

2. THE GREAT GULF HEIST

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ABSTRACT

The following is a commentary by Rejimon Kuttappan, author of Undocumented: Stories of Indian Migrants in the Arab Gulf- Penguin 2021, on the wages of migrant workers in the Gulf countries, specifically in Qatar.

Wage theft can be defined as non-payment for overtime; denying workers their last pay cheque after they leave a job; not paying for all of the hours worked; not paying minimum wages; not paying a worker at all, and not adhering to the terms of the contract.

Wage theft was occurring pre-COVID-19. However, it became more visible during the height of the COVID-19 pandemic.

35-year-old Paulson Johnson migrated to Qatar in 2011 from Kerala after he failed to find a job in his state. As he had no land for farming, survival for him and his parents then was a daily challenge. It was then that a friend found Johnson a job as an excavator operator with the Bin Omran Trading Contracting (BOTC) in Qatar.

In 2015, he was shifted to the team that was building the Al Bayat stadium in Al Khor where nine Fédération Internationale de Football Association (FIFA) World Cup 2022 matches, including the inaugural match, were held.

"Our job was to fill the barren land with mud, leaving a hole in the middle. That hole is now the green pitch. And the area we filled with mud is where 60,000 seats are fixed," Johnson said, and his monthly salary was 486 USD then.

As Johnson belonged to the staff category, he was not eligible for overtime wages. Despite non-payment, Johnson had to work for 11 hours, with only a 15-minute break to have lunch.

"Most days, I will issue passes for the trucks while eating lunch. There was no lunch break for us. Every day, 11 hours or plus. And that too, without pay for those extra hours," Johnson said adding that by 2018, their work was over.

"In 2019 end, we went to see the stadium. We were stunned and felt proud then. But, when we were forced to leave empty-handed, we didn't feel proud...", Johnson said.

In 2019, his monthly salary was 1,701 USD.

"However, since 2016, the monthly salary disbursement was not regular. The company will send letters stating that the pending salary will be debited on the date mentioned in the letter. Sometimes it will happen and sometimes not. And as we belong to the staff category, we won't go on strike. But workers would strike. They will close the camp gates and sit in the camps. When workers go on strike, the workers' salaries will be paid and they would be repatriated," Johnson added.

Finally, on March 28, 2022, the company HR issued a letter to all notifying them of that day being their last working day.

"That day, we went to the office in the evening. The HR department said we were terminated and should leave the country soon. They told us our pending salary (one month) and the 11 years of end-of-service benefits will be settled in a month," recounted Johnson.

Johnson has to get around 9,000 USD.

"They promised that it will be deposited in our Qatar bank accounts in a month. Now, it is December. Six months have passed.... nothing has happened," Johnson added.

Johnson and his 18 friends, most of them in mid-level posts, are yet to receive 126,000 USD.

These cases are not isolated ones.

On August 14, a few workers from Al Bandary, a construction company, protested in front of the company office in the Al Sadd district in Doha to demand payment from their employer.

There were around 60 workers. They were detained and moved to prisons.

"Since the beginning of 2020, salaries have been irregular. Altogether, I have not got six months' salary. I must get nine years of end-of-service too. In all, it would be around 20,000 USD," Mohammed Junaid, an Indian worker who was arrested and repatriated, told me.

Junaid had complained about the non-payment of wages to the Qatar Ministry of Manpower in June 2021.

As there was no update from the company, he joined the protestors only to be arrested, jailed for 15 days, and repatriated.

Junaid was held at a different detention centre for five days and repatriated after a total of 20 days of imprisonment.

"When I was repatriated, the unpaid salary and end-of-service benefits were only partially paid. However, there was a miscalculation. The overtime pay wasn't calculated. But there was no option to question it. We had to leave," he added.

Johnson and his friends, and Junaid and his colleagues are all victims of wage theft.

WAGE THEFT

Wage theft can be defined as non-payment for overtime; denying workers their last pay cheque after they leave a job; not paying for all of the hours worked; not paying minimum wages; not paying a worker at all, and not adhering to the terms of the contract (MFA, 2020).

Wage theft is an important issue because it is a human rights violation, and it has an impact on a country's economy, especially one which has substantial remittance inflows such as India.

Workers in countries such as the United States and Australia are protected from wage theft, but in West Asian countries—where some 23 million migrant workers, including 10 million from India, are working—wage theft is not viewed as a grave violation of labour rights.

And unfortunately, even migrant-sending countries like India have failed to recognize wage theft as a crime.

Wage theft was present in Qatar in pre-COVID times as well. The pandemic further exposed underlying gaps in labour migration (particularly among temporary and contractual migrant workers) and the flawed foundations upon which such migration programs have been established.

In 2014, *The Guardian* reported that hundreds of migrant construction workers from Bangladesh and Nepal had gone without wages for more than a year.

Those workers were tasked with building, of all things, the luxury offices for the FIFA tournament's organizers in Al Bidda Tower—nicknamed 'the Tower of Football'.

That same year, international trade unions complained to the ILO that Qatar was not complying with international labour standards.

They alleged that the 'kafala' or sponsorship system which ties employees to a certain employer enables exploitation and forced labour and that the authorities were not adequately detecting violations of labour rights.

The complaint eventually led to a slate of labour reforms hammered out in intense negotiations between Qatar and the ILO (Ian Black, Owen Gibson, Robert Booth, 2014).

This included the creation of labour tribunals, an unpaid wages support fund, and regulatory mechanisms to verify that the wages promised were paid.

In March 2021, Qatar adopted a minimum wage that applies to all workers, of all nationalities, in all sectors—a first for the Gulf (Ian Black, Owen Gibson, Robert Booth, 2014).

Despite these reforms, quotes from workers as written above prove that different forms of wage theft persist in Qatar.

Wage theft is not only confined to Qatar but is present in all Gulf Cooperation Council (GCC) countries of Oman, Kuwait, Saudi Arabia, Bahrain, and the UAE.

Recognizing wage theft as a serious rights violation, the Migrant Forum in Asia (MFA), a regional network of migrant rights organizations, launched a campaign titled 'Justice for Wage Theft' in association with a large coalition of civil society organizations and trade unions on June 1, 2020.

The MFA has been fighting to deliver justice for wage theft victims since June 2020.

A recent MFA report (2022) reveals about 3,106 cases of workers' wage theft from five countries and found that the workers lost about 25.2 million USD in wages alone.

This would be about one worker losing an average wage of 7,217 USD for 14 months.

This proves that wage theft is present in other countries. Additionally, the Business and Human Rights Resource Centre (BHRRC) has been recording cases of labour abuse of migrant workers in the GCC countries since 2016.

Their record indicates that wage theft is the most commonly-reported abuse—cited in 80 percent of the cases documented. During the worst of the pandemic in 2020, the BHRRC documented almost 400 percent more cases of abuse compared to the same period in 2019—of which 77 percent is related to non-payment of wages due to employers citing economic downturn (MFA, 2020).

Interestingly, in 2021, the MFA and its partners were successful in reclaiming the stolen wages of hundreds of migrant workers from the multinational company Leighton Contracting Qatar (LCQ).

As India is the largest migrant-sending country and the largest remittance-receiving country in the world, it is the obligation and duty of the Indian government to ensure that the wages of Indian migrant workers abroad are

not withheld. In order to ensure the protection of workers' rights as well as that of the country's interests in the international sphere, robust mechanisms and regulations must be implemented by countries in good faith.

REFERENCES

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