

# MIGRANT'S VOICE 2022

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DECEMBER 22

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**Aaprabasi Mahila Kamdar Samuha (AMKAS) Nepal**



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# Commemorating International Migrant's Day 2022

AMKAS Nepal under the main organizing committee and also the program sub-committee commemorated International Migrant's Day, 18 December 2022 from 16<sup>th</sup> December to 22<sup>nd</sup> December support by Women Fund Asia and Kathmandu Municipality, Social Development Department.



## WAGE THEFT

Wage theft is but not limited to total or partial non-payment of a worker's remuneration, payment of salaries below the minimum wage, non-payment of overtime, non-payment of contractually owed benefits, the non-negotiated reduction of salaries and retention of dues upon one's contract termination. Wage thefts are the unlawful intentional under-or non-payment of an employee's

wages or entitlements by their employers (or recruitment agency) for works carried out (Piper & Foley, 2021). As the pandemic and lockdowns became more apparent, many employers started laying off their workers, and in many cases, the wages these workers were entitled to were not paid. The migrant community calls it a 'wage theft'. (Migrant Forum in Asia [MFA], 2021). However, according to International Human Rights Institution, any form of deductions from the salary under the façade of insurance, levy, or recruitment fees that do not follow the terms of the employment contract and even the slightest under payment to denial of wages come under wage theft. In this regard AMKAS Nepal has put an effort to find out the situation of RWMWs who are victims of wage theft and put it as one of its advocacy issue from a study 40 out of 291 shelter supported WMWs in 2021 data.



Impunity for migrant worker wage theft is rampant. Even though Nepali workers who return home without salary, bonus and other benefits of the company have been arbitrarily violated for years, the issue of wage theft has become more intense after the epidemic of Covid-19. When the coronavirus crept into Nepal is' foreign job destinations, tens of thousands of workers, who struggled for their safety and to meet basic needs for several months, were rendered jobless and suffered pay cuts.

In 2021, 291 women stayed at the AMKAS shelter, from which 40 were the victims of wage theft. This number does not include the men positioned in quarantine by AMKAS. The cases were recorded from migrants returning from Kuwait (28), Jordan (6), Qatar (2), and Cyprus, Oman, Saudi Arabia, and UAE with one from each country. The total wage theft from the mentioned countries was a total of 21,03,000 NRS, with Kuwait alone covering 1,3 million NRS. For 2022 International Migration Day, AMKAS Nepal held a discussion event with a group of experts in their respective fields to examine the problem of wage theft, raise awareness of the idea, develop creative ideas to offer to government officials regarding solutions to the problem, and hear from migrants who have experienced wage theft and their perspectives.

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## MIGRANT'S VOICE 2022



In partnership with the National Network for Safe Migration, we held the Migrant's Voice program on December 21 from 10:30 am to 1:00 pm at Pragya Prathisthan Hall. Shelter Coordinator for AMKAS Nepal, Adv. Prakriti Karki, oversaw the program. She recognized the program's guests before encouraging everyone to sing the national anthem to start the discussions. The Honorable

Krishna Kumari Khatiwada, Acting Chairperson of the National Women Commission, was the chief guest, and Mr. Hari Thapa, Chairperson of NNSM, Dr. Dwarika Upreti, E.D. from FEB, Mr. Laxman Basnet, General Secretary of SAARTUC, Neha Chaudhary from ILO, Purnima Limbu from IOM, and Mr. Laxman Basnet, General Secretary of SAARTUC were the distinguished guest of the program.

The main goal of the program was to establish a secure and welcoming environment for discussion about wage theft by bringing participants from all backgrounds and positions together to generate suggestions for potential solutions. Two documented cases and two undocumented cases of four returnee women migrants spoke about their experiences with wage theft before we opened the floor for open debate from various stakeholders and government officials. With more than 50 people, we were able to lead a productive discussion. The purpose was to create an educational day.



AMKAS Nepal's ED Ms. Bijaya Rai Shrestha opened the floor by giving general introduction to wage theft and the challenges we face followed by remarks from all the distinguished guests. A

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recommendation letter that included all of the outcomes as recommendations was given to all government representatives to conclude the event:

1. We recommend for establishment of transnational justice mechanisms for investigating and addressing all forms of wage theft faced by the migrant workers especially for those who have been expelled due to the pandemic. This requires a special working relationship and labor diplomacy between the origin countries to start the process and take it through the governments in the destination countries.
2. Nepal Government should explore existing legal/remedial mechanisms in the countries of destination to help the migrant workers reclaim their wages. To harness benefit from such mechanisms, the diplomatic missions and civil society actors should work in unison.
3. We recommend the GoN to form a compensatory fund for those who had faced the expulsion due to the COVID pandemic. The fund may become a functionary unit under the existing Migrant Workers Welfare Fund operated by the Foreign Employment Board. Such compensatory fund should cover all the repatriated migrants regardless of their documentation status.
4. We recommend the GoN, national and international civil society actors, private and business sectors, and the UN bodies to push wage theft of the migrant workers as one of the major agendas in major regional and international forums including ILO's annual congress.
5. We recommend the civil society actors to actively and continuously engage in developing more evidence to bring the cases of wage theft into light. This should be backed by international human rights institutions, think tanks, and academic institutions.
6. Wage theft has been a pressing issue for migrant workers since long. Therefore, for a sustainable solution, we strongly recommend the GoN to closely monitor if the agreements made with the workers in Nepal are followed.
7. A long-term solution to wage theft and its consequences would lie on the empowerment and education of the migrant workers. An empowered and educated worker with proper skill is beneficial for the employers as well. Therefore, we call for public-private partnership in close collaboration to empower the migrant workers especially about their rights, responsibilities and hone their skills.
8. Ratification of ILO Conventions and Implementation of the existing Conventions in hand.

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- 9. The government of Nepal should play the role of diplomatic initiative and coordination to bring back such money through the embassy of Nepal and the labor attaché in the destination country, to fulfill the parental responsibility and role of the workers who have gone to foreign employment and to make them feel that there is support from the state in addressing this issue.**
  - 10. Grievance hearing and redressing mechanism should be built.**

**The program concluded at sharp 1:00 pm with tea and lunch for all participants.**