

Protecting Migrant Workers in Maldives

- Shahida Mariyam Mohamed¹

EXECUTIVE SUMMARY

Maldives' economic development would not have been possible without the tremendous contributions from the migrant workers. There are some 180,000-migrant workers in Maldives, representing one third of the country's population. Over one third of the migrants are undocumented. They face many challenges, including discrimination and rights violations.

This policy brief presents the situation of the migrant workers and proposes several policy recommendations. It calls for the establishment of an authoritative body to closely monitor migrant situation and rectify matters urgently by ratifying best practices and conventions.

In order to operationalize the above, Maldives need to: 1. Ratify international conventions of rights for all migrant workers and members of their families, 2. Provide healthcare for all, and 3. Ensure gender balanced quotas, while maintaining the employment of locals in the tourism sector at 60% at least.

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KEYWORDS

Migrant workers, Employment, Maldives

"There was a very clear message that labour migration can yield many positive benefits for all, when it is well governed. This is not illusion, this is not utopia, this is entirely possible. But at the same time, policies which are not firmly grounded in respect of human rights, including labour standards, present high risks and costs for migrant workers, for businesses and for the countries concerned."

Guy Ryder

Introduction

In Maldives, there were only 2422 migrant workers in 1985 but the numbers increased to 180,000 in 2020, of which 63,000 are undocumented. These numbers vary between 145,000 to 230,000.²

Currently, migrant workers are in large part a majority of the workforce and constitute one third of the population. They are mostly young men between 20 and 34 years old from Bangladesh, India and Sri Lanka (one in four migrants). Most of the migrant workers at the lower skill levels are employed in the construction industry. (and some waiters). The issues of welfare and human rights in regard to migrant workers, as well as the deportation of undocumented workers have moved to the forefront of national agendas during this Covid-19 pandemic. Ensuring the welfare of migrant workers during the pandemic has put pressure on the public funds (even if they also indirectly contribute to these funds, in the form of taxes). This has led to raising concerns for the development of xenophobic feelings.

Apart from their contribution to the country, other issues have arisen due to the increase in the number of migrant workers in the country. For example, records reveal that the total outward remittance in 2019 amounted to USD 75.1 million (MVR 1.16 billion). A 16% increase compared to 2018 is adversely impacting the economy.³ In order to maintain a healthy and sustainable balance, it is important that

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² 2020 United Nations Report. -Addressing the Socio-Economic Impact of COVID-19 on the Maldives.

³ 2019 Maldives Monetary Authority (MMA) records.

government employ additional economic reform to combat the impact of undocumented workers on the local economy.

A further challenge posed is due to the lack of monitoring in the recruitment and employment practices, as well as the failure to enforce labour laws and regulations by the relevant authorities and failure to penalize and bring to justice those who violate labour laws.

Background

The amendments brought to the **Human Rights Commission Act**, protection of **migrant workers**, remain limited and poor implementation has led to the increase of undocumented migrants. Migrant workers protection included in the Human Rights Commission of Maldives (HRCM) report highlighted that the Maldives “*did not have any such laws or regulations which governed labour or labour relations until the mid-1990s*”. However, with the adoption of a new Constitution in 2008, Chapter 5 of the Employment Act addressed the matter of Employment of Foreigners. The HRCM report indicates that the Chapter merely states “*that regulation is made concerning the employment of foreigners*”. Such ambiguity paves way for employers to exploit and cause undue harm on migrant workers. This is also evident in the “Rapid Assessment of the Employment Situation” conducted by HRCM in 2008.

The act that was passed on the December 2013 refers to anti-human trafficking, declaring it as a criminal act. Nevertheless, the practices continue due to lack of monitoring. Human rights abuses continue as migrant workers are sometimes housed in 10 to 20 feet small room on shift of 50 people.

Labour act 2/2008, its regulations, Immigration Act and deportation Act no. 1/2007 provide protection for migrant workers. In August 2020, the government published a new migrant worker regulation, 2020/R-62, further cementing employers’ responsibility for arranging migrants’ arrival in the Maldives, in regard to accommodations, registration, and repatriation (cost secured).

Policy process

In view of the massive issues surrounding migrant workers, there has been growing efforts recently to tackle them. For example, in March 2019, the Immigration Department of the Maldives undertook an investigation of 67 employers for “*alleged violations and/or fraud in bringing foreign workers to the Maldives*”. This current investigation reveals that there was “*significant fraud in issues of quotas*”, amongst others. Personal interview transcripts of the investigation reveal points such as significant quota trading with invalid documentation, obtaining quotas for workers in excess to project requirements.⁴ To address these issues, the Ministry of Economic Development took over the mandate for setting quotas and granting employment for regulating the issuing of visas and work permits. Furthermore, in the latter half of 2019, a “regularization program” was introduced where the government launched a 6-month program to register irregular and undocumented migrant workers after banning the recruitment of unskilled Bangladeshi workers for one year.

Further to this, the outbreak of the Covid-19 pandemic has exacerbated the plight of migrant workers, leading to protests. Many migrants were repatriated to their countries but those who stayed faced additional burdens due to harsh economic realities.

Despite recent regulations made by the Ministry of Economic Development to address these issues faced by migrant workers (minimum standard for worker accommodations and a penalty for

⁴ 2018 Migration in Maldives’-IOM, a country profile.

employers who failed to comply), enforcement measures undertaken by the relevant authorities are not clear yet.

Recommendations proposed

Due to heightened demand for more decent work/living conditions and equal rights, the country needs to do more to provide protection and safety to migrant workers from abuse, as well as facilitating access to both medical and legal services. Failure to undertake such reforms will push them more into the informality which makes them even more vulnerable to exploitation, while depriving them of much-needed social protection. Immediate actions are needed to be taken by the government to minimize and resolve the humanitarian, social, and economic issues related to undocumented migrant workers in the Maldives.

In order to operationalize the above, Maldives needs to:

- 1) Ratify the international conventions of rights for all migrant workers and members of their families, including the ILO conventions C97 and C143, in order to provide protection for migrant workers where the majority of them are undocumented;
- 2) Provide health insurance and other essential services for undocumented migrants who are not covered in the current system;
- 3) Ensure gender balanced quotas (currently majority of expats working in the tourism sector are men), while maintaining the employment of locals in the tourism sector at 60% to have a more inclusive approach.

Based on the above issues of migrant workers in the Maldives, this policy brief proposes the following recommendations as a way forward:

- Promote relations with the Governments of Bangladesh, Sri Lanka, and India for better bilateral cooperation on labour migration agreements as most migrant workers are from these countries. This would help in the process of breaking language barriers as well as better record keeping of migrant workers;
- Establish a tripartite mechanism between Government's, Employers' and Employees' representatives for a better social dialogue and inclusion;
- Formulate standardised "Foreign Employment Contract Format or Template" in consultation with the Government's, Employers', Employees' and Non-Government Stakeholders' representatives. This will help in the elimination of exploitative and misleading employment contracts;
- Strengthen and enhance record keeping and databases;
- Improve registration of migrant workers to reduce the incidence of irregular migration;
- Eliminate xenophobia through Education and Awareness Programs.

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Mihaaru news article mentioned migrant workers revolt and property damages. Presently the government pays MRF 1240 per person in jail which is equivalent to half to one third their monthly salaries. (Give the link)

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Contact

International Labour Organization
Route des Morillons 4
CH-1211 Geneva 22
Switzerland

Research Department
E : researchcourse@ilo.org