

**GOVERNMENT OF INDIA  
OVERSEAS INDIAN AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3448  
ANSWERED ON:25.04.2012  
ILOS DIRECTIONS  
Naranbhai Shri Kachhadia

**Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:**

- (a) whether any international convention or the directions of International Labour Organization (ILO) are existing to protect the rights of migrant workers against exploitation;
- (b) if so, the details thereof;
- (c) whether the Government has investigated into the case wherein Indian workers in Dubai had protested against their working conditions; and
- (d) whether Indian Mission in UAE have surveyed about the working conditions of Indian workers and taken up the matter with the local Government?

**Answer**

MINISTER OF OVERSEAS INDIAN AFFAIRS (SHRI VAYALAR RAVI)

- (a) Yes, Madam. There are two ILO conventions dealing with Migrants namely, C.NO.97, concerning Migration for Employment and , C.NO.143, concerning Migrant Workers.
- (b) The Guidelines are in the Annexure.
- (C) No, Madam.
- (d) The Ministry has signed a memorandum of understanding (MOU) with the Government of UAE on manpower. A joint committee has been established to implement the MOU. Issues relating to India workers are raised at Joint Committee meetings.

Annexure referred to in reply to part (b) of Lok Sabha Un-starred Question No.3448 for 25th April, 2012 on ILO Directions for immigration workers by SHRI KACHHADIA NARANBHAI:

ILO International Labour Organization Guidelines to protect the rights of immigration workers against exploitation.

Convention No.97

Article 6 of Convention No.97 states that each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favorable than that which it applies to its own nationals in respect of the following matters:

- (a) In so far as such matters are regulated by law or regulations, or subject to the control of administrative authorities:-
  - (i) Remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women's work and the work of young person's;
  - (ii) Membership of trade unions and enjoyment of the benefits of collective bargaining;
- (b) Social security(that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:
  - (i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;
  - (ii) National laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfill the contribution conditions prescribed for the award of a normal pension;

(c) employment taxes, dues or contributions payable in respect of the person employed; and (d) Legal proceedings relating to the matters referred to in this Convention.

#### Convention No.143

This convention states that recalling the provisions of the Migration for Employment Convention(Revised), 1949, which require ratifying Members to apply to immigrants lawfully within their territory treatment not less favorable than that which they apply to their nationals in respect of a variety of matters which it enumerates, in so far as these are regulated by laws or regulations or subject to the control of administrative authorities, Recalling that the definition of the term "discrimination" in the Discrimination (Employment and Occupation) Convention, 1958, does not mandatorily include distinctions on the basis of nationality, and that further standards, covering also social security, are desirable in order to promote equality of opportunity and treatment of migrant workers and with regard to matters regulated by laws or regulations or subject to the control of administrative authorities, ensure treatment at least equal to that of nationals.

As far as India is concerned, neither of the conventions (No.97 and No.143) has been ratified.