

# A Beacon of Hope or a Dead End

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## Introduction:

In the past few months, India's labour unions have been in a state of turmoil due to the [Framework Agreement for Temporary Employment of Indian Workers in Specific Labour Market Sector in Israel](#) ("the Agreement"). Apart from a [joint press statement](#) released in November 2023 by ten labour unions shunning the idea, the Centre for Trade Union ("the Centre") also released its separate [statement](#) denouncing the mobility agreement. Firstly, trade unions believe that sending Indian labourers to Israel to replace Palestinian workers is akin to supporting Israel's genocide against the Palestinian people. Secondly, the labour unions have alleged that Indian labourers are being sent to a 'conflict zone' without the usual safeguards that the current situation demands.

In furtherance of the Agreement, the National Skills Development Corporation of India advertised thousands of jobs through the [Haryana](#) and [Uttar Pradesh](#) state governments. On the face of it, the offered jobs allow the prospective workers to "discover new horizons". However, an analysis of the offer in the current circumstances indicates that this promise rings hollow.

## Analysis of the Move:

The validity of this move could be challenged under India's [Emigration Act, 1983](#). Under Section 31(1)(a) of the said Act, the Centre has the power to prohibit emigration to a country if they are exposed to "*serious risk of life*" in that particular country by "*reason of outbreak of hostilities or civil war or civil commotion or political disturbances.*" While the Centre has given the green light to the emigration of these workers, the conditions prevalent in Israel are far from ideal. As per the International Committee of the Red Cross, the term '[hostilities](#)' refers to *the physical, armed clashes between conflict parties*. The conflict between Israel and Hamas that has led to bombardments among other acts of hostilities in both [Israeli](#) and [Palestinian](#) territories fits the bill. However, the Indian State may argue that [most of the documented hostilities](#) are against the Palestinian people in the [conflicted territories](#) such as the Gaza Strip & the West Bank and not in Israeli territories where the migrants are going to work.

Despite this, prudence required India to move cautiously due to the nature and [long history](#) of the conflict. While there has been no significant retaliation by Hamas, Hezbollah has already been [mounting attacks](#) on Israeli territories in support of the Palestinian cause. These attacks have also led to civilian [deaths](#). The Lebanese outfit has also [made threats](#) indicating escalation of conflict in the country. Furthermore, several Western countries such as the [United Kingdom](#), [U.S.A.](#), [Ireland](#) and [Canada](#) have issued advisories against travel to Israel.

Moreover, Moldova has [suspended](#) its labour deal with Israel, citing war-time abuse of construction workers. Among many allegations, Moldova has stated that the construction workers were being sent to '[high risk conflict zones](#)' in breach of the [agreement](#) between the two countries. Even before the major escalation of tensions, several [deaths](#) of migrant workers were reported during [Operation Shield and Arrow](#). Therefore, in view of the ongoing hostilities, India sending its workers to Israel exposes these workers to "serious risk of life".

Even when Israel's construction sector is scrutinised in the absence of war-like circumstances, it becomes clear that as per the advertisement, Indian migrant workers will be getting the shorter end of the stick. When it comes to compensation, the offered 6100 NIS might seem lucrative in comparison to Indian standards. However, once minimum deductions are made (ie. medical insurance, accommodation etc.) these workers will only receive in-hand compensation close to the minimum wage (NIS 5,571.75) per [Israeli standards](#). Furthermore, these workers will receive [less than the average salary](#) received by construction workers as per industry standards in Israel. In addition, flight fees and visa processing charges are also to be paid by the candidates themselves.

Workers migrating to Israel also seem to be unaware of the [higher cost of living](#) in Israel, which makes this salary just enough to scrape by. One migrating worker [hoped to accumulate](#) an unrealistically high amount of savings during his one-year stint in Israel. Although India [vouches for](#) the labour safety standards observed in Israel, in July 2022, an Israeli NGO's policy brief highlighted the [dire conditions](#) of worker safety mechanisms in Israel's construction sector. Migrant workers in Israel remain [un-unionised](#) and work in dangerous conditions for low pay. The Indian government should also tread with caution, considering the [deaths of Indian migrant workers](#) that occurred in Qatar over the past decade.

### **International Perspective:**

The International framework for safeguarding the rules of International migrant workers is primarily governed by the [Migration for Employment Convention \(Revised\) 1949](#) and [Migrant Workers \(supplementary provisions\) Convention, 1975](#), which ensures the rights of the migrant workers and equality of opportunity and treatment. Israel has ratified both the Conventions, whereas India has not.

While answering an [unstarred question](#) in the House of the People on whether the government has put any legal provisions in place to ensure the safety of the Indian Workers in Israel, Minister of State, Ministry Of External Affairs (MEA), V. Muraleedharan quoted,

*"Government accords the highest priority to the safety, security and well-being of Indian nationals abroad, including Indian workers. As per the Framework Agreement and Implementation Protocols signed with Israel, Indian workers shall enjoy equal treatment with respect to labour rights as Israeli citizens and shall be provided with proper lodging, medical insurance and relevant social security coverage as well as wages and benefits as set out in law."*

Interestingly, the details of the Framework Agreement have not been made publicly available yet, which makes it dubitable. In a similar fashion, [Malawi](#) has signed a covert labour-supply deal with Israel, which has [received criticism](#) from several civil rights groups.

Both India and Israel are not party to [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), which leaves the families of the migrant workers 'unsecured'. A recent testament to the ordeal of migrant workers and their families is the FIFA 2022 World Cup, hosted by Qatar. As many as [6500](#) labourers died due to inhumane working conditions. As quoted by the MEA, most [complaints registered](#) by Indian workers in Qatar pertain to issues such as unpaid salaries, violation of labour rights, and denial of rightful benefits. These include issues like failure to issue or renew residence permits, non-payment or refusal of overtime allowance, excessive working hours, and rejection of exit/re-entry permits for visits to India. The Indian families still await compensation due to work-related deaths that occurred in Qatar over the past decade.

Moreover, neither India nor Israel has ratified [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#). If the Israeli government fails to maintain a legal framework sufficient to protect the rights of migrant workers consistent with international law, workers will be forced to work in the vacuum of discretionary State set standards, which may or may not comply with ILO standards.

India's staggering unemployment rate acts as a negative factor, compelling migrant workers to take extreme risks, and endangering their livelihoods. As per the [World Migration Report, 2022](#), the Indian diaspora ranks first in the world with over 17.7 million migrants, most of whom are labourers in desperate search of low and semi-skilled jobs. The ILO's centenary celebration in 2019 emphasised a '[human-centred approach](#)' for the future of work. However, implementing this vision becomes increasingly challenging as migrant labourers find themselves compelled to venture into conflict zones in the hopes of a better future.

## **Conclusion:**

[The Philadelphia Declaration of 1994](#) solidified the notion that labour is not a commodity, yet the reality of migrant workers in Israel tells a different story. These migrants play a crucial role in sustaining the flailing economy of Israel. They are innocent and scared, walking the tightrope of balancing a job to support their families back home without a safety net.

While the migrant workers remain hopeful, it is high time that India revisits its Emigration policy. Even in 2024, India continues to follow the Emigration Act from the 1980s. Labour Migration post-1990s has [diversified](#) into varied destinations as opposed to the traditional countries like the U.S., UK, Canada or the Gulf Countries. With changing dynamics, it is imperative to develop effective policies by regularly evaluating, engaging with pertinent stakeholders, and conducting thorough analysis concerning emigration and related issues. The proposed [Emigration Bill, 2021](#) was

a much-needed legislation in this direction. However, it [insufficiently addressed](#) the protection of the rights of migrant labourers.

In its newer emigration policy, India could take a few pages from a fellow developing Asian Country, Philippines's [Migrant Workers and Overseas Filipinos Act](#), espousing for inalienable Fundamental rights of the Filipino citizens. Policy documents such as the [Dhaka Principles for Migration and Dignity](#) also set a good standard.

The primary objective of labour law is to address the imbalance in bargaining power owing to the inherent disparity in the employer-employee relationship. The current situation in war-affected areas calls for an effective strategy to safeguard the rights of migrant labourers, offering a beacon of hope for their well-being and dignity. As of now, the odds are against the migrant labourers, will there be light at the end of the tunnel in future? Only time will tell.

