

### Jobs abroad for a better life...

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Nearly 60 per cent of the cost in Bangladesh is accounted for by the so-called intermediaries (read: dalal), 18 percent by "helpers", and another 10% represents "agency fee". Although under different nomenclatures, the above figures show that 88% of the cost is accounted for by "facilitators" of the process of migration. It is thus clear that a prospective migrant worker from Bangladesh has to pay large sums to recruiting agents and other intermediaries at various stages – and the payments per worker are the highest in the region.

Mobilising something like Tk. 250,000 is not easy for a low-income family; and that is often done by taking loans from relatives and friends or by selling the meagre amount of land (and other assets) the family might possess. But given the salary that one earns abroad, the savings that can be generated and remitted back home, and the consumption needs of the family left behind, it often takes years to recoup the lost assets and start rebuilding.

**Instruments exist to protect the rights of migrant workers, but they are often ignored**

There are international conventions/standards that are aimed at protecting the rights of migrant workers. Examples are various ILO and UN Conventions on migrant workers and the ILO's Multilateral Framework on Labour Migration. Unfortunately, however, many of the destination countries have not ratified any such instrument. It is thus difficult to obtain an assessment of the situation regarding the rights of migrant workers from such countries. In fact, absence of ratification itself is an indicator of the poor situation in this respect. The following

Manpower Offices (DEMOs) have been strengthened in order to provide migration related information to prospective migrant workers and their families;

- BMET arranges to provide pre-departure orientation to migrant workers before they travel abroad;
- The government, in collaboration with NGOs and other stakeholders, is making efforts to raise mass awareness on safe migration procedures through dissemination of relevant information;
- BMET has a Wage Earners' Welfare Board that is mandated to provide various services to migrant workers that include pre-departure briefing, scholarship for workers' children, repatriation cost of deceased migrant worker, and grant for deceased workers' families;
- Bangladesh has bilateral agreements with Kuwait and Qatar and MOUs with Hong Kong, Iraq, Jordan, Republic of Korea, Libya, Malaysia, Maldives, Oman, and UAE.
- Probashi Kalyan Bank (Expatriate Welfare Bank) has been set up with the objective of providing credit for meeting the costs of migration, helping smooth transfer of remittances at low cost, and encourage investment in productive sectors;
- In 2011, the government ratified the International Convention on the protection of the rights of all migrant workers and their families;
- The Overseas Employment and Migrant Welfare Act, 2013 was passed by the parliament of Bangladesh in 2013. The Act has provisions for providing protection to migrant workers against possible abuses. Rules are being formulated for the implementation of the Act.

What can be done to improve the situation?

Despite various steps taken by the government to protect migrant workers from exploitation and to promote their

• Upon arrival at the destination country and the location of duty, the important steps include registration with the nearest Bangladesh mission, checking whether the actual terms and conditions of the work match with those specified in the contract, and checking out on the grievance procedure, if needed.

• Measures are needed to protect the rights and promote the welfare of migrant workers at each of these stages. Depending on the stage of intervention and nature of action, they could be in the nature of facilitation, promotion, regulation or protection. At the stage of decision making, the prospective migrant would benefit from information of different kinds (mentioned above) which could be provided through various channels ranging from conventional electronic and print media, social media, and awareness raising campaign by both government and non-government organisations that are present at the grassroots level. Apart from information about prospects of jobs in different countries and qualifications required for jobs of different kinds, it would be particularly important to provide information about the excessive charges made by the recruiting agents and sub-agents, and the dangers of migration through irregular channels.

• The mechanism for the search of jobs overseas can be made more efficient and transparent by requiring recruitment agencies to post information about jobs available on their websites. Likewise, for recruitments made by the government (for example within the framework of the G2G mechanism), information may be posted on the website of BMET. It is at the stage of job search that migrant workers face the highest probability being misled and exploited by agents and sub-agents, and hence, measures will be needed to protect them from such dangers. While laws and regulations as well as punishment for offenders are essential, they alone will not be sufficient, especially in a situation where desire and incentive to migrate are very strong. It would be important to provide the prospective migrants with choices and alternatives to the "services" provided (or promised) by agents and sub-agents. Strengthening and extending the reach of the public sector recruitment agency as well as innovative measures to help job-seekers link up with employers or their legitimate agents can play a useful role in this regard. If properly mandated and strengthened, District Employment and Manpower Offices (DEMOs) could potentially provide an alternative to "services" provided by sub-agents.

• For negotiating contracts, the government could play an important role by setting the basic standards in terms of wages for different categories of workers and different destination countries, other conditions of work, e.g., weekly time off, health care and care in case of emergencies, insurance against accidents, etc. Such model contracts could be used by the government in arriving at bilateral agreements and MOUs with different countries. Although such agreements do not provide complete solution to all the issues involved in labour migration, they can be a useful instrument for protecting the rights of workers to a large extent.

• Where bilateral agreements or MOUs don't exist, the government could still provide basic guidelines for negotiation of contracts with prospective employers in different countries which could be used by recruitment agencies and could provide a point for reference for prospective migrants.

• In the destination countries, missions of Bangladesh, through the Labour Wings, could play an important role in minimising (if not completely eliminating) abuses of workers and violations of rights they face. Of course, in order to achieve desired results, those offices would have to be strengthened both in terms of quantity and quality, i.e., by increasing the number and improving the capability of the responsible officials.

• It must be clear from the above discussion that the act of international migration for employment overseas is difficult, and likewise the task of managing the process can be quite complex. The complexity of the task of governance and management can be gauged from the simple fact that the relevant players are located all over the country of origin and the countries of destination, and hence are subject to the situa-

Chart 1: Tree Depicting Various Stages of International Migration for Employment

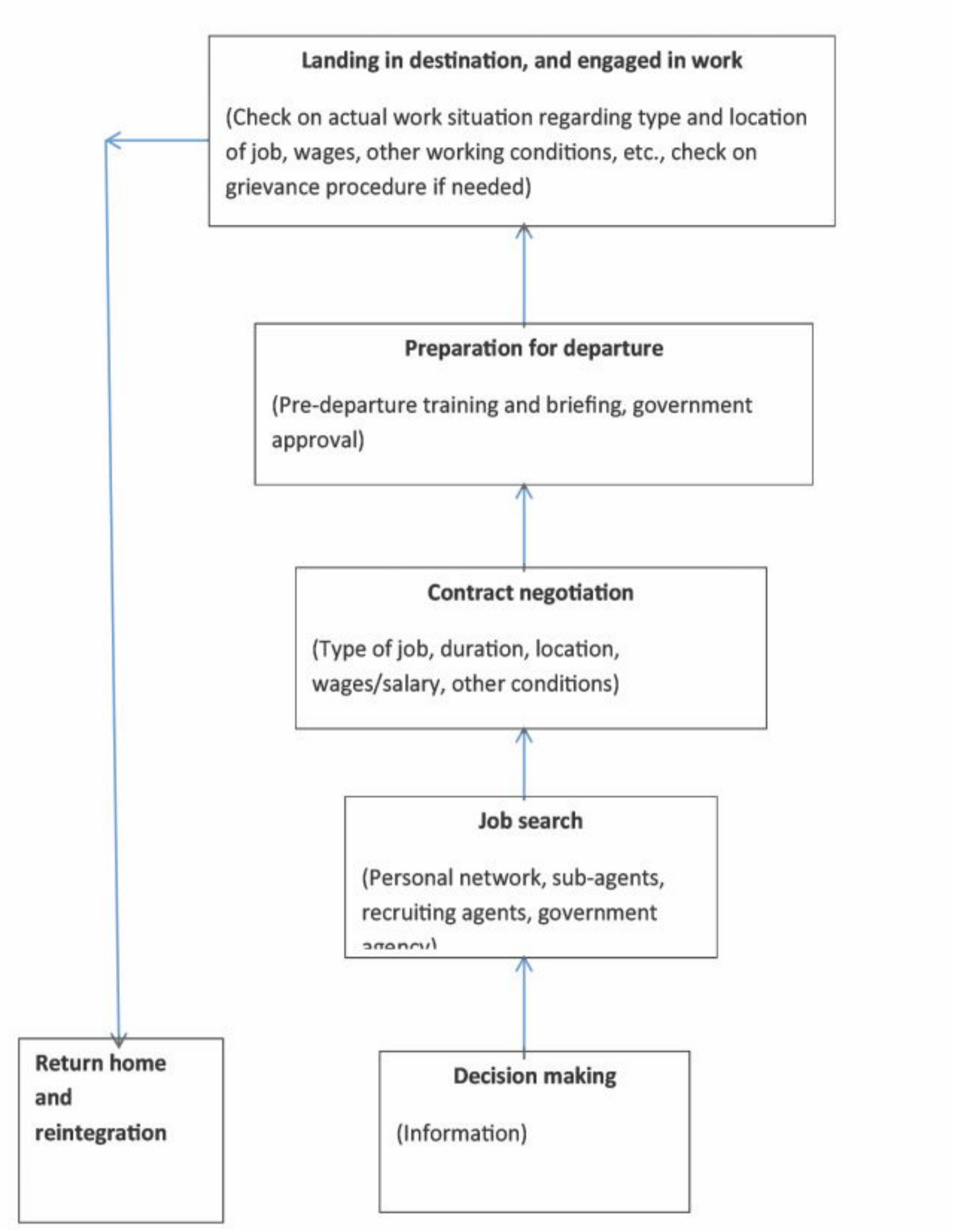


Table 1: Flow of Workers Finding Employment Overseas, 1990-2015

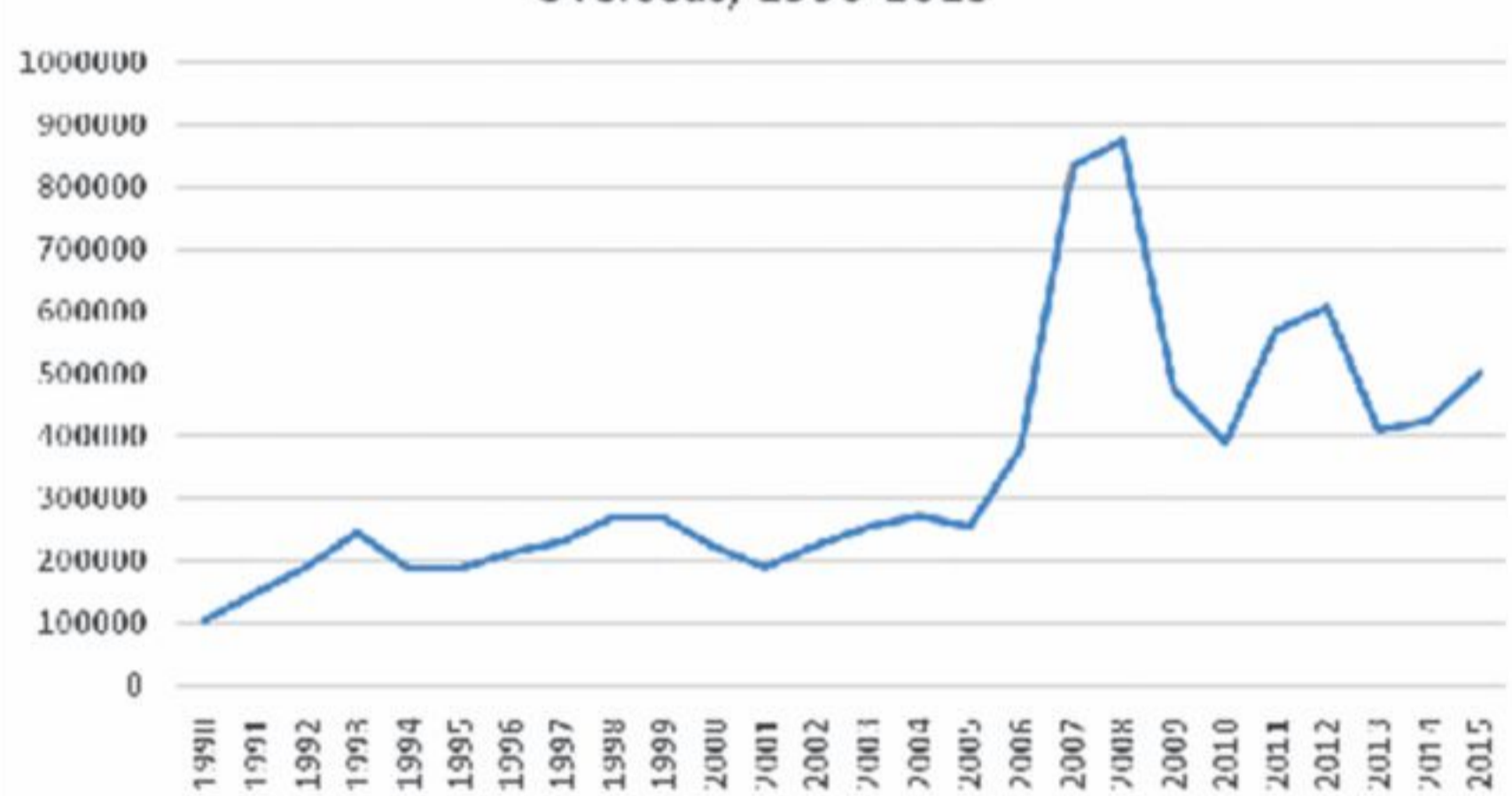


Figure 2: Flow of Female Workers for Overseas Employment

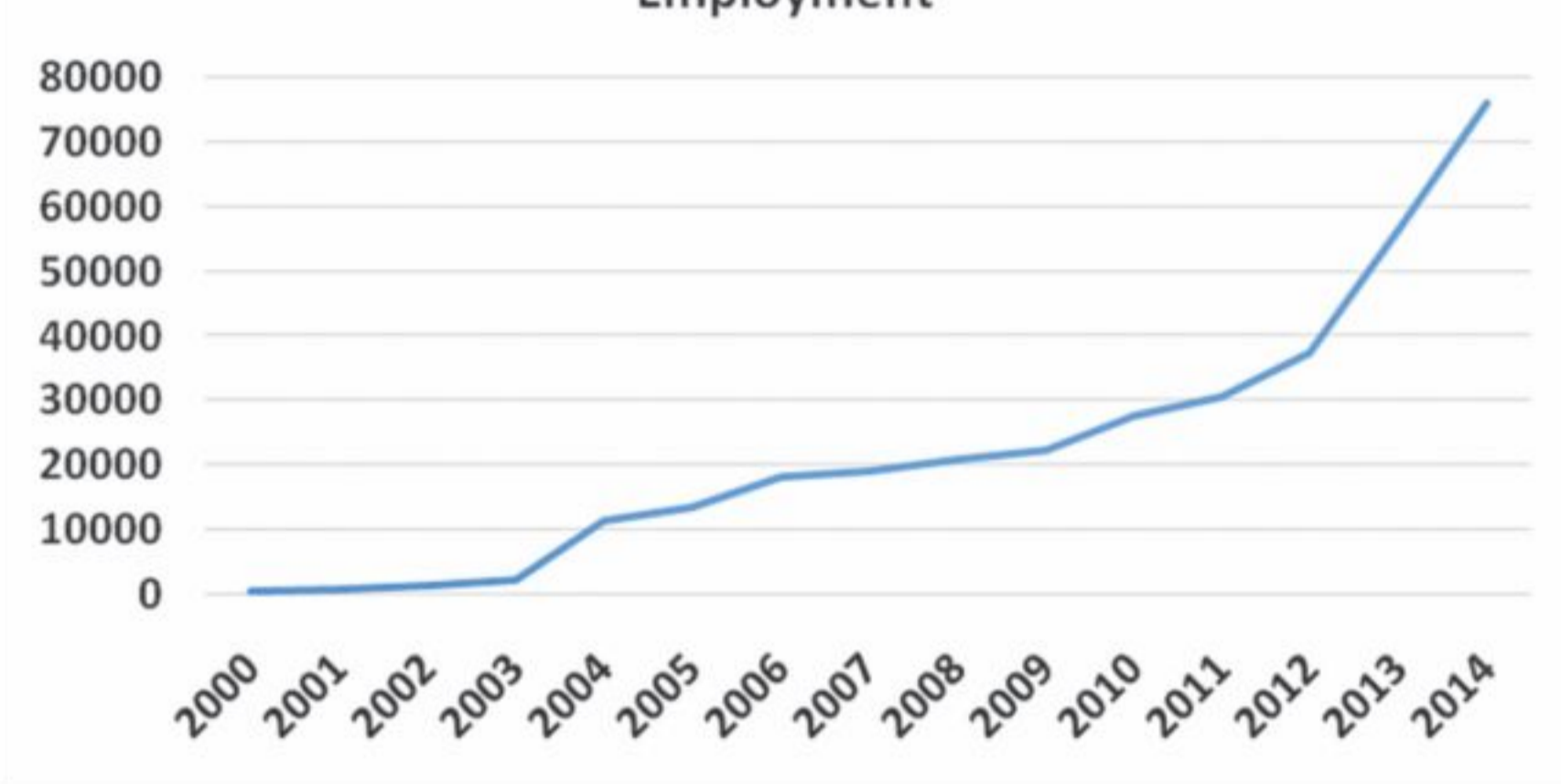


Figure 3: Share (%) of Various Skill Categories in Total Migrant Workers

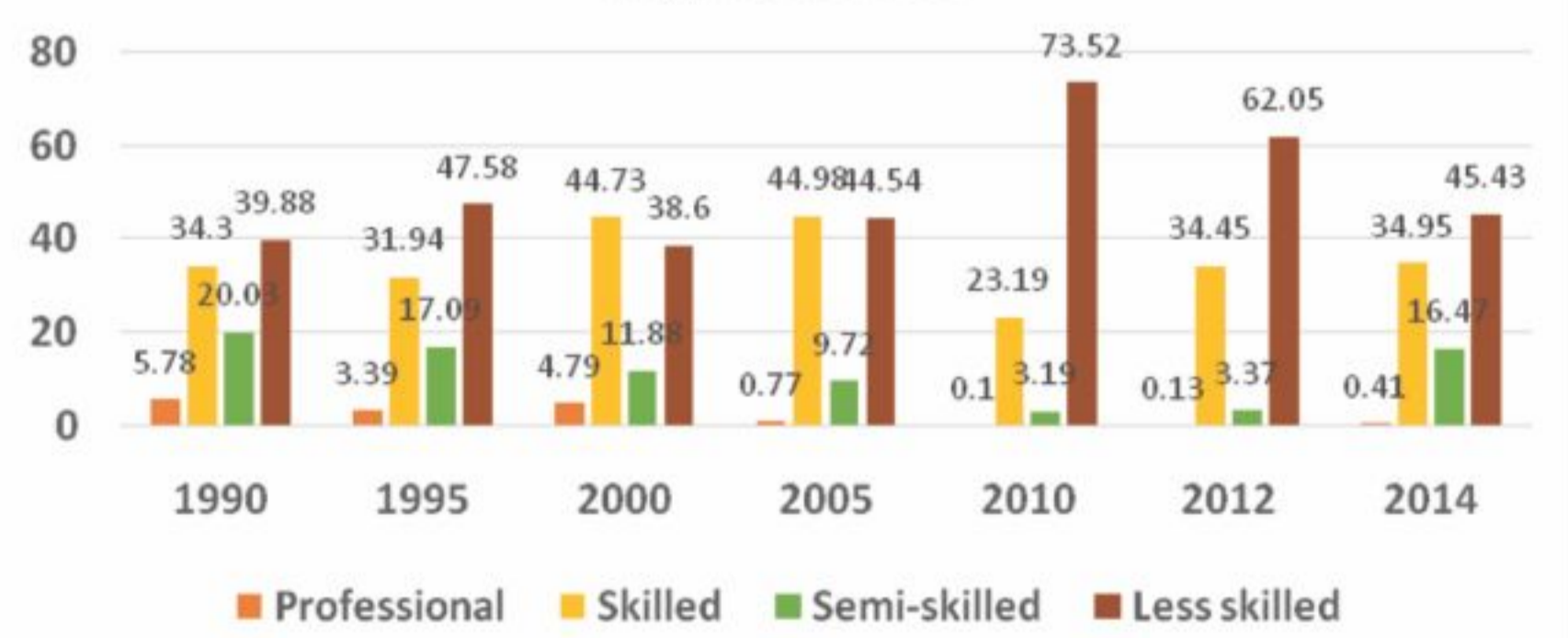


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observations may nevertheless be made about the situation.

• In many instances, a prospective migrant worker does not receive formal contracts (especially in a language that is understandable to him/her) before their departure although this is a basic element in the guidelines (Guideline 13.3) of the ILO's Multilateral Framework on Labour Migration (MFLM) adopted in 2006. Moreover, it is quite common to substitute the contract offered prior to departure with one that is inferior in terms of wages and other conditions of work.

• Several international instruments (e.g., ILO's MFLM and Conventions C181 and C189) specify that no fee should be levied on workers; and yet, charging of fees from prospective workers is a common practice (not just in Bangladesh but in other sending countries as well).

• Both Conventions 181 and 189 provide for negotiation of bilateral agreements to prevent abuses and fraudulent practices in recruitment and placement. But such issues are often left out of bilateral agreements.

• Guideline 13.2 of the ILO's MFLM stipulates that recruitment and placement of workers respect their fundamental rights; and yet, given the system of tying of workers to a specified employer, confiscation of passport upon arrival in destination countries, and the requirement of exit permit, many workers find themselves in situations of forced labour.

The Government of Bangladesh has undertaken a number of initiatives to address the challenges in the administration of migration for employment abroad; they include:

- District Employment and

welfare, the situation remains far from satisfactory. A good deal more can and needs to be done in this regard. Some suggestions are being provided here, with a view to strengthening the institutional framework for a more efficient, transparent and effective governance of the migration process.

• Issues relating to the rights and welfare of migrant workers encompass a number of stages in the cycle of the process of migration, work abroad and return (Chart 1). The starting off point is the process of decision making for employment overseas during which a prospective worker needs information on a variety of aspects including the costs involved, jobs that may be available for him/her (taking into account her age, qualification, etc.), additional training that may be required, expected wage/salary, location and conditions in which the work is to be done, and so on. In order to enable an informed decision, it is important to make available as much information as possible.

• Once a decision is made, the next stage is to get into the act of looking for a job, and that is when the recruiting agents and their sub-agents start playing a role, although a significant number may be getting a job through personal networks. Once the search for jobs is completed and negotiations have been undertaken with the sub/agents and a licensed recruiting agent, the worker should look for a clearly specified contract in her hand.

• Irrespective of the mechanism used for getting a job, the prospective worker would need to follow the existing procedure (including registration with BMET and government's approval) that is prescribed under government regulations.

tion and rules and regulations of different countries. A large number of players are involved in the process. At the highest level, the Ministry of Expatriates' Welfare and Overseas Employment has the responsibility to oversee the whole process, and especially for handling political instruments like bilateral agreements and MOUs. The Bureau of Manpower, Employment and Training (BMET) is responsible for managing/regulating the process of overseas employment. The Wage Earners' Welfare Board is mandated to provide various services to migrant workers that include pre-departure briefing, scholarship for workers' children, and grant for deceased workers' families. As for regulations, the Overseas Employment and Migrants Act (OEMA) 2013 and the Overseas Employment Policy draft of 2014 provide with measures and actions that are needed to regulate the whole process and protect the rights of migrant workers. And yet, serious challenges remain, especially with regard to rights and welfare.

To conclude, rights of workers and rights at work are important concerns for all workers and is an area of special concern for migrant workers because they face risks of violations and abuse on both sides—the sending as well as the receiving country. The issue of rights is closely linked to governance of the process of migration which suffers from a number of problems. Improvements are urgently needed in the governance of migration in order to ensure an orderly and abuse-free process of migration.

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