

Workers connect...

Immigration – A Smokescreen

Some people believe there is no relation between lung cancer and tobacco because many people get cancer without consuming tobacco all their life. It's true. Some people also believe there is no connection between wearing a helmet while riding a motorcycle and dying in an accident because many people die in a road accident even if they wear a helmet. This is true as well. Some people also believe that there is no relation between people migrating across borders and governments and employers because people migrate looking for their own fortune. This too is true. But all these examples as bizarre and varied as they may sound are all linked by one common strand: we believe what we want to believe or are made to believe. The belief is not based on facts. It is based on what we like to believe. And when we believe what we like, it is very difficult for anyone to convince us otherwise. Thus when we want to smoke a cigarette or ride a bike without a helmet, no medical statistics is going to convince us otherwise. Immigration is something like this.

We want to believe immigrants are like 'termites' slowly eating our jobs, our land. We want to believe that if we prevent them from entering our country by protecting our borders or sending them back to their own countries, we will have a better life, we will get jobs, we will be able to protect our land.

The Answer is Blowing in the Wind ...

People move within the country and beyond – but the questions here are: How does this happen? Why does this happen? and For what does this happen? Many of the things that are answers to these are known to us. But we ignore the facts before us because we like to believe something else.

How does this happen?

We like to believe that the people who migrate across borders just pack their bags and cross

the border. But that is not true at all. They plan for days, months, sometimes even years. They weigh their options like any rational person—they choose the best option, the safest (even if it looks risky to others), the one that is sure to get them where they want to.

If we look at cases of immigration across the world, whether it is from poor African and Asian countries to Europe, to the US and Canada, to Australia and New Zealand, or to countries like India, Brazil, South Africa from their neighbouring countries, the manner in which people move is similar. In most cases, there are organised networks in the home country and the recipient country that work closely to transport people based on need in the destination country. People who migrate choose these networks based on capacity, usually determined by level of skill and economic consideration. They try different avenues – safe routes to a new land, to new opportunities. They try legal ways to do this. If they fail, they cross the thin line between legal and illegal. As worker goes down the skill ladder, the passage becomes more and more risky and even, at times, illegal.

International borders across the world are protected by strong security forces. There are miles and miles of barbed wire fencing off people from crossing over. There are thousands of security personnel posted along the border staffing these fences. They have billions of dollars' worth of arms to prevent people from crossing the border. And yet people with very little means cross the border between countries.

This is because the security forces too are a part of this network of agents who facilitate the movement of people across borders. Illegal movement of goods and people can only happen with the knowledge of the security forces. The organised nexus of these agencies with the security forces ensures safe passage

across an impossible border. No one can cross over without the knowledge of both the governments involved. And it is not corrupt officials at the borders who decide on this. The officials at the borders only facilitate this movement. This movement of people without documents is allowed by our governments that claim to prevent it.

Legal ways of crossing the border are expensive, these are for the privileged. No one objects to Kalpana Chawla moving to the US – the US government offers her citizenship. No one objects to Katrina Kaif acting in films here in India even though she is a British citizen. No one is concerned about Kyoko Somekawa who is married to S Jaishankar, the external affairs minister, even though she is of Japanese descent. These are people who come to a country with legal permits to study, to work, to marry, or are adopted. These are not the people who we consider as ‘outsiders’. We would not want Katrina Kaif, or Alia Bhat, or Akshay Kumar to be sent away to their own countries. They entertain us, they bring joy to us, they make us proud as Indians, even if they are not. They are given work permits by our government, they are given status of PIOs (People of Indian Origin) and OCIs (Overseas Indian Citizen), they even get offered citizenship. They are not ordinary people – they are above us. They are not our competitors therefore we do not mind, we are even proud of their contribution to our country.

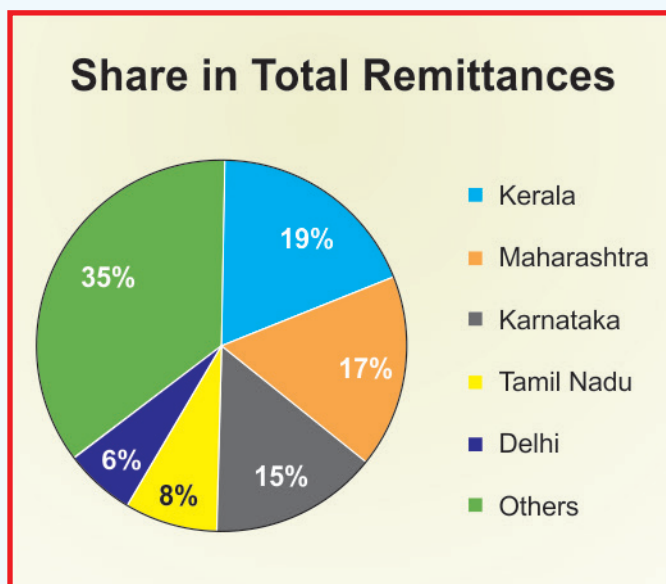
The problem therefore that we have is with the people whom we consider our equals, our competitors, people who are ordinary like us, people who are struggling with life just like we are, people who do not have the privileges that Alia Bhat or Akshay Kumar or Kyoko Jaishankar have. People who need work permits more than anyone else needs. People who come in search of work, risking everything, just to be able to survive. They are not people who get offered PIOs, or OCIs, or even citizenship. These are the ‘unwanted’ people.

The ‘unwanted’ people in our country are just like us. They move from one place to another in search of jobs. They are like the hundreds of people from the states of Punjab, Haryana and Kerala who travel in search of work to different countries. Many of them take the legal route,

but many do not – just like the 311 Indians who were sent back last month from the Mexican border trying to cross over to the USA as they did not have valid documents. If these 311 workers would have crossed the border, they would have been those people who would take away the jobs of poor Americans, they would be the people who would work their lives out for less, they would agree to any condition of life and work in fear of losing all. They would become the ‘unwanted’ people in the US. And this is not true for just people like the 311 who cross the border illegally. It is true for all those Indians who take IT jobs in the US and make their parents happy and proud. They too take away the jobs of young American IT professionals. These ‘good’ IT professionals too are ‘unwanted’ in that country. The story of being ‘unwanted’ depends on where you are, unless you are one of the privileged few.

Why do people do this?

For money, for survival of course. Most people who migrate both within the country and across borders do so for two sets of factors: Push factors – no jobs, no land, no food where they live and Pull factors – jobs, hope of a better life for their own self and their families.



India has been the world’s top recipient of remittances (USD 79 billion in 2018), money sent by migrants from other countries, for several years with around 40% of the remittances flowing to the states of Kerala, Andhra Pradesh, Tamil Nadu, Punjab and Uttar Pradesh. Remittances to India grew by more than 14 percent, after the Kerala flood

according to a World Bank report. What this data shows is that a large number of Indians who work abroad send monies home to sustain their families in India.

A 2018 study in Kerala found that one in every fifth household has a migrant. In the district of Malappuram, a third of households receive remittances, mainly used to cover daily expenses. Most of these emigrants go abroad through established agencies as in the advertisements that facilitate the process of migration. These recruiters provide low wage jobs to immigrants who take these jobs in hope of sending remittances home to sustain their family.

For What does this Happen?

We all understand why migrants cross borders. But what is not clear is why they are allowed to come in? Why do agencies that take these workers from poor countries to richer countries allowed to flourish and not punished? Why does border security allow such workers to cross the borders despite stringent laws against it? Why are they not punished for allowing people to cross the border? Who gains from this?

When the laws of immigration are made stringent, those crossing the border between countries without proper documents are liable to be penalized with severe punishment under law. To avoid this punishment, immigrants who manage to cross the border are willing to accept any offer of work under any condition. These immigrant workers would never dare to seek rights under the law because they are themselves ‘illegal’. Thus they can be made to work at wages that are far below existing wages, under abysmal conditions and they will never join or form unions and demand for more in fear of serving the punishment for crossing the border. This is even true for migrants who go to work in richer countries with documents. No IT worker in the US would like to get sent

back after their project gets over. They would want a renewal of their projects so they can stay on in the US with their families. They are not citizens of the US, thus they do not have the rights that US workers do. So they too remain silent in fear of being sent back and replaced by someone who would not demand rights under law.

Qatar World Cup 2020: Migrant workers have been holding rare strikes in the country protesting against the poor working conditions in the construction sites for the football World Cup 2022. Thousands took part in two demonstrations in August against delayed salaries and “inhuman” conditions.

Nepal government claims that 1,426 of its nationals have died in accidents, while others died from fatal heat-related illness after working in temperatures exceeding 45 degrees in Qatar since it was awarded the World Cup in 2010. Qatar has a migrant workforce of over two million. Nepalese account for about 40% of migrant labourers in Qatar.

As many as 30,000 migrant workers are working to build the eight stadiums as well as other infrastructure needed for the tournament. For every person working at a World Cup stadium, there are nearly 30 others building hotels, skyscrapers and a new light-rail system. These projects are meant to provide lodging and transportation to the 1.5 million tourists expected to attend the matches. In 2017, 322 non-Qataris under the age of 50, who are largely migrant workers, died in Qatar from cardiovascular complications, “acute respiratory failure,” or other unexplained causes.

“It feels like I’m dying in hell,” said one Filipino construction worker to a news reporter. He had not been paid in months, and he was running behind on the loans he took to pay a recruitment agent back home. Heat-induced migraines only made things worse. “We’d like to leave, but the company won’t let us,” said one Nepali worker employed at Lusail City development, the \$45bn city being built to host the World Cup final. “I’m angry about how this company is treating us, but we’re helpless. I regret coming here, but what to do? We were compelled to come just to make a living, but we’ve had no luck.” This is the story not just in Qatar.

Immigrants thus push wages and working conditions down as they are desperate to find work or stay on where they work. This benefits employers. Employers are able to profit more when they employ workers at lower wage cost from poorer countries. It is employers who need strict immigration policies to make more profits. It is employers who need workers who are desperate. It is employers who need workers without voices. It is employers who need workers who live in fear. It is employers who need workers who would not join a union. The more vulnerable an immigrant is the higher the chances of employers to hire them.

Immigration policies are thus not simply political decisions to protect our country from immigrants. It is a smokescreen to provide cheaper and cheaper labour to employers so that they can make more and more profits. This is just another policy of government, like a tax break or subsidy, that is meant to make employers happy. This policy however, unlike the tax break or subsidy, cannot be delivered on the ground if we do not create hatred for the 'outsider' within the country. If the immigrants are not scared of every person on the street, they will not be vulnerable. If they are not vulnerable, they are not worth hiring. Thus along with the immigration policy, those in political power need to create divisions within the society. They need to create a strong wave of anti-immigrant sentiment that will create deathly fear among the immigrants. This is what is behind the rise of anti-immigrant movements across the world and in our country. It is meant to divide the working people into immigrants and citizens. If all workers who contribute in building our economy, whether citizen or not, are given work permits then they will not remain illegal. They will be able to demand rights at work. This will increase the wage cost for employers. It might even then become not so profitable to hire immigrants any more. We may then lose our jobs to them. We can then together fight for our rights at work and have a better life together.

Policy News

Government introduces Code on Industrial Relations in Lok Sabha

29 November 2019: The Industrial Relations

Code 2019 was introduced in the Lok Sabha on 29 November 2019. The Code will consolidate the Trade Unions Act, 1926; the Industrial Establishment (Standing Orders) Act 1946 and the Industrial Disputes Act, 1947.

The proposed code will legitimize hire and fire by introducing Fixed Term Employment. It also does away with existing clause of requiring government permission prior to closure or laying off in establishments with 300 or more workmen are employed. The code also proposes setting up of negotiation councils in establishments where no union gets the support of 75% of workers whose name appear on muster rolls, thereby violating the right to freedom of association of workers.

Karnataka: Government exempts SEZs from the purview of labour laws

28 November 2017: Karnataka government issued a notification exempting all industries in Special Economic Zones (SEZs) from the Industrial Establishment (Standing Orders) Act for 5 years. Earlier this year the state has exempted IT and IT based services from the purview of Industrial Establishment (Standing Orders) Act.

Delhi: Industries exempted from seeking NOCs from Ministry of Labour, Pollution and Industry

16 November 2019: Prakash Javdekar, Minister of Environment, Forest and Climate Change has announced that a No Objection Certificate (NOC) will no longer be required for setting up new industries in the National Capital Region of Delhi from the Ministries of Labour, Environment and Industry. These three ministry are the nodal ministries regulating industries across the country. Earlier this year air pollution levels had reached hazardous levels and Supreme Court had ordered that schools and offices remain shut.

Punjab: Government exempts new start-ups and MSMEs from complying to labour laws

4 November 2019: Punjab government has exempted new start-ups and MSMEs from inspection against compliance of 14 labour laws including the Factories Act and Payment of Wages Act. New start-ups and MSMEs would be entitled to self-certify their compliance of

the labour laws on the web portal of the labour website. The labour department will conduct inspection in only 5% establishment through a web based randomized selection.

Karnataka: Government mandates 100% reservation for domiciles in Group C and D jobs

4 November 2019: The Karnataka government has amended the Karnataka Industrial Employment (Standing Orders) Rules, 1961 mandating 100% reservation for persons domiciling in Karnataka for 15 years and who can read and write Kannada in group C and D jobs. Earlier, Andhra Pradesh and Madhya Pradesh promulgated similar rules but have failed to implement it.

Legal News

Tamil Nadu: Right to strike depends on nature of work, Madras High Court orders striking doctors back to work

1 November 2019: A division bench of Justices M. Sathyanarayanan and N. Seshasayee directed the striking doctors to return to work stating that right to strike depends on the nature of work. Health services are covered under the Maintenance of Essential Services Act.

Doctors across Tamil Nadu had gone on strike on under the banner of Federation of Government Doctors Association demanding:

Implementation of a Government Order that envisages time-bound promotions.

Ensuring appropriate patient doctor ratio in hospitals.

Bringing back the 50 per cent quota for government doctors in post-graduate and super-speciality streams.

Filling up posts and carrying out transfers through a transparent counselling process.

Collective Bargaining

Andhra Pradesh: TRANSCO contract workers demand regularisation

29 November 2019: Contract workers of Transmission Corporation of Andhra Pradesh staged a protest at Vijaywada demanding that the State government absorb the contract

employees in the electricity department and implement direct payment system for them under the aegis of the Andhra Pradesh Vidyuth Contract Employees Joint Action Committee. TRANSCO employs over 24,000 contract workers across the state.

Telangana: Road Transport Workers end strike, state to release ₹1,000 crore to TSRTC to meet workers demand

26 November 2019: Over 50,000 workers of Telangana State Road Transport Corporation returned to work after a 47-day long successful strike after the High Court of Telangana ordered the Labour Department to resolve the dispute between the Union and TSRTC. TSRTC Joint Action Committee had filed a plea with the National Human Rights Commission against the violation of human rights of the striking workers which led to 4 workers committing suicide.

Road transport workers had gone on strike on 5 October 2019 pressing 26 point demands. State government has allocated ₹1,000 crore to meet the demands of the workers.

Haryana: Retrenched contract automotive workers from Manesar Industrial belt march to the Mini Secretariat, demand reinstatement

22 November 2019: Over 3,000 workers from the Manesar Industrial belt marched from IMT, Manesar to Mini Secretariat in Gurgaon demanding reinstatement of the workers terminated by Honda Motorcycle and Scooter India (HMSI) and other auto parts manufacturing units in Gurgaon.

HMSI terminated the services of over 700 contract workers on 11 August 2019 citing production cuts due to economic slowdown. It further terminated services of 650 workers on 11 November 2019 after which the remaining workers started a sit-in protest within the factory. The protest grew strong and permanent workers joined contract workers in their demand of reinstatement of the terminated workers or a compensation of ₹1 Lakh for each year of service, per worker. To stifle the protests management has suspended all production activities at the Manesar plant and went on a lock-out since 16 November 2019.

Assam: Mid-day meal workers protest against privatisation of scheme

21 November 2019: Mid-day meal workers marched to the secretariat in Guwahati against government's decision to privatise kitchens and outsource cooking services to NGOs. Assam employs over 2,000 workers for cooking mid-day meals.

Gujarat: Textile workers forced back to work after a week of protest for wage hike

14 November 2019: Workers from over 700 power loom units from across 14 industrial areas in Surat went on strike on 7 November 2019 demanding revision of wages after food rates were hiked for the second time within 6 months across canteens in the industrial belt. The 7-day long strike was brutally suppressed by the Police and workers in the Kim, Pipodara and Diamondnagar area in Laskana were forced to join work on 14 November 2019 under heavy police deployment.

Telangana: ESI contract workers protest against non-payment of wages

13 November 2019: Contract workers of the Employees State Insurance Hospitals in Telangana went on strike on 13 November 2019 under the banner of Telangana Medical Contract Employees and Workers' Union (TMCEWU) against non-payment of wages for the last eight months. Safai Karmcharis working in dispensary clinics have not been paid wages for the past eight months, and the paramedical team – staff nurses, ward staff, security staff and sweepers – across the seven ESI hospitals in the state have not received their wages for the past six months. ESI employs over 1,000 contract workers across the state.

Tamil Nadu: TANGEDCO contract workers demand regularisation and equal pay for equal work

05 November 2019: Contract workers of Tamil Nadu Generation and Distribution Corporation went on strike on 5 November 2019 demanding field assistant post for those who joined the service before 1998, daily wages of ₹380 for workers who joined before 2008 and preferences without any tests for gangmen posts for workers who joined after 2008 along with wage revision for all contract workers

to bring it at par with the monthly wages of permanent workers performing similar jobs. Contract workers have been in service for over 12 years and have been forced to work at minimum wages while over 2,000 positions remain vacant in the Corporation.

Workplace Safety

Sanitation

On November 25, Ashok (35) was killed of asphyxiation while Rohit (30), Sai (50) and Gorelal (35) were grievously injured while cleaning a sewer in the North West Delhi's Shakurpur area. All 4 workers were employed on contract by PWD. The police have arrested the contractor Rajkumar (27) and private supervisor Babloo Ram (25) who forced the workers to enter the sewer without protective gear for a meager payment of ₹300.

On November 16, Kamal Basha (50) died of asphyxiation while cleaning an underground drain in Kumbakonam area of Thanjavur district, Tamil Nadu. The police have registered a FIR under IPC section 304(a) and Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013 against the municipality commissioner Jagadeesan, city health officer Dr. Prema, the municipality supervisor and the contractor who employed the worker.

On November 12, Arunkumar (25) died of asphyxiation when he enter the drain at Chennai's Express Avenue to save his brother who had run of breath due to toxic fumes in the drain. 5 workers were hired through a contractor to clean the drain at Express Avenue Mall during the wee hours.

On November 2, Rajesh Nishad (32), Ashok Nishad (40), Ravindra Nishad (25), Mohammad Shareed (52) and Ram Kishan Nishad (40) died of asphyxiation while cleaning a septic tank in Sultanpur district of Uttar Pradesh. Mohammad Shareef fell in the 10-foot deep drain which the contract workers were hired to clean. 4 others who went to rescue him also lost their life in the process.

Manufacturing

On November 18, Magan Mandal a migrant worker from Bihar who was employed as a

security guard at a shoe factory in Narela area of Delhi was charred to death after the factory caught fire around 4am in the morning. Magan was sleeping on the top floor of the building when the fire broke out.

Construction

On November 6, Arshad Sheikh (25) was crushed to death after a 100 tonne U-girder fell on him during the construction of Metro Line 2A in Mumbai, Maharashtra.

On November 4, Izhar Ansari a migrant worker from Bihar was killed while 6 others were severely injured after balcony of an under-construction building collapsed in the Naibasti area of Varanasi.

News from Around the World

South Africa: SA Airways bows down to Union demand

29 November 2019: Struggling national airline South African Airways (SAA) was finally forced to pay the outstanding salaries to its employees. The SAA board met with Public Enterprises Minister Pravin Gordhan in a bid to find a solution to the financial crisis faced by the national airline.

Unions, the National Union of Metalworkers of South Africa and the South African Cabin Crew Association, representing about 3,000 of its 5,000-strong workforce went on strike on 14 November over the airline's refusal of salary hikes and its plan to cut 944 jobs in an attempt to stem severe financial losses. Their demands include job security for at least three years, 8 percent salary increases and a halt to the contracting-in of security, cleaning and other services.

Canada: Rail workers strike against unsafe work

25 November 2019: Nearly 3,200 workers at Canadian National, the country's largest rail operator, walked off the job on 19 November, to protest against chronic overwork and unsafe conditions.

Unionized workers at CN have been without a contract since 23 July but talks between the two sides have made little progress. Rail workers in Canada have long warned against the growing

dangers of chronic fatigue. While employees are given their schedules in advance, last minute changes to shifts can mean long days and night on the job with little rest in between. Some shifts can last as long as 42 hours.

Canada's transportation safety board has identified fatigue as a major problem in the industry and found that it was a contributing factor to nearly 100 investigations over the last 27 years, including a number of derailments.

US: Google fires 4 employees for unionizing

25 November 2019: Google fired four employees for what the technology giant said were violations of its data-security policies, escalating tension between management and activist workers. Google Walkout for Real Change, a group representing employees organizing at the company, accused Google of firing the employees "in an attempt to crush worker organizing." Google employees have been protesting and organizing for the past two years over issues including the company's handling of executives accused of sexual harassment, its treatment of contract employees, and its work with the Defense Department, federal border agencies and the Chinese government. The workers who were fired were involved in the organizing activities.

Tensions increased as Google cracked down on what had long been a freewheeling work culture that encouraged employees to speak out. Google recently cancelled a regular series of companywide meetings that allowed workers to pose questions to senior executives and implemented a tracking tool on employee's web browsers and began working with a consulting firm, IRI Consultants, that 'helps organizations navigate workplace challenges, improve employee engagement and productivity, manage labor relations, and implement effective communication strategies to achieve their business and advocacy goals'. The IRI Consultants has helped several companies to quell unionization efforts.

UK: High Court bans Royal Mail workers from striking

21 November 2019: The High Court ordered in favour of the Royal Mail Group (RMG) in an injunction thereby preventing the first national

postal strike in a decade. Last month, 110,000 members of the Communication Workers Union (CWU) voted by a 97 percent majority to mobilise against attacks by the RMG on their pension agreement, job security, and working conditions.

The CWU lodged an appeal on 20 November at the High Court against the order. According to CWU that strike action could still take place before Christmas if members vote again and even if the legal appeal is lost.

Norway wealth fund stops investments in G4S over human rights violations

14 November 2019: Norway's £850bn sovereign wealth fund has decided to stop investment in British security company, G4S for violation of the human rights of thousands of migrant workers in the Middle East.

The Norway's Council on Ethics, which reviews the fund's investments, found that migrant workers in Qatar and the UAE hired by G4S were effectively in "debt bondage" after having their passports taken away and being paid less than agreed. Migrant workers were found to have taken out loans to pay "recruitment fees" of as much as £1,400 to work for G4S. They were then paid monthly salaries of between £100 and £130, meaning they could not leave. The council's investigations also revealed "long working days, a lack of overtime payment and examples of harassment". It said many of G4S's 29,000 migrant workers in the UAE, Qatar and Saudi Arabia could be affected.

US: California Threatens Gig Economy with New Law

1 November 2019: State of California recently signed into law the Assembly Bill 5 (AB5), in which the court shifted the burden to the nationwide courier and delivery service to prove their drivers were not employees by using the "ABC test." Under this new test, an individual is presumed to be an employee, unless the employer can prove all of the following: (A) the worker is free from the company's control (B) the worker performs work that isn't central to the company's business and (C) the worker has an independent business, trade or occupation in that industry. This will shift the burden of proof to employers such as Uber, Lyft who misclassify

workers as independent contractors.

Corporate Watch

McDonald's in trouble

McDonald's will pay \$26 million to resolve claims the fast-food chain skimmed wages from some 38,000 workers at its corporate-run outlets across California. The preliminary accord settles a years-long legal battle that began in 2013 when Los Angeles McDonald's worker Maria Sanchez with three other employees filed suit against the company. The suit supported by the labor group Fight for \$15 accused McDonald's of wage theft from 2009.

McDonald's on 19 November 2019 also agreed to pay, what could be tens of millions of dollars, to its employees in New Zealand for miscalculating holiday wages according to the Holidays' Act, 2003 for all its past and present employees in the past 10 years. This agreement came after a year-long campaign by the union, Unite Union, which represents about 7% of McDonald's employees in New Zealand. About 40,000 employees were affected by this deliberate miscalculation.

17 McDonald's workers in Chicago have also filed suit against the company this month, claiming it had not taken ample steps to protect them from what they called a "nationwide pattern" of violence at its restaurants. Employees at one of McDonald's outlet in Chicago had filed a report with the Occupational Health and Safety Administration in May, claiming that their workplace had been the scene of 31 violent incidents over the past six months.

And finally earlier this month, a former McDonald's employee filed a proposed class-action lawsuit against McDonald's and one of its Michigan franchisees over alleged sexual harassment. The suit came a week after McDonald's fired its CEO Steve Easterbrook for violating a policy forbidding relationships between supervisors and their subordinates.