widely accepted that migration, while not a panacea for economic distress, can itself be a development factor, contributing in the shorter term to the reduction of poverty levels and in the longer term, to sustainable growth. The spectacular increase in the recorded levels of remittances transferred to developing countries has played a large part in ensuring broad acceptance of this perception (World Migration report, 2008). Given structural factors like poverty and unemployment in labour sending nations, supply of low skilled international

labour migrants far outstrips the demand. As is well known, migration is a result of the simultaneous operation of negative (push) factors in areas of origin and positive (pull) factors at destinations. The formation of informal networks of friends and relatives facilitates movement and allows migration to become a self-perpetuating phenomenon (World Migration Report, 2000).

In addition to the strong demand for labour in the Middle East, the wage differentials between countries of South Asia and Middle East continue to be large enough to act as a strong pull factor motivating migration, despite a decline in wages in recent years. Key among the push factors that motivate migration is the desire to improve one's standard of living. This explains the migration pressure to migrate to countries where even with low education and lack of skills, workers, they can earn many times more salary as compared to those working in similar occupations in their home country. On the Government level too, the large number of low skilled and semi-skilled labour migrants to the Middle East have been viewed as the main source of remittances that have swelled India's foreign exchange reserves<sup>1</sup>.

Two important characteristics of migration to the Middle East countries are that the migrant workers to these countries are generally are at the lower end of the spectrum of skills, education as well as income and that an overwhelmingly large proportion are temporary migrants who return to India after a short period of contractual employment (Annual report, Ministry of Labour, Government of India, 2000-01). For surplus labour countries like India, workers going abroad provide a relief from the critical problems of unemployment and under employment. India has probably one of the highest shares of migrant workers in the gulf countries and even though the majority of migrants live in poor conditions, socio-economically they are much better off than those at home in similar jobs. Income differences are phenomenal even though wages in some of the Gulf countries have recently declined. Labour demand exists in these countries for the plentiful supply of workers who are willing to work at low wages under constrained conditions in jobs that their nationals are neither inclined nor willing to accept, so called 3-D jobs-dirty, dangerous and demanding. The workers in these vocations however do not enjoy the protection of any local labour laws. Unskilled and semiskilled workers working in infrastructural and development projects generally live in miserable conditions and working conditions are harsh. Thus, adverse working condition, unfriendly weather, inability to participate in social and cultural activities,

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<sup>1</sup> India is now the largest recipient of remittances in the world.

and long periods of separation from families and relatives leading to emotional deprivation are known to have wrecked the lives of low skilled Indian workers in the Gulf (Zachariah et al, 2002; GOI, MOIA Annual Report, 2005–6, GOI, MOIA 2006, World Migration report, 2008).

Further, migrant laborers are not only exposed to poor working and living conditions, but they also have little access to health care for a number of political, administrative and cultural reasons that are not necessarily present for the native population (Bollini and Siem, 1995). Illegal migrants who number millions worldwide are the worst affected by lack of access to healthcare due to the problem of the non-recognition of their right to medical care (Council of Europe, 2000). Sectors employing irregular workers are usually those where little or no regulatory activity upholds minimum safety, health and working conditions (Taran et al., 2003). The very fact of being illegal migrants makes them vulnerable to exploitation and ill-treatment in the hands of the unscrupulous agents, officials, and employers, and weakens the possibility of seeking redress (ILO/ACTRAV, 2000). Illegal immigrants have been documented to have either very negligible access or an almost total lack of access to healthcare services in almost all the studies, and are reported to be generally afraid to approach healthcare services even in serious illnesses due to fear of arrest and deportation (Roer-Strier et al., 1999; Bollini, 2001; Mehta, 2002).

Quite a large number of foreign migrants employed in marginal, low status, low paid, inadequately regulated/illegal sectors of economic activity with little security enter the host countries illegally. Foreign labour migrants can be highly vulnerable to exploitation in the hands of the unscrupulous agents, officials, and employers during recruitment, travel and employment abroad. The protection of migrant's rights (particularly those with temporary or irregular status) in a globalizing labour market is one of the most difficult and sensitive challenges facing policymakers and therefore, becoming a dominant policy issue in international labour migration literature.

The present paper attempts to contribute to the understanding of policies needed for protection of migrant workers in host countries. Findings are based on quantitative and qualitative data (including case studies and focus group discussions) collected from unskilled /low skilled Indian migrants working in Lebanon. Significance of the present study is three-fold: Firstly, no study of Indian migrant workers was ever undertaken in Lebanon to the best of the knowledge of the researchers. Secondly, the study is based on a first-hand examination

of the working and living conditions of migrant workers in the host country, unlike most of studies based on data collected from return migrants. Thirdly, while migration from the state of Kerala to the Middle East has been widely studied, study of migrants from other States of India has received little attention in the past.

## **METHODS AND MATERIALS**

### ***Data***

The Study is based on both quantitative and qualitative data collected from a sample of 402 semi-skilled and unskilled migrant labourers - 201 each from the states of Punjab and Tamil Nadu in India. The quantitative data have been collected through personal interview method using a structured questionnaire to obtain the information on various aspects of migration process. Information on qualitative aspects have been gathered through focus group discussions, case studies, interviews with concerned Government officials in Lebanon as well as officials of the Indian Embassy in Beirut.

### ***The Setting***

Lebanon is a small country, comparable in size to New Hampshire with a population of 3.1 million inhabitants as estimated by the Population and Housing Survey conducted in 1996 (Kulczycki and Saxena, 1999). Unlike most other Arab countries, Lebanon is characterized by great religious and cultural diversity. Lebanon faced civil war from 1975 to 1990 between Muslim coalitions and Christian dominated militias, which devastated its economy. Now the country needs a supply of foreign migrant labor to meet its continuing reconstruction requirements.

In Lebanon, a major chunk of foreign labour<sup>2</sup> is from Philippines, India, Sri Lanka, Bangladesh and Pakistan. Although, Indian laborers face competition from Syrian workers due to close proximity of Syria, ease of entry and their willingness to work on low wages, Indian workers are considered hardworking and preferred in construction and other arduous jobs. Based on interactions with the officials of both the Indian Embassy in Beirut and Lebanese Labor Ministry, it is estimated that the size of the Indian migrant worker population

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<sup>2</sup> Stock of temporary foreign workers in Lebanon is stated to be 75000 in 2000 as mentioned in World Migration Report, 2008.

in Lebanon, mostly unskilled, lies between 10,000 -11,000.<sup>3</sup> The Indian work force in Lebanon is comprised mainly of migrants from the states of Punjab and Tamil Nadu and to a lesser extent from Kerala. This study is, therefore, confined to migrants from the states of Punjab – located in the extreme north of India, and Tamil Nadu – the southern-most state of India.

## RESULTS

### *Background Prior to Emigration*

By and large, our respondents from both the states were predominantly of rural origin, mostly young, less educated, unskilled with almost half of them being unmarried, mostly from large joint families with poor socio-economic status in terms of asset base like land holdings, housing quality, basic amenities and consumer durables, shop ownership etc., although Punjab migrants came from relatively larger families with better asset base and housing amenities compared to Tamil migrants. Prior to migration, most of the respondents were employed in casual rural occupations such as family agriculture, petty household occupations, casual labourers etc. with meagre and unstable incomes.

The socio-economic and demographic profile described in the preceding section is really not much different from the one indicated by scores of studies on Kerala migrants to the Middle East. These profiles show not only poor economic status of migrant households but also their poor earning potential at the origin. Study indicates that migration to Lebanon is seen by the migrants not only as means to get employment but also as an opportunity to improve their social and economic status. Low earning potential at home coupled with desire to earn more income acts as push factor towards areas with potential for earning higher incomes. Wage differentials between country like India and countries of the Middle East, which are many times what migrants can earn at home, act as a strong pull factor. These pull and push factors together create emigration pressure which is transformed into emigration decision if aided by prior contact and access to networks – formal or informal as well financing arranged by family through various means. Choice of destination–Lebanon is dictated by availability of opportunities through specific networks linkages, financing capacity of families and policy of

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<sup>3</sup> The estimated size of Indian citizens is 11000 in Lebanon in December, 2001 according to information available on website of Ministry of Overseas Indian Affairs. <http://moia.gov.in/shared/linkimages/31.pdf>.

Lebanon as a host country, which does not discriminate on the basis of religion unlike other gulf countries.

### ***Financing of Migration***

Migration imposed heavy costs in terms of cost of air ticket, visa, making of passport, contract, work permit etc., which was beyond means of most of the migrants' families. Migrants generally are enterprising individuals who are able to manage the ever-increasing financial costs of migration (World Migration Report, 2000). A majority of the respondents were forced to the cost of their migration trips through loans/mortgages usually at heavy rates of interest, sale of assets etc.

### ***Jobs in Lebanon***

The migrants from these two states are found to be working in various sectors of the Lebanese economy ranging from factories manufacturing various goods and the construction industry, to the service sector such as in clubs, at petrol pumps, and hotels. Most of the migrant laborers found were either illiterate or dropouts from schools. However, a sizable number were [university?] graduates. Irrespective of their educational level, the bulk of the migrants were engaged in unskilled, semi-skilled and menial jobs.

**Table 1: Distributions of Indian Migrant Labourers in Lebanon by Type of Work**

<b>Type of Work</b>	<b>Punjab</b>		<b>Tamil Nadu</b>		<b>Both States Combined</b>	
	<b>Number</b>	<b>Perce nt</b>	<b>Number</b>	<b>Perce nt</b>	<b>Number</b>	<b>Percent</b>
Factory	120	59.7	159	79.1	279	69.4
Construction	27	13.4	22	10.9	49	12.2
Service/utility/d omestic	34	16.9	20	10.0	54	13.4
Farm/poultry	10	5.0	-	-	10	2.5
Casual	10	5.0	-	-	10	2.5

### ***Income and other perks***

Most of the Indian migrant labourers earned low monthly wages ranging between US\$150-300. Although these earnings were much below Lebanese standards, they were far higher than their earnings or income potential at home. The average monthly income of the respondents, inclusive of overtime wages, was only US\$275.

**Table 2: Income and Perks Received by Indian Migrant Labourers in Lebanon**

Item/Receipt	Punjab		Tamil Nadu		Both States Combined	
	Number	%	Number	%	Number	%
<b>Monthly Salary</b>						
US \$ 150-225	33	16.4	65	32.3	98	24.4
US \$ 226–300	127	63.2	111	55.2	238	59.2
US \$ 301 +	41	20.4	25	12.4	66	16.4
Mean salary (US \$)	286.15		262.04		274.10	
<b>Working Hours Per Week</b>						
Up to 48 hours	149	74.1	110	54.7	259	64.4
49-60	30	14.9	32	15.9	62	15.4
61 +	22	10.9	59	29.4	81	20.1
Mean hours	52.13		55.80		53.87	
<b>Hourly Wage Rate</b>						
Low (US \$ 0.5 -1.0)	15	7.5	61	30.0	76	18.7
Medium (US \$ 1.1-1.75)	159	79.1	124	62.0	283	70.6
High (US \$ 1.76 +)	27	13.4	16	8.0	43	10.7
Mean Wage	1.40		1.23		1.31	
<b>Accommodation</b>						
Given by employer	177	88.1	189	94.0	366	91.0
Rented	24	11.9	12	6.0	36	9.0
<b>No. of Persons Sharing a Room</b>						
Up to 4	152	75.5	117	58.2	269	66.8
> 4	49	24.5	84	41.8	133	33.2
Mean no. of persons	3.2		5.5		4.3	
<b>Work and Residence Permits</b>						
Migrant pays	157	78.1	44	21.9	201	50.0
Employer pays	41	20.4	133	66.2	174	43.3
Cost shared between migrant and employer	3	1.5	24	11.9	27	6.7
<b>Air Ticket to India</b>						
Given by the employer	24	11.9	58	28.9	82	20.4
Cost borne by the migrant	177	88.1	143	71.1	320	79.6

Like other Middle Eastern countries, in Lebanon also, every migrant labourer requires residence and work permit to stay and work. Quiet often migrant himself paid the cost of making work permit which generally comes to US \$ 600 per year, thus casting a burden of about US \$ 50 per month on migrant. In other cases, either the cost was met by the employer or shared between migrant and employer. Further, very few employers provided ticket for going to India during the period of employment, which implied that mostly migrant labourers themselves had to spend on their trips to India. These two factors had significant impact on expenditure and savings of migrant labourers and their ability to send remittances.

### ***Working and Living Conditions***

We found that on average, respondents remitted home US\$140 per month out of average monthly salary of US\$275 –around 50% of their income. Since the majority financed their trips through loans/mortgages of their r land/house at the origin, they faced much pressure to repay their debts at the earliest in addition to supporting their families at home. Further, since they saw their coming to Lebanon as a lifetime opportunity to save money, they tried to remit as much of their income as they could, even at the cost of great personal deprivation. On average, they spent only US\$100 per month, in which about US\$35 per month was spent on rent, residence and work permits. It is evident that migrant laborers were living at a barely subsistence level.

Majority of labourers worked 48 hours a week although some had to work even beyond 60 hours a week. Mostly migrant labourers were provided living accommodation by the employer. Discussions with migrants revealed that during the days of civil war, the owners of the factories who wanted to have continued production without interruption, preferred to give a sleeping place for the work force in the factory itself. Visits to migrant workers' living sites in different locations revealed that the majority of the migrants lived in sub-human conditions in cabins made of tin partitions in temporary sheds, devoid of ventilation and basic amenities including toilet, bath etc. These cabins were small cubical (measuring 7 feet x 7 feet), each having generally 6 bunker beds in two vertical rows. Each cabin thus had three bunker beds one over the other vertically having a gap of around 2 feet amongst them on one side of the room. Similar was the scenario on the other side of the room and the distance between the two vertical rows of beds used to be maximum 3 feet. Connections for electricity were given which were used for lightening a bulb and for cooking on small electric heater. Due to lack of effective administration and chaotic situation in the country, the



electricity consumption during civil war period was virtually free. They had hardly any facility for entertainment, not having even a television in their living quarters. Those working on the farms had reasonably better accommodation having at least a room and other amenities. As the rent was exorbitant, it was very difficult for the work force to afford to hire better accommodation for residence as it put lot of burden on their meager incomes.

### ***Access to Medical care***

Our study shows that generally, the Indian work force had to bear the expenditure in case of illness. While a small section of migrant workers with legal papers and on the payrolls of employers were provided very limited health insurance, practically none of the illegal migrant labourers were given health insurance coverage by the employer. It was found that barely 21% of the respondents had very limited health insurance and in many cases, employers deducted some amount from their wages as the employee's contribution. Most of the Indians had reached Lebanon without any contract paper and had taken employment as per the terms and conditions of the employer and were not covered by any kind of insurance including medical insurance. Furthermore, in the case of illegal migrants employed unlawfully, employers were not even obliged to provide health insurance. However, the recent migrant workers who came through proper recruitment procedures and contract papers were covered up to a fixed amount of the medical expenditure. The medical insurance was mostly applicable to hospitalization and not to clinic visits. It was found that due to the meager salaries/wages earned, migrant laborers were generally not in a position to take on health insurance policies themselves and suffered from lack of access to healthcare.

**Table 3: Access to Health Care by Indian Migrant Workers in Lebanon**

	<b>Number of Migrants (N=402)</b>	<b>Percentage</b>
<b>1. Health Insurance</b>		
Having small health insurance	84	20.9
Having no health insurance	318	79.1
<b>2. Visit to clinic/hospital during the last three years</b>		
At least once during the last 3 years	41	10.2
Not even once during the last three years	361	89.8

The bulk (about 90%) of the respondents had not had any medical checkups during the last three years, although case studies and focus group discussions revealed that migrant labourers perceived themselves to be suffering from various chronic diseases. The plight of the workers becomes precarious in the event of serious diseases or accidents, when hospitals refuse to accept such patients in the absence of health insurance and their inability to deposit the advance required at the time of hospital admission. Such incidences have resulted in deaths of migrant labourers in the past in Lebanon due to the denial of access to medical care.

### ***Exploitation of Migrant workers***

Stringent regulations are in force in India to oversee the process of emigration, to prevent illegal emigration and look after emigrant's welfare in the receiving countries. However, the ground reality is that *“these guidelines have not been altogether effective. Malpractices, outflow of Indian labourers through illegal channels, contract violations and exploitation of labourers both at home and in receiving countries continues. Spurious recruiting agencies have mushroomed in the entire important emigration region of India who defraud the unsuspecting migrants. The practice has been growing in spite of regulations and efforts at stricter controls by Government of India. Emigrants sponsored by such unauthorized agents and imaginary employers play into the hands of ruthless contractors in the Gulf countries and are put through harrowing experiences of hard work, miserable working conditions and negligible remuneration.”* Nair, 1983). The observations made by Nair way back in 1983 continue to be as much relevant as they were earlier in general and in the context of migration of Punjab and Tamil migrant labourers to Lebanon.

Focus group discussions and case studies revealed that apart from migrants coming with regular, legal work permits to Lebanon, migrants also came illegally either by using somebody else's passport and work permit or entering Lebanon on visitors' visas, or first coming to Syria as tourist visitor and then sneaking into Lebanon clandestinely by land route (since it is relatively easier to get visitor's visa to Syria). Generally, prospective migrants are informed by the agent that process of getting emigration clearance<sup>4</sup> is costly and very time consuming. Therefore, it would be better to go illegally on tourist visa without bothering for emigration clearance or with emigration check suspended. Therefore, labourers coming illegally to Lebanon include those, who could not get emigration clearance. Such migrants

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<sup>4</sup> Required under Emigration Act, 1983 in India –ostensibly to protect migrant workers but actually source of much corruption in the migration of low-skilled workers.

emigrate both through agents as well as personal net works but more through agents based in India. Agents /their associates in India promise them to provide a lucrative job in Lebanon and after bringing them illegally in Lebanon provide them job in far-flung areas at meager rate of wages, while keeping a portion of the salary as commission for providing them a job. It was observed that labourers coming illegally were most susceptible to exploitation at the hands of employer as such migrants in the absence of valid travel and work documents dare not seek legal redressal through approaching local authorities and even the Indian Embassy for fear of deportation. Having come to Lebanon after spending enormous fortunes by selling assets or taking costly personal loans, they are left with no option but to stay and work on any terms and conditions.

The Labour Ministry of India has a draft model agreement for use by migrants and recruiting agents. However, qualitative data collected under the study has revealed that most of the Indians have reached Lebanon without any written contract paper and have taken employment as per the terms and conditions offered by their employer. Even if the contract is signed in India, in most of the cases, it is replaced by another one in Arabic – the official language, on arrival in Lebanon and the benefits and perks promised are not given and all this happens with the connivance of both the agent and the employer. Further, import of labour and permitting them to work in available jobs in contravention of the Lebanese labour law which puts mandatory limits on number of foreigner employees in an establishment, puts workers to untold miseries. Exploitation takes the forms of denial of salary/overtime allowances, delay in payment of salary, salary cut, more menial work, arbitrarily extended working hours, asking to work even on off days, poor compensation compared to the local wage structure, being compelled to do riskier job, ill treatment, physical torture, denial of medical help and reduction of benefits, such as home-leave, accommodation, air fare, even canceling visas before the termination of the contract period against which the workers have no access to legal redress.

The following case studies done at the work site/living site in Lebanon are given below as examples of exploitation in various forms.

**Case Study - I** – *Case of burnt labourer: One Indian labourer called Mr. “A” got severely burnt in an iron works factory. As he had med-claim insurance policy for US \$ 10,000, partially contributed by employer, he was shifted to American University Hospital, (AUH) a leading private hospital in Beirut. For few days, till the insurance amount lasted, he was*

*treated in the hospital. After that, AUH asked the family members/friends of the patient to deposit a few thousand dollars urgently so that the treatment could be continued or to shift him from the hospital. As he was severely ill, his relatives/friends did not want to take him away. In this process, two more days passed and by that time, his medical bill had inflated by US \$3000. When the hospital was approached to shift the patient, they were asked to pay the amount before he could be discharged. The whole process of collection of money for payment through donations from friends etc. and the mounting bill became a vicious circle. His friends collected the money in 3-4 days time but again another US \$ 4000 became due. Intervention by Embassy officials with the Hospital did not yield much result as the hospital was a commercial organization and without full payment, they would not release the patient. It really became a very pathetic case. In this instance, it is noteworthy that although the man was burnt during working in factory, yet after putting him in hospital, the employer totally washed off his hands and refused to do anything to help the ailing worker as according to him and the police report (apparently false) the person got burnt in his accommodation close to the factory and not while working. This case demonstrates the apathetic and totally indifferent attitude of employers towards migrant labourers even when they face accidents. This case also demonstrates the limitations of Embassy officials in getting solutions of such problems. In fact, they do not have any source of funds to make payments in such cases and they cannot initiate legal action, as the process is too costly and time consuming for which the embassy is ill equipped.*

**Case Study - II** – *Case of deported worker: In another case, Mr. “B” belonging to a good Zamindar (Landlord’s) family from Hoshiarpur mobilized Visa costing US \$ 1500 by disposing off a piece of his land. After reaching Lebanon he was given the job of a watchman, which he reluctantly did for a year. He was required to work very long hours and received US \$ 250 per month. When the employer slashed his salary to US \$ 175 per month, he resisted, as this was not enough even to cover the cost of basic sustenance including residence /work permit and his house hold expenditure. The availability of cheap labour from neighbouring countries was cited by many as a reason for drastic reduction in salary. When employer did not agree to restore the salary, he ran away. However, his passport was kept illegally by the employer (which is a common practice in Lebanon). Angered with his behaviour, the sponsor informed the police did and got him arrested. After being in jail for some time, he was deported.*

**Case Study III--** *Case of betrayal by the agent: One “C” from Tamilnadu was promised by the agent in his area that he would be provided a well paying lucrative job in Lebanon. All he had to do was to arrange Rs. 1 lakh. Even after selling his meager land, he could not arrange enough money, and therefore, he took loan from local moneylender at a high rate of interest. The agent knowing the desperation of “C” to go abroad, provided him with tourist visa to Syria and was told that he would be taken care of there. He was not given any visa /work permit or any employment contract. He was brought to Damascus. Then at night, he was sneaked into Beirut by a taxi and left without any job or papers including passport. He was contacted by “someone” who offered to help him by saving him from the police as he was without travel documents. He was taken to far-flung area of Lebanon for working in a factory at merely US \$ 150 per month-much below than what he was promised. He had no option but to agree. He was made to work more than 65 hours per week and given very poor accommodation- devoid of any amenities. Soon, he ran away but was caught by Police and after being kept in jail for sometime was deported. At home, he had to face huge burden of debt. For him, emigration turned out be a nightmare. However, he was still lucky as he was, at least, able to return home. There are many who are not able to go home and languish in jails for one or the other reason.*

The above instances of exploitation create in migrant labourers strong feelings of resentment, servitude and being subjected to undue discrimination. They are also aware that they are treated as socially inferior by the nationals of the host country. The present study showed that only about 7% of the Indian migrants were living with families. Further, focus group discussions revealed that many of the migrants had not visited their families in India for past many years generally due to financial constraints. Many migrant labourers living without families; segregated from the local population; and residing in poor hygienic conditions suffer from social-psychological stress of immense magnitude. Migrant labourers also know fully well that their stay and work abroad are temporary and that they can hardly expect protection against mistreatment, if any, in the host country from the Government of India.

Job security is the most serious problem causing stress. Not only are the work permits of most labourers valid for specified limited periods but the spectre of sudden job loss and forced repatriation constantly haunts them. As far as renewal of contracts of employment in Lebanon is concerned, now laws exist prohibiting all foreign labourers from changing their jobs from one employer to another. However earlier, during civil war and immediately

thereafter, these laws were either non-existent or not followed. Therefore, as there was no effective Government in the country, migrant labourers did not face much problem during that period in renewing their work contracts. Even when the original employers no longer required their services, the migrants were allowed to seek work with other employers. The migrants managed to stay there for continuously long periods by changing the name of the employer in the contract. Sometimes, labourers continued to stay and work there even without any employment contract for years together. This was done with the assistance of the recruiting agencies in Lebanon who had nexus with the Labour Ministry there. After 1995, however, the Government has started taking stringent action and adopted certain policies for restricting and regularizing the migrant labour in Lebanon. Now the jobs of migrant labourers are beset with more uncertainties. Further, uncertainties faced by migrants are heightened due to the ever-increasing Arabisation (increasing share of Arabs) resulting in the influx of workers from across the border, mainly from Syria and also from Egypt willing to work at lower wages. Some of the migrant workers desert the employer and attempt to work outside without being caught by the Government Labour Department. While some succeed, others get deported after an imprisonment. Those who managed to desert the employer and work outside later found their return back to India difficult, as their passports were kept in the custody of the employer in gross violation of Passport Act. The strategy evolved by them was to make all the arrangements for their return journey and to surrender to the Labour Department to get deported after the punishment, which is imprisonment. When an employee absconds, the employer reports the matter to the Court and surrender the passport to free themselves from their obligations due towards the employee.

*“Migrants from Asia who are working in the Middle East region are a part of its economy but do not enjoy rights of political or social participation. They live in their own enclaves, and cannot obtain citizenship, own property, or join trade unions; they have restricted access to social benefits and are excluded from participation in the political system. Labour legislation and administration as well as social security institutions are not yet fully developed in most Middle East countries. Therefore, the working and living conditions of Indian labourers – as well as of other migrant labourers – depend on the nature of employment contracts (if signed) and the honesty and integrity of the employers in honouring the terms and conditions of the agreements. Even in cases where employers violate the terms – say by paying wages lower than those stipulated in the agreements, demanding excessive hours, denying overtime allowances, providing inadequate accommodations, denying free or*

*subsidized food, or even cancelling visas before the termination of the contract period – the labourers have very limited access to legal redress. In general, however, labourers with valid passports, visas and work permits who are employed either by well-established and large firms receive wages much higher than they might receive in India for similar work; they also receive free or subsidized housing and sometimes medical care also. Such labourers are, therefore, able to save a large part of their earnings”* (Nair, 1983). The present study has shown as discussed above that Lebanon is no exception as far as above observations are concerned.

Thus, the majority of the respondents live in sub-human conditions, earn low wages, remit almost half salaries to repay huge debts incurred to come to Lebanon even at the cost of living at a barely subsistence level, lack access to medical care and suffer from various diseases and undergo various kinds of exploitations. The study brings out that this is to a large extent an outcome of collusion between recruiting agents, middlemen and employers, combined with the desire of migrants to seek an opportunity to earn better income abroad.

Question arises if migrants are exploited so much by employers and agents, why still emigration –legal or illegal- to these areas continues? Our study indicates that notwithstanding the various forms of exploitation, most of migrants still feel satisfied with their income, as it is far more than what they would have earned at home, while others are constrained to stay as they have to repay huge debts incurred in coming to Lebanon. In spite of living in sub-human conditions without any basic facilities and, facing exploitation in many forms in the host country, most of the migrant labourers view their employment and related hardships as a temporary phase, which gives them a lifetime opportunity to earn and save money for a better future of their families at home. They are even willing to come illegally and take their chances for an opportunity to earn money. Most of them would not only be willing to stay in the host country as long as possible but also to call as many of their relatives and friends to Lebanon as they can, whenever such an opportunity arises.

## **DISCUSSIONS AND CONCLUSIONS**

The present study brings out that humanitarian advocacy for proper housing, health insurance and other facilities for migrants are at odds with labour market realities, For example, legislative provisions for medical insurance were not implemented because of a tight labour

market in which many migrants compete for limited jobs and were easily replaceable by other migrants.

Generally, sending governments tend to minimize abuse in cases where a conflict occurs without harming general cordial relations with the host country, which might jeopardize the future emigration. The goal of promoting emigration is at odds with the protection of labourers and the former takes precedence in implementation of policies (Shah, 1995). The Government of India is also no exception to this general observation, although among the south Asian countries, India dedicates the least effort because international migration is small compared to internal migration within India and involves a relatively smaller portion of the overall population.

As far as rights of migrant workers are concerned, they are specifically enumerated in various international Instruments reflecting an attempt by the international community to establish minimum standards for the treatment of migrant labourers and their families. The most significant achievement in recent years as regards protection of Migrants ' rights was the adoption in 1990 by the United Nations General Assembly of the "*International Convention of the Protection of the Rights of All Migrant Labourers and Members of Their Families* ". The Convention reaffirms basic human rights norms and seeks to guarantee minimum protection for migrant labourers and members of their families- whether legal or undocumented/irregular. Its implementation could significantly encourage humane treatment of all migrant labourers. However; the number of ratifications is still disappointingly small (37 as on date). Neither India nor Lebanon has joined it.

Since, our study has also found that in spite of exploitation, outcome of migration appears to be positive for majority of migrants, in a labour surplus country like India, migration of low skilled labour force may be encouraged as it relieves pressure on domestic labour force, apart from alleviating poverty. However, there is need to adopt policies to ensure that migrants do not fall prey to unscrupulous agents at home as well as to protect them in host countries. Some of important policy measures emerging from the study are briefly mentioned below:

- Issuing temporary but longer-term work permits by host countries will remove uncertainties and enable workers in low-skilled occupations to repay the expenses incurred in connection with their migration and to save enough money with which to return home.



- To enhance the protection of migrant workers in the host countries, the work permit could be granted to the worker rather than the employer. An example is recent reform introduced by the Irish Employment Permits Act 2006, which came into force on 1 February 2007 providing for the work permit to be granted to the worker rather than the employer. The permit also lists entitlements and the principal employment rights of the employee (World Migration report, 2008).
- It is advisable that migrant workers enjoy a degree of mobility, at least within the same employment sector and also in the context of temporary labour migration schemes, in order to reduce the risk of exploitation that may arise from being tied to one employer. Such exploitation can be exacerbated by the illegal practice of retaining the passports of migrant workers. Therefore, migrants should be allowed to hold their passports.
- Responsible immigration as well as labour departments in host countries can play a critical role in promoting migrant protection. Biggest priority is to ensure that workers after rendering work are paid their dues in time. Vetting of contracts to hire new workers by errant employers may be made mandatory by Labour Department in host countries to ensure compliance with labour laws.
- Host countries may develop a sponsor system for employers, whose record on hiring legal workers and their return counts towards their future prospects to sponsor and hire foreign workers;
- As mentioned earlier, a number of international instruments are focusing on protection of migrants regardless of their legal status as they have human rights and dignity (ESCAP, 2002). In recent years, republic of Korea and Thailand have included unauthorized migrants under the coverage of welfare provisions (ESCAP, 2003). Most critical among the basic human rights is recognition of health as a fundamental right of all the migrants' -whether legal or illegal.
- Labour-sending nations in Asia should exert pressure on receiving countries as an organized group to ensure access to healthcare for workers including mandatory health insurance for migrants by employers through legislation, stricter enforcement and other possible measures. Missions of sending nations should try to act as a catalyst by organizing their nationals through key persons and by generating their own funds to meet the expenses of extreme cases of medical contingencies.
- Access of migrants to medical care in case of accidents and serious diseases is one of most critical issues in migrant protection. Governments of host countries could

consider developing some arrangement for providing access to medical care to illegal workers at least in case of life threatening serious disease/accidents on humanistic considerations. A special fund could be developed out of the work permit fee collected to help even illegal workers in such emergencies. Alternatively, some arrangements could be developed in government hospitals, which would provide treatment to such workers in life and death situations.

- There is a need to carry out community-based surveys in the host countries to identify the health needs of migrants and obstacles to health care. The health problems of illegal migrants, who cannot have access to health insurance due to their being illegal, need to be given special focus through efforts of NGOs as they have demonstrated better access to illegal migrants. NGOs like *Doctors of the World* (see [www.doctorsoftheworld.org](http://www.doctorsoftheworld.org)) for example have developed a 'Partnership for Migrant Health' in Thailand with the Mae Tao Clinic and the Thai Ministry of Public Health (MOPH) to increase access to health services for the more than one million migrants living as unrecognized refugees in Thailand. Such examples need to be replicated.
- To take care of migrant worker's death /disability during employment in host countries, workers should be obliged to take a life and disability insurance before emigrating. Host government needs to take an initiative in this regard and make taking such insurance policy mandatory for the arriving migrants.
- Missions of sending nations generally do not have any resources to help migrant workers in distress. They should set up a Labour Welfare Fund with the objective of helping migrant workers of their country. The fund could be maintained through the levy of small charge on all consular services provided by them. This is already being done by Indian Embassy in Oman.
- It is desirable that host countries develop some facilities for shelter and counselling to the migrant workers, when they are in trouble for various reasons like accidents, illnesses, sudden job loss etc.
- In countries with large number of foreign migrant workers, there is a need to set up a welfare organization with members from Labour Ministry, employers from sectors employing foreign labour, concerned missions and representatives of migrants. All welfare related cases could be referred to this body for quick and impartial addressing of the grievances.
- One of the important measures is strengthening of sending country Missions in countries with large population of their unskilled migrant workers requiring direct

intervention to help migrant workers in distress. Missions should set up Emergency Assistance Fund for providing quick financial relief and free legal aid to workers in extreme cases of abuse and exploitation. The fund could be maintained through the levy of small charge on all consular services provided by Missions. There should be some provision for free legal clinic, wherein workers could seek advice.

- Sending countries should set up counselling and training centres in the areas with big expatriate workers, where workers could be trained about various aspects of foreign employment and modus operandi of seeking redressal of their grievances.
- With regard to low skilled labour, one of the biggest issues is effective regulation of recruitment industry that has developed to minimize exploitation of workers at their hand. Stringent regulations are in force in India to oversee the process of emigration, to prevent illegal emigration and look after emigrant's welfare in the receiving countries. However, the ground reality is that "these guidelines have not been altogether effective. Implementation of these regulations needs to be strengthened to minimise illegal migration of workers. India has a strong regularity framework to protect migrant workers, but implementation needs to be strengthened to curb highly exploitative and thriving recruitment industry of unscrupulous agents and middlemen. There is need for effective monitoring of recruitment industry involved in irregular migration. One law which was meant for protection of migrant workers has contributed maximum to illegal migration is requirement of emigration check. It is time that Govt of India abolishes this provision in tandem with changing needs of current migration (Gaur, 2003).
- Illegal migration involves at least a country of origin and a country of destination (and sometimes a transit country). It is made possible through mediation of recruiters, travel agents, immigration officials, and job placement agencies operating in both countries. However, policies to combat it are normally taken unilaterally by individual countries which are one reason for their low effectiveness (WMR, 2000). Therefore, coordination and cooperation is most crucial in this area.
- In present times, when regional trade and cooperation agreements are the order of the day world over, bilateral and multilateral labour agreements should also be explored to address concerns about migrant protection as well as for development of orderly and legal migration system as opposed to irregular migration.

To sum up, contribution of labour migration to employment, economic growth, development and the alleviation of poverty can be maximized for the benefit of both origin and destination countries. However, protection of main actor-the migrant should not be lost sight of in this process.

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