



SITUATION ANALYSIS OF WAGE THEFT OF NEPALI MIGRANT WORKERS

National Network for Safe Migration (NNSM)

June 2021



Disclaimer

This report was made possible through the support of Solidarity Center. The opinions expressed in the report are those of National Network for Safe Migration (NNSM), and do not necessarily reflect the views of Solidarity Center. The designations employed and the presentation of materials throughout the report do not imply expression of any opinion whatsoever on the part of Solidarity Center concerning legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

NNSM

ACKNOWLEDGEMENTS

NNSM is thankful to Solidarity Center for providing us with the opportunity to undertake this study. We would like to thank POURAKHI Nepal, AMKAS Nepal, PNCC and People Forum for providing the registered cases for carrying out this study. We express our sincere gratitude to all the participants who participated in this study to provide us with relevant information. Similarly, we would like to thank all the stakeholders who provided constructive feedback and inputs during the preliminary sharing of the findings of this study. We express our deep gratitude and appreciation to Krishma Sharma from Solidarity Center. Last but not the least, we express our sincere thanks to Ashok Rana, Krishna Prasad Neupane, Chiranjivi Baral, Mahendra Subedi, Manju Gurung, Kul Prasad Karki, Bijaya Kumari Rai Shrestha and Prashamsha Simkhada for providing a conducive environment to carry out this research.

TABLE OF CONTENTS

ACRONYMS	vii
STUDY TEAM	viii
CHAPTER ONE.....	1
INTRODUCTION	1
1.1 Background and Context	1
1.2 Objectives of the study	5
2.1 Research design and approach	6
2.2 Sample size.....	6
2.3 Study tool	6
2.4 Data collection and analysis	7
2.5 Limitation of the study	7
2.6 Ethics and data protection principles.....	7
CHAPTER THREE	8
RESULTS AND FINDINGS.....	8
3.1 Background characteristics of returnee migrants	8
3.2 Documentation status of returnee migrants	12
3.3 Salary and wage theft scenario in the destination countries	13
3.4 Working duration at destination	19
3.5 Payment for extra work	21
3.6 Condition of forced signing at the contract paper	23
3.7 Deduction in salary and dues.....	24
3.8 Consent by returnee migrants for unpaid leave at the time of COVID-19.....	26
3.9 Status of cases filed by returnee migrants	28
CHAPTER FOUR	31
SUMMARY OF FINDINGS AND CONCLUSIONS.....	31
4.1 Summary of findings	31
4.2 Conclusions	35
CHAPTER FIVE.....	36
RECOMMENDATIONS	36

LIST OF TABLES

Table 1: Background characteristics of returnee migrants	9
Table 2: Payment of salary as per contract paper by country of destination	14
Table 3: Condition of salary payment by types of forced sign at the time of return	15
Table 4: Consent for reducing the salary by country of destination and gender	26
Table 5: Consent for unpaid leave by country of destination and gender	28

LIST OF FIGURES

Figure 1: Country of destination of returnee migrants by gender.....	10
Figure 2: Duration of stay at destination countries	11
Figure 3: Occupation of returnee migrants	11
Figure 4: Documentation status of returnee migrants at destination countries.....	12
Figure 5: Documentation status of returnee migrants by level of education	12
Figure 6: Documentation status by countries of destination.....	13
Figure 7: Percentage of less salary than agreed in contract paper	17
Figure 8: Percentage of less salary than agreed in contract paper by gender	17
Figure 9: Knowledge of returnee on minimum salary	18
Figure 10: Payment time of salary of returnees at destination country	18
Figure 11: Overtime status of work by documentation status	19
Figure 12: Overtime status of work by gender	19
Figure 13: Duration of overtime in a week.....	20
Figure 14: Duration of overtime in a week by documentation status.....	20
Figure 15: Payment for extra working hours	21
Figure 16: Payment for extra working hours by documentation status	21
Figure 17: Percentage of less paid of extra working hour	22
Figure 18: Overtime work's paid time for returnee migrants	22
Figure 19: Situation of forced signing in contract paper	23
Figure 20: Situation of forced signing in contract paper by country of destination and gender...	23
Figure 21: Condition of forced sign before returning back to Nepal.....	24
Figure 22: Condition of due of returnee migrants at the time of return to Nepal	24
Figure 23: Reduction in Salary	25
Figure 24: Consent for reducing the salary	25
Figure 25: Status of unpaid leave during COVID-19	26
Figure 26: Duration of unpaid leave due to COVID-19	27
Figure 27: Consent for unpaid leave	27
Figure 28: Status of case filed by returnee migrants.....	28
Figure 29: Status of case filed by forced signed condition.....	29
Figure 30: Place of case filed by returnee migrants by gender.....	30

LIST OF BOXES

Box 1: Stranded migrant to farm owner: A success story of victim of wage theft.....	16
Box 2: Hurdles in filing the case to claim the compensation	29

ACRONYMS

AMKAS	:	Aprabasi Mahila Kamdar Samuha
BHRRC	:	Business and Human Right Resource Centre
CBS	:	Central Bureau of Statistics
CBOs	:	Community Based Organizations
COVID	:	Corona Virus Disease
DoFE	:	Department of Foreign Employment
FEB	:	Foreign Employment Board
GCC	:	Gulf Cooperation Council
GOs	:	Government Organizations
GoN	:	Government of Nepal
ICESCR	:	International Covenant on Economic, Social and Cultural Rights
IDI	:	In-depth Interview
ILO	:	International Labour Organization
IOM	:	International Organization for Migration
MoLESS	:	Ministry of Labour, Employment and Social Security
NAFEA	:	Nepal Association of Foreign Employment Agencies
NGO	:	Non-government Organization
NHRC	:	National Human Rights Commission
NNSM	:	National Network for Safe Migration
PNCC	:	Pravasi Nepali Coordination Committee
SPSS	:	Statistical Packages for Social Sciences
UAE	:	United Arab Emirates
UDHR	:	Universal Declaration of Human Rights
UN	:	United Nations
USD	:	United States Dollar

STUDY TEAM

Lead Researcher

1. Mr. Mahendra Kumar Rai

Data Collection Support

1. Mr. Som Prasad Lamichhane (PNCC)
2. Ms. Roji Tulsibakhyo (People Forum)
3. Mr. Manish KC (POURAKHI Nepal)
4. Ms. Bindu Poudel (AMKAS Nepal)

Technical Support and Advisor

1. Mr. Ashok Rana
2. Mr. Chiranjivi Baral
3. Mr. Swarna Kumar Jha

INTRODUCTION

1.1 Background and Context

The world has been badly affected by the COVID-19 pandemic and the normalcy of the world has been destroyed largely. In such situation, almost all sectors have been adversely affected and human mobility or international migration has strikingly hit by COVID-19. Globally, about 164 million¹ migrant workers have become vulnerable in terms of livelihood and economic security. The global pandemic has had a detrimental impact on the lives of millions of workers worldwide, with numerous sectors grounding to a halt or having been subject to insufficient safety mechanisms. The 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 leaves and confined to poor living conditions.² Wage theft will occur for millions of dollars to be detriment of workers and the benefit of businesses and employers who will be exempted from any accountability.³

According to the UN Secretary General Antonio Guterres, “COVID-19 is not only a global health crisis but it is also an economic crisis.” Millions of migrant workers working in various destination countries have suffered and most of them have still been suffering from the spread of the deadly virus, and Nepali workers in Gulf countries, Malaysia and other destination countries have been directly affected by the pandemic. Due to this virus, the employment of Nepali migrants has not been safe and most of them have suffered from low pay or delayed pay or no pay situations. Some employers have forcibly obliged migrant workers to quit the job or take unpaid leaves or imposed wage cut off or reduced benefits without consents.

In general, wage theft happens when employers do not pay its employees according to the law or when workers are denied of wages or other employees benefits rightfully owned to them.⁴ The forms of wage theft can be categorized as: a) Payment below the minimum wage, b) Non-payment of overtime, c) Non-payment of contractually owed benefits, and d) Not allowing workers to take meal and rest breaks.⁵

Wage theft occurs when employers make illegal deductions from the workers payment or steal tips and when they make workers to work off the clock, or withhold payment after being terminated. Wage theft can also include violation of tax laws, through the misclassification of employees as

¹ <https://crest.iom.int/news/covid-19-places-migrant-workers-highly-vulnerable-situations%C2%A0>

² <https://justiceforwagetheft.org/>

³ Ibid.

⁴ Center for Migration and International Relations (CMIR). Weekly Labour Migration Updates Bulletin.

⁵ Ibid.

independent contractors, which excludes employers from having to pay overtime or benefits as well as their share of payroll taxes, passing on the burden to the worker. More generally, wage theft occurs when an employer simply refuses to pay wage to workers.⁶

The wage theft has serious impact on migrant workers especially working in low paying sectors which are received little attention from concerned stakeholders at sending and receiving countries for promoting and ensuring the minimum and contracted salary/wage. Wage theft is a gross violation of labour rights. Many Nepali migrant workers have become victims of wage theft after the surge of COVID-19. Tens of thousands of Nepali migrants workers have become jobless, remained in unpaid leaves without having the option of returning home and with the pain of wage theft in the destination countries.⁷ The increased physical risks and mental abuses impact on the working performance, increased level of poverty and debt and stigmatization and discrimination are the major effects of wage theft that migrant workers faced during COVID-19 period.⁸ The condition of irregular and unpaid situation was the normal to low wage earners in GCCs and Malaysia before COVID-19 which has drastically increased and became biggest challenge after emergence of this virus. The vulnerability of migrant workers compounded with the upsurge of COVID-19.

In general, the wage theft mainly affects the poor, unskilled and low wage workers. The theft of dismissed migrant workers' wages during the pandemic has been made particularly difficult to challenge due to extensive COVID-19 repatriation programmes. Migrants hired via temporary migration programmes had intended to work for the entire period of their contracts, earn money, send remittances and then return to their home countries, ideally after accruing some savings. However, COVID-19 resulted in many such workers losing their jobs and forced them to return unexpectedly.⁹

Wage theft is particularly egregious in that it disproportionately affects workers in low-wage jobs who may already be struggling with poverty. Wage theft caused a significant loss in income, since 60 per cent of the workers in this group were underpaid by more than \$1 an hour. Based on their findings, assuming a full-time, full-year work schedule, low-wage workers lose an average of \$2,634 annually due to workplace violations, out of total earnings of \$17,616.¹⁰ Because of the countless lay-offs due to the COVID-19 pandemic, many migrant workers are returning home empty-handed, with unpaid dues and unable to address the unbalanced power their employers hold.¹¹

⁶ <http://www.iwj.org/media-room/press-release-archive/report-highlights-prevalence-and-impact-of-wage-theft-in-houston>.

⁷ <https://kathmandupost.com/national/2020/08/02/set-up-a-mechanism-for-ensuring-migrant-workers-wages-labour-rights-activists-say>

⁸ Center for Migration and International Relations (CMIR). Weekly Labour Migration Updates Bulletin.

⁹ Ibid.

⁹ <https://www.opendemocracy.net/en/pandemic-border/other-pandemic-migrant-workers-wage-theft/>

¹⁰ Ibid.

¹¹ <https://justiceforwagetheft.org/api/files/1597905770206338uzaburjh.pdf>

Wage theft is compounded as a result of lockdown and mobility restrictions due to COVID-19. About 43 migrant workers who were deprived of proper wages in the UAE collectively filed complaints with DoFE when they returned to Nepal.¹² The condition of Nepali migrant workers whose wages were fully or partially unpaid or who faced the denial of services and facilities stated in contract papers compounded after the COVID-19 crisis. Majority of workers were underpaid or unpaid even after 4-5 months work in the destination countries. The domestic workers especially in Malaysia were placed in forced labour situation before the COVID-19 pandemic and the situation became more pathetic after the COVID-19. The condition of domestic workers became more vulnerable in terms of violation of labour related to unpaid wages, unlawful deduction, food deprivation and withholding of passports were also common violations.¹³

According to the International Labour Organization (ILO), during the second quarter of 2020, there was an estimated 17.3 per cent decrease in global working hours, the equivalent of 495 million full-time job lost.¹⁴ The track record of Business and Human Right Resource Centre (BHRRC) revealed that there was a substantial increase in the number of allegations of labour (about 275% increase as compared to previous year) abuse between April and August 2020 due to the pandemic.¹⁵

Migrant workers, especially with temporary contracts and undocumented are disproportionately affected by the virus and the ensuing economic fallout, and they faced wage theft problems, due to sudden repatriation as the result of retrenchment.¹⁶ During the period of repatriation of the migrant workers by concerned countries, the issues of wage theft was not given priority and information on unclaimed wages were not collected and furthermore complain mechanisms were absent.¹⁷ A 2009 study by the National Employment Law Project revealed that about 26 per cent workers in certain low-wage industries in Chicago, Los Angeles and New York reported less than minimum wage.¹⁸ The same study revealed that more than 60 per cent of those workers were underpaid by more than \$1 per hour, whereas 76 per cent of workers who worked over 40 hours per week were not paid for all of their overtime.¹⁹ It indicates that wage theft is not new, but COVID-19 pandemic has heightened the issue.

An estimated \$753.2 million dollars are lost every year due to wage theft among low-wage workers. The consequences of this loss further depress working. The impact of wage theft is seen devastating especially in economic sector of migrant workers and their families after COVID-19 which was regarded as common before this chaotic situation. On the one hand, it affected the livelihoods of migrants themselves; on the other hand, it largely affected the livelihoods of the left

¹² <https://www.nepalitimes.com/latest/wage-theft-of-migrants-during-pandemic/>

¹³ <https://www.thestar.com.my/news/focus/2021/03/21/ngos--situation-worse-for-domestic-workers-after-covid-19>

¹⁴ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_755910.pdf

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Annette Bernhardt et al., Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities 5 (2009), <http://www.nelp.org/wp-content/uploads/2015/03/BrokenLawsReport2009.pdf>

¹⁹ Ibid.

behind family members in the place of origin. The wages of migrants are directly related to 8 SDG targets under at least four Goals – Goal 1 (Target 1.1 and 1.2), Goal 5 (5.1), Goal 8 (8.1 and 8.5), Goal 10 (10.1, 10.2 and 10.4), and indirectly influences all other SDG targets.²⁰ Proper wage is thus regarded as supporting elements for achieving the SDGs. Wage theft is an injustice and violation of human rights which directly affects and also hinders to country of destination and origin for achieving the SDGs in the stipulated timeframe. So, in the context of the COVID-19 crisis, it is most urgent that adequate and balanced wage policies need to adopt and implement for ensuring the right of migrant workers. Furthermore, the countries of origin and destination need to call upon transitional justice mechanism to justly address the cases of wage theft.²¹

In this context, this study aims to explore the situation of wage theft of Nepali migrant workers returned from GCCs, Malaysia and other countries.

Global legal/policy provisions against wage theft

The Universal Declaration of Human Rights (UDHR) 1948, International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 and ILO Wage Protection Convention 1949 are the major legal grounds for protecting and ensuring the wage of workers. The UDHR has provided the sufficient ground for right to work in just and favorable condition and equal pay for equal work and proper remuneration for workers whereas ICESCR states the ability to work as a fundamental rights including fair and justifiable remuneration. Similarly, ILO Wage Protection Convention 1949 ensures that wages should be paid in full and regularly. According to Article 12 of the convention, the payment of wages should take place at regular intervals and all wages should be settled upon termination of the employment contract. However most of the migrant workers are experiencing the bitter truth of not having proper and timely wages and some returned home with empty handed. Furthermore, the ILO Minimum Wage Fixing Convention, 1970 (No. 131) emphasizes to establish the system of minimum wages which covers all groups of wage earners. The ILO Convention No. 189 on Decent Work for Domestic Workers allows for a limited proportion of in-kind payments that are not less favorable than other categories of workers.

Furthermore, Protection of Workers' Claims (Employer's Insolvency) Convention 1992 (No. 173) has the provision of payment to workers even in the insolvency situation of employer company. Article 5 and 9 of the company guarantees the worker's claims for wages relating to a prescribed period. The Equal Remuneration Convention, 1951 (No. 100) falls under the eight fundamental ILO conventions on the protection of labour standards. This convention mainly focuses on the gender discrimination in employment and outlines principles for the equal remuneration for work of equal value independent of whether it is performed by men or women. There are number of international legal and policy provision for protecting the wage of migrant workers; however they

²⁰ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_762534.pdf

²¹ Willian Gois views on wage theft at National Civil Society Consultation on Wage Theft, 31 July 2021.

are not fully adopted by both labour sending and labour receiving countries. So, for protecting and ensuring the wages of migrant workers it is necessary to adopt and implement properly.

1.2 Objectives of the study

The main objective of the study is to find out the situation of wage theft of Nepali migrants workers. The specific objectives of the study are:

- ❖ To document and analyze the wage theft of Nepali migrant workers during COVID-19;,
- ❖ To explore the major driving factors, causes and consequences of wage theft of Nepali migrant workers; and
- ❖ To offer practical recommendations in terms of compensation to the victims and mitigation of wage theft.

STUDY METHODOLOGY

2.1 Research design and approach

This research was completed over a two months period. The data collection commenced on 1st March, 2021 and completed on 30, April, 2021. The research primarily used a quantitative approach for generating the data. However, desk review was done to cross-verify the data. Consultations were held among the NNSM members (25 in number) as to how they could re-contact the returnees who had come back to Nepal from abroad, particularly GCC countries and Malaysia, the most popular destinations of Nepali migrants, due to COVID-19. The consultations led to a conclusion that the returnees had come in contact with only four member organizations during the corona crisis period.

2.2 Sample size

A two-stage sampling method was used in this study. In the first stage, four member organizations namely POURAKHI Nepal, AMKAS Nepal, PNCC and People Forum were selected through purposive sampling. The four organizations were chosen because they had reported that the returnees had come in contact with them during the corona period. In the second stage, the respondents were selected from the list of the returnees who had come in contact with the four member organizations between 24, March 2020 to 18 September, 2020, the period when the Government had imposed mobility restrictions. The organizations had lists of thousands of returnees who had come in contact with them during the period. The organizations had registered the names in the files. Efforts were made to contact to all of them, each from serial number one to the last in order through phone calls. However, most of them could not be contacted either because they had already returned abroad or did not receive the calls or did not like to respond or the contact number was not reachable. In this way, researchers could contact only 241 returnees from the lists. Therefore, a total of 241 returnees were taken as a sample size. In some instances, snowball sampling was also applied to come in contact with the returnees.

2.3 Study tool

Structured questionnaires as well as checklists were prepared to collect the data from the respondents. The questionnaire covered the demographic details, occupation, country of destination, employment status and the following indicators as the bases to determine wage theft: a) total or partial non-payment of a worker's remuneration, as stipulated in a written or non-written employment contract, b) payment of salaries below the minimum wage, c) non-payment of overtime, d) non-payment of contractually owed benefits/non-payment of service benefits after termination from the job, e) non-negotiated reduction of salaries/forced unpaid leaves, and f) retention of dues upon one's contract termination. In addition, questions were asked as to whether the victims of wage thefts filed any complaints.

2.4 Data collection and analysis

Interviews were taken through phones because there was still the fear of coronavirus disease and the respondents replied the phone interview was more comfortable for them than the face-to-face interview. The questionnaire was administered by the focal persons/researchers of the respective organizations. Altogether, four focal persons/researchers were assigned the tasks to contact the returnees in their respective organizations and collect data from them. The collected data were cleaned and edited and again converted into SPSS and STATA for analysis. The required tables, charts and graphs were generated in line with the objective by adopting bivariate and multivariate analysis approaches.

2.5 Limitation of the study

This study is quantitative lead where the issue of wage theft was the prime focus. So that this study has not captured other issues like health issues, legal issues etc. The sample size of this study is 241 which were selected applying the purposive sampling followed by simple random sampling. So, the findings of this study cannot be generalized at national level.

2.6 Ethics and data protection principles

The anonymity, privacy and confidentiality of respondents were maintained to respect the research ethics. The ethical issues were upheld and cultural aspects of respondents as well as society were maintained. The data were stored in computer in the Excel sheet and no one had access to the computer data except the data manager.

RESULTS AND FINDINGS

3.1 Background characteristics of returnee migrants

Socio-demographic characteristics of returnee migrants

The sample respondents and their socio-demographic characteristics in the selected seven provinces is presented in Table 1. Out of total returnee migrants, 69 per cent were male where their representation varies across provinces ranging from 96 per cent in Province 2 to 45 per cent in Bagmati Province. The proportion of female in the study was 15 per cent comprising the highest in Bagmati (55%) and lowest in Province 2 (4%). The proportion of female respondents is observed equal in Karnali and Sudurpaschim provinces, i.e. 16.67 per cent in each.

Similarly, of the total respondents, majority were 25-29 years of age i.e. 26 per cent which is followed by 30-34 and 35-39 years of age (i.e. 25.31% and 19.5%, respectively). A significant proportion of respondents of Gandaki were from 35-39 age group i.e. 38 per cent which is followed by Lumbini, Karnali and Sudurpaschim (33.33% in each province). The least proportion of respondents was from 45+ age group representing only 2 per cent.

Among the selected respondents, 38 per cent were Janajati, followed by Brahmin/Chhetri (36.1%), Madhesi/Muslim (10.79%) and Dalit (8.3%). The disaggregated figure of respondents from province level reveals that the highest proportion of Brahmin/Chhetri was from Karnali (66.67%). The proportion of Janajati is observed highest (66.67%) in Sudurpaschim, whereas the proportion of Madhesi/Muslim is found highest in Province 2 (70.83%).

Of the total respondents, the significant proportion of respondents was married (78.42%), followed by unmarried (19.50%), divorced (0.83%) and separated (1.24%).

About 9 per cent of the returnees were illiterate, with the highest proportion of illiterates in Karnali (16.67%). Most of the respondents had low educational status, with 74 per cent obtaining secondary level or less education. Only 16 per cent respondents had obtained intermediate (equivalent to 10+2) level of education; whereas very few (1.24%) had a bachelor's degree. Within provinces, the proportion of respondents was observed highest in secondary level (37.5%) in Province 1; whereas, in Province 2, the proportion of respondents (20.83%) had intermediate level of education. Similarly, in Bagmati Province, about 23 per cent had obtained lower secondary education; whereas the highest proportion of respondents had obtained secondary level of education in Gandaki, Lumbini, Karnali and Sudurpaschim provinces, with 42.86 per cent, 30 per cent, 33.33 per cent and 50 per cent, respectively (Table 1).

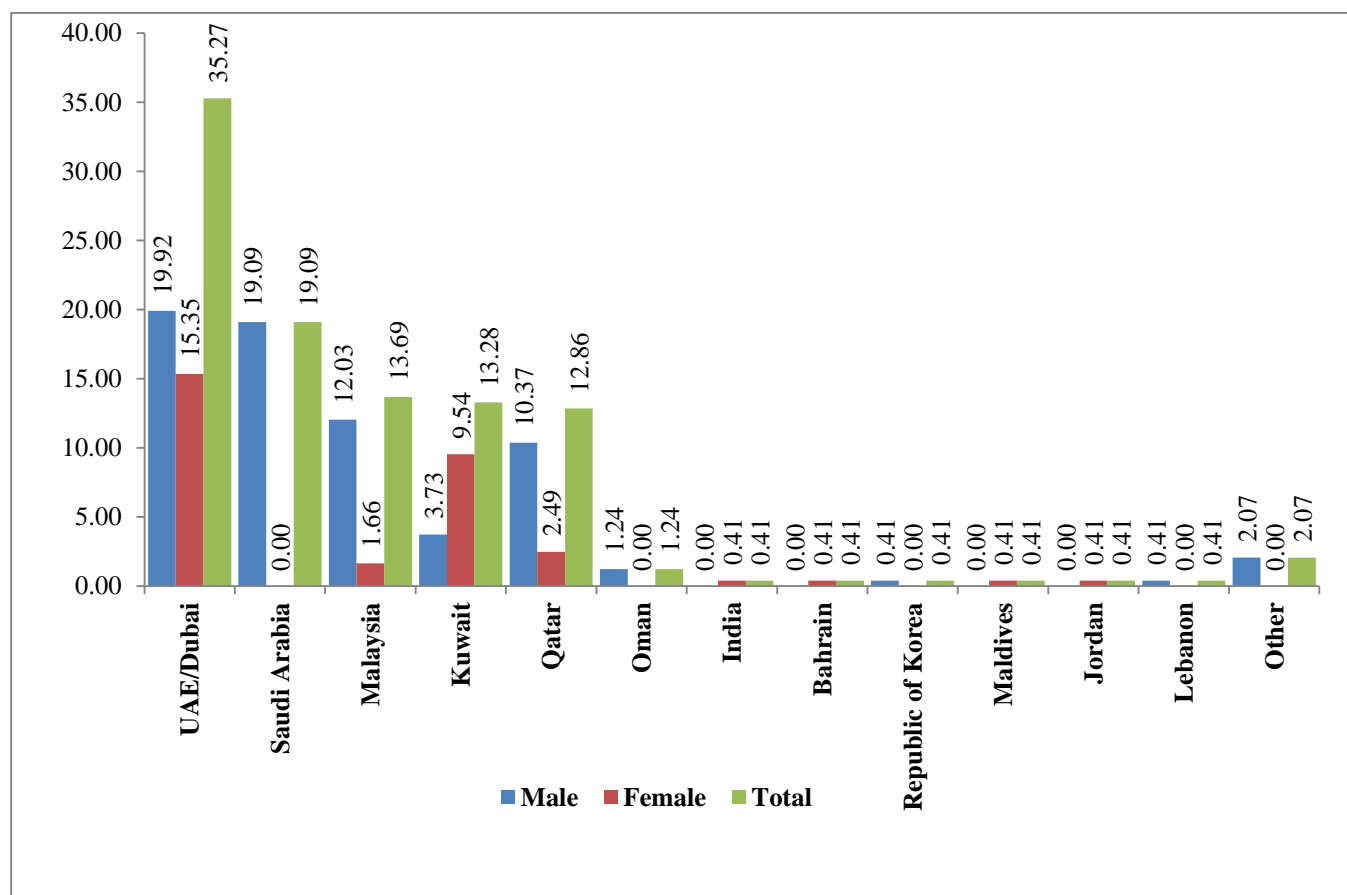
Table 1: Background characteristics of returnee migrants

Characteristics	Province 1	Province 2	Bagmati	Gandaki	Lumbini	Karnali	Sudurpaschim	Total
Gender								
Male	76.25	95.83	44.59	80.95	76.67	83.33	83.33	69.29 (167)
Female	23.75	4.17	55.41	19.05	23.33	16.67	16.67	30.71(74)
Age group								
20-24	10.00	25.00	18.92	4.76	16.67	33.33	0.00	14.94 (36)
25-29	30.00	29.17	31.08	4.76	16.67	16.67	33.33	26.14 (63)
30-34	21.25	20.83	28.38	28.57	33.33	16.67	16.67	25.31 (61)
35-39	23.75	12.50	9.46	38.10	20.00	33.33	33.33	19.50 (47)
40-44	11.25	4.17	12.16	23.81	13.33	0.00	16.67	12.03 (29)
45 and above	3.75	8.33	0.00	0.00	0.00	0.00	0.00	2.07 (5)
Caste/ethnicity								
Brahmin/Chhetri	37.50	12.50	40.54	38.10	36.67	66.67	16.67	36.10 (87)
Janajati	48.75	16.67	48.65	14.29	16.67	16.67	66.67	38.17 (92)
Madhesi/Muslim	6.25	70.83	1.35	4.76	6.67	0.00	0.00	10.79 (26)
Dalit	1.25	0.00	6.76	33.33	20.00	16.67	0.00	8.30 (20)
Tharu	0.00	0.00	0.00	0.00	3.33	0.00	16.67	0.83 (2)
Other	6.25	0.00	2.70	9.52	16.67	0.00	0.00	5.81 (14)
Marital status								
Married	82.50	54.17	81.08	85.71	73.33	83.33	83.33	78.42 (189)
Unmarried	13.75	45.83	17.57	14.29	23.33	16.67	16.67	19.50 (47)
Divorced	1.25	0.00	0.00	0.00	3.33	0.00	0.00	0.83 (2)
Separated	2.50	0.00	1.35	0.00	0.00	0.00	0.00	1.24 (3)
Level of education								
Illiterate	8.75	8.33	10.81	4.76	6.67	16.67	0.00	8.71 (21)
Lower than primary	18.75	8.33	18.92	14.29	13.33	33.33	16.67	17.01 (41)
Primary	6.25	12.50	9.46	9.52	3.33	0.00	0.00	7.47 (18)
Lower secondary	13.75	29.17	22.97	14.29	26.67	0.00	33.33	19.92 (48)
Secondary	37.50	16.67	18.92	42.86	30.00	33.33	50.00	29.46 (71)
Intermediate/10+2	15.00	20.83	17.57	9.52	20.00	16.67	0.00	16.18 (39)
Bachelor	0.00	4.17	1.35	4.76	0.00	0.00	0.00	1.24 (3)
Total	100.00 (80)	100.00 (24)	100.00 (74)	100.00 (21)	100.00 (30)	100.00 (6)	100.00 (6)	100.00 (241)

Similarly, majority of the respondents had returned from UAE (36.27%), followed by Saudi Arabia (19.09%), Malaysia (13.69%), Kuwait (13.28%) and Qatar (12.86%). A negligible proportion of returnee migrants were from India, Bahrain, Republic of Korea, Maldives, Jordan and Lebanon

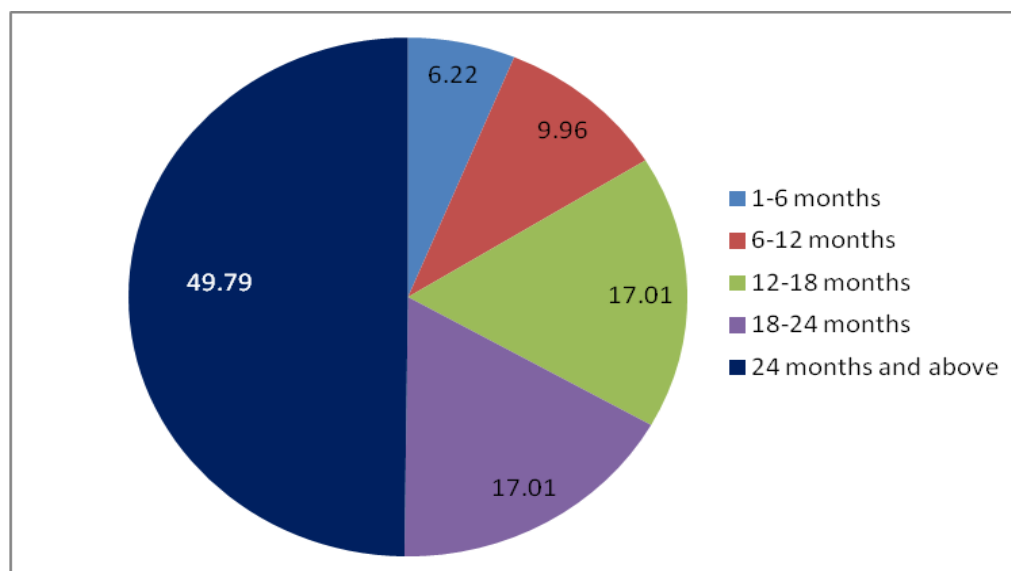
(0.41% in each). Gender-wise, the highest proportion of both male and female returnee migrants was observed in UAE, with 19.92 per cent male and 15.35 per cent female (Figure 1).

Figure 1: Country of destination of returnee migrants by gender



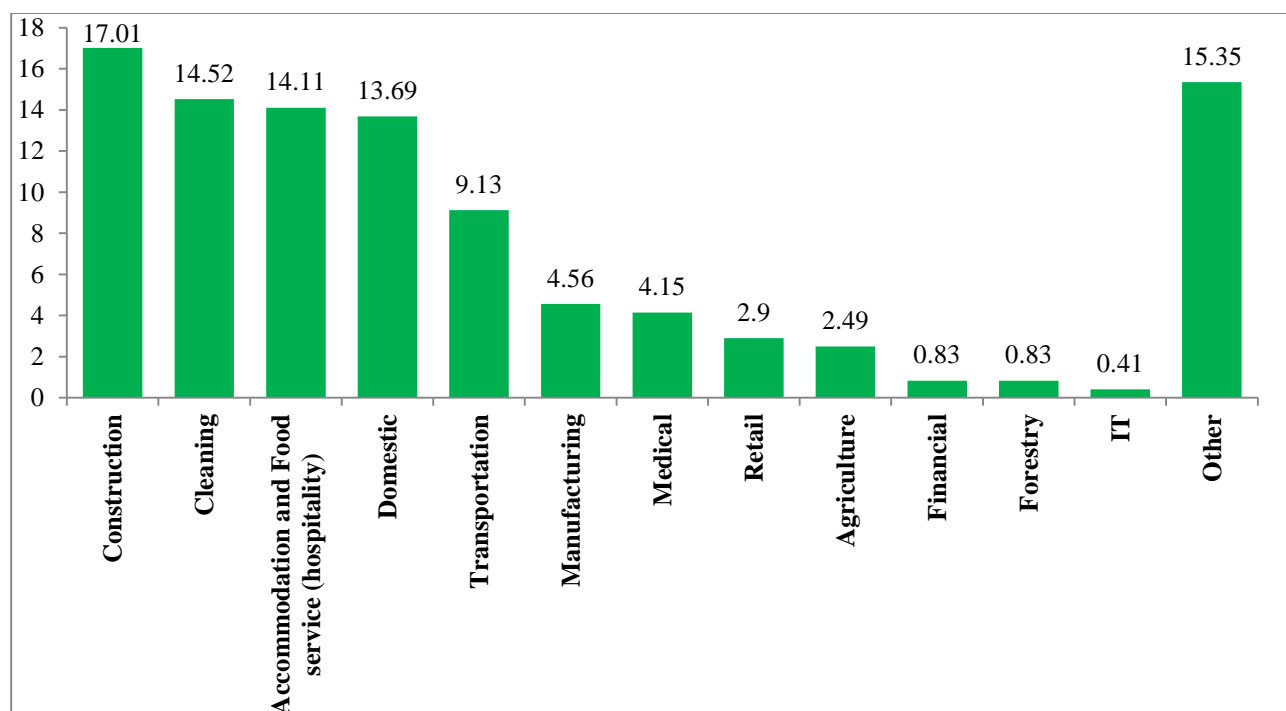
The duration of stay of migrant workers is directly related to their working conditions and services they received. According to figure 2, about half of returnee stayed for more than 24 months. Similarly, about 17 per cent respondents stayed for 18-24 months and 12-18 months. About 10 per cent returnees stayed for 6-12 months period at destination whereas the least proportion of respondents stayed for 1-6 months period.

Figure 2: Duration of stay at destination countries



Among the returnee migrants, majority were involved in construction (17.1%), which is followed by cleaning (14.52%), accommodation and food services (14.11%), domestic work (13.69%) and transportation (9.13%). Of the total returnees the least were involved in the IT sector i.e. 0.41 per cent (Figure 3).

Figure 3: Occupation of returnee migrants

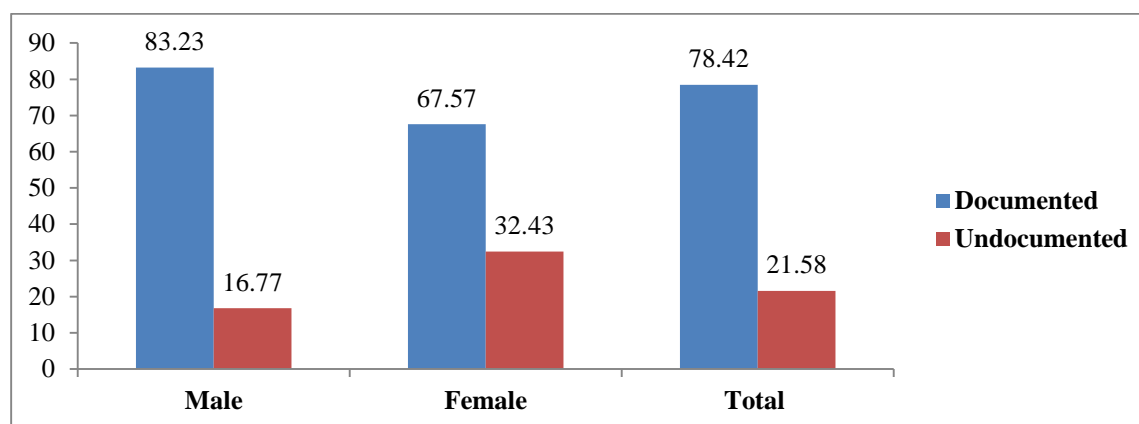


3.2 Documentation status of returnee migrants

The documentation status has a significant meaning in terms of application of terms and conditions of employment contracts in the destination countries. Documented migrant workers have, in general, greater rights than undocumented ones in regard to services and facilities provided by employers, and they gain additional bargaining power.

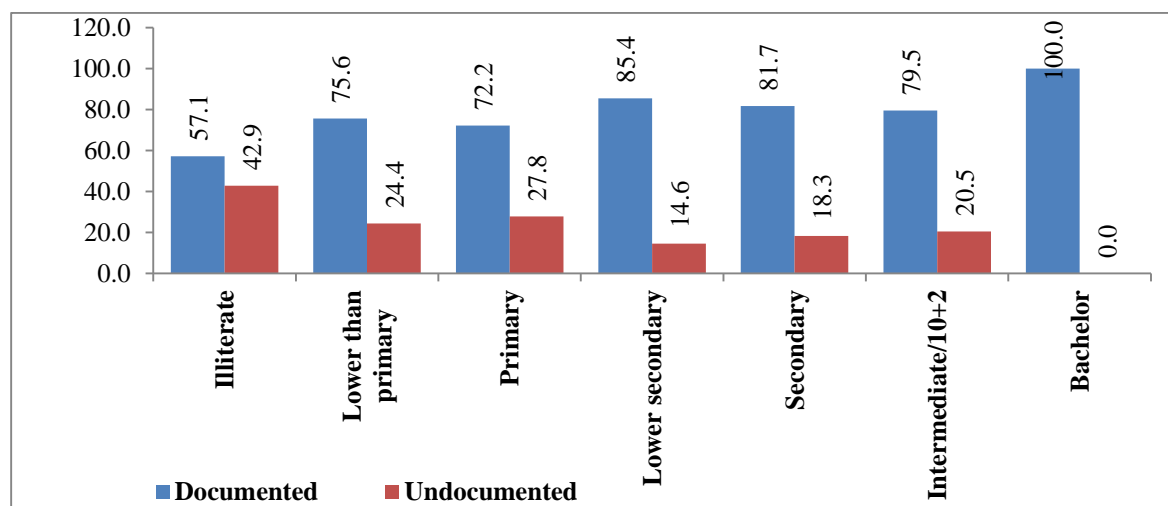
Figure 4 shows that 78 per cent of the returnee migrants were documented and 22 per cent were had an undocumented status. In regard to gender, more females (32.43%) were undocumented than their male counterparts (16.77%).

Figure 4: Documentation status of returnee migrants



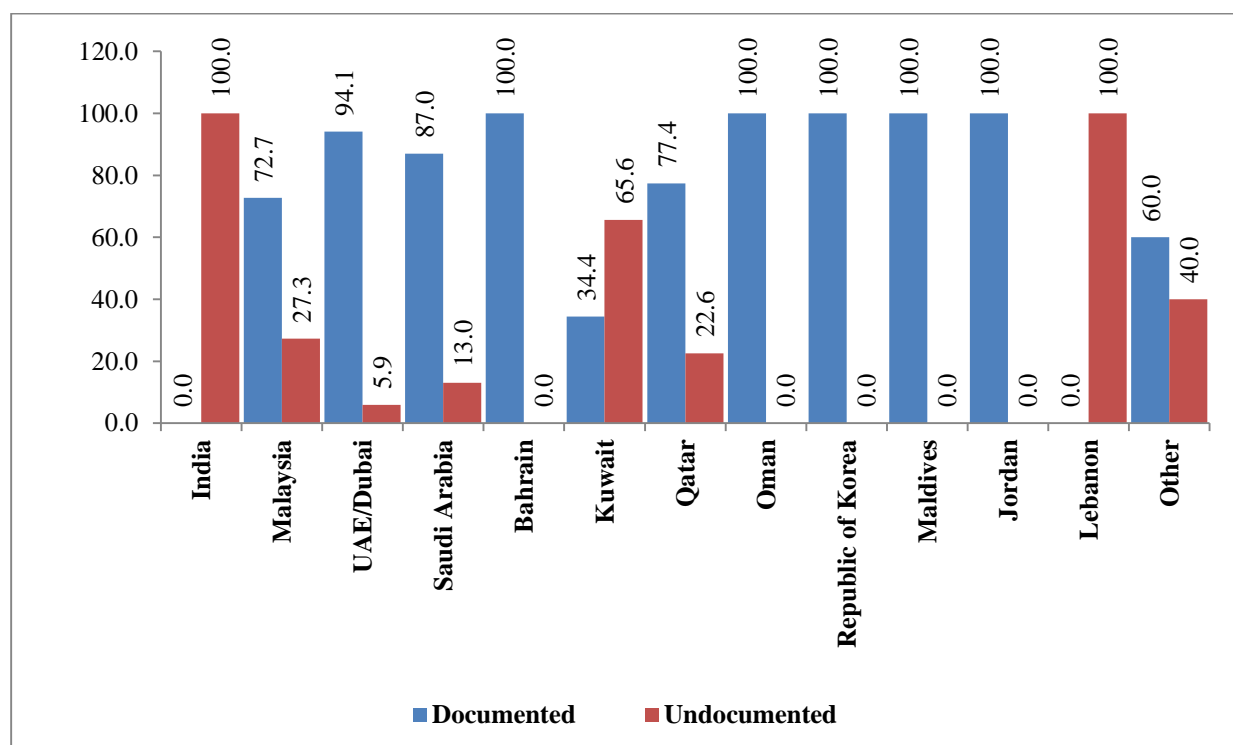
Similarly, Figure 5 reveals that the documentation status varied with the level of education. About 43 per cent illiterate returnees were undocumented. The proportion of undocumented returnees was observed declining with the increase in the level of education. There was no undocumented returnee who had completed the bachelor's degree.

Figure 5: Documentation status by level of education



Documentation status of the respondents varied with the country of destination. All the respondents who had returned from India and Lebanon had the undocumented status. Similarly, about 66 per cent returnees from Kuwait, 27 per cent from Malaysia, 23 per cent from Qatar and 13 per cent from Saudi Arabia reported that they were undocumented (Figure 6).

Figure 6: Documentation status by countries of destination



3.3 Salary and wage theft scenario in the destination countries

Salaries and working hours had received a direct impact of COVID-19. Mobility restrictions imposed by the governments of the countries of destination seriously affected both the working environment and payment. The payment of salary during the crisis significantly varied among the countries of destination.

Table 2 shows if the salaries were in consistent with the provisions mentioned in employment contracts by countries of destination. Of the total returnee migrants, about 63 per cent reported that they received payment as agreed or as stated in the contract papers. Interestingly, about 3 per cent returnees shared that they received salaries that were more than agreed or stated in the contract papers. All the respondents from India, Bahrain, Maldives, Jordan and Republic of Korea shared that they received salaries as agreed.

Among the respondents who received less than agreed salaries, a significant proportion of the returnees is observed in Kuwait (46.88%), followed by Malaysia (36.36%), Qatar (35.48%), Oman (33.33%), Saudi Arabia (30.43%) and UAE (27.06%) (Table 2).

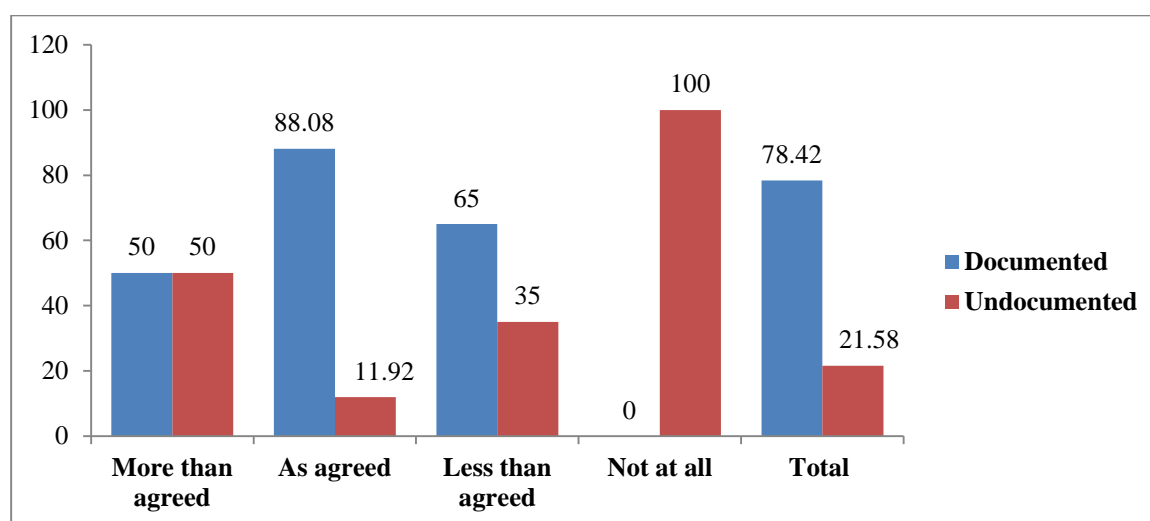
Table 2: Payment of salaries as per the agreement

Country of destination	More than agreed	As agreed	Less than agreed	Not at all
India	0.00	100.00	0.00	0.00
Malaysia	6.06	57.58	36.36	0.00
UAE	4.71	67.06	27.06	1.18
Saudi Arabia	2.17	67.39	30.43	0.00
Bahrain	0.00	100.00	0.00	0.00
Kuwait	0.00	53.13	46.88	0.00
Qatar	3.23	61.29	35.48	0.00
Oman	0.00	66.67	33.33	0.00
Republic of Korea	0.00	100.00	0.00	0.00
Maldives	0.00	100.00	0.00	0.00
Jordan	0.00	100.00	0.00	0.00
Lebanon	0.00	0.00	0.00	100.00
Other	0.00	20.00	80.00	0.00
Total	3.32	62.66	33.20	0.83

Findings from In-depth Interviews (IDIs) and case studies revealed that the majority of returnees who were affected by COVID-19 lost their jobs and most of them did not get salary as per the agreement. The condition of undocumented migrants was more pathetic due to the illegal status. They could not get any support, neither from the government and nor from any non-government organizations. Similarly, the majority of returnees who had not received salaries as per the agreement had the undocumented status.

Furthermore, it was found that the payment of salary depended on the documentation status, as about 88 per cent documented respondents received salary as agreed, whereas only half of the documented returnees received salary more than agreed. Similarly, nearly one-tenth of the respondents with undocumented status had received the salary as per agreement, whereas 35 per cent had received less than the agreed salary. A significant proportion of undocumented returnees (i.e. 100% undocumented returnees) received nothing (Figure 7).

Figure 7: Payment of salary as per the agreement, by documentation status



The condition of payment of salary is also depended on types of paper signed by returnee migrants. Among the returnee migrants who signed in blank paper, about 32 per cent received less than agreed whereas 68 per cent had received as per agreement. Similarly, about 67 per cent returnee who signed in salary description paper received salary less than agreement. About 33 per cent returnee who signed in no complain anywhere letter and 32 per cent who signed in letter but could not read obtained less than agreed salary (Table 3).

Table 3: Condition of salary payment by types of forced sign at the time of return

Types of paper signed	More than agreed	As agreed	Less than agreed	Not at all
Blank paper	0.0 (0)	68.2 (15)	31.8 (7)	0.0 (0)
Job description paper	0.0 (0)	100.0 (2)	0.0 (0)	0.0 (0)
Salary description paper	0.0 (0)	33.3 (3)	66.7 (6)	0.0 (0)
No complain anywhere	0.0 (0)	66.7 (6)	33.3 (3)	0.0 (0)
Yes but could not read	1.4 (1)	66.2 (47)	32.4 (23)	0.0 (0)
Other	12.5 (2)	50.0 (8)	37.5 (6)	0.0 (0)
No	4.5 (5)	62.5 (70)	31.3 (35)	1.8 (2)
Total	3.3 (8)	62.7 (151)	33.2 (80)	0.8 (2)

According to IDIs findings, the majority of migrants especially women migrants were compelled to sign in blank paper. The signing in blank agreement paper and lack of knowledge of destination country were the leading cause for wage theft. Such signing coercive practices increase the vulnerability of wage theft and also weaken the risk of increasing 3Ds (dirty, difficult and demeaning work) 3Ls (Low pay, Low skill and low respect work) work at destination.

Box 1: Stranded migrant to farm owner: A success story of victim of wage theft

Rasmita Raya (Name changed), aged 22, had returned from the UAE is currently running her own farm independently. She belongs to an economically challenged family. She had a rough childhood as both of her parents didn't have stable job and the only source of their income was agriculture. At one point, her family was completely broke which compelled her to discontinue her education and she decided to go for foreign employment after her SLC level. After deciding to go UAE she paid NRs 120,000 to her recruitment company.

She did not get the work at destination as promised earlier where she wasn't provided the facilities which were mentioned in the contract. She had to work for 12 hours but the supervisor of the company was always pressurizing her to work more but she did not get overtime pay. She requested her supervisor to allow her to return home, but did not receive a permission.

She could not forward the case file either in destination country or own country (Nepal) because she had signed in blank paper when she left the destination country. Later, due to COVID 19, the company was collapsed and she along with other workers were stranded and it was very difficult for them to manage food and shelter as the company didn't support them. She somehow managed to live in scarcity for 14 months straight. She tried to contact the manpower company but her call was not received. Later, the NRNs of Nepal helped her return to Nepal.

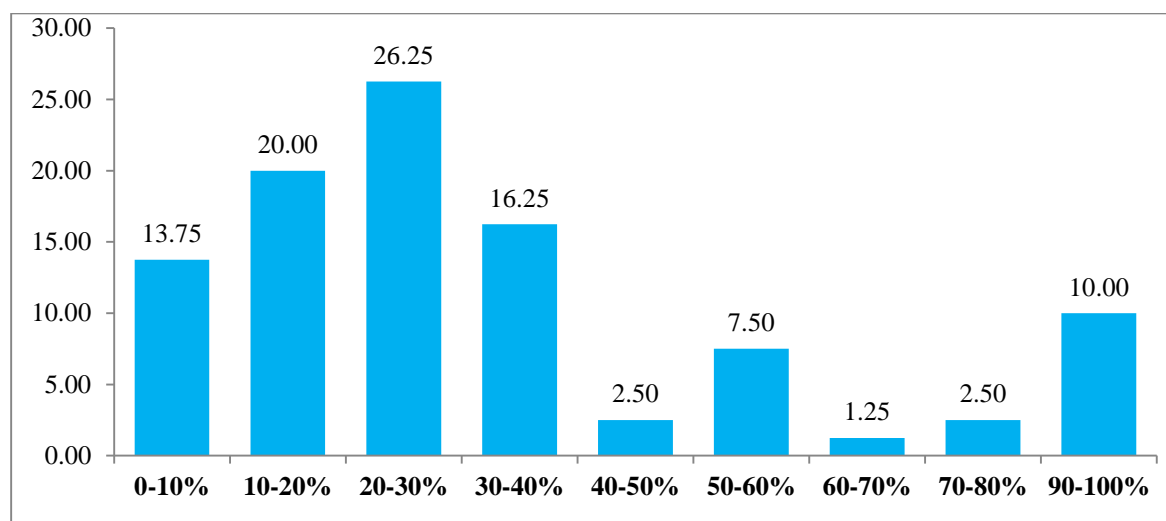
After arriving in Nepal, she had to stay in holding center and with the help of Nepal Army. She was referred to AMKAS Nepal. She was rescued and brought to AMKAS Nepal's shelter where she received all the basic needs like food, accommodation, medical services, communication facilities, personal hygiene products and psycho social counseling as well. Then, she was kept in quarantine and PCR test was also done. She was tested negative so, she was reunited with her family as AMKAS provided her transportation fare and took care of all the needs while she was in AMKAS's shelter.

After returning home, she was jobless and didn't know what to do. Later she decided to do farming but she had no money for that. AMKAS Nepal had sponsored for barista training for RWMW and she took the training. But, even after being skilled she didn't get any job so, she spilled all her problem with AMKAS. After consulting with AMKAS she learned that bank has the provision of loan for returnee migrant workers to start their own business. Then, she confirmed that she will do farming.

She went to different banks but every bank would tell her to apply in another bank. It was full of challenges but AMKAS Nepal went to banks along with her and fought for her. After a very long process she finally got the loan. She says, "My business would have never been possible without the help of AMKAS." Now, she has her own farm and she is independent.

Of the total returnee migrants who received less than the agreed salary, the highest proportion of the returnees (26%) received less than 20-30 per cent as agreed, whereas the least (1%) received 60-70 per cent less salary as agreed. Similarly, about 10 per cent returnees received 90-100 per cent less salary (Figure 7).

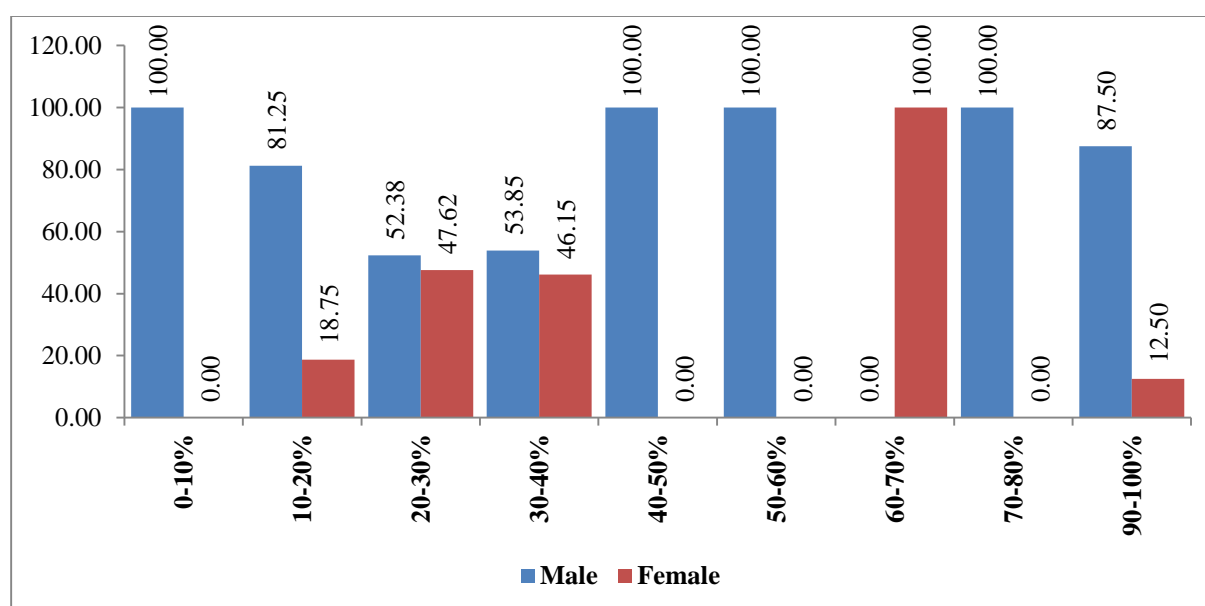
Figure 7: Percentage of less salary than agreed in contract paper



Furthermore, from the lens of gender perspectives, cent per cent male returnee migrants obtained/received 0-10%, 40-50%, 50-60% and 70-80% less salary as agreed whereas cent per cent female returnee received 60-70% less salary as agreed before (Figure 8). So, from gender perspective more male were suffered from wage theft than their counterparts.

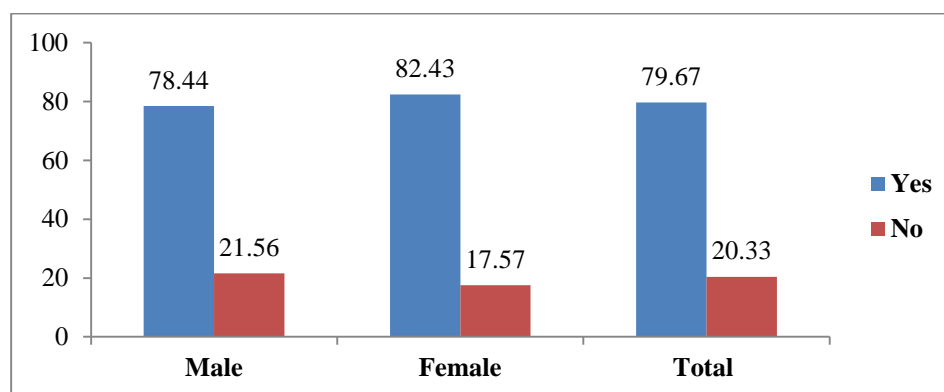
The findings from IDIs revealed that due to mobility restrictions followed by lockdowns, employers had fired majority of the migrant workers from their work and in most of the cases they were underpaid and few were forced to work with no pay.

Figure 8: Percentage of less salary than agreed in contract paper by gender



Knowledge of returnee migrants on minimum salary has significant meaning in regard to wage theft. Of the total returnee migrants, about 80 per cent had the knowledge on their minimum salary. About 18 per cent female and 22 per cent male did not have knowledge about their minimum salary (Figure 9).

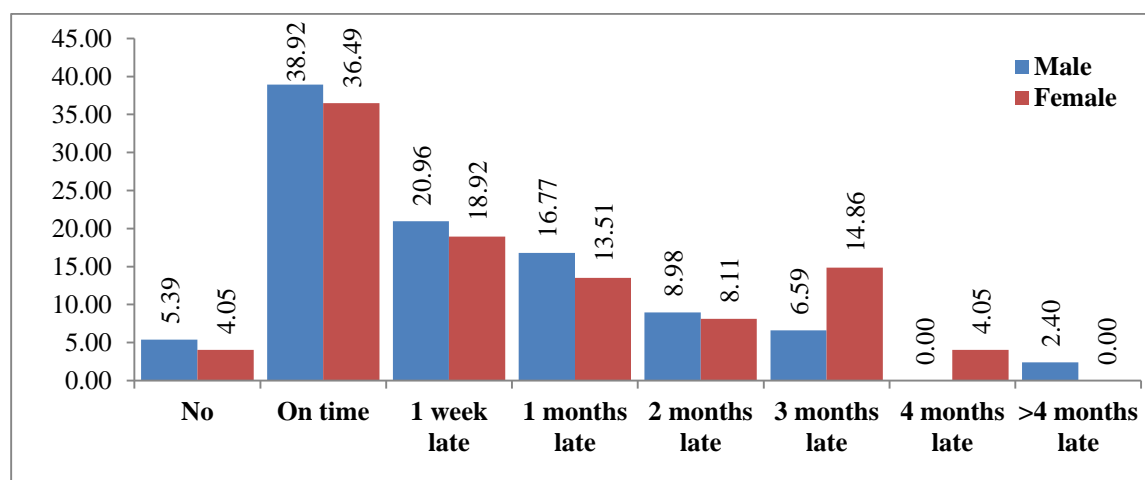
Figure 9: Knowledge of returnee on minimum salary



The notion of safe, regular and orderly migration could, to some extent, ensured if the salary of migrant workers is paid on time. According to Figure 10, of the total returnee migrants 39 per cent male and 36 per cent female get regular salary from their employer. Similarly, about 21 per cent male and 19 per cent female received salary after one week whereas 7 per cent male and 15 per cent female received their salary after 3 months. About 2 per cent male received salary from employer more than 4 months later.

The findings of case study demonstrate that the majority of returnee migrants did not get salary in regular basis and most of them who receive salary faced the problem of salary deduction in the name of mobility restriction, loss of company and company closure. The leading cause of irregularity of getting salary was the closure of company.

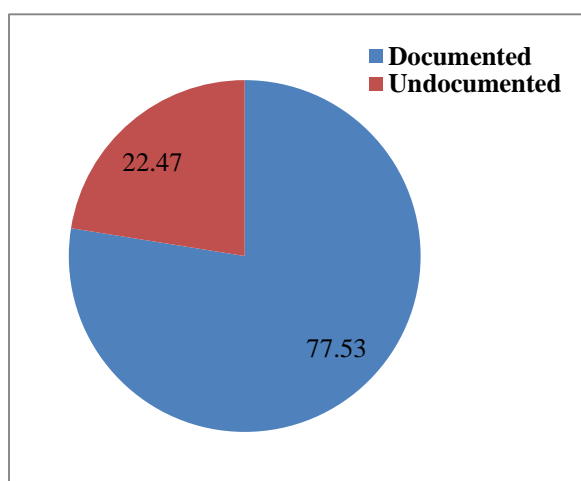
Figure 10: Payment time of salary of returnees at destination country



3.4 Working duration at destination

Since ILO has set the minimum working hours for workers. The minimum duration of work and overtime are particularly related to the payment scale and fringe benefits to be provided to workers. The violation of minimum hours of work and non-payment of overtime adversely affect the rights of migrant workers.

Figure 11: Overtime status of work by documentation status

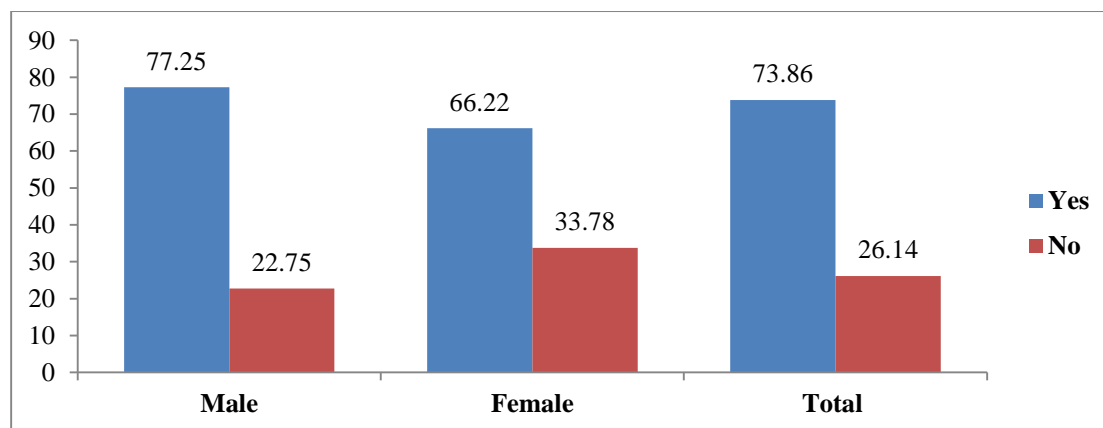


Out of total returnee migrants, about 78 per cent documented and 22 per cent undocumented returnee migrants shared that they had performed overtime at destination countries (Figure 11).

Similarly, out of total returnee migrants about 74 per cent returnees had overtime facilities. Nearly about 77 per cent male and 66 per cent female returnee migrants had performed overtime work at the destination countries (Figure 12). More male were involved in overtime work than female as most of the female

were involved in domestic work where overtime facilities is almost absent.

Figure 12: Overtime status of work by gender



Similarly, the significant proportion of returnees (21.91%) had performed 19-24 hours overtime in a week which is followed by 25-30 hours (20.22%), 13-18 hours (15.73%), >36 hours (14.04%) and the small proportion of returnees who engaged for less than 6 hours in a week i.e. about 9 per cent (Figure 13).

Figure 13: Duration of overtime in a week

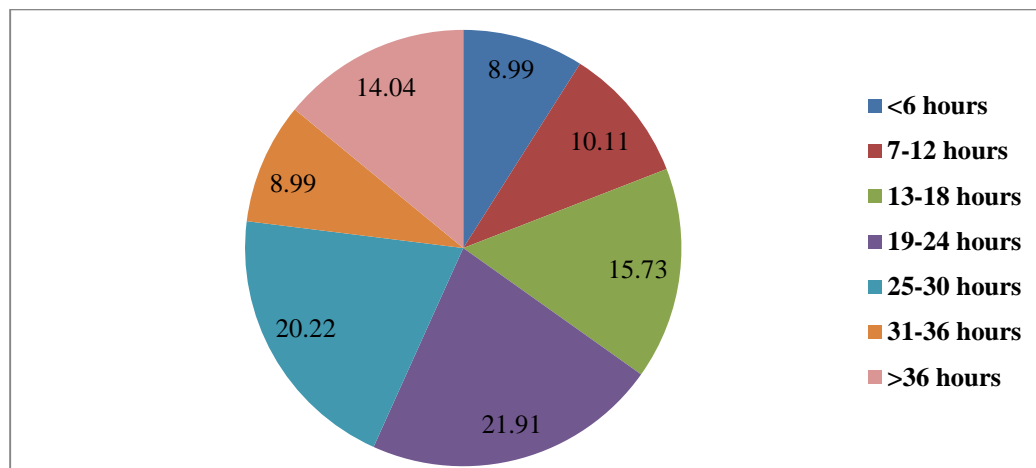
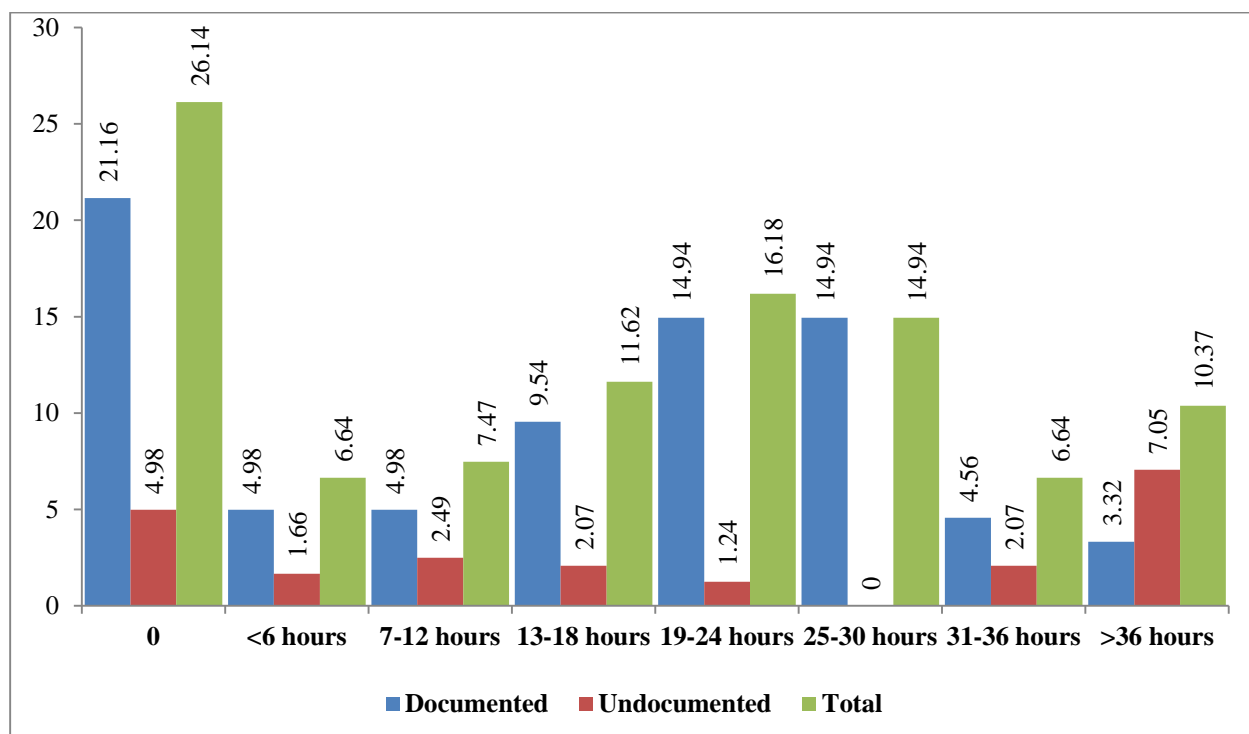


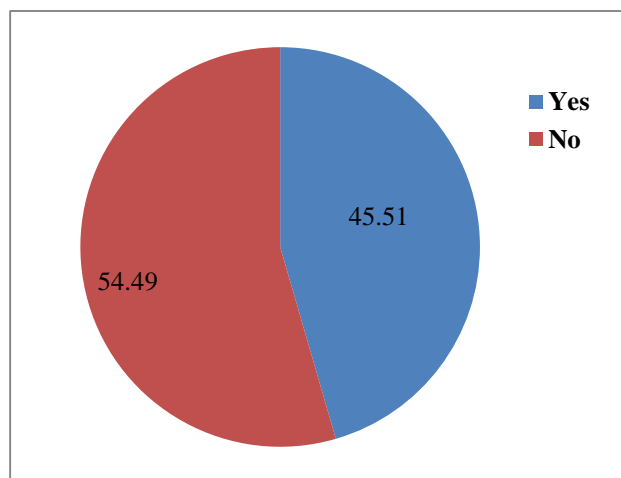
Figure 14 reveals that about 10 per cent returnee migrants had performed overtime work for more than 36 hours in a week in which 3 per cent documented and 7 per cent undocumented returnees had performed such work. Similarly, about 15 per cent returnees worked extra hour for more than 25-30 hours in a week which is followed by 19-24 hours (16.18%), 13-18 hours (11.62%) and less than 6 hours (6.64%). However, about one fourth returnees did not involve in any extra hour work other than their regular work (Figure 14).

Figure 14: Duration of overtime in a week by documentation status



3.5 Payment for extra work

Figure 15: Payment for extra working hours



Right to remuneration is the fundamental right of migrant workers ensured by different ILO conventions. Lack of labour protection for migrant workers undermines protection of migrant workers.²² The rights and dignity of migrant workers can be ensured if the payment as per agreement is materialized.

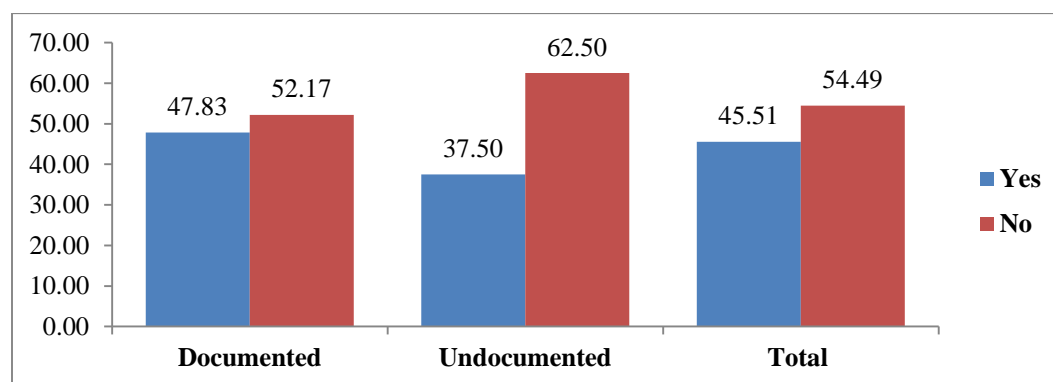
According to Figure 15, about 54 per cent returnee received payment for extra working hours whereas 46 per cent did not received such payment. From this figure it is not

difficult to guess that the large proportion of returnee migrants was exploited at the place of past working countries.

The payment of overtime work is observed pathetic among undocumented returnee migrants. Of the total returnee migrants, only about 46 per cent shared that they received payment of overtime work, while about 48 per cent from the documented category received such overtime payments. The proportion of undocumented returnees who received payment of extra hours of work is only 37 per cent (Figure 16).

In qualitative interviews, the returnees from Qatar shared that in COVID-19 period, very few of them got overtime work and most of them who had opportunities to get overtime facilities did not receive the payment of the overtime work. In some cases, they faced the problems of food scarcity due to financial problems. They had no means to lodge complain but to remain silent.

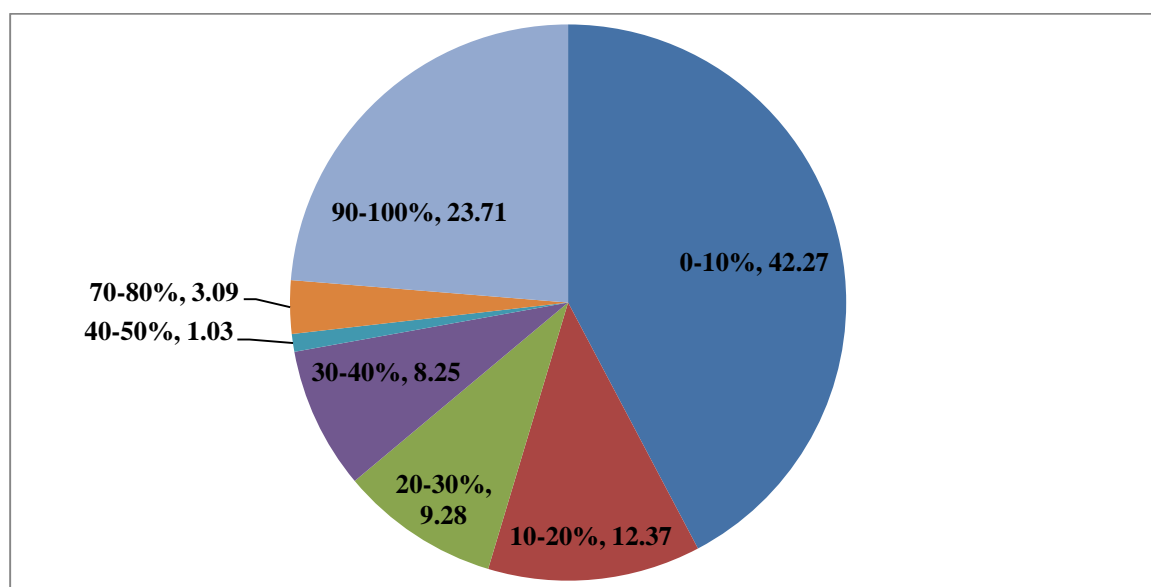
Figure 16: Payment for extra working hours by documentation status



²² <https://www.ilo.org/global/topics/labour-migration/standards/lang--en/index.htm#fundamental>

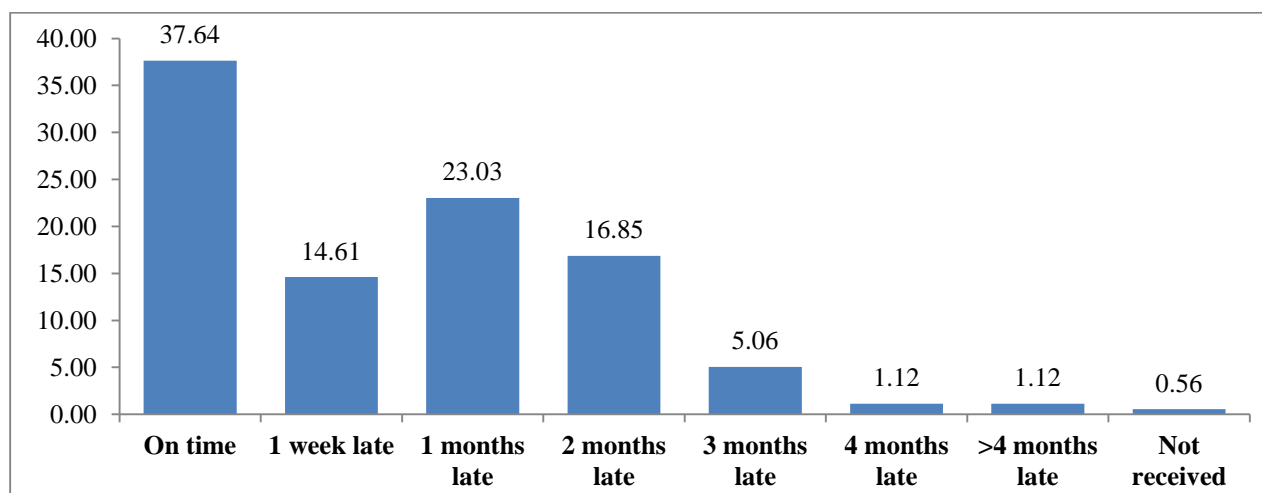
Out of total returnee migrants who received payment for extra working hours, the significant proportion of returnees (42.27%) received 0-10% less payment. About 24 per cent received 90-100% less salary which is followed by 10-20% less (12.37%), 20-30% less (9.28%), 30-40% less (8.25%) and 70-80% (3.09%) (Figure 17). This fact reveals the denial situation of right to remuneration of migrant workers and prevalence of wage theft.

Figure 17: Percentage of less paid of extra working hour



The payment of overtime work also reflects the wage theft scenarios at the country of destination. About 62 per cent returnee migrants did not get payment of overtime work. Nearly one fifth returnees received such payment at 1 month late period which is followed by 2 months late (16.85%), 3 months late (5.06%) whereas about 1 per cent returnees did not received such payment (Figure 18).

Figure 18: Overtime work's paid time for returnee migrants



3.6 Condition of forced signing at the contract paper

The coercion to migrant workers for signing a document is grave violation of migrants' rights which threatens their livelihoods as well as dignity. It on the one hand promotes exploitation whereas on the other hand obstructs the slogan as well as campaign of global compact for safe, regular and orderly migration. A study conducted by MFA revealed that some employers obtain the signature of the worker on a blank paper at the time of joining duties which is later misused to claim that the worker has obtained loan from the employer. There have been instances where the workers are jailed or slapped with travel bans for non-payment of the so-called loan.²³

Figure 19: Situation of forced signing

Figure 19 illustrates the picture of forceful signing condition in the countries of destination during the pandemic. Out of the total respondents, about 53 per cent reported that they had been forced to sign on documents. Similarly, the high proportion of respondents who were forced to sign on documents was observed in the UAE (38.28%), which is followed by Kuwait (23.44%), Saudi Arabia (15.63%), Qatar (10.94%) and Malaysia (8.59%). Among the male respondents, the highest proportion was observed in Saudi Arabia (30.30%), whereas the highest proportion of females was observed in the UAE (48.39%) (Figure 20).

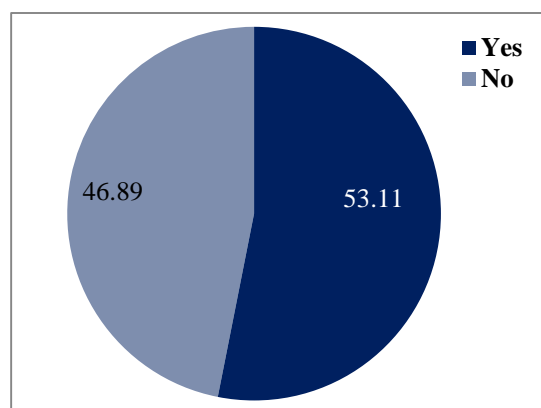
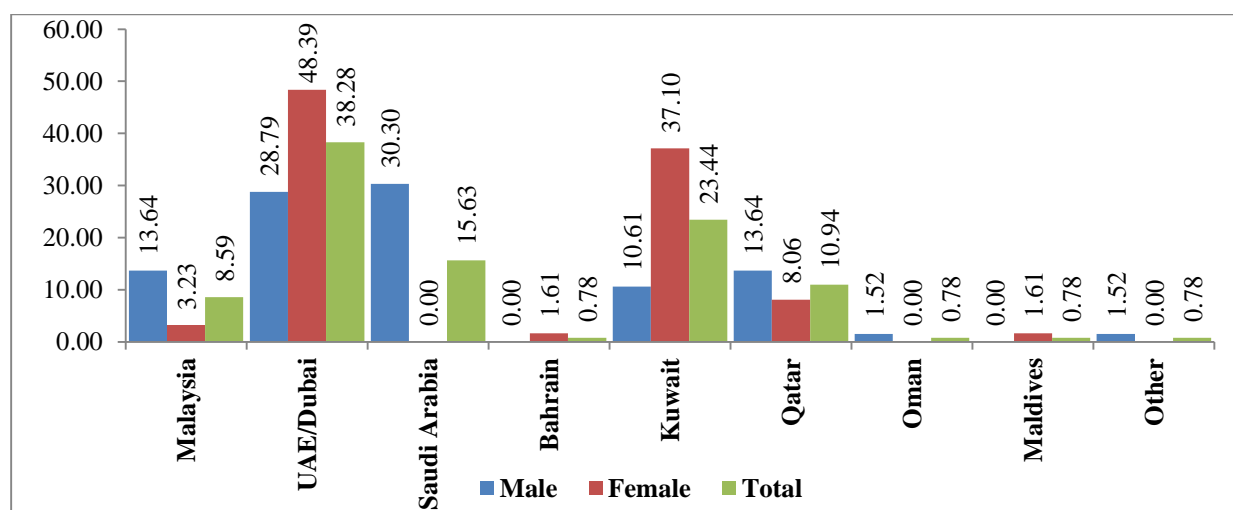


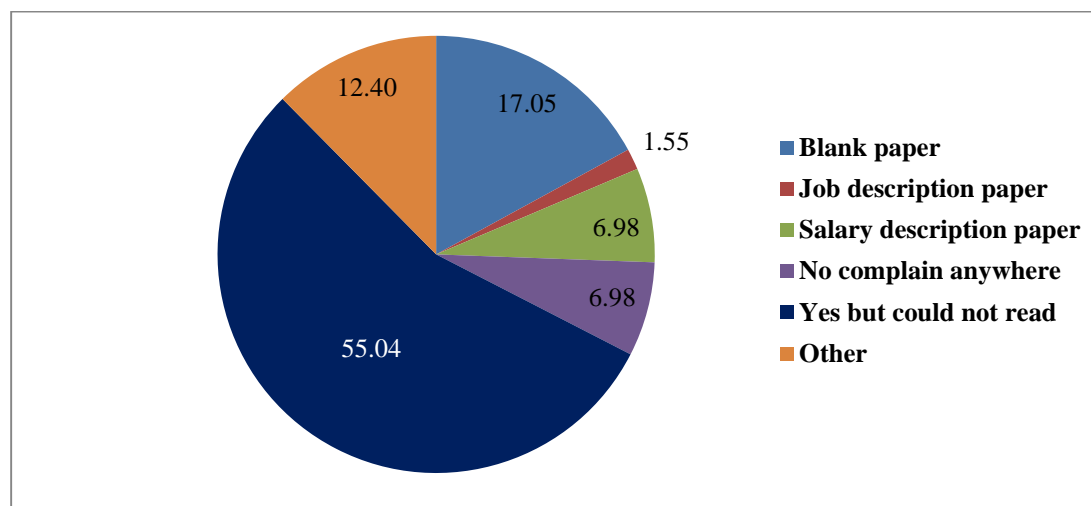
Figure 20: Situation of forced signing in contract paper by country of destination and gender



²³ Migrant Forum Asia, 2021.

Of the total respondents who compelled to sign forcefully, the highest proportion of returnees i.e. 55.04 per cent had signed the paper but could not read. About 17 per cent returnees had signed on blank paper which is followed by salary description paper (6.98%) and no complain anywhere letter (6.98%) (Figure 21).

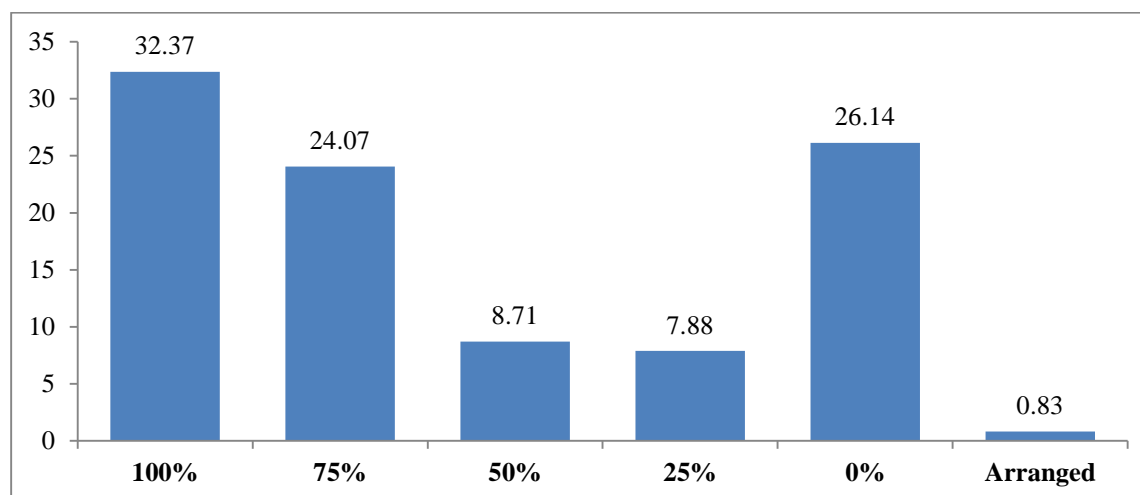
Figure 21: Condition of forced sign before returning back to Nepal



3.7 Deduction in salary and dues

The deduction in salary and dues is the grave violation of migrant's right and one of the worse conditions of wage theft. Deduction of salary and non-payment of dues directly affects the income level of migrants and their families. Out of total returnees, about 32 per cent reported that they had 100% dues which is followed by 75% (24.07%), 50% (8.71%) and 25% (7.88%). It is interesting to note that about 26 per cent returnees did not have any dues (Figure 22).

Figure 22: Condition of due of returnee migrants at the time of return to Nepal



Furthermore, Figure 23 reveals that about 30 per cent returnees had experienced the reduction in salary by 90-100%, which is followed by 15-20% (19.15%), 30-45% (12.77%) and 45-60% (7.80%). The least proportion of returnees i.e. about 5 per cent only experienced reduction in salary by 60-75%.

Figure 23: Reduction in Salary

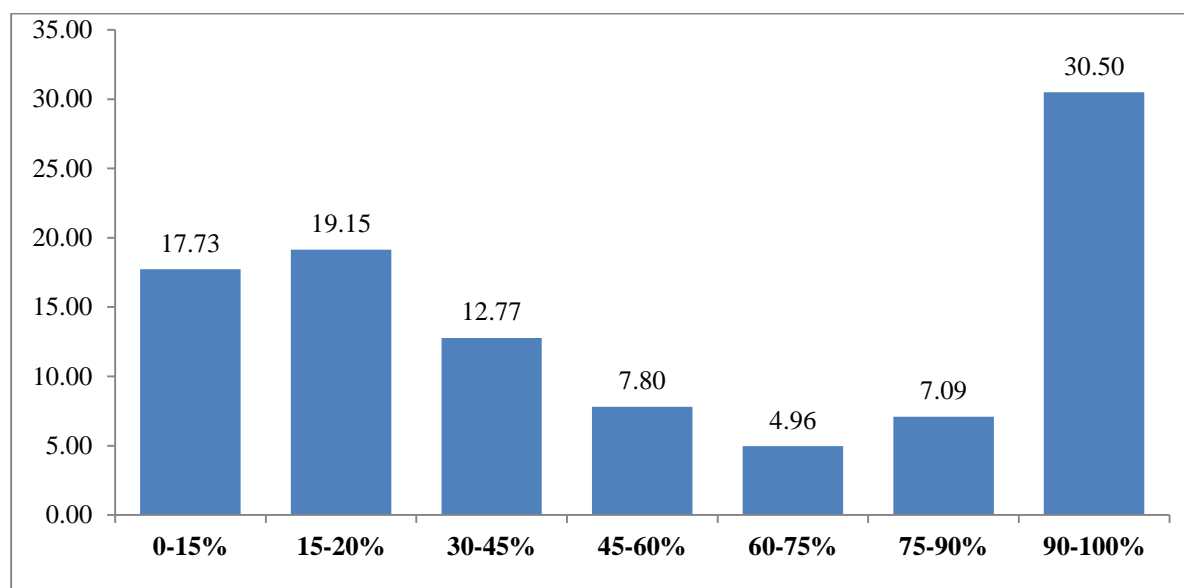
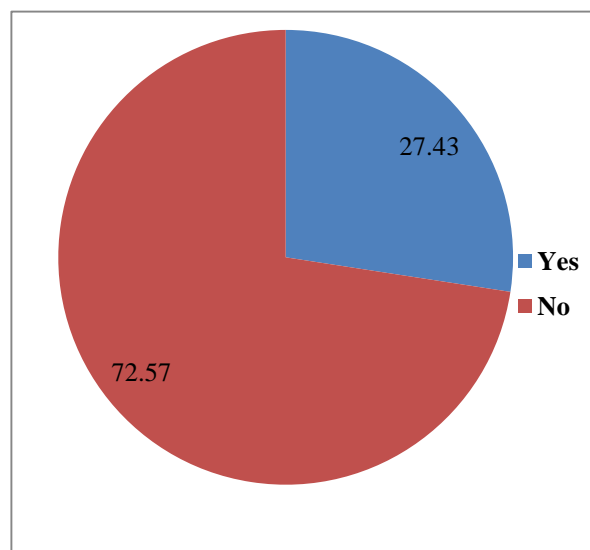


Figure 24: Consent for reducing the salary

The employers in the country of destination tried to seek the consent from migrant workers for salary reduction as per their condition. Of the total returnee, about 27 per cent returnees had given consent for salary reduction whereas remaining 73 per cent did not give the consent for salary reduction (Figure 24).

Furthermore, it is found that about 21 per cent male and 7 per cent female had given consent for salary reduction. Of the total male returnees, about 37 per cent from Malaysia, 26 per cent from Qatar, 24 per cent from UAE and 16 per cent from Saudi Arabia reported that they had given consent for reduction



in their salary. However, about 15 per cent female from UAE and 4 per cent from Qatar had given consent for salary reduction (Table 4).

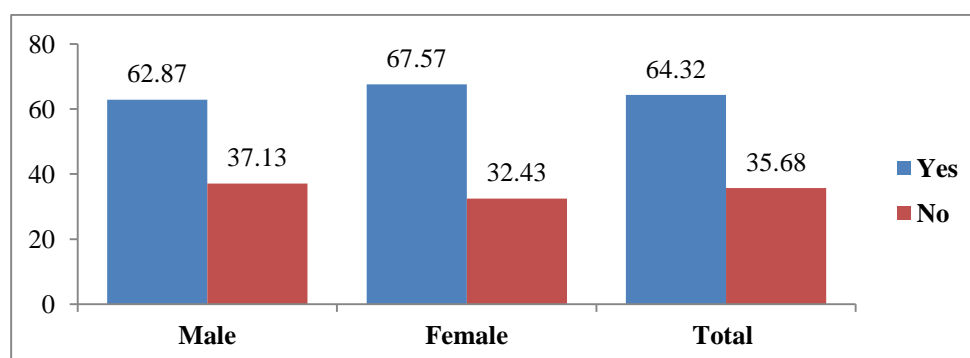
Table 4: Consent for reducing the salary by country of destination and gender

Countries	Male		Female	
	Yes	No	Yes	No
India	0.0	0.0	0.0	100.0
Malaysia	36.8	42.1	0.0	21.1
UAE	23.9	28.2	15.5	32.4
Saudi Arabia	16.1	83.9	0.0	0.0
Bahrain	0.0	0.0	0.0	100.0
Kuwait	4.5	9.1	0.0	86.4
Qatar	26.1	52.2	4.3	17.4
Oman	0.0	100.0	0.0	0.0
Republic of Korea	0.0	100.0	0.0	0.0
Maldives	0.0	0.0	0.0	100.0
Jordan	0.0	0.0	0.0	0.0
Lebanon	0.0	100.0	0.0	0.0
Cyprus	0.0	0.0	0.0	0.0
Malta	0.0	0.0	0.0	0.0
Other	0.0	100.0	0.0	0.0
Total	20.6	42.3	6.9	30.3

3.8 Consent by returnee migrants for unpaid leave at the time of COVID-19

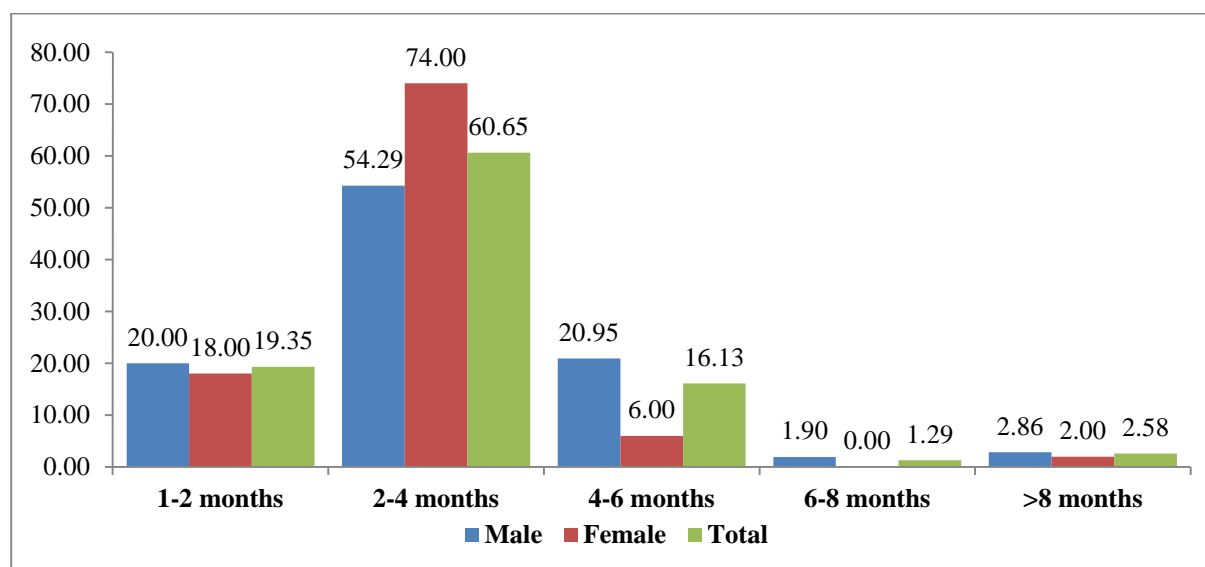
The practice of convincing migrant workers by employer for unpaid leave is regarded as a kind of fraudulent and violation of migrant rights in such a crisis period. About 64 per cent returnees returned Nepal with unpaid leave. Of the total returnees, about 63 per cent male and 68 per cent female returnees returned Nepal with unpaid leave (Figure 25).

Figure 25: Status of unpaid leave during COVID-19



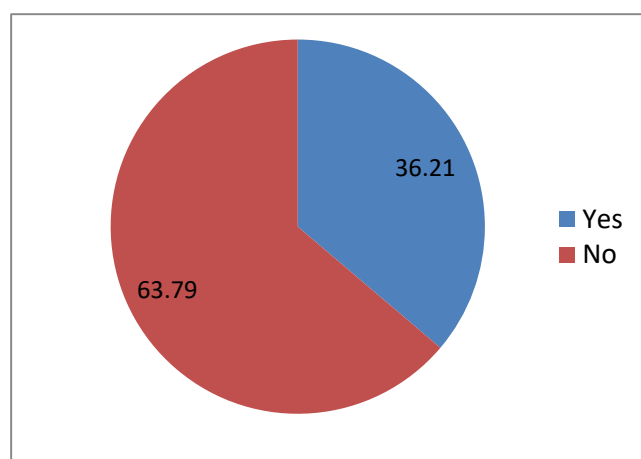
Since the duration of unpaid leave varies with gender and destination countries. According to Figure 26, the significant proportion of returnee migrants i.e. 61 per cent come Nepal for 2-4 months period unpaid leave which is followed by 1-2 months (19.35%), 4-6 months (6%) and the least proportion of returnee come Nepal with more than 8 months period unpaid leave.

Figure 26: Duration of unpaid leave due to COVID-19



Similarly, about 36 per cent returnee migrants had provided the consent for unpaid leaves, whereas 64 per cent had not given any consent to their employers for unpaid leaves (Figure 27).

Figure 27: Consent for unpaid leave



Furthermore, the consent for unpaid leave also varied with genders and countries of destination. Of the total respondents, 33 per cent males and only 3 per cent females had given their consent for unpaid leaves. However, all the male returnees from Oman and Republic of Korea had agreed for unpaid leaves, whereas 65 per cent from Saudi Arabia, 50 per cent from Qatar, 30 per cent from Malaysia, 21 per cent from Kuwait and 18 per cent from UAE had given their

consents (Table 5).

The findings from IDIs illustrates that majority of Nepali returnee migrants were unwillingly provided consent for unpaid leave. Very few were only put their objection for unpaid leave. The main reason of unwilling consent for unpaid leave was that they wanted to return home at any cost to join with their family.

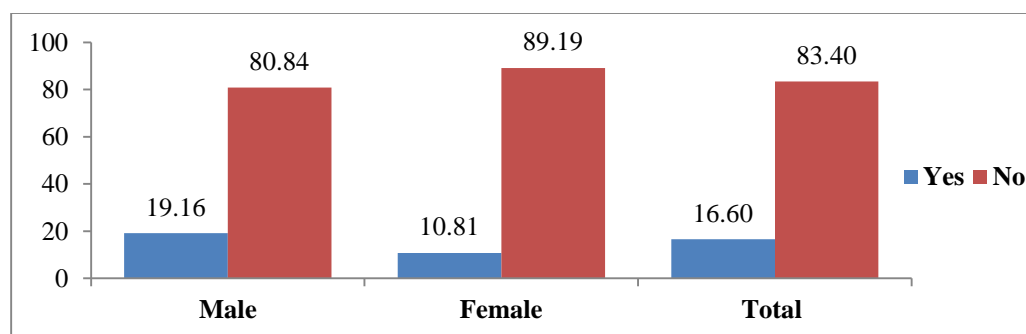
Table 5: Consent for unpaid leave by country of destination and gender

Countries	Male		Female	
	Yes	No	Yes	No
India	0.0	0.0	0.0	100.0
Malaysia	30.0	50.0	0.0	20.0
UAE	18.3	32.4	5.6	43.7
Saudi Arabia	65.5	34.5	0.0	0.0
Bahrain	0.0	0.0	0.0	100.0
Kuwait	20.8	12.5	4.2	62.5
Qatar	50.0	25.0	0.0	25.0
Oman	100.0	0.0	0.0	0.0
Republic of Korea	100.0	0.0	0.0	0.0
Maldives	0.0	0.0	0.0	100.0
Jordan	0.0	0.0	0.0	100.0
Lebanon	0.0	0.0	0.0	0.0
Cyprus	0.0	0.0	0.0	0.0
Malta	0.0	0.0	0.0	0.0
Other	66.7	33.3	0.0	0.0
Total	33.3	29.9	2.9	33.9

3.9 Status of cases filed by returnee migrants

Most of the Nepali returnee migrants were affected by wage theft during the period of COVID-19 crisis. The case of wage theft was incidental at the destination country before this crisis. But the cases of wage theft has compounded after the COVID-19. Of the total returnee migrants who affected from wage theft, only 17 per cent has filed the case in the concerned institutions. Similarly, out of total male only 19 per cent has filed the case whereas of the total female only about 11 per cent has filed case related to wage theft (Figure 28).

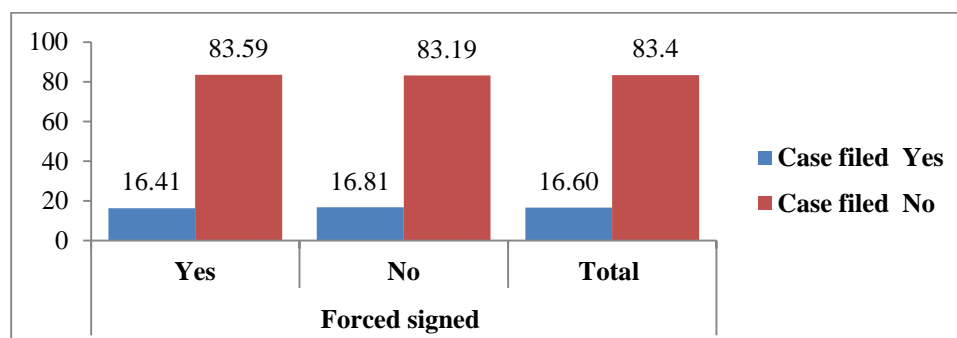
Figure 28: Status of case filed by returnee migrants



The condition of case filing is depended on condition of forced sign in paper i.e. contract paper, blank paper etc. As per the statement made by returnees, about 16 per cent has filed the case who

were forced to sign in the paper whereas about 17 per cent returnees has filed the case who were not forced to sign in the paper (Figure 29).

Figure 29: Status of case filed by forced signed condition



Box 2: Hurdles in filing the case to claim the compensation

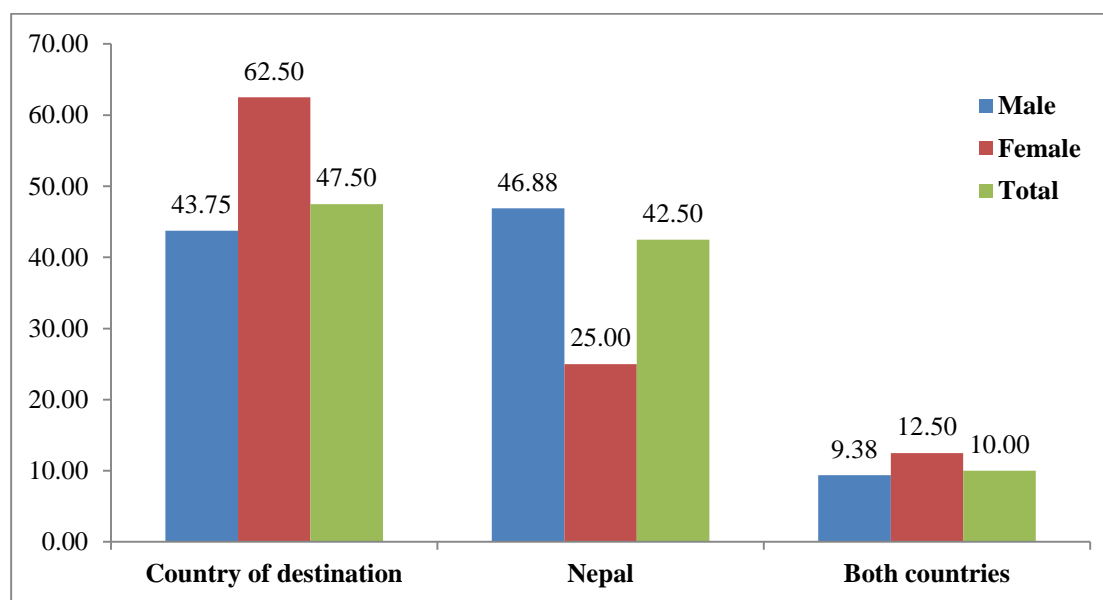
Sundar Tamang (Name changed), aged 34, had destined to UAE with lots of hopes and dreams for better life. He dreamt for better accommodation of the beloved family and with the hopes of standard life in coming days, left home and family and flew to the foreign land.

He proceeded for the foreign migration process through Al Zarafa Human Resource Consultant Pvt. Ltd. where he made a payment of amount one hundred twenty thousand NPR cash. As per the oral contract, he was to obtain 1050 AED plus food accommodation working for 8 hours per day, working as a cleaner. However, his labour permit was issued in contradiction to oral contract mentioning the salary of 800 AED. When he asked to the recruiting agents at the time of flight he was ensured by recruiting agents that he would get the salary as they had promised and he would be working in one of the good company at UAE.

When he reached at the destination country he worked as a cleaner for 8 hours per day but the work was for 2 months only and salary was paid of 1 month (950 AED) only despite of working for 2 months. After working for 2 months in the company he stayed in company for 5 months without having any work. Company did not declare anything whether he was in unpaid leave. Moreover, he was not provided food by company. As it was COVID-19 period he could not return back to Nepal easily. He stayed in UAE without having food and salary for extra 5 months arranging food by borrowing the money from friends and other Nepali staying at UAE. His family member also tried to return back to Nepal talking with Recruiting Agency but recruiting agency threatened and scolded to his family instead of providing support. Company at destination also did not support him for returning back to Nepal. After many efforts, his family member makes ticket arrangement to return. And with the help of organization working in the migration sector he was able to return back to Nepal on 18 September 2020. After returning back to Nepal he went to legal aid providing organization (People Forum) for legal support. This organization help him in drafting application claiming the amount provided and his remaining salary but due to lack of evidence regarding amount provided, Department of Foreign Employment (DoFE) deny to register his case and he returned back to his home with bare hand. However, People Forum is doing continuous follow up for filing the case at DoFE on behalf of him but due to his personal problem he is not able to come at Kathmandu for case registration.

Similarly, the returnee migrants have filed the cases in different places viz. country of destination, Nepal and both countries. According to Figure 30, about 48 per cent returnees has filed the case in destination countries whereas 43 per cent has filed in Nepal and about 10 per cent has filed in both countries i.e. country of destination and Nepal. Majority of female has filed the case in country of destination whereas majority of male has filed the case in Nepal.

Figure 30: Place of case filed by returnee migrants by gender



The findings obtained through case study suggest that the victims of wage theft should give priority for filing the case and they should be provided with appropriate compensation. Government should provide the seed money or soft loan with appropriate skills for starting their own business or small entrepreneurship to those returnees who do not want to return foreign land again. So, majority of participants participated in case study put their view on reintegration program for their involvement and contribution for the development.

SUMMARY OF FINDINGS AND CONCLUSIONS

4.1 Summary of findings

This study was carried out with the aim of exploring the situation of wage theft among Nepali migrant workers during COVID-19. The central focus of the study was to document and analyze the wage theft cases for practical recommendations especially for compensation and grievance handling purposes. The provision and conducive environment for compensation and grievance handling mechanisms for victims of wage theft provide the ground for promoting and protecting the rights and welfare of migrant workers.

The study comprised 241 returnee migrants in which majority were male (69%) and larger segment of returnees were from 25-29 years of age group (26%). The significant proportion of returnees was from Janajati (38%), married (78%) and with low educational status. About 74 per cent of them had obtained secondary or less education and 16 per cent had obtained intermediate (equivalent to 10+2) level of education whereas very few respondents (1.24%) had obtained bachelor degree.

The highest proportions of returnees were from UAE (36.27%) which is followed by Saudi Arabia (19.09%), Malaysia (13.69%), Kuwait (13.28%) and Qatar (12.86%). The proportion of returnees who were from India, Bahrain, Republic of Korea, Maldives, Jordan and Lebanon is less than one per cent.

The duration of stay of migrant workers is directly related to their working conditions and services they received. About half of returnees were stayed for > 24 months. Similarly, about 17 per cent respondents stayed for 18-24 months and 12-18 months. At the destination place, majority were involved in construction (17.1%), which is followed by cleaning (14.52%), accommodation and food service (14.11%), domestic work (13.69%) and transportation (9.13%) whereas few were involved in IT sector (0.41%).

Documentation status of returnee migrants

Documentation status of returnee migrants has significant meaning in terms of application of terms and conditions of employment contract at destination. About 78 per cent of the total returnee migrants were documented in which more female were undocumented than their counterparts. About 43 per cent illiterate returnees were undocumented whereas there was no any undocumented returnee who acquired bachelor degree.

About cent percent returnees were remained as undocumented who were from India and Lebanon. However 66 per cent returnee from Kuwait, 27 per cent from Malaysia, 23 per cent from Qatar, 13 per cent from Saudi Arabia were undocumented.

Salary and wage theft scenario in the destination countries

COVID-19 has directly affected the salary of migrant workers. The mobility restriction imposed by the governments adversely affected the working environment and payment of migrants. Nearly 63 per cent respondents had received payment as agreed, whereas 33 per cent returned empty-handed. The significant proportion of returnees who did not receive the agreed salary were observed in Kuwait (46.88%) followed by Malaysia (36.36%), Qatar (35.48%), Oman (33.33%), Saudi Arabia (30.43%) and the UAE (27.06%).

Nearly 88 per cent documented returnee migrants received salary as agreed whereas one tenth undocumented returnees had received salary as per agreement however 35 per cent returnees received less than agreed salary. Similarly among the returnee migrants who signed in blank paper, about 32 per cent received less than agreed whereas 68 per cent had received as per agreement. Approximately 33 per cent returnee who signed in no complain anywhere letter and 32 per cent who signed in letter but could not read obtained less than agreed salary. Of the total returnee migrants who received less than agreed salary, the highest proportion of returnees i.e. 26 per cent received less than 20-30% as agreed whereas 10 per cent returnees received 90-100% less salary.

Out of total returnee migrants, about 80 per cent had the knowledge in regard to their minimum salary. About 18 per cent female and 22 per cent male did not have knowledge about their minimum salary. Near about 21 per cent male and 19 per cent female received salary after one week whereas 7 per cent male and 15 per cent female received their salary after 3 months.

Working duration at destination

Out of total returnee migrants about 74 per cent returnees had overtime facilities. Nearly about 77 per cent male and 66 per cent female returnees had such facilities. Since 78 per cent documented and 22 per cent undocumented returnee migrants had done overtime at destination countries, most of them did not get the overtime payment and this problem was reported high by undocumented returnees.

About 10 per cent returnees had performed overtime work for more than 36 hours in a week however 15 per cent returnees worked extra hour for more than 25-30 hours in a week which is followed by 19-24 hours (16.18%), 13-18 hours (11.62%) and less than 6 hours (6.64%).

Payment for extra work

Nearly 54 per cent returnee received payment for extra working hours whereas 46 per cent did not receive such payment. This fact reveals that the large proportion of returnee migrants was exploited at the place of past working countries. About 46 per cent returnees received payment of overtime work in which only 37 per cent undocumented returnees received payment of extra working hour.

The significant proportion of returnees (42.27%) received 0-10% less payment. About 24 per cent received 90-100% less salary which is followed by 10-20% less (12.37%), 20-30% less (9.28%), 30-40% less (8.25%) and 70-80% (3.09%). About 62 per cent returnee migrants did not get payment of overtime work. Nearly one fifth returnees received such payment at 1-month late period which is followed by 2 months late (16.85%) and 3 months late (5.06%).

Condition of forced signing at the contract paper

Out of total returnee migrants, 53 per cent signed coercively while they were at destination. Similarly, of the total returnees the high proportion returnees who forced to sign is observed in the UAE (38.28%), followed by Kuwait (23.44%), Saudi Arabia (15.63%), Qatar (10.94%) and Malaysia (8.59%). Of the total returnees who compelled to sign, the highest proportion of returnees i.e. 55.04 per cent had signed the paper but could not read. About 17 per cent returnees had signed on blank paper which is followed by salary description paper (6.98%) and no complain anywhere letter (6.98%).

Deduction in salary and dues

As a result of COVID-19, the deduction of salary and non-payment of dues directly affects the income level of migrants and their families. Out of total returnees, about 32 per cent said that they had 100% dues which is followed by 75% (24.07%), 50% (8.71%) and 25% (7.88%). It is interesting to note that about 26 per cent returnees did not have any dues.

Out of total returnees, 30 per cent had experienced the reduction in salary by 90-100%, which is followed by 15-20% (19.15%), 30-45% (12.77%) and 45-60% (7.80%). The least proportion of returnees i.e. about 5 per cent only experienced reduction in salary by 60-75%.

Of the total returnees, about 27 per cent had given consent for salary reduction whereas remaining 73 per cent did not give the consent for salary reduction. Near about 21 per cent male and 7 per cent female had given consent for salary reduction. Of the total male returnees, about 37 per cent from Malaysia, 26 per cent from Qatar, 24 per cent from the UAE and 16 per cent from Saudi Arabia reported that they had given consent for reduction in their salary. Whereas about 15 per cent female from the UAE and 4 per cent from Qatar had given consent for salary reduction

Consent by returnee migrants for unpaid leave at the time of COVID-19

Out of total returnees, 64 per cent returned Nepal with unpaid leave in which 63 per cent male and 68 per cent female fall under this category. The significant proportion of returnee migrants i.e. 61 per cent come Nepal for 2-4 months period unpaid leave which is followed by 1-2 months (19.35%) and 4-6 months (6%). About 36 per cent returnees had provided the consent for unpaid leave whereas remaining 64 per cent had not provided the consent for their respective employers for unpaid leave.

In regard to consent for unpaid leave, 33 per cent male and only 3 per cent female had given such consent. The cent per cent male returnees from Oman and Republic of Korea agreed for unpaid leave whereas 65 per cent from Saudi Arabia, 50 per cent from Qatar, 30 per cent from Malaysia, 21 per cent from Kuwait and 18 per cent from the UAE given consent for unpaid leave.

Status of filing the case

Of the total returnee migrants who had been the victims of wage theft, only 17 per cent had filed cases. As expressed in the qualitative interviews, about 16 per cent of the respondents who had been forced to sign on documents had filed cases, whereas about 17 per cent of the respondents who had not been forced to sign on documents had filed cases. About 48 per cent returnees had filed the case in destination countries whereas 43 per cent had filed cases in Nepal and about 10 per cent filed them in both countries i.e. country of destination and Nepal. Majority of females filed cases in the countries of destination, whereas majority of males had filed cases in Nepal.

4.2 Conclusions

The situation analysis of wage theft of Nepali migrant workers returned from different destination countries was the primary focus of this study. The problems, issues, scenarios and justice seeking mechanisms of returnees in the context of COVID-19 were assessed. COVID-19 has adversely affected to Nepali migrant workers with the reduction in working hours, layoffs, non-payment, reduction in salaries and loss of jobs. The victims of wage theft have harshly faced the problems of reduction in income, severely affecting the livelihood of both returnees and their family members alike. The high proportion of severity of wage theft victims were female than their counterparts because most of the females were undocumented and mostly involved in domestic work.

Many Nepali migrant workers have not received payment as per the agreement during the pandemic due to undocumented status and lack of legal and other support at destination countries. The issues related to non-payment and under payment of their overtime work are the result of COVID-19 crisis which has further compounded by undocumented status. The less payment than agreed salary, salary reduction without workers consent, delay payment and forced migrants to sign on documents for various purposes were the challenging issues for Nepali migrant workers at destination countries aroused due to corona virus diseases. As a result, many migrant workers have returned home empty-handed without receiving their dues with the hope that their employers send the dues to them after their return to Nepal. It reveals that migrant workers have become the victims of various forms of wage theft during COVID-19 and the pandemic has exacerbated the issue more than ever before.

RECOMMENDATIONS

- i. **Immediate actions:** are required to collect and record the data related to victims of wage theft that is why receiving and sending countries can take appropriate and conducive actions.
- ii. **Bilateral dialogue:** the bilateral dialogue between receiving and sending countries need to arrange to solve the problems related to wage theft of migrant workers at destination countries, especially the problems of Nepali migrant workers.
- iii. **Worker's rights protections:** right of migrant workers especially right to remuneration and right to freedom of choice should be protected in line with the ILO provision. For protecting the rights of migrant workers effective PROBONO service is necessary.
- iv. **Administrative hearing process to facilitate wage claims:** the accessible and effective hearing mechanisms at country of destination by host and sending state should be arranged for facilitating wage claims. There seems to develop grievance handling mechanisms at country of destinations through diplomatic negotiation.
- v. **Coalition with regional and other global mechanisms:** the right of victims of wage theft can be protected and ensured through the collective and collaborative effort with regional and global mechanisms.
- vi. **Strong political commitment for settling the issues of wage theft:** strong political commitment is needed from major political parties for settling the case of wage theft. The political commitment might play pivotal role for taking the action at origin and destination country. So, the issue of wage theft of Nepali migrant workers should be the political agenda.
- vii. **Ensuring wage recovery of victims of wage theft:** the government of Nepal should develop a task force for ensuring the wage recovery that is why those returnees who already in Nepal could retain the wage from Nepal. Similarly, those who are currently in Nepal with unpaid leave need to make appropriate provision by GoN for them to ensure their rights and dignity at country of destination.
- viii. **Transitional justice mechanism:** the labor sending and receiving country need to establish a transitional justice mechanism for addressing the huge volume of cases of wage theft and other claims in crisis period of COVID-19.

- ix. **Track the record of victims of wage theft who are already in Nepal:** the government of Nepal in collaboration with local NGOs and CBOs and coordination with provincial governments needs to develop record systems of returnee migrants which further ease to take appropriate action in regard to victims of wage theft.
- x. **Prevent future cases of wage theft:** Awareness raising program and activities in regard to wage theft need to launch with close coordination of NGOs and CBOs. Such program and activities help to ensure and promote the wage of migrant workers at destination. Furthermore, technical and vocational education and training (TVET) should be provided to aspirant migrants to promote self-employment and entrepreneurship.
- xi. **Since most of the victims are observed from illiterate group,** so proper awareness with appropriate knowledge and skills need to provide for aspirant migrants to avoid the possible wage theft in future.
- xii. **The existing legal and policy provisions** related to wage theft need to implement effectively by giving the utmost priority. For the proper compensation, required bylaws should be developed at the earliest.
- xiii. **Employment opportunities for resuming the livelihoods of returnee migrants:** Since the majority of victims of wage theft who are currently jobless in their home land require immediate and effective intervention particularly the employment opportunities need to provide for supporting and retaining returnee migrants' livelihoods.
- xiv. **Need based income generating program targeting to victims of wage theft:** those returnees who were adversely affected from wage theft at country of destination should provide demand based skill trainings for income generation.
- xv. **Psycho-social training to victims of wage theft returnee migrants** is must for those who are suffered from depression, hypertension, fear, economic pressure and loneliness due to salary reduction, lay-off, dues, work burden, change in contract etc.

ANNEXES

Annex I: Figures

Figure 1: Status of forced sign by level of education

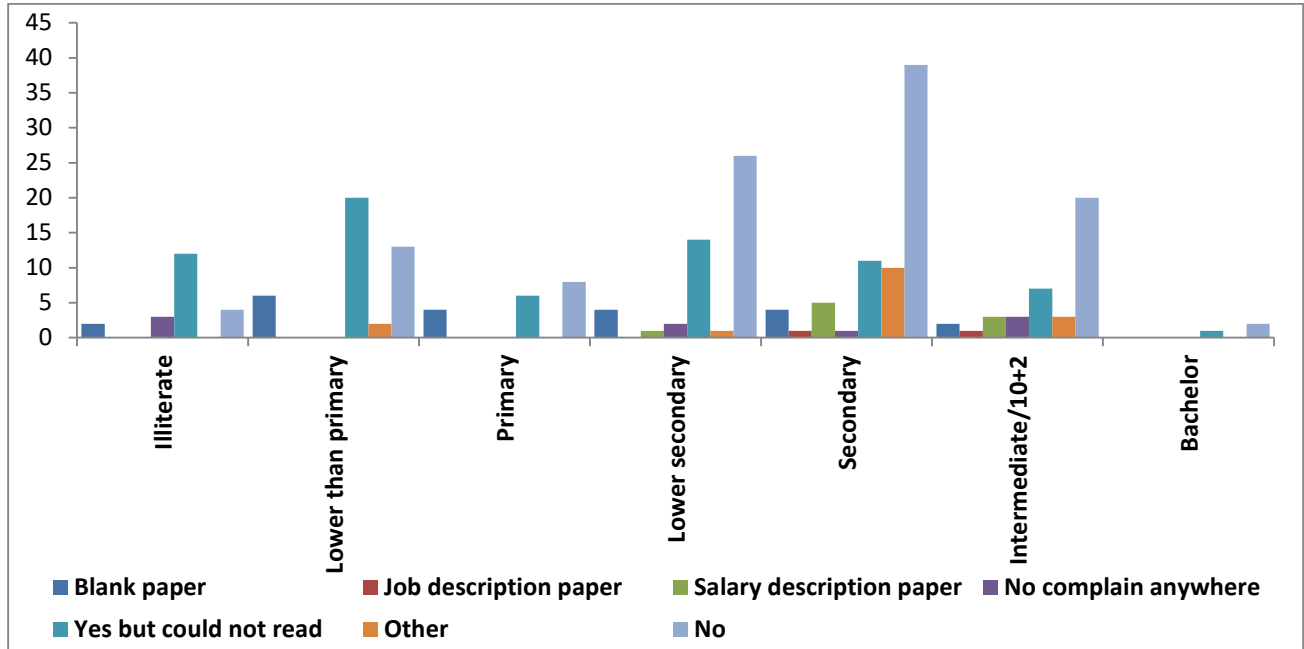


Figure 2: Case filing status by level of education

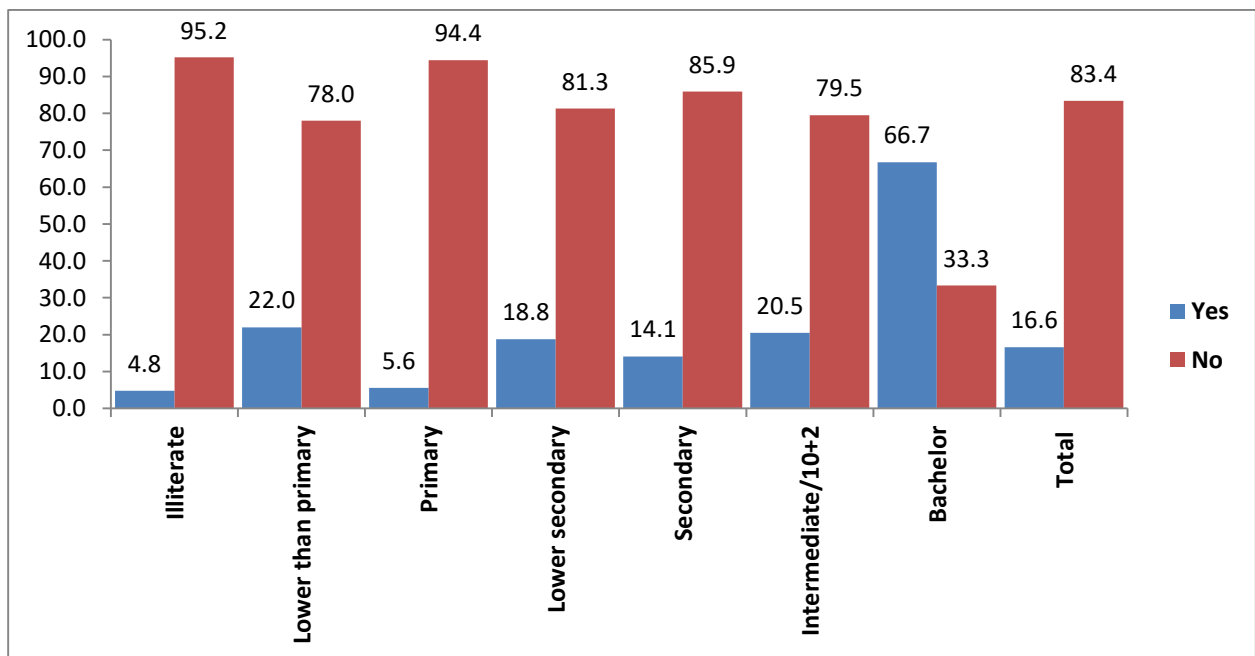
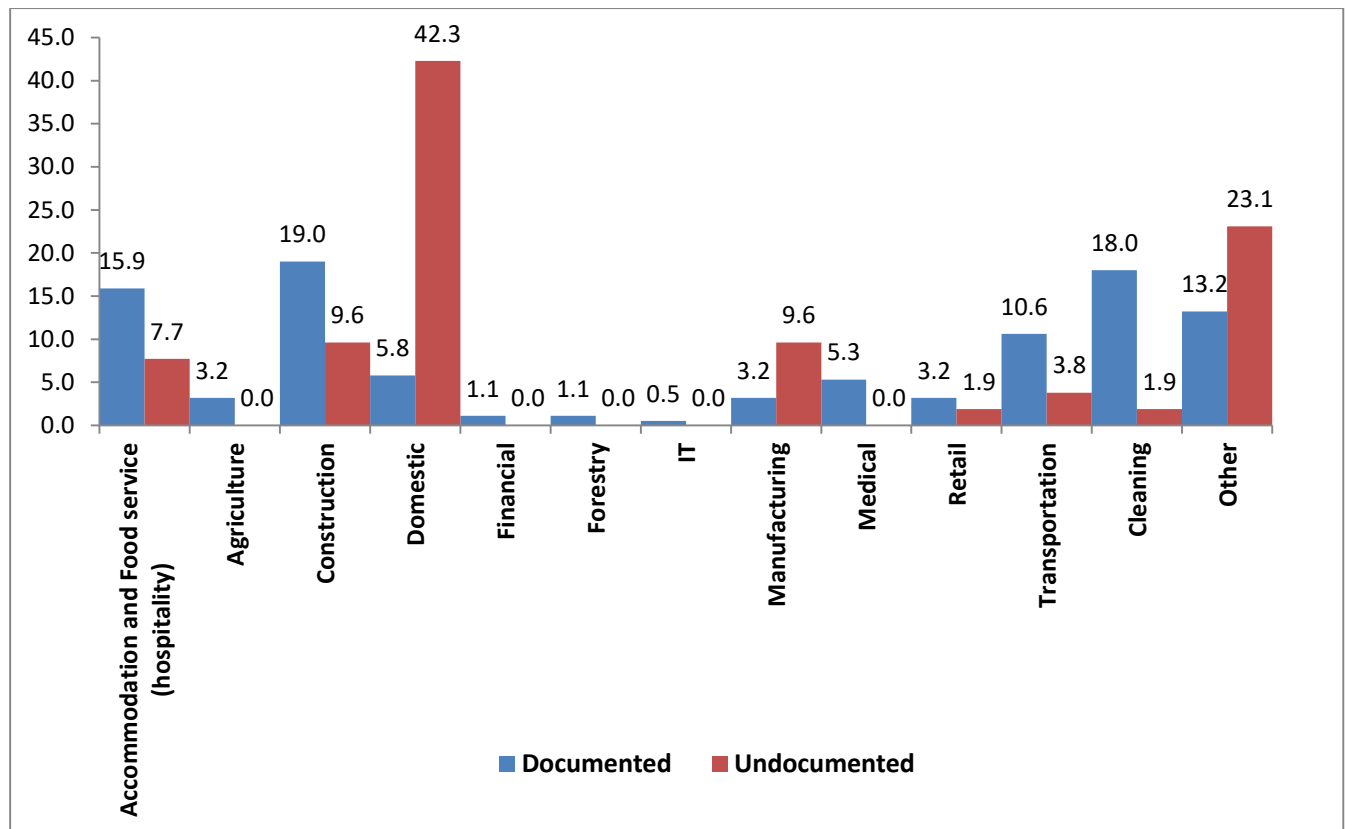


Figure 3: Documentation status by occupation of respondent



Annex II: Questionnaire on Wage Theft

[Question to be asked to returnee migrants who returned during Chaitra 11, 2076-Asoj 2, 2077]

1. Name of the returnee: _____ 2. Age: _____

3. Gender: ☐ Male ☐ Female ☐ Other

4. Permanent Residence: ☐ Province 1 ☐ Province 2 ☐ Bagmati ☐ Gandaki
☐ Lumbini ☐ Karnali ☐ Sudurpaschim

5. District:

6. Marital status:

☐ Unmarried ☐ Married ☐ Divorced ☐ Separated ☐ Single

7. Education

☐ Illiterate ☐ Lower than Primary ☐ Primary ☐ Lower secondary ☐ Secondary

☐ Intermediate/ 10+2 ☐ Bachelor and above

8. Destination Country:

☐ India ☐ Malaysia ☐ UAE ☐ Saudi Arabia ☐ Bahrain ☐ Kuwait ☐ Qatar ☐ Oman ☐ Republic of
Korea ☐ Maldives ☐ Jordan ☐ Lebanon ☐ Cyprus ☐ Malta ☐ Other

9. Duration of stay in the destination country:

☐ 1-6 months ☐ 6-12 months ☐ 12-18 months ☐ 18-24 months ☐ 24 months' plus

10. Occupation:

☐ Accommodation and Food service (hospitality)

☐ Agriculture

☐ Construction

☐ Domestic

☐ Financial

☐ Fishing

☐ Forestry

☐ IT

☐ Manufacturing

☐ Medical

- ☐ Mining
- ☐ Retail
- ☐ Transportation
- ☐ Cleaning
- ☐ Other (Mention) _____

11. Employment Status

- ☐ Documented ☐ Undocumented

12. What was your monthly salary, according to the written/verbal contract?

..... (dirham, ringgit, riyal, dinar, rupees,)

13. Were you paid the salary as in the contract? [Skip to Q.N 15 if the answer is other than 'less than agreed']

- ☐ More than agreed ☐ As agreed ☐ Less than agreed

14. If it was less than agreed, how much less was it?

- ☐ 0-10%
- ☐ 10-20%
- ☐ 20-30%
- ☐ 30-40%
- ☐ 40-50%
- ☐ 50-60%
- ☐ 60-70%
- ☐ 70-80%
- ☐ 80-90%
- ☐ 90-100%

15. What was the minimum salary of a worker in the country you worked?

..... (dirham, ringgit, riyal, dinar, rupees,)

16. When did you use to get your salary?

- ☐ On time
- ☐ 1 week late
- ☐ 1 month late

☐ 2 months late

☐ 3 months late

☐ 4 months late

☐ >4 months late

17. According to the contract (*oral or written*), how many hours were you supposed to work in a day?

.....hours

18. How many hours did you work in a day?

.....hours

19. Did you work over time?

☐ Yes

☐ No

20. If yes, how many hours did you work as over time in a week?

☐ <6 hours

☐ 7-12 hours

☐ 13-18 hours

☐ 19-24 hours

☐ 25-30 hours

☐ 31-36 hours

☐ >36 hours

21. Did you get paid for working extra hours as agreed in the contract?

☐ Yes

☐ No

22. If no, how much less were you paid?

☐ 0-10%

☐ 10-20%

☐ 20-30%

☐ 30-40%

☐ 40-50%

- ☐50-60%
- ☐60-70%
- ☐70-80%
- ☐80-90%
- ☐90-100%

23. When did you use to get your payment of the overtime work?

- ☐On time
- ☐1 week late
- ☐1 month late
- ☐2 months late
- ☐3 months late
- ☐4 months late
- ☐ >4 months late

24. Were you forced to sign on any paper when you returned?

- ☐Blank paper
- ☐Job description paper
- ☐Salary description paper
- ☐No complain anywhere
- ☐Yes, but could not read
- ☐Others (Mention)_____
- ☐No

25. Were you forced to work without payment?

- ☐Yes
- ☐No

26. Did you get your dues when you returned to Nepal?

- ☐100%
- ☐75%
- ☐50%
- ☐25%
- ☐0%

27. What were the benefits that you were promised?

.....

28. Did you get these benefits?

☐ All ☐ Partially ☐ Not at all

29. Were your salaries reduced during the corona period?

☐ Yes ☐ No [*Skip to 32*]

30. If yes, how much of your salary was reduced?

☐ 0-15% ☐ 15-30% ☐ 30-45% ☐ 45-60% ☐ 60-75% ☐ 75-90% ☐ 90-100%

31. Were you asked for your consent for the reduction of your salaries?

☐ Yes ☐ No

32. Did you have to stay on unpaid leave during the corona?

☐ Yes ☐ No

33. If yes, how long did you have to stay on unpaid leave?

☐ 1-2 months ☐ 2-4 months ☐ 4-6 months ☐ 6-8 months ☐ >8 months

34. Did you happily give your consent for the unpaid leave?

☐ Yes ☐ No

35. Did you file any cases?

☐ Yes

☐ No

36. Where did you file?

☐ Country of destination

☐ Nepal

Annex III: Checklist for qualitative information

Name:

Age:

Sex:

Occupation:

Country of destination:

Current place of residence:

Contact No.:

1. Were you paid the salary as in the contract while you were at destination?
2. If not, what are the major reasons behind that?
3. What was the minimum salary of a worker in the country you worked? Did you receive minimum salary? When did you use to get your salary?
4. According to the contract (oral or written), how many hours were you supposed to work in a day? Were you coerced to work extra duration of time? Normally, how many hours did you work in a day?
5. Did you work over time? If yes, how many hours did you work as over time in a week? Was work forceful?
6. Did you get paid for working extra hours as agreed in the contract?
7. If no, how much less were you paid? And what are the reasons for that?
8. When did you use to get your payment of the overtime work? If not please mention main reasons.
9. Were you forced to sign on any paper when you returned? What are the main reasons behind that? Had you tried to escape from signing?
10. Were you forced to work without payment? Did you get your dues when you returned to Nepal? Who facilitates for that?
11. What were the benefits that you were promised? Did you get these benefits as promised?
12. Were your salaries reduced during the corona period?
13. If yes, how much of your salary was reduced? What were the effects that you faced due to reduction in salary?
14. Were you asked for your consent for the reduction of your salaries? What are the reasons behind that?
15. Did you have to stay on unpaid leave during the corona? If yes, how long did you have to stay on unpaid leave? Please elaborate the unpaid leave status.
16. Did you happily give your consent for the unpaid leave? What are the main reasons for happily giving consent?
17. Did you file any cases? Where did you file? Who assist you to file the case? What types of hurdles did you face for filing the case? What types of mechanism do you want to get your remaining salary/wage/money? Please explain.



National Network for Safe Migration (NNSM)

Tel: [+977 9869805555]
Address: Anamnagar, Kathmandu

Email: [nnsn2064@gmail.com]
Website: [www.nnsnnepal.org]