

International Labour Organisation Standards and the Rights of Migrant Workers

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ABSTRACT

The concept of migration is as old as the history of humankind. It is a significant feature of human civilization. Seen in the wide sweep of history, labour migration has been an integral and vital part of human development. For many poor people around the world migration is a way of life, and has been for centuries. But globalization has radically altered the scale of migration: people are now more aware of opportunities elsewhere and it has become easier for them to travel. Labour Migration is both Internal and International. International labour migration has emerged as a major global issue that affects most nations in the world. This paper throws light on how migration is continuing in different parts of the world and how it is becoming more and more crucial towards improving livelihood status. An endeavour has been made to examine the ILO norms which provide an elaborate framework on labour standards regarding migrant workers. The paper also highlights that inspite of a plethora of laws there is a wide gap in the existing legal and policy framework and practical approaches for protecting the welfare of the migrant workers. The legislative bodies and the policy makers exhibit a lackdaisical approach towards incorporating ILO norms related to migrant workers within the legislative and policy framework respectively.

Key Words: Convention, exploitation, Human Rights, International Labour Organisation(ILO), Labour, Migration.

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1. Migration: A Conceptual Analysis

In an increasingly globalized and shrinking world, migration of human beings is becoming more and more common⁴. It is a major demographic process that has been an integral and salient feature of human history since time immemorial. It has been an important means by which human civilization has spread out, enriching cultures, disseminating ideas and generating social, political and economic changes at the places of origin and of destination⁵. As an area of study, migration has been continuously drawing the attention of policy-planners and academicians interested in looking into the various impacts of population mobility from place to place. The characteristic features of migrants at the place of origin and destination, reasons for In-migration or Out-migration⁶, the process of adaptation at the place of destination and the interrelationship between migration and economic development have generally been the focus of such studies. It is enviable and necessary to examine the related concepts of migration based on the studies which have already been conducted in India and elsewhere.

Migration is a complex phenomenon said to be caused by a multiplicity of factors, sometimes bifurcated in “push” and “pull” aspects. The consequences of migration are equally complex. It is a movement of people from one permanent residence to another more or less permanent residence for substantial period of time. Normally, the crossing of administrative and socio-cultural boundaries is involved in migration. The word “migrate” means to change residence, but every change of residence cannot be called migration; a forced change of residence (say due to construction of dams) is evacuation and not migration. Nomadism involves change of residence, but it is of nomadic nature and not permanent.⁷

Migration is ordinarily defined as the relatively permanent movement of persons over a significant distance. This is the most general form in defining the nature of migration. It involve many forms such as local moves of little economic significance, temporary population movements in search of seasonal jobs, permanent shift of individuals and groups from one economic system to another, employment patterns and social change, creation of an unorganised and unskilled labour force⁸.

⁴ Goyal Priya Kanu, *Immigration from India and its Implications: A Socio-Legal Study with special reference to state of Punjab*, Punjab University, Phd Thesis, 2013 ,p1.

⁵ Gupta M.S, *Migration, legislation and Policy*, Global Research Publication, New Delhi,2014,p1.

⁶ In-migration’ refers to migration into a place from another place within the same country and ‘out-migration’ refers to migration out of a place to another place within the same country.

⁷ Joshi Vidyut , “Labour Migration: Some Socio-economic Issues”, Joshi Vidyut (ed) ,*Migrant Labour and Related Issues*, Oxford and IBH Publication, New Delhi,1987, P 10

⁸ Singh Gurdeep , *Migrant Workmen and the law*, Deep and Deep Publications, New Delhi, 1992,p 16.

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The term migration has been defined in the new Webster's Dictionary as 'the act or an instance of moving from one area to another in search of work'⁹. As per the Encyclopaedia of Americana migration is a form of spatial mobility involving change of usual residence between clearly defined geographic units. The temporary changes through excursions and business trips to town etc. are not included in migrations. Thus the term migration has in general usage, permanent changes in residence between specially designated political or geographical areas. In the Indian Census, the term migration is solely defined by the concept of place of birth and place of enumeration. Accordingly a person born at a place other than the village or town of enumeration is considered as migrant. Migration may take the form of out-migration or in-migration.¹⁰

According to Theodore Caplow, "Migration is strictly speaking a change of residence and need not necessarily involve any change in occupation, but is closely associated with the occupation shift of one kind or another. The principle directions of migration are illustrated by more or less continuous movements from rural area towards the city, from the area of stable population towards the center of industrial or commercial opportunities, from densely settled countries to less densely settled countries and from the centres of cities to their suburbs".¹¹

S. Everatt Lee defines migration broadly as "a permanent or semi permanent change of residence. No restriction is placed upon the distance of the move or upon the voluntary and involuntary nature of the act, and no distinction is made between external and internal migration".¹²

Migration is a very complex phenomenon determined by various reasons and aspects that generally link to socio-economic condition of the poor people. The Law of Migration by E.G. Ravenstein noted that migrants proceeding long distances generally go by preference to one of the great centres of commerce or industry. The natives of towns are less migratory than those of the rural parts of the country¹³ Migration being movement of human beings in pursuit of certain cherished objects like better employment, better wages and better quality of life, there is apparently nothing wrong or objectionable in migration per se which is a social and economic phenomenon occurring as a normal and natural process¹⁴.

After carefully examining the diverse concepts suggested by the various authors it can be pointed out that different disciplines have different concepts of migration. The opinions differ in terms of explanation, classification,

⁹Gupta M.S, *Migration, legislation and Policy*, Global Research Publication, New Delhi,2014, ,p 38.

¹⁰ Lobo Norbert, *Migration and Migrants*, Mohit Publications, New Delhi,2004,p2

¹¹ Caplow Theodore, *The Sociology of work*, The University of Minnesota Press, Minnsapolis, 1954,p60.

¹² Lee Everatt .SC, *A Theory of Migration, Demography, Vol III, No.1, p 47-49.*

¹³ Thaware .C.Kalias, " Inter-State Migration In India: Nature, Causes and Consequences", Bagchi .K.k (ed),*Internal Migration in India nature ,Determinants and Consequences* , Abhijeet Publications, New Delhi, Vol II,p376.

¹⁴ Mishra Laxmidhar, "Migration-Factors, Policies and Programmes", Joshi Vidyut (ed),*Migrant Labour and Related Issues*, Oxford & IBH Publishers,1987,p311.

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typology, motivating factors i.e mainly push and pull factors , theories, laws and socio-economic consequences. Finally it can be remarked that every year millions of women and men leave their homes and cross national borders, state territories for a variety of reasons may be in search of better employment opportunities, education, decent standard of life, protection against discrimination etc. All through the human history, migration has been an audacious expression of the individual's determination to overcome hardship and to live a improved life. Virtually, the meaning and the extent of migration are becoming day-by-day more complicated and problematic.

2. Migrant Workers

An assortment of conventions and protocols has defined migrant labour over the last few decades. Thus, it is very essential to understand the exact connotation of the expression 'migrant labour' hence given below are a few of the leading definitions. According to the International Labour Organisation (hereinafter ILO), 'migrant worker' is defined as "People who are economically active in a country of which, they are not nationals but excluding asylum seekers and refugees".¹⁵

A migrant worker has been defined in the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, "as a worker who is to be engaged or has been engaged in a remunerated activity in a state of which he or she is not a national".¹⁶ According to Migrant Workers(Supplementary Provisions)Convention,1975,(No. 143) the definition of the term 'migrant worker' refers to – " a person who migrates or who has migrated from one country to another with a view to be employed otherwise than on his own account and includes any person regularly admitted as a migrant worker".¹⁷

The Indian Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 defines a migrant workman "as any person who is recruited by or through a contractor in any state under an agreement or other arrangement for employment in an establishment in another state whether with or without the knowledge of the principal employer of such establishment".¹⁸

According to Indian Census¹⁹, a person is considered a migrant, if birth place or place of last residence is different from place of enumeration. A person is considered as migrant by place of last residence, if the place in which he is enumerated during the census is other than his place of immediate last residence. The National Sample Survey Organisation (NSSO) of the Government of India defines a migrant as 'a person whose place of enumeration is different from his/her last usual place of residence (UPR)'. The last usual place of residence is the place where the

¹⁵ The ILO, as the UN specialized agency on labour issues, has been dealing with labour migration since its foundation in 1919. It is the only UN agency with a constitutional mandate for the 'protection of the interests of workers when employed in countries other than their own' (Preamble of ILO Constitution).

¹⁶ Article 2(1).

¹⁷ Article 11.

¹⁸ Section 2(e).

¹⁹ 2001.

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person stayed continuously for at least six months immediately prior to moving to the place (village/town) of enumeration”.²⁰

3. Labour Migration and International Labour Organisation (ILO)

The International Labour Organisation (ILO) is the central agency for the protection of the interest of Workers including the migrant workers. The preamble of the ILO Constitution states ‘the protection of the interests of workers when employed in countries other than their own’ to be one of the main tasks of the Organisation. As Valticos writes:

‘foreign workers and in particular migrant workers are often isolated in countries with whose laws and customs they are not familiar, they are more likely to be exploited and are often unable to defend their interests effectively .It is therefore natural that the ILO should devote special attention to their protection’²¹.

Migration has occurred throughout history, and contemporary trends certainly show that it will keep on to increase in the future. It has been a fundamental part of human history, shaping and reshaping societies, cultures and economies. The twenty-first century is undoubtedly no exception. The bulk of migrants travel in search of employment, taking their families with them; it was estimated that there will be 214 million international migrants in the world in 2010. International Labour Office estimates that economically active migrants will number some 105.4 million in 2010; these and family members accompanying them will account for almost 90 per cent of total international migrants. In 2013 the United Nations, estimated the number of International Migration Worldwide reaches 232 million.

International migration is a well-known phenomenon, involving flow of more than 100 million people per year and a growing number of countries. There are many ways of distinguishing different groups of migrant workers, based on motivation for migrating, skills, age, sector, occupation and distance from origin

The forces motivating migration are diverse and multifarious, and global explanations may not apply to all individual situations. Poverty, conflicts, famine and oppression are certainly among the major causes of migration, but there are other factors as well. Some of the motivations for crossing national borders include population stress on scarce natural capital; wages inequality between poor and rich countries; growing urbanization; decline in the cost of transport and communications, resulting in increasing interfaces among societies; the dearth of respect for human

²⁰ The NSSO conducting survey on various socio economic aspects in the form of rounds extending normally over a period of one year and in certain cases the survey period is six months, (round 34&43).

²¹ Betten Lammy, *International Labour Law*, Kluwer Law and Taxation Publishers, Deventer The Neitherland ,1993, p363.

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rights in some countries; and establishment of migration networks by earlier migrants. In the future, climate change may raise migration pressures²².

International migration is an important feature of the present time and it has reached unprecedented proportions in some regions²³. While international migration can be a positive experience for migrant workers, many suffer pitiable working and living conditions, including low wages, unsafe working environments, an implicit absence of social protection, denial of freedom of association and workers' rights, discrimination and xenophobia. Their potential benefits are often worn by inadequate regard to the security of migrant workers' rights, resulting in their abuse²⁴.

The International Labour Organisation was created in 1919 at the post-war Peace Conference in Paris as Part XLII of the Treaty of Versailles, originally an agency of the League of Nations, also created in 1919. It became the United Nation's first agency when it was established in 1946. In 1944 the Philadelphia Declaration was the ILO's statement of intent to expand its operations especially in setting and monitoring basic labour rights. This declaration, which redefined the aims of the ILO, remains the ILO's guiding manifesto. It includes the principles like:

Labour is not a commodity, Freedom of expression and-of association are essential to sustain progress, Poverty everywhere constitutes a danger to prosperity everywhere and all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and spiritual development in conditions of freedom and dignity, economic security and equality of the opportunity.

The ILO being UN'S agency with a mandate to improve standards and conditions of work, and to encourage productive and decent employment throughout the world. The ILO's most important function is to adopt-conventions and recommendations, which set minimum labour standards internationally²⁵. The ILO's Governing Body has identified eight conventions as "fundamental", covering subjects that are considered as fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. There are currently over 1,200 ratifications of these conventions, representing 86% of the possible number of ratifications.

²² International Labour Migration, *A rights-based approach*, Geneva International Labour Office, Switzerland, 2010, p 18 (e book).

²³ Vaidyanathan .N , *ILO Standards For Social Justice and Development of Labour*, Deep and Deep Publication, New Delhi, 1992 ,P147.

²⁴ Supra 19, p2.

²⁵ Bharti Abhishek, "International Labour Organisation and Indian Legislations: Compliance and Comparison", *Labour Law Journal*, Vol.1, 2006 ,P 37.

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Human and labour rights of migrant workers are articulated in the international labour conventions adopted by the tripartite members of the ILO. Migrant workers are entitled to the enjoyment of these rights by the mere fact of being workers. ILO member States are bound to apply the conventions they have ratified²⁶.

4. Basic Labour Rights are Human Rights: ILO Approach

What is characteristic of fundamental human rights in the labour field is that they are universal rights in the sense that they are applicable regardless of a country's level of economic, political or other development. Unlike the economic, social and cultural rights enunciated in the United Nations International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR), which can as a matter of law be achieved 'progressively' (article 2(1)), the fundamental principles and rights for which the International Labour Organization stands cannot be made subject to prior economic development. The principles apply in full here and today, the rights specified in international labour standards apply in full one year after ratification.

Most core labour standards that are held today to be of key importance date back to the early years of the codification process of human rights. These include the rights of workers to associate in the defence of their interests; freedom from slavery or forced labour; and everyone's right to equal opportunity and treatment. Children, by contrast, are new-comers to the world of international human rights. The 1989 Convention on the Rights of the Child signalled this elevation to human rights status. The international Labour Organization, almost a generation earlier, had adopted an international standard designed 'to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons'²⁷. When in the 1990s newspapers and TV increasingly featured children who were trafficked into debt bondage or made to work as prostitutes or perform hazardous industrial or agricultural work, the Organization's members elaborated a further standard that obliges ratifying countries to eliminate as a priority the worst forms of child labour (Convention No. 182)²⁸.

By no means all the Human Rights enunciated in the Universal Declaration on Human Rights (UDHR) and the two covenants i.e International Covenant on Civil and Political Rights (ICCPR), 1966 and International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 that relates to the world of work enjoy high status today. Some seem to enjoy little status in practice e.g, the rights of social security (UDHR, article 22 and 25, and ICESCR, article 9), right to work (UDHR, article 23 and ICESCR, article 6), to free choice of employment and just conditions of work (ICESCR, article 7) had preoccupied the post-World War II generation. But this aura of important human

²⁶ Kumar Jinender .N & Bhola Ajay , *International Labour Organisation(ILO)*, Regal Publications, New Delhi, 2008, P 81, 186.

²⁷ Article 1, Minimum Age Convention, 1973 (Convention No. 138).

²⁸ Worst Forms of Child Labour Convention, 1999 (No. 182).

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rights seems to have evaporated. Growth and Investment are terms heard more often in their context than the word Right.

5. ILO's Fundamental Conventions for Protection of Migrant Workers Right at Work.

The ILO Constitution proclaims that labour is not a commodity. But in a situation where wage rates differ not only between national and foreign workers, but even among the migrant workers themselves according to country of origin, the worker is reduced to a status of "import commodity". Fully recognising problems of this kind, the ILO continuously endeavours to combat all forms of exploitation and discrimination of migrant workers, through its standards. In fulfilment of its constitutional responsibilities for the protection of migrant workers, and as a tripartite²⁹ forum best equipped to appreciate their problems and needs, the ILO has a crucial role to play in this field. Therefore, 2 Conventions and 3 Recommendations have been adopted on the subject. They are summarised as follows³⁰:

(A) Migration for Employment Convention (Revised), 1949 (No.97)

Scope: Migrant workers, other than frontier workers and seamen (short-term entry by artists and members of the liberal profession is not covered).

Object: The Convention seeks to regulate the recruitment, placement, and conditions of work and life of migrants for employment.

Current Status: 49 States have ratified the Convention.

(B) Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Scope: Migrant workers other than frontier workers, and seamen (short-term entry by artists and number of liberal professions, persons on training or education, and employees on specific assignments is not covered).

Object: The Convention aims at promoting equality of opportunity and treatment, and eliminating abusive conditions of migrant workers.

Current Status: 23 States have ratified the Convention.

Recommendations

(i) Migration for Employment Recommendation (Revised), 1949 (No. 86)

²⁹ The ILO is a tripartite structure consisting of Government Representatives, Employers and Workers.

³⁰ Supra15, P148-152.

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It is supplementary to Convention No. 97. It deals in particular with the information, selection and conditions of residence of migrants. The free service provided in each country to assist migrants should be conducted by public authorities or by voluntary non-profit-making organisations or partly by public authority and partly by such voluntary organisations.

(ii) Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No.100)

The Recommendation calls for the taking of measures for the protection of workers and their families participating in migratory movements within a developing country, or from such a country to another country, and while in transit through third countries.

(iii) Migrant Workers' Recommendation, 1975 (No.151)

The Recommendation is supplementary to Convention No.143 and envisages further provisions on equality of opportunity and treatment, social policy in regard to migrants, their employment and residence. The Recommendation entitles the migrant workers and their families to social services benefits on equal terms with the other nationals of the country and lists a network of additional social services for them.

UN Convention for Protection of Migrant worker's Rights at Work.

The General Assembly of the United Nations adopted a Resolution in 1978, calling for improvement in the situation of migrant workers. In the same year the Secretary General of United Nations prepared a report outlining the situation of migrant workers and their families) Both these led to the Second General Assembly Resolution in 1979, which created a working group and in December 17, 1979, the working group decided to create an entirely new comprehensive instrument addressed to the special needs of migrant workers. By 1981, a preliminary draft convention was compiled. It, took 10 years of deliberations for its adoption and in 1991, the UN General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,1990. The Assembly calls upon the UN member States to consider signing and ratifying or acceding to the Convention as a matter of priority, reiterating that³¹:

'in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families'.

The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides a broad range of protections for migrant workers and their families in many areas of work and

³¹ Ibid, P 369.

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life. The Convention came into force on July 1, 2003 in accordance with Article 87, Para 1 of the Convention. As on May 4, 2014 the Convention had 47 State Parties³².

6. Impact of Fundamental Conventions of ILO : A Grim Reality

Mere existence of international standards relating to protection and promotion of human rights has no meaning unless they are enforced and implemented by enacting laws and creating general awareness about the existing machinery to address the violations of human rights.

Over the world, core work rights, are considered by many to be fundamental human rights. Why in the contemporary world would it be a good idea for one to need to quantify the accomplishment of these rights? Basically, in light of the fact that their non-accomplishment handicaps a huge number of lives and numerous economies, as well - and that is well worth archiving³³. It isn't adequate to have right just yet in the meantime those rights ought to be ensured additionally by some efficient Mechanism. Nevertheless, over half of the world's workers - more than 1.5 billion people - still work in vulnerable, contingent jobs; they are low-paid; their fundamental rights are not protected; and they have little or no security in the event of unemployment or the materialization of personal risks. The most acute social and employment challenges remain in South Asia and Sub Saharan Africa, where 75 percent of the workers are employed in contingent labour. Around the world, some 2.3 million workers die annually from workplace-related accidents and illnesses. The majority of work-related health hazards remain prevalent in developing countries, where many of the dangerous economic sectors are located, such as the agriculture, mining, and fishing industries.

In the event that we discuss the privilege to the right to organize and bargain, it is revealed that in 2014, workers in at least 53 countries were either dismissed or suspended from their work for attempting to negotiate better working conditions through collective representation. Governments in at least 35 countries arrested or imprisoned workers as a tactic to prevent collective representation and in nine of those countries, murder and unexplained disappearances of workers were used as means of intimidation³⁴.

Forced labour which is discarded by each state the world over as it is ethically unforgivable to all with the exception of the individuals who execute it and benefit from it. The profits that landlords, recruiters, middlemen, traffickers and others make on the back of the poor are not legitimate by the mere fact of being profits. Modern forms of trafficking boys and girls, adult men and women into brothels or sweatshops generally deprive the workers of protection in the event of accident or illness and the State of revenue³⁵. In 2012, the International Labour

³² Agarwal .H.O, *Human Rights*, Central Law Publication , Allahabad, 2014 ,p134,135.

³³ Supra 26,p 8.

³⁴ Dahan Yossi,Lerner Hanna, Sivan-Milman Faina(ed), *Global Justice and International Labour Rights*, Cambridge University Press,Cambridge,26 December 2016,p 6,- 8.

³⁵ Supra 26.

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Organization (ILO) estimated that nearly 21 million people are victims of forced labour globally. This includes women and girls who are sold into prostitution and vulnerable migrant workers who are forced to work in harsh conditions when their passports are taken from them or out of fear of deportation. There are estimated 232 million migrants workers around the world. One of the most troubling consequences of this development is that in many countries, workers who are not recognized as citizens of the state -such as migrant workers - are only partially or not at all protected by the domestic labour laws. The ILO's International Labour Migration Survey revealed that fewer than half of the countries surveyed had national legislation that ensures some form of protection against discrimination at work for migrant workers. In Kuwait and Saudi Arabia, for example, the national social and labour laws do not apply to migrant workers.

There is wide acknowledgment that child labour must be abolished but in reality it is not it isn't the genuine picture ,in 2012, 168 million children around the world, which is 10.6 percent of children worldwide, were still involved in child labour. Eighty-five million children are engaged in "hazardous work," which includes, for example, small-scale mining and quarrying, where the children endanger their health by carrying heavy loads for long hours, setting explosives, and inhaling harmful dust while crawling through narrow tunnels.' There are an estimated one million children working in the mining industry, where they are often exposed to dangerous toxins, such as lead and mercury, while mining diamonds, gold, and precious metals in Africa; gems and rocks in Asia; and gold, coal, emeralds, and tin in South America³⁶.

Indeed, even in the 21st Century the majority of workers encounter discrimination in access to work and while being employed - women, racial, ethnic, social or religious minorities, among other!³⁷. Women continued to be overwhelmingly discriminated against, relative to men, in the global labour market. According to the 2013 ILO Equal Pay Report, the global earnings gap between male and female workers stands at 22.9 percent. Many of the production workers employed in Global Supply Chains (GSC5), particularly women in developing countries, are employed in appalling conditions, working unrestricted hours and without even the most minimal safety and health conditions.

One endeavour, undertaken by the ILO, was the 1998 Declaration on Fundamental Rights at Work, known as the "Social Declaration," which prioritized a narrow list of core labour rights: (1) freedom of association and an effective right to collective bargaining; (2) the elimination of all forms of forced or compulsory labour; (3) the effective abolition of child labour; and (4) the elimination of discrimination in respect of employment and occupation. These four core rights were incorporated into most bilateral and multilateral trade agreements that have

³⁶ Supra 50.

³⁷ Supra 26,p 8,p9.

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since followed the Declaration. Nevertheless, as described above, these rights are consistently violated across the globe³⁸.

7. Conclusion

The Plights and problems of migrant labourers have in recent years, caught the attention of the researchers, social workers, media personalities, judiciary and of course Government. Social workers have raised their concern about the exploitation and miserable plight of the migrant workers. Labour is primarily a human being and secondarily a worker and as a human being entitled to the inalienable human rights. In other words, human rights are relevant for workers in all categories and situations regardless of whether they are organised or unorganised³⁹.

Mere existence of international standards relating to protection and promotion of human rights has no meaning unless they are enforced and implemented by enacting laws and creating general awareness about the existing machinery to address the violations of human rights. The appalling poverty of masses, the widening gap between the job seekers and job opportunities, the unorganised or weakly organized labour and inequality of incomes had made the traditionally weaker labour the weakest in India.⁴⁰ However, the common criticism of the ILO is that it is good at setting standards, but in a weak position to enforce them.⁴¹

It is the responsibility of the state to promote development and the institutions in a manner where social and economic democracy would be a way of life, inequalities of income should be removed and to eliminate the inequalities of status. The state should provide facilities and opportunities to ensure development by appropriate economic and social reforms and also to provide opportunities for the development of human personality by ensuring and enforcing inalienable fundamental human rights. Now the time has come that human rights be adopted as a way of life⁴².

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³⁸ Supra 50, p 7-9.

³⁹ Mishra .L, "Unorganised Labour and Human Rights" ,Journal of the Institute of Human Rights, Vol. III,2000,June 10,p 1.

⁴⁰ Sonarikar Sunanda, "Labour Implementation and Human Rights", Journal of the Institute of Human Rights, Vol. III,2000,June10,P85.

⁴¹Davies .A.C.L, *Perspective on Labour Law*, Cambridge University Press, United States of America,2009, P 59.

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