CRYING OUT FOR JUSTICE:
Wage Theft Against Migrant Workers during COVID-19

An Analysis Report on Wage Theft Cases Documented by MFA Members and Partners
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BACKGROUND

The COVID-19 pandemic has severely impacted millions of migrant workers in destination countries, many of whom have experienced job loss or non-payment of wages, been forced by employers to take unpaid leave or reduced wages, been confined in poor living conditions, and with little or no engagement in the work options before them. Many migrant workers struggled with the dilemma of exercising their right to return in these circumstances, while others remain stranded in cities without access to services or support, or in border areas, living in precarious conditions posing as quarantine facilities.

Countries of destination and origin began repatriation procedures of these workers, without giving thought to their predicament and presenting the returns as inevitable. Thousands of workers were repatriated to situations of debt bondage as they were forced to pay off recruitment fees and costs, despite returning empty handed. Repatriation poses additional challenges, as, without proper controls, employers take advantage of mass repatriation programs to terminate and return workers who have not been paid their due compensation, wages and benefits. Without ensuring that companies and employers are doing their due diligence to protect and fulfil the human rights and labour rights of repatriated migrant workers, states across the migration corridor become complicit in overseeing procedures where migrant workers who contributed to the economies and societies of these countries, return without their earned wages or workplace grievances being heard, nor seeing justice in their situation.

On 1st June 2020, a large coalition of civil society organizations and trade unions launched an appeal to governments to establish an “Urgent Justice Mechanism” that addresses the plight of millions of migrant workers whose wages have been unjustly withheld by their employers. Subsequently the coalition released 4 more appeals focusing on actions to be taken by UN bodies, governments, and businesses to take concerted action in engaging with existing cases of wage theft and lack of justice as well as the creation and maintenance of effective mechanisms for continued progress.

The first appeal highlighted the basic initiatives to be taken with respect to ensuring workers access to justice and redressal for current and repatriated workers. The second appeal focused upon concrete mechanisms to be established such as International Claims Commission, Compensation Fund, and reforms of national justice systems. The third appeal recommended responsible actions by business and employers in particular, to prevent labour and human rights abuse. The fourth appeal commended actions of certain States in recognising the need for migrant worker protection with further recommendations. The fifth appeal focussed upon recommendations specialised for countries of origin and destination.

With a dedicated website for Justice for Wage Theft (JWT) campaign, MFA members and partners have been active in documenting cases received by them and their grassroot-level workers. This report aims to analyse the cases received in the documentation system as of January 2021.
UNDERSTANDING WAGE THEFT

Wage theft consists of the total or partial non-payment of a worker’s remuneration, earned through the provision of labour services, as stipulated in a written or non-written employment contract. It also includes the payment of salaries below the minimum wage, non-payment of overtime, non-payment of contractually owed benefits, the non-negotiated reduction of salaries as well as the retention of dues upon one’s contract termination. Despite being one of the most common forms of exploitation, the Institute of Human Rights and Business mentions that such practices are ‘deeply embedded in how some global supply chains operate, resulting in false price points for goods and services dependent on degrees of exploitation’. The pandemic further escalated such situations of wage theft as some large firms chose to cancel orders/projects or paying suppliers substantially reduced prices, adversely affecting suppliers and their employees. IHRB recognizes wage theft as a part and process of modern slavery.  

Through the cases registered, we observe that wage theft not only comprises of the above interpretations, it also includes a wider scope of challenges to access to justice and remedy that migrant workers face in obtaining compensation and unpaid wages. These include the below scenarios as reported by grassroots level members and partners:

1. **Other forms of wages deduction:** A major point of wage deduction are collection or deduction of wages in the name of insurance, medical examination, and other necessary cards – typically these are to be paid by the company and despite laws and changes of policy to emphasise employer accountability in payment of such charges, CSO’s continued to observe cases before and during pandemic. Secondly, workers were also asked to go on unpaid leave or their wages were deducted for taking sick leave or earned leave as well. Thirdly, wages were arbitrarily deducted on account of workers making mistakes at work although this is not allowed by any law. Fourthly, there are wage theft cases because of a lack of proper and adequate information in the agreement and the contract they receive at the country of origin. For example, migrant workers who take up driver jobs are promised monthly wages. But when some are unable to pass their driving license examination, they are not supported by their employers and not given their agreed wage mentioned in the contract. We also found cases of women migrant workers working in the hotel and hospitality sector whose earnings also depend

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3 Nepal member
4 Bangladesh member
5 Nepal member
upon tips and the commission received from the goods sold on their behalf and were worst hit by the lockdowns.  

2. **Non-payment of salaries on time**: Although in several CODs, there are laws or policy stating that the salaries should be paid to the bank account of the employee every month there is no strict implementation of this provision. Moreover, a common practice is keeping employees bank debit cards with the employer on the pretext of safe keeping (particularly in the case of domestic workers). The salary is deposited and withdrawn by the employer and consequently, either a part or sometimes the entire salary is taken by the employer. CSO’s also report that for workers who filed complaints with the labour office of the COD in such situations, the hearing was not effective.

3. **Promises of payments which are not fulfilled**: Employers promise workers that the payment of statutory dues would be made later, and the workers trusts their word. However, the payment is delayed beyond the period of one year and the worker loses the chance to claim the amount as it would be time barred after one year from the last day of employment.

4. **Calculation of leave entitlement**: Leave is availed by workers in some companies once in two years. Employers were noted to have calculated leave entitlement without taking into consideration the duration between leave periods.

5. **Payment of indemnity periodically**: The indemnity is required to be calculated on the last salary. Some employers pay indemnity at the end of every two years. This results in the worker being paid a lower amount than what he would have been entitled especially in cases where there are salary increases over the years.

"At the time of issuance/renewal of visa/labour card (ID card), a duly filled in application form needs to be submitted at the Ministry of Manpower (Oman) which does not bear the signature of the employee. In the event of a dispute at a later stage it is the copy of this form which the employer produces at the concerned department. The salary shown in this form is, in most of the cases, much lower than the actual salary paid to the worker. The result is worker losing huge amount from his gratuity by this way."

6. **Termination and deportation**: The services of the worker may be terminated, and he may be deported at any time. Employer accountability in settling statutory dues of the worker before he leaves the country is rarely emphasised nor monitored.

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6 Nepal member  
7 Oman partner  
8 Nepal member  
9 Oman partner
The worker may also not have time, knowledge or capability to find a lawyer and issue a power of attorney (PoA) before he leaves the country so that the claim could be pursued in his absence. After leaving the country, issuing a PoA is a time consuming and arduous process. Where the claim amount is “small”, lawyers are reluctant to take up the case.

7. **Compensation for unjustified termination**: In CODs, workers are entitled to claim compensation for unjustified termination at certain rates based upon remaining duration of contract or months of service. Workers are not aware that the compensation should be claimed through the labour court within a certain time from the last day of service and they invariably lose the benefit.

8. **Signature on settlement papers**: Workers may also be held to ransom by the employer and asked to sign on the settlement paper as a condition to get their passport. Even if the employer has only performed partial payment, the signature is obtained stating that there are no further claims against the employer. Migrant workers were also forced to sign a waiver that they will never file a case or complaint against their employer as an agreement for repatriation. There is no way that the worker can claim the dues as there is no obligation on the part of the employer to show proof of payment other than the acknowledgement signed by the worker. This applies to monthly wages also as there have been instances where the signature was taken on payment voucher without actually making the payment.

“There are many cases in which migrant workers are forced to sign a letter statement made by the recruitment agent before departure, that if they are failed finishing the contract and ask to go home before the deduction period ends, they will have to pay a fine amounting to tens of millions of rupiah (in Indonesia). In fact, domestic workers often get jobs that are not in accordance with the contract - they work beyond the 8-hour, experience physical or verbal abuse or are forced to work beyond their capacity. For example, one domestic worker as part of our casework works for a house that 2 to 3 floors, handling not only cooking and cleaning duties but also, taking care of children + tutoring the smaller children, washing cars, caring for pets and also tending to the home garden while her salary is only the domestic workers’ standard. Her extra duties are not considered in her payment nor in treatment. However, when she could not tolerate her working conditions and asked to return home, she was considered a failure. Not only was her salary stolen because she was deemed to have not finished her contract, but her family at home was also forced to sell land and other valuables thing to pay an exceptionally large fine to the recruitment agent. We call this not only wage theft but robbery.”

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10 Oman partner
11 Philippines member
12 Indonesia member
o **Scanned Signature:** Modifications in the existing employment contract, reducing wages and changes in other terms and conditions are done by employers without the consent of the Worker such as by placing the scanned/digital signature of worker, illegally justified as the worker’s consent. Many migrant workers are stranded at their native countries due to lockdown and they were not able to return to Country of Employment and in such circumstances, the Employers has misused the Scanned/Digital Signature of workers to modify the conditions of the Employment Contracts and for Termination of Contract also.\(^{13}\)

o **Signature on blank paper:** Some employers obtain the signature of the worker on a blank paper at the time of joining duties. This is later misused to claim that the worker has obtained loan from the employer. Again, there is no obligation on the part of the employer to show the proof of payment other than the acknowledgement signed by the worker. There have been instances where the workers are jailed or slapped with travel bans for non-payment of the so-called loan.

9. **Arrest on Arrival at Airports in Country of Employment:** Certain cases involved migrant workers that were on their annual leave, leaving the COD before March 2020 prior to lockdown and returning after a period of six months when flights resumed. Skilled and professional migrant workers who pursued loans during their stay at the COD were affected when employers stopped paying wages as banks were unable to deduct loan instalments from workers accounts. Without repayment, banks presented the cheques of workers and as it got bounced, police complaints were registered against them. Several workers have been arrested on such charges resulting from wage theft and had to pay related fines (in the UAE, a fine of AED 1050 is charged at police stations).\(^ {14}\)

10. **Forced into a different job:** Cases also demonstrate that migrant workers were forced to perform a different job or were victims of contract substitution with a lower pay or different work conditions.\(^ {15}\) There are cases of migrant workers esp. women migrant workers who are promised a full-time job in a company but end up working as domestic workers. During COVID-19, domestic workers complained of being harassed by their employers, both mentally and physically, and more specifically, not being paid.

11. **Working without a valid visa:** It is the obligation of the employer to renew visa. However, some employers force the worker to continue working even after visa expiry. Courts were seen to be taking a view that the worker is not eligible to claim

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\(^{13}\) India partner

\(^{14}\) India partner

\(^{15}\) Philippines member
wages for the period he/she has working without a valid visa. Many employers also force the worker to pay the visa/ID card (issuance as well as renewal) charges. This amount is sometimes deducted from the salary in instalments. In many cases the visa/ID card of the employee is not renewed if he is not ready to bear the expenses or the sponsor has fines due to be paid to the authorities. Hence, the employee whose visa has expired and has not been paid for months not only loses this wage but also becomes an undocumented migrant worker.

12. **Change of visa to another company under the same employer:** There have been instances where the employers have changed the visa of the worker from one company to another under his ownership. The workers are under the mistaken impression that there is no problem as the owner is the same. As there is a change in the commercial registration (CR) number of the company, the worker will not be able to claim the statutory dues from the earlier company after one year from the date of transfer to the new CR.

13. **No Objection Certificate for change of job/sponsor:** It is mandatory in Oman to obtain a no objection certificate from the employer if one wishes to switch jobs. Demanding huge amounts and/or not paying the back wages in return for issuance of the NOC is a very common practice in Oman. (A welcome move is that the Oman government has recently announced that they will lift this rule from the beginning of 2021).

14. **False charges against workers:** There have been cases where the employers charge the workers for stealing/theft of any goods or money to avoid the workers' payment. Hence, the workers are forced to leave the company without any benefits and not have the means to continue living in the destination country.

15. **Working extra hours:** Although the law in some CODs states that it is permissible to make an employee work for more than 8 hours in certain jobs like security guards, domestic workers etc., employer accountability to pay overtime wages is seldom considered. Some employers interpret this provision as permission to make them work without overtime wages. CSOs also report employers and some governments increasing the working hours of such categories of workers during the pandemic even though workers are forced to work full hours for minimum wages.

16. **Forced to pay their own plane tickets:** Additional category on wage theft scenarios based on Center for Migrant Advocacy (CMA)'s cases: Migrant workers who were forced or asked to pay for their plane tickets by their employer and pay what their

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16 Oman partner
17 Nepal member
Private Recruitment Agency (PRA) owes their Foreign Recruitment Agency (FRA) or direct employer or what their employer spent for them for the 2-year contract\textsuperscript{18}

A Rapid Assessment study by IOM Bangladesh published for the period of July and then August-September 2020, recorded similar issues among Bangladeshi returnees. Some notable findings below:

- 71 percent of international returnees reported experiencing challenges, increasing from Round 1 of the study – revealing increasing instances of difficult living conditions.
- 21 respondents mentioned not receiving their last wages as of September 2020. Nearly half of these respondents said that they do not anticipate receiving these wages in the near future. 42 percent of respondents responded that they would be paid once they returned to work for the same employer who owed them said wage.
- Financial problems and debt repayment became increasingly reported as a primary challenge facing respondents. It also appears as a problem among all categories of workers. Coping mechanisms for financial problems and debt repayment were similar to one another and most frequently revolved around borrowing money, reducing expenditures, and depending on donations.
- The most common primary coping mechanism was to apply for government assistance (60%). Applying for NGO/UN assistance was cited most frequently as a secondary coping mechanism (44%), while taking a job that was not the respondent’s normal income source was the most common tertiary coping mechanism (40%). Returnees were shown to depend upon further borrowing of money and rely upon their savings to cope with financial issues. In both Round 1 and Round 2, over 50 per cent of international returnee respondents had debt amounts over 100,000 BDT.
- Among international returnee respondents, seventy-seven per cent of respondents wanted to re-migrate internationally in Round 1, and 78 per cent wanted to in Round 2.

The study focused upon socio-economic impacts of the pandemic upon returnee migrant – however the above findings could be extrapolated to consider wage theft among the root causes of such financial distress as well as consequent actions and aspirations. Challenges faced by migrant worker such as not receiving wages, the ensuing financial distress and the consequent need to re-migrate particularly point toward the non-fulfilment of their initial migration goals.

\textsuperscript{18} The Philippines member
CHALLENGES IN DATA COLLECTION OF WAGE THEFT

With respect to wage theft, the biggest issue plaguing data collection is the complete lack of due diligence by state institutions in maintaining updated, transparent and verifiable/official records on migrant workers. Despite large groups of migrant workers becoming unemployed and/or undocumented due to lockdown and ensuing financial downturn and large-scale closure of companies, both countries of destination and countries of origin failed to account for the myriad complications that migrant workers would face and the scale of these issues, compounded by the lack of data on migrant workers.

- The initial period of the pandemic saw Missions struggling to account for the number of migrant workers that required immediate assistance and were overwhelmed with requests for repatriation and rescue, which they had not foreseen.

- Countries of origin reported lack of data or possessed outdated records – this was particularly true in the case of domestic workers. Furthermore, this data was not transparent to CSO’s and diaspora organisations seeking to provide strategically aimed services despite restrictions.

- The lack of data also manifested in the lack of standard protocol for rescue/repatriation to be followed – thereby confusing migrant workers, who were desperate and were struggling for survival by that point. For instance, few Missions included wage theft and its causes/consequences in their forms. Moreover, grassroot level workers from Nepal report that Missions requested migrants to sign forms waiving claims and compensation (or claiming they had none) to board their repatriation flight. This is clear indicator of negligence by state authorities to speed up the repatriation process at the cost of migrant workers basic labour rights.

- Civil society notes that there was little cooperation between countries of destination and origin during such extraordinary times. This was particularly observed as countries of origin were tasked with the entire responsibility of repatriating migrants, maintaining communication with national and private air carriers to facilitate their processes. Not only did countries of destination fail to make concerted measures to simplify repatriation measures, but they were also noted as placing pressure upon countries of origin - for instance, in April 2020, the UAE government even released a statement warning that it would “review labour ties with countries refusing to take back citizens, including those who lost their jobs or were put on leave”, and said it was considering “strict quotas for work visas issued to nationals of those states”. Such statements were unwarranted, while considering that there are several ways countries could have collaborated and shared responsibilities to improve situations.

- Later, while countries of destination provided for amnesties and extension of visa validity duration, there were also incidents of arbitrary arrests and detaining of migrant workers from their accommodations, and a perceivable lack of monitoring and accountability upon employers who had large-scale layoffs or reported issues of wage theft and suspension of food and health services for their employees.
• This lack of data also meant that new casework had to be registered when reporting labour abuse - with little to no proactive action taken to ensure those that have been terminated from their jobs (and consequently repatriated), were ensured their due compensation, unpaid wages, or end-of-service benefits.

• Extraordinary measures could have been taken by countries of destination and origin to improve data collection during this period through careful planning, instead of reactionary engagement and actions of damage control. However, civil society observed that States have been negligent and have failed to fathom the scope of issue.
  o Basic data collection could have been performed by national airlines (carrying out repatriation flights) through forms that allow migrant workers to detail their causes for repatriation and further assistance that they require.
  o During the initial period where the duration of quarantine required 14 days (before it was relaxed to 7 days), countries of origin could have collected data here as well.
  o Countries of destination should have opened their Missions in COOs for repatriated workers to make claims and compensation with a time limit of 2 years or so for reporting and resolution.
  o The need of documentation needs to shift away from CSOs to state authorities since governments would have the resources, infrastructure and mechanisms required to facilitate the implementation.

Despite undertaking considerable risk and facing a dire lack of immediate resources, CSO’s and diaspora organisations in countries of destination and origin were instrumental in gathering data, documenting casework, and filing reports with authorities, pushing for action to be taken for workers who suffered from a lack of the most basic services such as health, food (and in some cases, paying their rent). Their timely involvement enabled migrant workers to return safely, access basic services, and claim their dues from their employers. In fact, it was their documentation and reporting to Missions and Ministries of Labour in the respective destination countries which eventually lead to positive actions from state authorities. The wage theft cases pending resolution at the destination country as well as cases reported to CSO’s by returnee migrants were included on the JWT-Uwazi platform. However, they also face considerable challenges in documenting wage theft cases for the platform.

• Verification process: Certain organizations undertake a detailed verification process through further interviews and review cases before submitting to the website, which is a time-consuming process. Each worker has different situations even within group cases and while registering the case, the social worker typically needs to further ask details from each worker involved.

• Waiting for Evidence: Migrants often take time before they can send documents/evidence. Organizations tend to wait for the workers to submit evidence first before completely submitting the case to the website. Several workers also reported confiscation of their documents and awaited its release by their employer.

• Withdrawn cases: Certain cases were received by organisation but later withdrawn by the migrants/plaintiffs due to various reasons including workers reluctance to reveal more details or share their documents, workers wanting to wait for their employer to
pay, companies communicating or promising to settle dues with workers in the upcoming weeks. Workers were also reluctant to follow up the case as they did not want filing/reporting of such cases to affect their future employment prospects at the country of destination - where they may be seen as a “problematic” or “troublesome” worker with pending cases. Some also faced trauma fatigue, wanting to cut their losses and move on in their lives.

- Translation of Cases: Organizations work on translating case information (from their local languages) to English before they can submit to the website, which is also a time-consuming process involving migrant workers documents and narrative experiences.

Limitations of analysis:

- Certain group cases were filed as single cases or filed partially due to lack of details or documentation on other group members.
- Certain case files also lacked narrative details which may affect the analysis. Improving member engagement and capacity building among members in data entry will assist in bolstering the common trends seen among cases.
- Nonetheless, at 95% confidence level, the margin of error for the sample is 3.6% ; at 99% confidence level, the margin of error is at 4.4%.
Out of 704 online submissions on the JWT-Uwazi platform, there are 47 group cases and 316 individual cases.

- Within the 47 group cases, there were 388 individuals suffering from various forms of wage theft.
- The number of group cases registered under one name is 13. Including the worker reported under the name, the actual number of workers in group cases who suffered from wage theft exceed 700, rounding the total number to more than 1000 cases for the period of November 2019 to January 2021.
- Group cases had at least 3 individuals and at most over 80 individuals.
- Majority of group cases were filed from Nepal (36 out of 47). Of the cases filed, Nepal had 36 group cases, comprising of 228 migrant workers. The numbers within the groups range from 2 to 90.
- India also had greater proportion of cases that were part of 4 groups, equalling 111 out of 146 cases filed. The numbers within the group cases range from 5 to 58.
- Cases registered include both migrant workers that are still at the country of destination awaiting resolution of their case as well as returnees who reported their case to local MFA members and partners in hopes of assistance and due compensation. As mentioned earlier, certain group cases are registered under 1 person or filed partially– which means there are several workers that are yet to be
registered on the platform.\textsuperscript{19} Hence, \textbf{the number of group cases} become a far better indicator of corporate accountability as well as the broader financial environment affecting large companies of more than 100 workers.

In a separate submission MFA also received 207 cases from a survey on wage theft conducted by Solidarity Centre, Sri Lanka. The cases were reported from 5 areas – Galle, Kilinochchi, Nuwara-Eliya, Trincomalee and Batticaloa. The nature of the cases reported the same forms of wage theft as theJWT-Uwazi platform.

- Of the 207 cases, almost 50 percent of cases (102 cases) are from female migrants.
- The main industries involved in wage theft for Sri Lankan migrants were construction, F&B services, transport, and agriculture.
- Domestic workers accounted for 85 cases – this included both female and male migrants, although male domestic workers formed a low proportion.
- Countries of destination reporting the highest number of cases include Saudi Arabia (80), Qatar (49) and Kuwait (40) respectively. Other countries of destination include Oman, Bahrain, Lebanon, Malaysia, Maldives, and Singapore.
- Several cases report loss of contact by the migrant worker with their families after months of non-payment, particularly among female migrants and/or domestic workers. Long-term migrant workers (for more than 2 years) reported non-payment or wage cuts once the pandemic began while first-time migrants and those that remigrated from the end of 2019 onward mostly reported that they were not paid as per their contract (with an average wage cut of 50\% than is mentioned in the contract).

“K. Piya, migrated to Saudi Arabia 2 years back (2018) to work at a hospital as cleaning staff. Due to issues at the hospital, it was closed, and she found a job temporarily at a hotel. She was working part-time at the hotel since last May at a much lower salary than her previous job – she described this as not being sufficient for her daily expenses. She expects to find a permanent job or return to Sri Lanka.”

“Will J. from Kilinochchi district went to Saudi Arabia via a sub agent and work with a cleaning service company. He already worked in Saudi Arabia successfully for 10 years, but this time he did not receive a salary as mentioned in the contract.”

“I worked at the ticket counter in the airport in the COD. I was initially offered a salary of 60,000. During the pandemic, they slashed my salary by half. Finally, I received no salary from February to June.”

\textsuperscript{19} For instance, the casework for Nasser Al-Hajri Corporation (NSH) exceeds 400 cases reported to MFA’s member in India. The same has been forwarded to the Indian Embassy in Riyadh, which has so far taken initial steps to resolve the issue. However, due to the large volume of cases, documentation on the platform is ongoing.
Migrant workers in Saudi Arabia, Kuwait and Qatar in particular, mentioned the risk of becoming undocumented due to job loss during the pandemic and without recourse to return, end up working multiple jobs till they are able to afford a ticket.

“L.K migrated as a domestic worker because of low income in her family. However, due to not receiving the salary promised to her, she attempted to work in another employer’s house as a caregiver. She was then laid off and found a job as a labourer. Due to the pandemic, she has lost this job as well and is currently living in the COD without a job or income. She does not have the money to return home either.”

“When I was staying in Qatar during the pandemic, they did not pay me my salary for 7 months. They said they cannot pay as they are already providing for my food and accommodation.”

“I went to Dubai in September 2019 as a domestic worker. However, my agent and employer further sold me 3 other agents/employers. They sent me to several houses for domestic worker and without pay. Eventually, when I fought with them, they locked me in a room and subjected me to harassment. I finally paid 50,000 LKR and returned to Sri Lanka.”

Undocumented migrants as well as those who travelled via tourist visas were also reported as being disproportionately affected. For many, the prospect of returning home after the end of the contract period was a prominent challenge.

“MS went to Lebanon through an ‘open visa’ and worked there on a daily basis as a domestic worker. She lost her job due to COVID-19 and suffered to pay her house rent and food as well as failed to find money to return back to home. Although her family was ready to send money for her return, she was unable to return to closure of all airports.”
**Group case of Filipino workers working for Multinational Company in Malaysia**

*(Case handled by Malaysian CSO partner)*

22 Filipino workers worked at a multinational company until 17 March 2020. Due to the Movement Control Order (MCO) implemented by the government of Malaysia to combat Covid-19, the workers did not work during the MCO period which was until 04 June. In accordance with the government ruling, employers were asked to continue paying the workers the minimum wage regardless of whether the worker had worked during the MCO period. Employers were not allowed to deduct leave or medical leave during this period. The workers received their salary up only until May 2020 and food allowance until April 2020. However, on 29 May 2020 the employer informed the workers verbally that they will not be able to return to work and will be sent home for a no paid vacation, latest by June 2020. Only 5 of them were given termination letters due to various reasons.

The workers continued to stay in the hostel provided by the company but they were not given any salaries and food allowance. Moreover, most workers who came under the recruitment agency in the Philippines stated that the company deducted a total of USD 400 (deducting RM 100 every month from their salaries) to pay the recruiter in the Philippines.

Beginning July 2020 until Oct 2020, the employer made the workers sign a form to consent to keep their passports in exchange of RM 1,000 cash payment.

With the assistance of a local CSO, a case for investigation was filed at the labour department in August 2020. The Labour Department summoned the workers for clarification of the case and raised few issues under its purview – this included non-payment of salary (June-August), no proper termination of contracts, and the non-payment of food allowance as per the employment contracts. The cash payment letters the workers were signed under duress was also judged to be improper as the company had drafted the forms including the signing of the annual leave form.

In response, the employer claimed that the workers had agreed to return home on a vacation without pay until December 2020 but was not able to produce any written agreement to the effect. Neither was the company able to guarantee that the workers will be able to return to work after Dec 2020. They also denied that an allowance of RM350 was stipulated in the contract. The employer admitted to preparing the leave for the workers to return for a vacation and receive their annual leave payments from June 2020 to Dec 2020.

The employer also sent the workers a list of flights purportedly from the embassy for their repatriation and requested them to sign the forms for their repatriation which the workers refused. Upon enquiry with the embassy, the Embassy stated that they had informed the company that the workers will only be sent back after the company pays all their dues.

At the case hearing, the employer requested for a settlement with the appointed lawyers of the workers. A settlement was reached in Oct 2020. The employer agreed to pay the workers a substantial amount of their unpaid salaries, unpaid food allowance, fully bear the repatriation cost including the COVID test, and allow the workers to stay in the hostel until repatriation date subject to the workers tendering their resignation.

From the time the workers case was highlight in June 2020 to Oct 2020, the stated CSO provided food provisions to assist the workers to sustain themselves.

Two workers agreed on their own, without the advice of their lawyers, to withdraw their claims against the company to return back to work with the company. The remaining workers (except one who absconded a day before the flight) returned to Philippines on 7 Nov 2020.
Countries of Destination

Among the countries of destination, we observe that KSA has registered the highest number of cases of wage theft at 292 cases, accounting for approximately 41.5 percent of the total cases. It is followed by 129 cases registered from Bahrain, 66 and 63 cases from Kuwait and Qatar respectively. 52 cases were reported from Malaysia, 45 cases were registered from UAE and Oman has registered 20 cases of wage theft. Other countries of destination with cases registered include China (8), Singapore (5), South Korea (9), Jordan (2), Lebanon (2).

Below we look at the nationalities that were affected in prominent countries of destination.

In the GCC region, the workers who filed cases regarding wage theft in KSA were primarily from 6 countries. These include 139 workers from Nepal forming almost 50% of the cases. Other cases include 72 from India, 43 from Philippines, 32 from Bangladesh. Indonesia and Pakistan have registered 5 and 2 cases, respectively.

The majority of cases from Bahrain comprise of Nepali workers (99) and India (28).

Kuwait also saw cases from a majority of Nepali workers (37) and workers from India (23) and Bangladesh (4).

For Qatar, the cases were predominantly from Nepal (59 cases) and the rest 3 were from Philippines (2) and India (1).

Out of the 43 cases in UAE, 23 cases were registered from Nepal and 14 were from India with the rest from Bangladesh (8).
> Malaysia which also comprises of a similar composition of South Asian and South-East Asian migrant workers, saw 23 cases of wage theft registered from the Philippines, 15 from Nepal, 9 from Indonesia and 5 from Bangladesh.

**Worker’s Account:**

“I worked in Nasser Al-Hajri Corporation (NSH), Kingdom of Saudi Arabia from 2006-2020 and received monthly basic wage of 1750 Riyals. NSH is one of the largest construction firms in the KSA that specialize on building oil refineries. It was said while recruitment that I will be given salary according to KSA labour laws but soon found out that I was underpaid. The work was hectic, in harsh environment and the behaviour of management staff at construction sites was inhumane. The company used to get signature from us on blank white papers and Arabic papers during time of joining and before every leave. Workers could go on leave only if we provided a colleague as assurance for return or only after depositing the ticket and Iqama processing fee. Majority workers wanted to leave the company due to low wages and this was how NSH made sure we returned. If unreturned the money will be deducted from colleague’s salary.

Most of us worked so far only with the hope that we will get a good amount as end of service benefits during retirement, but that hope was also gone when the company sent us home in a hurry from the month of June 2020. We were told that there is less work and that we will have to go back home on chartered flights. We were informed about flight on short notice and management staff said we will get tickets only if we sign all papers they gave without question. It was verbally conveyed during that time that service benefits will be credited to our Indian account within a month, but no money came. Upon multiple attempts to contact NSH, we came to know from HR manager that the employees terminated during pandemic will not be given service benefits.”
Countries of Origin

<table>
<thead>
<tr>
<th>Country of Origin</th>
<th>No. of cases registered&lt;sup&gt;20&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nepal</td>
<td>372</td>
</tr>
<tr>
<td>India</td>
<td>146</td>
</tr>
<tr>
<td>Philippines</td>
<td>73</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>67</td>
</tr>
<tr>
<td>Indonesia</td>
<td>44</td>
</tr>
<tr>
<td>Pakistan</td>
<td>2</td>
</tr>
</tbody>
</table>

<sup>20</sup> Excluding group cases that were registered under one name.
The below pie-charts are representations of the distribution of cases (values and percentage) from countries of origin as per countries of destination.  

Figure 5, 6, 7 and 8: Distribution of cases (values and percentage) from the top countries of destination for countries of origin in South and South East Asia.

KSA – Kingdom of Saudi Arabia, BAH – Bahrain, QAT - Qatar, KUW - Kuwait, UAE – United Arab Emirates, JOR – Jordan, MAL - Malaysia, OMA – Oman, CHI – China, SIN – Singapore, ROK – South Korea
For Nepal, India and the Philippines, the maximum number of wage theft cases were registered for Saudi Arabia (between 39-59% of their total cases).

For Nepal, the second-highest number of cases were registered for Bahrain and then Qatar whereas India registered a significant proportion of cases from Kuwait after KSA.

For migrants from South-East Asia, Malaysia emerged as a major destination country where wage theft occurs – 32% of cases from the Philippines and 23% of cases from Indonesia. Nepal too registered 14 cases of wage theft from Malaysia.

It is to be noted that a majority of cases for both Nepal and India were group cases of wage theft committed by medium to large firms involved in construction, hospitality, manufacturing, and transportation.
CSO Member and Partner Casework Accounts:

- **YS** (in a group of 17) went to Qatar for working as admin officers in Qatar Space Technology. They did not receive their salary for nine months.

- **Group of 20** (Nepal) went to Saudi Arabia in January 2020. They all went through Fazal Int. Pvt. Ltd to work with Sharq Transport Est. in driving. After they reached Saudi Arabia, the company did not provide them with a driving license. They were given old vehicles, which broke down often on the road. They were caught and beaten up by police and locals during such incidents. Before lockdown, they were paid SAR 200 as petrol charge but after the lockdown, it only provided SAR 90, which is not enough. Their contract had SAR 1800 for 8 hours duty however, they were only receiving SAR 1300 and also for 12 hours duty. They further face language barriers at the workplace. Their families complained to the recruitment agency but to no response.

- **AH** (Bangladesh) went to Oman 6 years ago. There he started working at a hotel. Before Covid-19 crisis, he had 6 months’ salary due to be paid. As his hotel remained closed due to COVID-19, he has not been paid from Sept 2019 till present. He contacted the Bangladesh Embassy regarding the matter, they suggested him to file a complaint to Oman’s labour court without providing legal support or counsel. He contacted the CSO member as a last resort.

- **RM** (Philippines) worked as an on-call cleaner in Riyadh, Saudi Arabia for almost two years. Her work involves cleaning of business establishments each day for 8 hours. Her contract was cut short due to her health condition which she felt lacks sufficient evidence to prove that she has an infectious disease. She said that last May 6, she underwent a biopsy for a lump she found in her neck. The test revealed that she has tuberculosis. Her employer isolated her for 3 weeks. She said that she borrowed money from her co-workers because some of the laboratory works that she went through were not covered by the insurance. It became difficult due to COVID-19 lockdown that greatly affected the employer and in the succeeding months, they were paid half of their salary and sometimes only the food allowance was given to them. She returned to the Philippines last July 31. Her agency paid her plane ticket only until Manila and through the help of OWWA she was able to travel back to Mindanao where she lives.

Rea receives her salary through ATM with no pay slips. Her contract says that she should receive the salary declared on her contract is 1,300 + 200 for food allowance. Her unpaid salaries are as follows: • March – Her employer paid her 850 because the pandemic started to affect the business (balance: 650 SAR) • April – Part-time work and no work, no pay policy commenced implementation. She only received 980 (balance:520 SAR) • May to July – When she checked her ATM card, she only received 300 SAR (balance: 4200 SAR) • Aug 2020 to February 2021 – Remainder of the contract = 10,500 SAR. TOTAL : 15,870 SAR
Gender-wise Distribution

> When distributing the data as per gender, Nepal also filed the most cases with female migrant workers at 42. Indonesia has a higher proportion of females among their cases.

> The most common occupation among female migrant workers that faced wage theft include domestic workers (25) followed by employees of sanitation/cleaning services (20) and ‘other’ categories including beauty workers at salons and spas (12).

> Cases of wage theft from Nepal included group cases of sanitation/cleaning staff (19), beauty workers (12) as well as hospitality workers. Majority of cases from Indonesia include domestic workers (9 out of the 12).

> There are 25 cases of domestic workers including 9 from Indonesia, 6 from Bangladesh (forming all the cases of female workers from Bangladesh), 7 from Philippines, 2 from India and 1 from Nepal.

> Primary situations that domestic workers faced during the pandemic (with limited mobility and lack of support services) include ● non-payment or deduction of wages ● performing duties of more than one house ● performing duties beyond one’s job description ● lack of food and personal room ● lack of privacy and ● confiscation of personal belongings. Returnees also detail conditions of explicit mental trauma, physical abuse, and sexual harassment, with one worker returning home pregnant due to sexual assault by her employer and requiring psychosocial counselling.

![Gender-wise Distribution Graph](image_url)

Figure 9: Distribution of cases by gender among major countries of origin
There are a total of 545 cases involving documented workers and 159 cases involving undocumented workers (roughly 30%).

We observe that Bangladesh has the highest proportion of documented workers among the countries of origin, followed by India and Philippines. Indonesia was found to have the highest proportion of undocumented workers (34%), followed by Nepal (24.7%).

This indicates that forms of wage theft were experienced by a significant population of documented workers despite comparatively better access to services and facilities as compared to undocumented workers.

Undocumented workers include returnees that came back through amnesties (such as in Kuwait) and repatriation efforts of countries of origin after loss of jobs and for others, their status remains unclear due to confiscation of documents by employers. Employers were also found to cancel or refuse to renew workers visas during the lockdown, rendering them undocumented till their repatriation.
Sectors of Work

We observe that a majority of cases (45% of the total cases) registered are from the construction industry. This accounts for 165 from Nepal, 118 from India, and others from Philippines (16), Bangladesh (10) and Indonesia (6) respectively. 173 of 316 cases have been reported from Saudi Arabia, 52 cases from Kuwait and 35 cases from Qatar. The rest have been reported from Bahrain (32), UAE (11) and Malaysia (6).

There are a total of 108 cases from workers in the F&B/hospitality industry (15%) affected by the lockdown and closure of businesses. The highest number of cases in the hospitality industry are from Nepal (55) and Philippines (23) – reported primarily from Saudi Arabia (33), Bahrain (24) and Qatar (10).

67 cases from manufacturing sector (10%) reported from Nepal (29), Philippines (23) and Bangladesh (8). Malaysia accounts for 37 of the total number of cases from the manufacturing sector – this includes the group case of the global manufacturing company in Malaysia (find under Preliminary Findings) as well as workers from palm oil mills. Bahrain (15) and Saudi Arabia (9) also report cases from manufacturing sector; all cases from Bahrain and Saudi Arabia are part of group cases from one glass-making firm and one cement factory, respectively.
There have also been 61 cases reported from ‘other’ sectors, 52 cases from transport workers, 31 cases from domestic workers, 29 from sanitation workers, 20 from workers in the fishing industry.

- The sector categorised as “other” involves workers in the gig economy (such as food delivery), beauty workers (hairdressers and salon workers), salespersons in small-scale grocery stores as well as unskilled labourers who are contractually employed etc.

- The cases reported in the other category are typically group cases by returnees registered after the closure of companies, wherein each person has a different job description but working under the same employer. It also involves unemployed/unskilled returnees reporting wage theft and workers who were unemployed at the COD due to irregularity and unscrupulous recruitment practices such as contract substitution (hence leaving the workplace as soon as joining, etc.).

- Workers from the transport industry that report wage theft include group cases of workers in transportation and logistics companies as well as private taxi drivers, some of whom turned undocumented as employers refused to renew their visa/license/residence permits.

- Sanitation workers include workers who worked contractually in cleaning services and sanitation services, many of whom report working overtime without pay and not being paid for months while being an ‘essential’ worker.

- Other occupations that faced wage theft include Retail (8), Office workers such as administrative assistants, etc. (7), Tradespersons (6) and Medical (2). Retail workers include salespersons, cashiers, warehouse assistants at hypermarkets and retail stores. Tradespersons include skilled workers in contractual work such as masons, plumbers, carpenters.

A major point of note is that workers across all sectors report that existing systems of wage protection at countries of destination (such as policies to ensure the employer only deposits the salary in the worker’s bank account and subsequent monitoring of the amount as consistent with the contract signed, etc.) have been insufficient in ensuring workers rights are protected. The loopholes that employers are said to exploit in the cases reported on the JWT-Uwazi platform include:

- Confiscating the ATM card for ‘safekeeping’ (particularly for domestic workers).
- Using the worker’s card and paying wages in cash after making illegal wage cuts.
- Forcing workers to sign an agreement stating that they have received all dues and claims OR withdrawal of claim to pending wages.
- Threatening retaliatory action in case worker requests or questions their right to wages.
- Forcing worker to withdraw from the designated bank account and pay back recruitment fees before their repatriation.
 Declare them absconding, rendering them undocumented or cancelling the visa without the worker serving a notice period.

**Countries of Origin**

<table>
<thead>
<tr>
<th>Sector</th>
<th>Nepal</th>
<th>India</th>
<th>Philippines</th>
<th>Bangladesh</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>44.3</td>
<td>80.8</td>
<td>21.9</td>
<td>14.9</td>
</tr>
<tr>
<td>Hospitality</td>
<td>14.7</td>
<td>4.1</td>
<td>31.5</td>
<td>32.8</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>7.7</td>
<td>2.0</td>
<td>31.5</td>
<td>11.9</td>
</tr>
<tr>
<td>Other</td>
<td>13.7</td>
<td>2.7</td>
<td>-</td>
<td>8.9</td>
</tr>
<tr>
<td>Transportation</td>
<td>10.2</td>
<td>4.7</td>
<td>-</td>
<td>8.9</td>
</tr>
</tbody>
</table>

*Figure 12: Percentage of cases in the top 5 sectors of work as proportion of total cases in COO*

> We observe that the proportion of cases registered within each sector does not correspond with country-wise proportions of cases in each industry. For instance, although majority of cases are registered under the construction industry (316 out of 722 cases), we find that it forms the largest proportion of cases for **India** (80.8% of casework from India) and **Nepal** (44.3% of total casework from Nepal) alone.

> Nepal also forms a large proportion of cases from sanitation/cleaning workers at 22 out of 29 cases.

> For the **Philippines**, hospitality, and manufacturing sectors both account for 31.5% of total casework. This would also include the group case against the global manufacturing company in Malaysia.

> For **Bangladesh**, the largest proportion of their cases were from hospitality (22 on 67 cases) and construction (10 on 67 cases).

> Cases registered by **Indonesia** partners are significant in that they form all 20 cases registered against the fishing industry. The fishing industry also forms the largest proportion of Indonesian cases (20 out of 44 cases). The second largest group of workers registered by Indonesia are domestic workers (11 out of 31 cases of domestic workers).
We observe that the sanitation industry has the highest proportion of undocumented workers among cases registered in the JWT-Uwazi system (55%), followed by transportation (38%) and fishing (9 out of 20 cases).

- Sanitation workers reported being made to do extra duties such as domestic work for their employers (beyond their cleaning duties for the company), facing contract substitution and forged documentation, not allowed to leave despite visa expiry (beyond 2 years), among other forms of abuse such as non-payment of wages, forced signature upon documents (the contents of which they are not aware).
- 12 out of 16 cases of sanitation workers include a group case from Nepal where the victims reported the above conditions. They were deployed to the UAE in the name of cleaning services by the employer to bypass the Tadbeer system of recruiting domestic workers.

Around 20% of workers in construction and hospitality were found to be undocumented.

When comparing with documentation status per industries at each COD, we see that:

- out of the 67 cases of wage theft experienced by undocumented workers in the construction industry, 39 of them occur at Saudi Arabia with the remaining cases occurring at Kuwait (15) and Qatar (10).
14 out of the 24 cases of wage theft among undocumented workers in the hospitality industry occur in Bahrain. 5 out of 9 cases in the domestic sector occur at Saudi Arabia.

The 9 cases of wage theft of undocumented workers in the fishing industry are found at South Korea, Indonesia, Singapore, Peru and Uruguay.

Highlighted issues

Through the casework registered, we observe some common gaps in implementation of migration governance and policies. Apart from issues of data collection clearly affecting evidence-based policymaking as mentioned in Challenges in data collection of wage theft, we also observe conditions surrounding wage theft which exacerbated migrant worker vulnerabilities, including:

- That crisis management policies and protocol for migrant workers were insufficiently followed or seen to be followed during the initial phases of the pandemic.
- That recent policy initiatives by countries of destination, that are progressive and aim to ensure the rights of migrant workers are respected, require further monitoring and accountability measures.
- That communication channels between migrant workers and state authorities essentially became one-way and workers relied upon diaspora organisations, faith-based organisations, trade unions and CSOs to convey their situation. For instance, while being repatriated, few workers could effectively communicate their case (of wage theft, documentation, and any other forms of abuse) to their Missions nor Labour Ministries.
- That wage theft and its related situations affected all groups of workers - professional, high-skilled and low-skilled workers, although the latter were far more vulnerable. All groups reported situations of non-payment of wages, wage cuts, employers seeking forced signatures to waive off their dues, compensations, and in some cases, retirement benefits, among others. For workers dependent upon their employer for food and accommodation, they were detrimentally affected further as employers withdrew such services or allowed workers to stay for a few months before laying them off and forcibly repatriating them.
- That the lack of access to justice mechanisms for migrant workers was further revealed during the crisis. The lack of local support as well as legal counsel from Missions, communication gaps with employers and justice mechanisms and the costs involved (since large amounts of workers faced wage theft and related situations at the same time) were seen as major cracks in the migrant protection mechanisms established by both countries of origin and destination.
- That anti-migrant rhetoric and hate speech increased during the crises, affecting migrant workers lives and access to services at countries of destination.

Possible recommendations on the way forward include for states to:

- Acknowledge and observe the lacunae in policy that feeds into the precarity of status of the migrant and the power imbalance between employer and migrant worker. – particularly with respect to wage protection systems, law/policy related to documentation of workers, communication channels between employer and Missions and return and reintegration of migrant workers.

- Establish and improving accountability mechanisms upon employers through common platforms or communication pathways. During the crisis, civil society observed that it was not only small to medium private enterprises or singular employers that put workers in
abusive situations, big corporations and well-known companies were found to be indulging in unscrupulous practices and cutting corners in their own employment policy. Civil society also report that filing complaints in the wage protection system for workers in small enterprises and domestic workers is difficult and plagued by lack of access.

- Improve monitoring within recruitment systems. For instance, despite the efficiency of Tadbeer as a recruitment pathway for domestic workers in the UAE, casework demonstrates that employers are able to bypass the system, rendering female migrant workers (in particular) in a vulnerable position. Another major issue that was highlighted within the casework is that recruitment fees were a major part of migrant workers requesting their dues and compensation – to repay their recruitment agent, particularly in the case of migrant workers that have migrated for a year or less. Currently, only the Philippines has a provision of joint and several liability between the local recruiter and foreign employer (which allows them to collect money claims and other claims from the COD). However, during the crisis, employers could claim force majeure (that the crisis was unexpected) and not be liable to pay, affecting the repatriated worker in the Philippines to obtain their unpaid wages.

- Ensure that data collection and case documentation are taken seriously to enable evidence-based policymaking. CSO’s recall that despite being the only source of actual data from the grassroot level for state authorities, they faced xenophobic rhetoric and in some cases attacks from nationals for portraying a negative image – while their intention was only to bring attention to migrant workers, that were essential to society but facing serious issues further exacerbated by the pandemic. Ensuring updated, transparent and accountable data enable public policymaking that serves all sections of society and can tackle unverifiable rhetoric and hate speech.

- Establish and expand current systems of social protection for migrant workers regardless of their documentation status and sector of work. The crisis made clear that when a section of society is vulnerable, all of society is vulnerable – particularly with respect to access to health. Both countries of destination and origin are yet to recognise that the migrant worker’s life is not only based upon their earnings; and that wage theft does not only include wage cuts and the like but also the non-recognition of the sweat, efforts, resources and sacrifices that migrants expend for their work and migration journey. Hence the state is also responsible to ensure that the essential dimensions of a human’s life such as access to health services, food, accommodation, and protection from lack of work-related income, are integral parts of a contributing, essential, migrant workforce. Social protection allows this contributing, essential migrant workforce to not fall into poverty despite facing crises that may deprive them of their income.
State Responses

In the JWT campaign, the 4th Appeal issued by the coalition commended actions of states that addressed actions by members and partners as well as those that initiated progressive action and reform. These include events such as:

- **The mobile court of Abu Dhabi has recently delivered 261 million Dirhams worth of unpaid wages to the doorstep of 26,000 workers in Abu Dhabi for grievances filed from January to June of 2020.**
- **The government of Singapore has set up a multi-ministry task force which includes the Manpower Ministry (MOM), to assure that in situations where migrant workers are not being paid their salaries, the Singaporean government must be alerted and informed so that they can approach employers to take up the matter as part of its commitment to ensure that employers exercise their due diligence in paying their workers.**
- **The Philippines has extended legal advice and assistance related to salary claims for displaced Overseas Filipino Workers (OFWs) in countries of destination whose contracts were terminated due to the pandemic;**
- **In response to Public Interest litigation (PIL), the Hon’ble High Court of Kerala drew attention to all national mechanisms that could address the issue of wage theft and called for their full utilization.**
- **Qatar has announced pioneering labour reforms including a minimum wage which when implemented will go a long way in ensuring the progress toward a decent work agenda. Qatar has also introduced a number of improvements to its Wage Protection System making it better at detecting additional violations such as wage deductions and contract violations as well as taking action against companies and employers violating the law.**
- **In Kuwait, the Public Authority of Manpower activated its website to register through an online portal complaint related to wage theft, passport confiscation and other labor matters of migrant workers and book appointments to follow-up with the assigned department.**
- **In July 2020, following an inquiry into wage theft in Queensland, Australia, the Queensland government introduced the Criminal Code and Other Legislation (Wage Theft) Amendment Bill 2020 (Bill) to combat wage theft.**

The pandemic has changed the labour migration scenario in significant ways and states have been coerced into making immediate changes to accommodate labour market forces and economic forecasts while balancing national interests. Recent studies have already shown the effect of the migrant worker exodus and travel restrictions upon the labour market – for instance, a study by recruitment firm Gulf Talent revealed that due to salary slumps, several workers have shifted professions in the GCC. The study was based on 350,000 interview offers from workplaces that were hiring, and over six million job
applications submitted by those seeking employment. The employers were based in all the GCC countries, but concentrated in Saudi Arabia, the United Arab Emirates and Qatar. According to the study, job interviews for health care workers went up by almost 20%, while interviews in fields involved in internet retail grew a little over 10%. Apart from the foreign workers that left, those that stayed were forced to change occupations and develop new skills. Those who switched fields tend to be from the industries where the job market has contracted.\textsuperscript{22}

Meanwhile, countries of origin are yet to decisively promote and create reintegration initiatives, preferring to allow migration to continue as a development strategy – particularly in such desperate times. The powerplay between countries of origin and destination is still evident – COOs are unable or unwilling to hold CODs accountable for the thousands of migrant workers who were arbitrarily laid off, were not paid their wages nor compensation and/or were arbitrarily detained during the pandemic. Despite wide recognition and public outcry over the treatment of migrant workers during the pandemic, state actors of COO have behaved nonchalantly refusing to take accountability for the perceived “dispensability” of the migrant worker and not actively looking to improve migration experiences or build returnee confidence. For example, as recent as October, the Nepal government signed a G2G agreement with Israel for Nepali nurses to work at Israel’s hospitals, nursing homes, etc. and others in agriculture, hospitality and construction sectors later. This goes against Nepal government’s own policy of securing zero cost jobs for Nepali migrant workers and implementing Employers Pay Model within its labour agreements. The government argues that this G2G agreement is based upon a similar agreement with the South Korean EPS system. However, not only does Israel not have a system like EPS supporting the agreement from their side, Nepal’s other labour agreements with 8 other countries based upon the “business-to-business” model is brought to question.\textsuperscript{23}

Below are the other changes observed with COD and COOs with respect to wage theft and labour reform:

**Saudi Arabia (KSA)**

In November, the Ministry of Human Resources and Social Development (MHRSD) made crucial labour reforms to be implemented from March 2021. These announcements outlined eight conditions that make an expatriate worker eligible to benefit from the job mobility service without the consent of his employer. The ministry also stated that the


transfer service does not incur any additional fees other than existing ones and that it will not affect the status of issued visas. The changes are as below:

I. Job Mobility
   a) Five conditions for the eligibility of an worker to benefit from the job mobility service
      ▪ An expatriate professional who is subject to the Kingdom’s Labor Law
      ▪ Completion of one year of service with the current employer after first entry in the Kingdom
      ▪ Employee would have a documented work contract.
      ▪ Job offer submitted by the new employer through the ministry’s Qiwa portal
      ▪ A notification to the current employer for the transfer of service request, with stating a notice period.
   b) Four conditions for new employer to make a request for worker’s transfer
      ▪ The employer’s firm eligible to obtain visas according to the rules and regulations
      ▪ Compliance with the Wage Protection Program regulations
      ▪ Compliance with regulations of the labor contract documentation and digitization program
      ▪ Compliance with the self-evaluation program.
   c) Eight conditions for workers to change jobs without employer’s consent
      ▪ Absence of a documented work contract with the current employer within three months after worker’s entry into the Kingdom
      ▪ Failure of the employer to pay the worker’s wages for three consecutive months
      ▪ Absence of the employer because of travel, imprisonment, death or any other reasons
      ▪ Expiry of worker’s work permit or residency permit (iqama)
      ▪ Worker’s lodging of complaint about involvement of employer in commercial cover-up (tasattur) provided that the worker is not involved in tasattur.
      ▪ Worker has proof that employer is involved in trafficking in persons.
      ▪ Labor dispute between worker and current employer, and the employer or his representative failed to attend two sessions of litigation despite being notified of the hearing dates or not attending two sessions for amicable settlement of disputes
      ▪ Current employer’s nod to the worker’s transfer.  

II. Exit and re-entry permit
Under the scheme, foreign national employees will be permitted to directly request their exit and re-entry permits in and out of the Kingdom whilst employed, without requiring the assistance of their employer.
In order to be eligible, the employee must:
1. have in place an attested employment contract;
2. have a valid residency visa;
3. have no unpaid governmental fees or violations;

4. pay a service charge for the service; and
5. confirm through the portal his / her agreement to measures which may be taken by the employer in the event the employee fails to return.
6. The employer will be notified electronically of the employee’s departure. This service is available through the Absher platform.  

III. Salary Deposits

The Ministry of Human Resources and Social Development has allowed small and medium enterprises (SMEs) to deposit salaries of their workers in e-wallets instead of bank accounts. SMEs need to register in the ministry-approved Madad platform and deposit salaries of those not registered in the wage protection program and those that do not have their own personal current bank accounts - depositing salaries with Madad will be considered sufficient proof of salaries being paid. The value of salary transfer through the platform is SR3. The ministry indicated that starting December 2020 the establishments with one to four workers have to deposit salaries in workers’ bank accounts by registering in the Wage Protection Program.

The Madad platform performs multiple roles including proactively detecting violations of the Wage Protection System (WPS), following up on the status of salaries, and exploring the possibility of paying salaries more than once in a month. The fee for registration and utilization of the platform services amount to SR460 per year for small establishments with nine workers or less.  

Qatar

In October, the Qatar government emphasised in a statement that its Wage Protection System obliges employers to pay all outstanding dues to employees who have left and are unable to return during the pandemic. Workers who have left the country can submit and follow up complaints electronically on the labour ministry’s website, adding the ministry had resolved 91 per cent of complaints lodged between March and August. As per the WPS, companies that violate stipulations face penalties including one-month imprisonment, up to QAR 6,000($1,648) in fines, and a ban on issuing new work permits. These penalties were increased in November to fines of up to QAR 10,000 and up to a year in jail. 

However, a recent report by Equidem found that there were several lapses in migrant labour initiatives. As per the report, there was widespread failure to comply with respect to government policies such as making it mandatory for companies to continue to pay workers in quarantine or government-imposed isolation and set up a ~3 bn QAR loan

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scheme to help companies do so. Moreover, the government later permitted companies that had stopped operating due to COVID-19 restrictions, to put workers on unpaid leave or terminate their contracts as long as they complied with requirements of the labour law, including giving a notice period and paying outstanding benefits.

Employers are also supposed to provide food and housing free of charge until the workers’ repatriation procedures are secured at the employers’ expense. Employers should reach agreements with staff on taking unpaid leave, annual leave or on reduced hours and even then, employers must continue to make available food and/or housing (or relevant allowances) free of charge to workers where these were previously provided. Nonetheless, the report revealed how thousands of workers have been dismissed without notice, put on reduced wages or unpaid leave, denied outstanding salary and end of service payments, or forced to pay for their own flights home. Moreover, few workers are able to negotiate leaves with employers about whether to take unpaid leave.  

UAE

In 2009, the UAE introduced the Wages Protection System (WPS), a mechanism that ensures that those working in companies in the UAE are paid fully and on time by recording wage payments in the private sector to guarantee the payment of agreed-upon wages. In case a number of employees do not have a bank account, and setting one up would be a costly exercise, companies can tie up with money exchanges in the UAE, which provide cost-effective WPS-compliant payroll solutions. The exchanges allow employers to transfer funds for salary disbursal to the exchange. The exchange also provides WPS cards to employees, which they can then use to access their salary. This can be done at any of the registered exchange houses or through WPS machines set up in different locations, the details of which are provided to employees.

- Failing to abide by the requirements of MOHRE’s WPS can have serious repercussions for companies in the UAE. According to Ministerial Resolution No. 15 of 2017, these fines apply for actions involving fraudulent use of the WPS:
- Entry of incorrect data in the WPS for the purposes of evasion or circumvention – Dh5,000 for each worker and a maximum limit of Dh50,000 in case of multiple workers
- Failure to pay on due dates through the WPS – Dh1,000 per employee.
- Forcing employees to sign fake pay slips showing that they received their salaries – Dh5,000 per employee.

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Late payment of salaries and non-payment:
According to MOHRE’s regulations, the employer is considered as late in paying wages if the wage is not paid to the employee within 10 days from the due date, which is the next day of the end of the salary period. The employer is considered as refusing to pay wages if the wage is not paid to the employee within one month of the due date. Penalties include:

- On companies employing over 100 workers (not paying wages within a period not exceeding 10 days):
  - They will not be issued work permits starting from the 16th day from the date of delay.
  - Such companies delaying wages a month from the due date will be referred to judicial authorities for punitive measures.
  - Action would be taken against all companies owned by the same owner.
  - The owner/s will not be able to register any new company.
  - Employees’ bank guarantees will be liquidated.
  - The company will be downgraded to the third category.
  - Workers will be allowed to move to other companies.

- In case a company employing over 100 workers delays wages over 60 days, a fine of Dh5,000 per worker whose wage is delayed will be levied with a maximum fine of Dh50,000 in cases of multiple workers’ delayed wages.

7. On companies employing less than 100 workers:
If a company employing less than 100 workers fails to pay the salary within 60 days from due date, penalties will include work permits ban, fines, referral to court. If the company commits such violations more than once in one year, MOHRE will apply penalties stated for companies that employ over 100 workers.  

Malaysia

Malaysia makes 65% of the world’s rubber gloves, and demand has surged 45% since the novel coronavirus outbreak. However, during the pandemic, there have been several reports of forced labour and non-payment of wages. In July the US Customs and Border Protection (CBP) banned imports of gloves from two subsidiaries of Malaysia-based Top Glove, the world’s largest glove producer, accusing it of using forced migrant labour. Top Glove agreed to refund $12 million in recruitment fees that foreigners had to pay recruiters to get them the jobs at the glove factories. They further have made remediation payments in addition to upgrading worker accommodation. Hartalega, the second largest glove manufacturer in Malaysia, has also committed to reimburse almost $10 million in recruitment fees to its workers.  

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Thailand

Migrant workers in Thailand, mostly from Myanmar in garment industries were found to be severely affected by factory closures during COVID-19. Before the Covid-19 crisis, more than 20,000 workers moved across the border to Thailand every day. But after COVID restrictions were put in place such as border closures, migrant workers came back home as Thai factories were shut down and, in this process, they lost their social security benefit and other compensations in Thailand.31

After declaring Emergency Decree on March 23, Thai government announced social security benefits for all workers who were affected - both Thais and foreigners. Normally, unemployment covers half of a migrant worker’s wages for up to six months if they are laid off and 30% of their wages for up to three months if they quit. But new emergency measures mean that if a company shuts down because of the Covid-19 pandemic, migrant workers are entitled to 62% of their wages for up to 90 days.32 But the qualifications required to receive the aid - including a Thai bank account and at least six months of contributing to the government fund - have resulted in migrant worker exclusion. Those who did receive benefits, received far less than their Thai counterparts or only as a single payment.33

A group of garment workers in Thailand who were illegally underpaid while making products for global brands including Starbucks and Walt Disney Co. took legal action with the aid of civil society to demand compensation after losing their jobs in 2019. A Thomson Reuters Foundation investigation in September 2019 found dozens of migrants working at several factories in the western region of Mae Sot were paid less than the daily minimum wage of 310 Thai baht ($10.15). Owners of one of the factories were ordered last year to pay 18 million baht in compensation to 600-odd workers. The owner of the other factory, Kanlayanee Ruengrit, has not yet paid 3.48 million baht to 26 workers who lost their jobs when she closed her business following the raid. The 26 workers are yet to receive any money and are part of a civil lawsuit filed last month on their behalf by the Human Rights and Development Foundation (HRDF), asking a local labor court to enforce the compensation order against Kanlayanee.34

Singapore

The Ministry of Manpower reported in November that between March and September this year, about 250,000 workers have had their wages cut. As per the report, since MOM required companies with 10 or more employees to notify the ministry if they are going ahead with wage cut measures in March, it has received 7,300 notifications from about 5,000 companies. While the Tripartite Alliance for Fair and Progressive Employment Practices (Tafep) worked with 900 of these companies to revise their planned wage cut measures, MOM said that close to 330 of the employers agreed to review, while the rest could justify the need for those cuts for business survival.

The report noted that the most common claim items were basic salary and overtime. While claims for the construction industry were the most, the MOM noted that the issue is the “nature of the construction industry” where employers do not keep proper records or issue itemised payslips. Surprisingly out of the 1431 complaints that were made for dismissal without just cause or excuse, the MOM found 842 were “unsubstantiated”. MOM stated that there is “no evidence that employers have terminated their workers unfairly to deny them retrenchment benefits despite the increase in dismissal complaints”. Furthermore, despite 580 complaints being filed in relation to wage cuts and 80 claims for retrenchment benefits, the MOM noted that the “vast majority of complaints were resolved amicably because they arose due to poor communication” and that “more than 60 per cent of employers had provided fair and reasonable retrenchment benefits” while other employers were assessed to have genuine financial issues. 35

India

More than 286 labourers who were fired by the Nasser S Al Hajri Corporation in KSA before being flown home on chartered flights in July have filed a rare complaint to the Indian government over unpaid earnings. This is believed to be the biggest collective case of its kind in India. The issue of repatriated workers not getting benefits came to light when Lawyers Beyond Borders (LBB) filed a writ petition in the Kerala High Court earlier this year. As documentation continues, more workers have come forward and now the number of cases of wage theft from the company is estimated at 498. Supported by CIMS Kerala and Lawyers Beyond Borders, 65 of the cases have been documented on the Justice for Wage Theft website. (See Preliminary Findings for Worker’s Account)

All of the workers had been at the firm for at least five years (some over a decade) and were entitled to a "substantial amount" in outstanding end-of-contract benefits. Most workers confirmed that they had been asked to sign blank papers or documents that they did not understand in order to get their passports and tickets. The Indian embassy in Riyadh stated the workers' complaint had been taken up with the company and Saudi officials. After LBB India’s complaint, the employer (NSH Corporation) contacted certain

number of victims and requested for their details (such as their bank account and employee code). It was also noted by LBB India that the employer also paid partial amounts of end-of-service benefits to a few victims from the list prepared by LBB India.

Nepal

After Nepal started repatriating workers, reports claim that over 111,549 Nepalis have returned from 59 countries, with UAE (31,957), Qatar (18,941), Saudi (16,637), Malaysia (15,910) and Kuwait (9,773) topping the list. There is little information on how many of them did not receive salaries and benefits. As per Nepali Times, forty-three returnees from the UAE came to Kathmandu from all parts of Nepal to file a complaint with the government’s Department of Foreign Employment. Each worker had paid above Rs250,000 to get a job as a driver, which was supposed to pay a basic monthly salary of Rs95,000 each.

The Nepal government has in place provisions to help victims of migration get compensated - the Department of Foreign Employment handles these cases, and there is also a dedicated Foreign Employment Tribunal (FET). Hefty security deposits required of recruiters are used to compensate victims, who are subject to joint liability with foreign employers. Nepali missions also blacklist employers who are engaged in malpractices including wage theft, and bar them from future hires.  

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Bangladesh

In Bangladesh, returning migrants have on an average lost about 175,000 taka ($2,000), according to a study by the Refugee and Migratory Movements Research Unit.37

In November the Wage Earners Welfare Board (WEWB) under the Expatriates’ Welfare and Overseas Employment Ministry stated that at least 17,182 women migrant workers have returned to Bangladesh between 1 April and 3 October. According to a RMMRU study conducted on the basis of interviewing 50 male migrants who returned from Saudi Arabia, United Arab Emirates, Qatar and Malaysia because of the pandemic, those who returned from Saudi Arabia, UAE and Qatar alleged that they had unpaid dues ranging from BDT 9,500 (USD 112) to BDT 5 lakh (USD 5,890). Some 39 out of the 50 respondents said they were picked up by police during the pandemic and later repatriated. EWOE ministry officials observed that it would be difficult for the government to realise the unpaid dues of the migrant workers who were employed in the informal sector.

Furthermore, according to a study released by IOM in August, 70 per cent of returnee migrants to Bangladesh struggle to find employment. A total of 29 per cent of respondents of the study indicated that they had returned to Bangladesh because they were asked to leave the country they were in and a total of 55 per cent of the respondents who had returned from abroad had accumulated unpaid debt. 38

Salient Recommendations of the Appeals

#1 – Call for an Urgent Justice Mechanism for Repatriated MWs

To urgently put in place a transitional justice mechanism with the following objectives:

1. The transitional justice mechanism will address grievances, claims and labour disputes of repatriated workers who have lost their jobs as a result of the pandemic. That the mechanism needs to be expedited, accessible, affordable, and efficient.

2. All repatriated workers with legitimate claims are able to access justice and some kind of compensation.

3. Safeguards must be put in place to ensure that migrants are able to pursue their cases post return. Access to legal advice and support, facilitating power of attorney procedures, and easing requirements for in-person testimony and court appearance or appearance in front of a tribunal/grievance mechanism are paramount.

4. States should require employers and businesses to keep all employment records, including payroll, employee lists, and hours worked and allow workers to take copies of their records with them.

#2 - Urgent Justice Mechanism for Repatriated Migrant Workers Now

1- Establish an International Claims Commission:

1. An International Claims Commission must be set up as a specialized international quasi-legal body of expedited justice to adjudicate on claims of migrant workers on an expedited basis in cases related to wage theft and other outstanding claims and to provide equitable remedies.

2. The International Claims Commission could be administered jointly by ILO and IOM, together with other relevant stakeholders. Given its quasi-legal nature, the composition of the Claims Commission could draw on seconded judges, independent lawyers, legal and migration experts, etc.

3. Creating operational national-level sub-commissions will help streamline the submission and verification of claims.

4. Procedures for filing claims should be affordable, simplified, publicized and made available in different languages. Based on a review of available evidence, claims sub-commissions should be able to make authoritative determinations as to whether rights violations did occur and determine appropriate compensation to be dispensed by the compensation fund. Decisions by the claims sub-commissions should be binding and expedited.

5. Types of Admissible Claims include:
a. Non-payment of wages for work prior to the onset of the pandemic, for which it became impossible to pursue claims due to pandemic-related lockdowns, repatriations, etc.
b. Non-payment of wages or reductions in wage payments for work as the pandemic and associated economic effects started taking hold
c. Non-payment of other contractually owed benefits (allowances, end-of-service benefits, housing benefits, leave benefits, unpaid overtime, medical costs, costs of travel to country of origin, etc.)
d. Loss of expected wages due to layoff, reduction in hours, or reduction in hourly wage
e. Non-payment of wages for work required in excess of what is contractually agreed

2- The Compensation Fund:

1. A Compensation Fund set up at the global and national level should accompany the work of the Claims Commission and act as its executive branch, dispensing appropriate compensation in cases determined as wage theft.
2. Funds must be set up at the national level, and contributions to them could be ensured by the government, private contributions, business, and philanthropic foundations. Funds advanced by the government could be later recouped from employers and businesses who were involved in wage-theft.
3. A global solidarity fund also needs to be established for those workers whose cases have been determined as a genuine wage theft but are unable to access compensation from national funds.

3- Reforming National Justice Systems:

1. National and global claims commissions and compensation funds are no substitutes to fair and functioning justice systems at the national level. Availing remedies under the transitional justice mechanism is not exclusive, and without prejudice to the availing of more favourable legal remedies available under the existing national justice systems.
2. Challenges in accessing justice for wage theft at the national level cuts across various areas include access to courts and police stations, documentation and proof of violations, cost and duration of litigation, language barriers, status dependency on employers, requirements for in person testimony are among the chief challenges to justice in the context of migration. States must rebuild migrant-centred justice systems at the national level, that recognize the vulnerabilities and barriers in accessing justice for migrant workers, and ensuring employer accountability in order to respond to the influx of cases exacerbated by the pandemic. We urge governments to urgently take action now to reform national justice systems.
3. Measures at the national level include setting up expedited labor courts, waving court fees, putting in place wage protection systems, operating worker hotlines in
different languages, ramping up documentation in cooperation with missions, facilitating power of attorney procedures, allowing for remote testimony post repatriation, providing legal aid, and encouraging workers to come forward to register their labor grievances.

4. Allowing migrant workers full freedom of association and collective bargaining rights in destination countries would also allow for the creation of workplace grievance mechanisms that are easier and quicker to access.

#3- COVID-19: A Time for Businesses to Act Responsibly in Ensuring Justice for Migrant Workers

1. Employers must ensure that all salaries are paid in full and without delays. Employers should not take advantage of a health crisis to justify short term actions in reducing workers’ job security and income.

2. Employers must not deduct wages for time away from work due to mandatory quarantines, lockdowns or to recover from COVID-19, which must be treated as an occupational illness. Companies should ensure that there are no cash flow issues that will affect payment of wages to workers in the supply chain.

3. Employers must not impose or coerce workers into new contracts that reduce wages and benefits or weaken worker protections. Any contractual change must be temporary, and mutually agreed with workers. Contractual changes must be justified, and the company must settle all end of service benefits as per the old wage, before starting the new contract terms.

4. When contracts are terminated, companies should observe their obligations regarding notice periods, the payment of wages, compensation and end-of-service benefits.

5. Companies should observe and comply with all applicable laws, regulations in accordance to international standards and with collective agreements with regards to wages and work conditions including safety in the work place.

6. Companies should take into account the consequences of lay-offs and other employment measures on the visa status of their migrant workers and facilitate the transfer of workers to other employers in cases where this is possible, without withholding entitlements or levying any penalties. Companies should take measures to ensure workers’ labour rights are respected regardless of their migratory status in countries where COVID-19 related economic, health, labor and other key policies have been introduced and are discriminatory.

7. Companies should encourage governments to include migrant workers in any and all social safety net schemes.

8. Companies must continue to provide food and accommodation for laid off migrant workers in cases where immediate repatriations are not possible. Companies should also cover the costs of return flights should workers wish to leave.
9. During the recovery period, companies should prioritize reinstating repatriated workers who lost their jobs due to the pandemic before carrying out any new recruitment.

10. Companies should cooperate with the national claims commission when investigating cases of wage theft and should open itself to investigation. As an expression of solidarity and social responsibility, companies could make monetary contributions to a compensation fund. Money from the fund would be used to compensate migrant workers who are victims of wage theft.

#5 - Measures for Addressing Wage Theft Affecting Millions of Migrant Workers in the Times of COVID-19

Countries of Origin

1. First, document and do so accurately: To this end, missions of countries of origin are urged to put in place robust and easily accessible reporting systems to document whether migrant workers have been paid their due wages and benefits upon termination of their employment contract. To document accurately, missions should set up an online complaints mechanism, a walk-in option, and a 24 hour hotline.

   a. Importantly, migrant workers must be allowed to file a grievance even in the absence of formal employment documentation, as the employer may have refused to provide it.

2. Second, lighten the burden of accessing justice: Missions of the countries of origin must intervene to facilitate power of attorney procedures prior to initiating any return procedures for those workers who have not received their due wages or benefits. Where workers prefer to remain in the country of destination until their cases are resolved, missions should provide workers with the necessary assistance.

   a. Countries of origin must set up booths at local airports and quarantine facilities to give returning workers the opportunity to register claims upon arrival to the country of origin.

   b. Once migrant workers have returned, countries of origin must rapidly set up platforms where workers can lodge online complaints and also put in place hotline numbers that workers can call on any day to learn about how to come forward and register their claims for wage theft. Migrant workers must be provided regular and prompt updates on the progress and the outcome of their claims against wage theft for free.

3. Third, inform and empower: The state must use all means of communication available including public and social media, to inform them of the mechanisms through which they can claim their rights and register their grievances.
Countries of Destination

4. First, Build Bridges of Trust: In order to build trust, countries of destination must prioritize reaching out to migrant communities and giving them reassurance that everyone can come forward and register their grievances safely, without incurring in any legal or economic consequences.
   a. Destination countries should create a firewall between labor law and immigration enforcement, ensuring that migrant workers can come forward without fear of retaliation, detention or deportation.
   b. When in countries of destination, workers must be allowed to file complaints online, or directly in person at relevant ministries.
   c. The documentation requirement to file claims for stolen wages by the legal heirs of migrant workers who lost their lives during the pandemic should be simplified to avoid delay in submitting the claims for the statutory dues. Workers or their families should be received with dignity and respect, providing due attention to the registration of their claims.
   d. To support this, public awareness campaigns and social media must be set up, to inform migrant workers on how to file complaints and, especially, to encourage them to seek justice. This can be done in collaboration with local civil society organizations, including trade unions, that can provide a communication bridge between the governments and migrant workers. Migrant workers should be supported in taking collective action to address wage theft.

5. Second, where justice is delayed, expedite it: The process to expedite justice begins by ensuring that free or accessible legal assistance is made available to all migrant workers regardless of their legal status (e.g. documented or undocumented) and by setting up fast track labor courts and mediation mechanisms that can decide swiftly and justly on cases of wage theft faced by migrant workers.
   a. Countries of destination should be prepared to set up specialized funds to compensate workers for their unpaid wages and benefits in advance of recouping these sums from employers, to ensure justice is expedited.
   b. Destination countries should also consider allowing migrant workers to stay legally in the country until their claims are adjudicated.
   c. As an added measure, returnees migrants should be given the opportunity to submit legal claims against employers in the missions of the countries of destination in which they worked, this should be a sufficient measure to initiate a legal inquiry.
Policy Brief #1 - Justice For Migrant Workers: Creating an Effective Solution to Address Wage Theft

1. The collection of disaggregated data and evidence to be made publicly available on cases of wage theft. The information collected will represent an invaluable resource to governments, institutions as well as civil society organisations to give a precise dimension to a widespread problem, monitor its evolution, and develop adequate response measures.

2. The definition of additional protective measures for women migrant workers, who are exposed to gender-related risks, including gender-based violence and being overburdened by additional care work.

3. The forging of a coalition among countries of origin, to collectively advocate for the rights of migrant workers to be respected in countries of destination and reinforce the bargaining power in multilateral as well as bilateral fora.

4. The recognition and protection of workers’ freedom of association and representation, which on the one hand enable unions, associations and civil society organisations to collect information to ensure the protection of migrant workers’ rights, and individual migrant workers to enjoy a safe space where to share the issues they face in the county of destination; and on the other hand gives migrant workers the ability to collectively raise their voice, call for justice and achieve solutions to their grievances.

5. The creation of an international ranking system of employers based on their history of migrants’ rights violations and cases of wage theft. The ranking system will be fed by authorities, courts and civil society organisations. It will be made publicly available and will constitute a warning tool for recruitment agencies as well as migrant workers to avoid them.