MIGRANT WORKER’S PROBLEM
OF
SOCIAL EXCLUSION
Executive summary

I. Aim : To study the Social Exclusion of Migrant Workers

II. Objectives : The main objectives are

1. To identify whether the migrant workers are facing service exclusion ie lack of access to basic services, such as power and water supply .

2. To access the extent to which they are excluded from social relations.

3. To determine whether they are able to secure ‘social’ rights in dimensions of health housing and social security

4. To find out whether they are excluded from organization and representation

III. Research Design : The study is explorative and descriptive.

IV. Definition of Concepts

Migrant worker : The United Nations' definition is broad, including any people working outside of their home country. The term can also be used to describe someone who migrates within a country, possibly their own, in order to pursue work such as seasonal work.

Social Exclusion : Social exclusion is the process in which individuals or entire communities of people are systematically blocked from rights, opportunities and resources (e.g. housing, employment, healthcare, civic engagement, democratic participation and due process) that are normally available to members of society and which are key to social integration

V. Pilot study and Pretest : Did a pilot study in Perumbavoor to identify whether the migrant workers are facing the problem of social exclusion . On the basis of this study a Questionnaire was formulated.

VI. Data Collection : Did the literature collection by collecting materials from journals, and books of various libraries and using internet facility. Attended seminars and workshops. Collected Secondary data from Municipal office , Labor department, Crime Investigation Cell, Police Department and from Perumbavoor town locals.

VII. Field Work : Field study was done within six months by collecting date in and around Perumbavoor. Study was difficult as the respondents are facing language problem
VIII. Analysis and Conclusion : Analysis was done manually and conclusions were drawn on the basis of analyzed data

Key Areas of Social Exclusion

Studies have shown that Migrant workers are facing exclusion from their basic necessities. A complex of multi related factors contribute to their exclusion

Social insularity

One of the most striking characteristics of the migrant workers in Kerala is their total insularity from the local population and the fact that they move around quite a lot within the State in search of jobs. “Domestic migrant labor has a very visible and considerable presence even in the small towns of Kerala,” the report says. Therefore, “as their population grows and (as they stay on in the State), these (migrant) communities will necessarily tend to assert their rights and identity”, which in turn “could create tensions with the local populace”.

The migrant groups are “very well integrated into the host economy but not into the host culture or society. This, the report says, means that “they are often deliberately kept at bay, in order to ensure not only their social insularity but also to disempowering them from asserting their rights— as citizens and laborers. This systematic exclusion works to the advantage of the host society in various ways: to keep the wage levels low, rent levels high, services cheap, and to maintain a labor force that is at their beck and call, one that can be absorbed and driven out at will.”

Lack of Hygiene

Migrant laborers tend to live together in crowded tenements that often lack basic facilities and give rise to complaints from the local people about lack of hygiene and pollution of water sources. Most of them left their homes in their teens and worked in several other Indian towns before coming to Kerala. The comparatively low level of wages, lack of employment opportunities and the increasing “unavailability” of the agricultural sector and its seasonal nature in those places prompted them to seek employment elsewhere, and thus they came to Kerala. Some of them have also come upon invitation by their friends or relatives in Kerala. Others have been brought in by contractors.

Communal Clashes
The report also cautions that the clustering of settlements of people from the same caste/community could pose social problems of communal dimensions. “Also, there are chances of local communal elements manipulating and working in tandem with migrant communities to foment trouble, taking advantage of the anonymous nature of the individuals. In such cases, the apprehensions about ‘anonymity’ and group habitation patterns of DML could give rise to social tensions and mistrust. But, as of now, in almost all the places, the contractors and group leaders seem to have strict control over the movement and activities of the laborers,” the report says.

Lack of leisure opportunities

One of the immediate issues such a huge population, that too predominantly male and young, raises is the “lack of opportunities for leisure” and their “emotional and sexual needs”, the study points out. “Parks, city centers, gardens, and open spaces, etc. are the only spaces available for them as pre-fixed meeting points to talk to their friends, relatives, etc. But even such spaces are very few and their presence often seems to irritate local people,” it says.

Prostitution

The report quotes the volunteers of Kerala State Aids Control Society as saying that “the sudden influx of migrant male population into Kerala, who earn wages and has extra money to spend, has given a boost to local sex industry. Prostitution is rampant among them, but is carried out under veils of secrecy; moreover, they also are careful not to invite the wrath of local moral policing. All this, along with the total lack of knowledge about safe sex and the use of condoms, make them a section that is very vulnerable to fatal infections and diseases. A vast majority of them have not even heard of HIV or AIDS.”

Indecent working conditions

The report says that what the International Labor Organization (ILO) states very strongly in the global context rings true in Kerala: “Numerous governments informally tolerate irregular migration while they officially reinforce controls against ‘illegal’ migrant workers. The effects are, on the one hand, a continued supply of cheap labor, while, on the other hand, ‘illegal’ migrants are unable to organize in the workplace to defend their dignity and decent work conditions.” The study has found that there is a deep ambivalence in the way society and government look at these migrants. “On the one hand, everyone is aware that the supply and labor of DML is absolutely essential for the State’s economy; but on the other, they are not very willing to accept the DML as equals, as citizens with all the democratic rights. Many of them look at the DML as a threat to security, health and so on.” Evidently, the report says, “Most of the stakeholders who have some economic interests relating to DML—like the contractors, builders, manufacturers, local traders, and casual employers—would like the status quo to continue: that is, a situation where the flow of
DML is unhindered and free; the wage levels and working conditions dictated by the local employers and the middlemen are accepted by them without much protest (which, in any case, is much above what is existing in their home States); their demands are minimal; they go on shifting jobs, places and employers, and live in the margins of our society. This kind of semi-illegal nature of residence helps to keep DML population under constant surveillance and control, at the same time giving the host community the power to oust or redistribute them according to the push and pull of local economy.”

Poor Housing

A scheme to build night shelters for migrant laborers, announced in the State Budget, sounds good on papers. But there is a flipside. Many manufacturing units hire migrants on contract without registering their names with the Labor Department, making it difficult for such workers to walk into government-sponsored shelters. The project is important for Ernakulam where a large number of migrant workers are forced to sleep rough or in tin shacks. The plywood industry, concentrated in Perumbavoor, employs hundreds of migrant workers from West Bengal, Odisha, Bihar, Assam and Jharkhand. Many such units accommodate workers in shacks made of metallic sheets, without kitchens or toilets, on factory premises. The unhygienic shelters have been a concern to the neighborhood residents, who have been waging a struggle under an umbrella organization against the polluting plywood units. Many plywood manufacturers are not keen on regularizing the workforce. While a skeleton staff would be on payroll, many others would be working on contract. Manufacturers save on time and money as they do not have to deal with the Labor Department regime and need not pay the statutory benefits to workers. The problems faced by migrant laborers in the State in general and Perumbavoor in particular have been mentioned in a study by a group of experts consisting of D.Narayana, Director, Gulati Institute of Finance and Taxation (GIFT), an autonomous institution of Government of Kerala, researcher C.S.Venkiteswaran, and M.P. Joseph, Advisor to the Labour Minister. Their report says the size of the migrant population in Perumbavoor region is estimated at 1.15 to 1.30 lakh. “In some crowded colonies of migrant labour, on an average 10 migrants reside in a single unit of approximately 200 square feet.”

Crime

Criminal cases involving outside workers and clashes with locals have also been reported in recent time. In the last six months alone, 125 migrant workers from the North and the Northeast have landed in various jails in Kerala. And since 2011, 65 workers of Bangladeshi origin have been in jail, mostly for illegal migration. Some of them face charges ranging from murder to theft, but most were arrested for allegedly causing a public nuisance. Besides, their unfamiliar mannerisms and inability to respond to queries have been known to raise suspicions that they are mentally unsound. Locals have complained and police have picked them up from public places and produced them in
courts, which have sent them to mental hospitals. Many of those arrested are innocent, a fact conceded by additional-director general of police (prisons) Alexander Jacob, who adds the lack of familiarity with the local language means they often find no one to argue their case, while being picked up and in court. He says a few do get the free service of the state legal services authority, and some get lawyers engaged by their families in their home states. Activists say some advocates take advantage of the families' helplessness, taking payment and then not arguing the cases.

Lack of Education

We found that several children in the age group of 6 to 10 were not studying in school. They were mostly children of migrant laborers, commercial sex workers and children living with HIV," said sources at SSA, Kerala, admitting that though the numbers may be small now, it is likely to increase in future with the number of migrant laborers in the state increasing and the education of their children being an issue due to constant movement from one place to another. Once the matter was brought before the PAB, and it advised the state government to enroll these children in nearby schools. However, the state government proposed that they should be specially trained, but the proposal was turned down by the PAB. "The regular teachers, considering the favorable PTR (pupil-teacher ratio), can take care of the academic support to these children. The PAB therefore did not approve the proposal for special training," the minutes stated.

Discrimination

Employers claim migrant laborers are provided reasonable pay or decent accommodation. "The reality is that most of them, especially construction workers, sleep in shacks at worksites and are not provided enough food, clean drinking water or toilet facilities," she said. The Kerala employers make these “bhai-mar” (as migrant workers from North India are being called in Kerala) work for more than 9 hours per day, reaping maximum profit out of their sweat and blood. However, when these “bhai-mar” get injured or killed in the work site accidents, the employers with the aid of police and politicians hush up the issue. The employers and the State administration is least bothered to reach dead bodies of the migrant workers in their respective States for the funeral rites by their beloved ones.

Absence of legal registration

Under the state's rules, each worker coming to Kerala has to register in a local labor office and agents who bring them have to pay Rs 1,000 refundable deposit per head. But, labor contractors and middlemen manipulate the numbers to pay less bond amount, often making the exact count of number of migrants difficult. Considering this, the Kerala government recently announced a plan to bring in a registration system for migrant job seekers.
Hectic work Schedule

The eight-hour work schedule has little relevance for the migrant laborers — in many a case 12-hour work cycle is the norm. Recently, a migrant worker employed by a steel rolling mill in Palakkad died and the Labor Department had to intervene to ensure that he is paid compensation under the Workmen's Compensation Act. But such instances are few. In most cases, there is very little that the authorities can do as the migrant laborers are kept and made to do grinding labor beyond the pale of law.

Ideal life

Mobile phone has become an integral part of every migrant worker and more than its utility as a communication device it's the music playback option that has endeared it to them. Music seems to have become the perfect balm for migrant workers while leading a far from ideal life where they often have to face discrimination and hostility from the local community. Mobile handset with the loudest playback voice is the biggest draw among the migrant workers. Coming across migrant workers in places like bus stops with the music being played out loud from the mobile speakers instead of ear phones is not such a rare sight. Small mobile phone sale and service outlets in the city and elsewhere are tapping in to migrant workers’ this penchant for music. “Most mobile phones now come with a free memory card and its common for buyers to get songs saved to it. A one Giga Byte memory card can hold up to 150-200 songs,” said a mobile shop owner at Menaka. Thanks to Internet even latest songs can be downloaded. The demand is mostly for Hindi and Tamil songs at the outlets in the city which do not cater to migrant workers in hordes unlike in suburbs with high concentration of migrant workers. The service is charged between Rs. 25 and Rs. 50. Migrant workers from States like West Bengal sometimes approach the outlets with CDs of their regional language songs to get it copied to the memory card of their mobile phones. “For majority of mobile outlets in the city copying songs is just a part time thing as it brings in only negligible returns. But it's even a means of livelihood in places like Perumbavur and Aluva where migrant workers are present in large numbers,” the shop owner said. In Perumbavur, makeshift units equipped with computers operating solely for the purpose of copying songs to mobile phones of migrant workers are common. Assamese, Bengali, and Oriya songs are in demand depending on which community is dominant in the area. Often a person well versed in the language of the dominant migrant community is engaged in such units to make the service smooth. Papers and stickers inscribed in languages like Bengali and Oriya announcing the service could be seen pasted to the back of computer monitors to woo in prospective customers.

Recommendations

1. Till recently it was the requirement only of the foreign nationals to register through their agencies with the local police station while they reside in Kerala. However, on 7 May 2012,
the Home Minister of Kerala announced that all the migrant workers should register themselves with the police station in the area where they work while in Kerala. He said adding, “it would facilitate the police to identify whether they have any links with terrorist groups.”

2. On 1 September 2011, the Kerala High Court sought explanation from the State government regarding the bad employment conditions of migrant workers prevailing in the plywood manufacturing units in Ernakulam district. Further, the Court appointed commission submitted its report suggesting implementation of the various provisions of Kerala Inter-State Migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979. However, the State administration did nothing under pressure from the powerful owners of the plywood manufacturing units.

3. Making of the benefits of all government schemes conditional on such registration. The practical difficulty of registration is that several of these unskilled workers are engaged in menial jobs like cleaning in cheap restaurants, street-side vending for commission, climbing coconut trees, and splitting logs in the suburbs of Kerala, and are not at all interested in getting registered according to our laws.

4. Improving the housing and living conditions of and providing affordable housing to the migrants. Provisioning of a social security net, including health coverage, for them

5. Launching of an awareness program on laws, rights and obligations for the migrants, in various languages, and for their employers in order to dispel the unfounded fears of both the migrant laborers and the local population

6. Establishment of help lines staffed by people speaking different languages for the migrants from different States.

7. Acquisition of health cards from medical practitioners should be made mandatory

8. The issue of labor cards with details of their areas of interest, work experience and their previous employers recorded in them will be helpful in sorting out labors in accordance with the needs of the labor force in Kerala

9. Separate department or corporation can be constituted to study the socio-economic problems of migrant workers in Kerala. Civil police officers have to be appointed to enquire into and report the inhuman treatment of migrant workers. Toll free call facility, access to public offices, appointment of coordinators with sufficient communicative skills to communicate with them, short term training in our vernacular language, collecting annual reports from the employers who appoint migrant workers in their workplace etc… are some of the effective measures to tackle the problems of migrant labors in Kerala.
Executive officers who could communicate with migrant workers may be appointed as members of the board or department

Developments

1. It became the first Indian state to institute a welfare program for migrant workers. "Behind every rise of Kerala there is the effort of workers from other states," the state government said in an advertisement announcing the program, which provides for medical assistance to migrant laborers and educational assistance to their children.

2. The Planning board said migrant laborers were working under shabby conditions and did not even get subsistence wages. However, it claimed that much had been done in the last five years to "improve the life situation, education, health etc of migrant workers."