



# Decent Work Conditions of Migrant Workers in India

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## Abstract

As a response to the evolving struggles of the labour force across the globe, ILO has proposed a framework for ensuring decent work conditions. This paper is an attempt to analyze the challenges of migrants labour in India. The present paper discusses the main strategies proposed for introducing labour welfare and decent work conditions for this labour force. The concern with decent work has to be analysed based on labour conditions in all major locations in our country. Migration of people in the last few decades has emerged as a pertinent social issue in most of the large and medium-sized urban centres in the country. Most workers of the migrant workforce hail from the rural areas and they have become one of the wealth creators in our economy. Even though those workers are generally very dedicated and sincere to their work, their working and living conditions are not properly attended.

**Keywords :** Decent work, Labor force , Migrant workers , Working Conditions.

## Introduction

Migration from one area to another in search of improved livelihood has been a key feature of human history. As we know, different ethnic groups travelled to various parts of the world hoping to find a better basis for existence there. The reasons for migration may be different between localities, regions, countries and from migrant to migrant. While some regions and sectors are not in a position to support the population, others continue to move and migrate to seek these emerging opportunities. It is argued that industrialization widened the gap between rural and urban areas, including a shift of the workforce towards industrial areas. Working and living conditions of the labour force in general and migrant workers in particular have been a concern which needs focused interventions from the government.

## Research Problem

Currently, migration has become a universal concern. After the development in transport and communication mechanisms, migration remains as a worldwide process of urbanization and industrialization. In many countries, it has been observed that industrialization and economic development has been accompanied by large scale movements of people from villages to towns, from towns to other towns and from one country to another country. Migration means voluntary or involuntary movement of individuals from their native lands with the basic motive of earning livelihood.

The relative influence of economic and non-economic factors of migration may vary not only from nations and regions but also with in geographical areas and population. This is mainly because it is a selective process which affects individuals with certain economic, social, educational and demographic characteristics. The social factors are the ones which determine the desire of the migrants to break away from traditional and social constraints. Physical factors include climate, natural disasters like floods draught and famine. Demographical factors include reduction of death rates and high rate of rural population growth.

The effects of migration on individuals, households and regions added up to a significant impact on the national economy and society. In India major cities have noticed an increase of population due to migration. Moreover the number of temporary stay is also larger in India as compared to the world average. The majority of these are unskilled or semiskilled workers who are primarily engaged in sectors like construction, agriculture, hotels, small and medium industries, quarries, and other labour intensive sectors of industry. The shortage of local labour, higher wages for unskilled labourers in the state and opportunities for employment led to the massive influx of migrant labour to the state.

The working and living conditions of these labourers are reported to be pathetic. They are most of the time, deprived of the benefits of social security schemes and are unaware of their labour rights and obligations. The unorganized nature of work, the lack of bargaining power of the migrant workers, the poor and unhygienic accommodation and related health problems are the serious issues that need to be addressed. As reported by HRF (2021) despite the legal measures of decent work, India continues to grapple with high levels of vulnerable employment. It is in this context, the concept of decent work conditions become so relevant to these labour force. The present study attempts to explore this dimension with the following focus.

## Objectives of the study

- The study aims to understand the existing working condition of migrant labourers
- To analyse the characteristics and principles of decent work of migrant labourers
- To understand the various components of Decent works applicable for migrant labourers

## Research Methodology

This paper is prepared based on the review of literature and secondary data collected from the different sources such as research papers, articles, and government reports. The specific information regarding the decent work parameters and working conditions of migrant labourers have been accessed from these sources. A systematic analysis of the collected information helped to develop valuable insights about the issue.

## Concept of Decent Work

The word decent means accepted moral standards. It is an indicator of an acceptable quality of work. It is concerned with seeing whether workers are pleasant and they are satisfied with their work due to decent life conditions and working conditions. It covers various aspects related to work such as freedom and rights for the working population so that they maintain dignity of human life in the society, as per labour standards.

According to Reddy (2005), 'decency of work can be assessed based on the core enabling labour standards viz, freedom of association, collective bargaining, freedom from discrimination and child labour'. While Rodgers (2001) observed that 'the word decent too involves some notion of the normal standards of society'. That means lack of decent work is associated with deprivation or exclusion, and it covers social and economic situations, which fails to meet social standards. Decent work, in a way, is concerned with capturing interrelated social and economic goals of development.

Decent work brings together different types of freedom. this includes labour rights, social security, employment opportunities etc. The four dimensions of decent work, can be listed as, work and employment, rights at work, security and opportunities for work dialogue. The idea of decent work has its roots in sound ethical principles of ILO. The principal goal of decent work is to promote opportunities for all categories of labour to obtain decent and productive work by ensuring freedom, equity, security, and human dignity. according to Mishra (2001), about half of the global population is not even close to a decent standard of living. More than a billion people in the globe still suffers to eat enough every day.

## Migrant Workers in India

This section brings out the basics of migration and the theory behind it. According to the National Sample Survey 62nd Round (NSS) among the total employed in the labour market self-employed (55.40 percent) are maximum in proportion followed by casual labour (29.80 percent). The National Sample Survey (NSS) defines a casual wage labourer as a person who is employed by others in farm or non-farm enterprises, both by household and non-household. In return, these workers receive wages according to the terms of the daily or periodic work contract (NSS 62nd Round Report, 2006). It is important to note that casual labour in India has three major characteristics. First, they do not have a regular job contract. Second, their wages are lower than other categories of employment such as regular employment and self-employment. Third, they do not receive any social security benefit. Interestingly,

migrants form a significant part of the casual labour market in India (Deshingkar and Farrington, 2006). These migrants migrate to cities mostly in search of livelihood opportunities. The most important pattern of migration that prevails for a developing country like India is rural to urban migration. Mass migration to cities has become a part of the development process of regions, creating imbalance in development and growth among states and its inhabitants.

The contribution of the migrant workforce to the development of our economy is immense. In addition, the processes of liberalization, privatization, and globalization, especially since 1991, have enhanced the pace of internal migration of skilled, semi-skilled and unskilled workers from rural to urban areas (Pattanaik, 2006). Nevertheless, the experience of developing countries including India reveals that the modern urban sector, especially better organized ones, may absorb the enormous number of the urban workforce (Harris, 2003) into an employment ensuring decent working conditions. It is a fact that a significant part of the increased labour force, due to migration, in the modern sector is likely to be absorbed in the informal work in the unorganized sector where people create their own employment opportunities to the extent that their capital and skills permit. In a circumstance like this, people who join the workforce often end up earning lower than the minimum wage (Kundu and Sarangi 2007). To a greater extent, the exodus of casual labour from rural to urban, pertinently in developing countries such as India, may have its roots in ostensible dualities which exist in the economy. In the dual economy of developing regions, there are two sectors evolving together. There is the modern sector existing in urban regions where the patterns of living and working resemble the developed countries. On the other hand, there is the non-modern sector present either in rural regions or urban peripheries, which absorbs the majority of the workforce in the country, struggling to eke out means of survival and living in entrenched inequalities (Schumacher, 1973). Moreover, the majority of the population living in the non-modern sector has very limited opportunities which offer decent work. Their work opportunities are so restricted that they cannot work their way out of misery. Their participation in labour market hinges around possibilities like underemployment and unemployment. When they locate occasional work, they may get low paid works with lesser chances of attaining their work potential. Obviously, those who are keen to get out of this loop may opt to migrate, often drifting to urban regions where they get work at higher wages.

Migrant labourers need work in the city due to the lack of proper employment opportunities in the rural areas. At the same time, the progress of the city to a greater extent depends on the services provided by the migrant workers, supplying labour at lower wage rates, albeit these rates are higher than the wages in places of origin. The nature of the contract of these migrant workers is informal, providing a transitional form of living and livelihood for them. This transitional employment, though a solace for a migrant, is often enmeshed in miserable working conditions, engendering multiple deprivations. Nevertheless, the unorganized sector provides employment and livelihood to a huge segment of the labour force. The urban unorganized sector provides relatively easy access to various employment opportunities for deprived segments of the urban society as well as rural migrants. Concomitantly, the urban economic system copiously banks on such unorganized workers for the expansion and development. However,

it is ironical that this segment of the labour market which provides vital services to the city also forms the lowest rung of the urban society (Shrivastava and Kumar, 2003).

### **Decent Work Conditions of Migrant Workers**

Cues from the literature show that the socio-economic condition of the migrant workers is far below the desirable level, due to migrants' transitional and informal nature of employment. In addition, lack of skill and educational attainment among migrants renders them to a vulnerable economic and social life in the city. Further, worker's volition seems to have very limited power in exploring opportunities in the labour market since their choices in this market are being subject to intermediary institutions such as labour brokers, often constraining these workers opportunities to avail a work with decent pay and social security.

The informal sector in the urban areas is characterized by low wages, excessively long hours of work and social security almost not existing. Since migrants earn less than what is required to sustain a decent living in urban areas, they lead a life of low quality, presumably reflected in their low human development. The migrants live in deplorable conditions and have extremely poor health status. The women migrants are the worst hit in such a scenario as they are paid lesser than their male counterparts and they do not enjoy basic health benefits like maternity leave and others. In addition, their tenure of work for industries like construction is very unpredictable which leave them with a sense of insecurity of income and work (Solanki, 2002). Nevertheless, the employers in the informal sector may prefer migrant workers since it is easier to exploit migrants as they may have lesser information about the labour market of the destination area and are in extreme need of money. The pay, time and duration of work can be flexibly molded by the employers as the migrant workers do not have much say in the scenario.

The contractors take advantage of the migrant's economic necessity for their own benefit. The employers do not provide them anything more than minimum subsistence wages and along with that unacceptable working condition (Lall, Selod and Shalizi, 2006). It is reported that the agents or middlemen make the migrant labourers work for 18-20 hours and then pay them minimum. Further, since there is no formal contract of work for the migrant labourers, they may be dismissed from their job without a proper notice and also charged with negligence of work. In many instances, it has been reported that these informal sector workers are often released from their job without being paid for their work. The agent allures the asset-less persons of the villages with lump sum amount of money as advance for their wages and afterwards takes this as an opportunity to bind them to the work for an infinitely long period of time. This makes their payment for work negligible compared to the labour that is extracted from them (Bhattacharya, 1998). Again, the contractors also resort to giving migrant construction workers with tough deadlines of work in order to complete the construction project rapidly so as to reduce labour cost. Although these middle men lure the rural labourers for work in the urban areas, they do not provide them with decent living conditions in the city. Yet again, with the minimal wages received by these workers, it becomes difficult for them to procure basic facilities by themselves that are essential to survive in the city. This negatively impacts their socio-economic condition in the city

to an immense extent. Scholars envisage this degree of informalisation of work as employers or capitalists attempt to shift the various risks associated with production such as financial loss, unexpected increase in production cost and so forth on the employees (Harris, 2003).

Post-independence, the government of India enacted many labour laws to protect the interest of the labour force. Besides, the government also formulated different labour policies with the purpose of improving wages and working conditions in the organized and unorganized sectors. But the analysis of the quality of life and standards of labour for the migrant workers in India gives a fateful picture. There exists a wider gap in wage rates between male and female migrant workers. They do not receive minimum wages specified as per the minimum wages Act, 1948. Long hours of work, together with low wages are found among most seasonally migrant workers in India. (Singh and Iyer 1995, Krishnaiah, 1977, Salve, 1990). There is no stipulated time of work for migrant workers; they are forced to work more than 12 hours a day against the stipulation of 8 hours a day. Migrant workers engaged in harvesting of sugarcane, sugarcane cutting, transport workers and workers in brick kilns work for more than 12 hours per day (Srivastav 1998 and Salve 1990).

Bremen (2008) observed that migrant workers are not properly aware of their rights on labour, like right to equality, right to work, right to security, a living wage and a decent standard of life, social security scheme, health, right to form association, right to freedom, cultural and educational rights, etc. The workers in the unorganized sectors consist of bamboo cutters, salseed collectors in Orissa state, the fisherman and women, the leather flayers and tunners, the salt workers, the beedi workers, the hand loom weavers, the hand crafts men and women, the workers in brick kilns and stone quarries etc. All these labourers are victims of exploitation of different forms. Their inability breeds intermediaries or middlemen who reap a lot of unmerited benefits at the cost of these working class. As pointed out rightly by Mishra (2001) they are victims of both unfair labour practices and a state of underdevelopment.

While explaining the safety of migrant workers in the construction sector, Sarkar (2021) reported that, in other states, there are no strong measures compared to that in Delhi. Workers in other states are not adequately taken care of by the company officers despite being engaged in some big real estate projects indicating that employers are less concerned about safety measures. But men who work building private houses in Kerala have a comparatively lower risk of health hazards. Contractual/dadan workers have very miserable conditions of work as they work extra hours without any extra wages and have no off-days; there is a significant deduction of money for emergency leave from the work, and they lack safety measures at the workplace and compensation for major accidents.

## Conclusion

Decent work is a broad concept which encompasses social and economic goals of development. It brings together different types of freedom. There are four types of dimensions of decent work, such as work and employment itself, rights at work, security, and representative work dialogue. The International Labour Organization has played a significant role in promoting International Labour Standards. India has advocated the promotion of labour standards

within the framework of the ILO Constitution. More than 90 percent of the total workforce belongs to the unorganized or informal sector, like migrant labour and other workforce.

Migrant workers, who are not organized under any trade unions. Their labour standards, are not protected by the government. These migrant workers are illiterate, ignorant, and belong to backward communities. They do not get minimum wages stipulated under the Minimum wages Act. Today, the real issue is how to extend human rights to all segments of the labour market. There are many groups of workers in the unorganized sector or informal economy, like migrant workers, for whom decent work is a very distant goal. The bargaining power of these migrant workers is thus weaker than workers in the organized sector. After independence, India has adopted various labour policies to improve the working conditions of labourers in the unorganized sector. There are also various labour laws for these workers. In fact, its implementation is mostly ineffective. Therefore, migrant workers and workers in the unorganized sector are struggling for their labour rights and to implement the provisions of various labour laws as per the international labour standards. Therefore, the government of India should ratify all the relevant international covenants that respect the dignity of labour, especially important ILO Conventions No.87, 'the freedom of association and protection of the right to organize convention', and the ILO convention 98, the right to organize and collective bargaining convention. Uniform labour standards in the context of unorganized sector workers, like migrant workers, should be implemented in rural and urban areas of India. It is necessary to protect migrant and other workers in the unorganized sector by international labour standards.

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