



GUIDE TO SAFE TIPS:

## **Steps and Advice for Foreign Employment, to Combat Trafficking in Persons**

AND EXPLOITATION OF WORKERS FROM UTTAR PRADESH,  
INDIA SEEKING WORK IN THE GULF REGION

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Verité® is a non-profit organization that provides the knowledge and tools to eliminate the most serious labor and human rights abuses in global supply chains.



Free the Slaves is a nonprofit organization that changes the conditions that allow modern slavery to exist by supporting communities to chart their own path toward sustainable freedom based on their unique needs and circumstances



Manav Sansadhan Evam Mahila Vikas Sansthan is a non-profit organization that empowers people and enhances the transformation of society towards building an inclusive, participatory, harmonious and just society.

# Map of the Gulf Region



GULF REGION – FOR THE PURPOSES OF THIS GUIDE, THE GEOGRAPHIC AREA CONTAINING GCC COUNTRIES, AS WELL AS JORDAN

# Glossary

## International Human Rights Terms

- **Forced Labor** – As defined by the ILO, any work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily and with fully informed consent<sup>1</sup>
- **Debt Bondage** – A form of forced labor in which a person is forced to work to pay off a debt; often for a fee paid to a third party to obtain the job
- **Bonded Labor** – Any labor or service rendered under the bonded labor system, such as labor carried out in return for a loan from a moneylender, especially when the conditions of repayment indicate that the loan can never be repaid
- **Trafficking in Persons (TIP), Human Trafficking for the Purposes of Labor Exploitation, Human Trafficking** – The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of exploitation in the form of involuntary servitude, debt bondage or slavery
- **International Labour Organization (ILO)** – A United Nations agency focused on promoting human rights of workers

## Labor Market and Recruitment Terms

- **Foreign Employment** – A job outside of India
- **Employer** – The person or company who is seeking workers from India to fill vacancies for a job in a Gulf country
- **Employment Contract** – A written agreement between the employer and employee containing all terms and conditions of a job
- **Job Offer** – Information about the type of job, terms and conditions of employment, provided to a worker seeking a foreign job
- **Job Order or Demand Letter** – A document which includes a basic description of a job vacancy that an employer in a Gulf Region country uses to apply to its government for producing an employment visa (See Annex A for an example.)
- **Labor Agent** – Any person assisting a worker with obtaining a foreign job
- **Labor Supplier** – The person or company in the destination country providing workers to the employer
- **Recruitment Agent** – A person or company contracted to supply workers for the labor supplier or employer in the destination country
- **Registered Recruitment Agent** – A recruitment agency that has passed requirements to register with the government of India
- **Sub-agent, Broker** – A person or company working at the village level to connect workers seeking foreign employment with a labor agent or job opportunity; usually operates without legal status as a business
- **Recruitment** – The process through which an employer finds and hires a worker for a job
- **Recruitment Cost** – An item required for a foreign job, e.g., a passport
- **Recruitment Fee** – Any payment charged by a labor agent or any entity assisting a worker with searching for, applying for, or otherwise obtaining a job
- **Worker** – The person (in this case from Uttar Pradesh) who is seeking and/or obtaining foreign employment

## Government and Policy Terms

- **Protector General of Emigrants (PGE)** – The PGE, under the Ministry of External Affairs, is the authority responsible for protecting the interests of Indian workers going abroad. The PGE is also the authority responsible for issuing a Registration Certificate to recruitment agents for overseas recruitment.
- **Protector of Emigrants (PoE)** – The Protectors of Emigrants offices are responsible for granting Emigration Clearance (EC) to emigrants, as well as for helping to protect and advise emigrants travelling abroad.
- **Emigrant** – any person who takes up employment in any country or place outside of India
- **Pravasi Bharatiya Bima Yojana (PBBY)** – Indian government social insurance scheme for Indians working abroad (in a foreign country)
- **Emigration Clearance Required (ECR)** – Emigrants planning to work in ECR countries require Emigration Clearance from the PoE office to grant the emigrant permission to work in these countries. ECR countries include Qatar, the UAE, Saudi Arabia, and Jordan, among 14 others.
- **Kafala System** – The kafala system is a legal framework defining the relationship between migrant workers and their employers in Gulf countries including Qatar, the UAE, Saudi Arabia, and Jordan. Under this system, the Gulf country government gives local individuals or companies sponsorship permits to employ foreign laborers. In most situations, workers need their sponsor’s permission to transfer jobs, end employment, and enter or exit the host country.
- **Employment Visa** – document from a Gulf Region country allowing a foreigner to enter their country for the purposes of employment
- **Tourist Visa** – document from a Gulf Region country allowing a foreigner to enter the country for the purposes of tourism, recreation, and other non-business and employment purposes

# Purpose of the SAFE TIPS Guide

Each year, hundreds of thousands of workers from Uttar Pradesh travel to jobs in Qatar, the United Arab Emirates (UAE), and Saudi Arabia, as well as to other neighboring countries in the Middle East and North Africa region such as Jordan. These workers travel far from home for a foreign job in hopes of earning a greater income and working towards a better life for their families. Of all the states in India, Uttar Pradesh (UP) is among those that send the greatest number of workers to Gulf countries.

Workers from UP are mainly hired for “low-wage” jobs in the Gulf region. Many find jobs as laborers, masons, electricians, and carpenters in the construction sector, or as drivers, groundskeepers, or manual laborers in hotels or airports. Many workers from UP have a successful foreign employment experience in which they are treated fairly by their employer, earn a fair salary, send funds back home, and save money to secure a better future for themselves and their families. While foreign employment can present promising opportunities, workers need to be equally aware of the risks they may face that can become barriers to a successful foreign employment experience, and which can result in not earning anticipated wages, exploitation by a foreign employer, and other disappointing outcomes.

Although employment and wage-earning occurs in a foreign country, the risks of an unsuccessful foreign employment experience actually originate during the job seeking process in UP, before a worker has left India. Indians seeking employment may receive false information from a labor agent regarding the job offered – for example, about the nature of the work and wages promised; they may receive fraudulent documentation, gain debt by paying a labor agent high fees, which can lead to debt bondage. Workers who receive incorrect documentation in India, such as a tourist visa instead of a work visa to enter the country in which the job will take place, are, after the worker has arrived at the foreign job, extremely vulnerable to harassment or abuse, including withholding of wages, from an employer who exploits the worker’s fear of imprisonment in the foreign country, or deportation back to India. In such cases, workers might end a foreign job in greater debt and in a more vulnerable position than before they sought a foreign job.

**Although employment and wage-earning occurs in a foreign country, the risks of exploitation and an unsuccessful foreign employment experience commonly originate during the job seeking process in Uttar Pradesh, before a worker has left India.**

The COVID-19 pandemic of 2020-2021 has presented additional challenges for workers. During the pandemic, it has been documented that thousands of low-wage foreign workers in the Gulf region have been denied wages for six months or longer, have lived in unhealthy workers’ accommodations, and have been denied access to healthcare.

The purpose of this SAFE TIPS guide is to support civil society and community-based organizations in Uttar Pradesh to raise awareness among workers and their communities about the risks that workers face in seeking foreign employment, and the practical steps they can take to protect themselves.

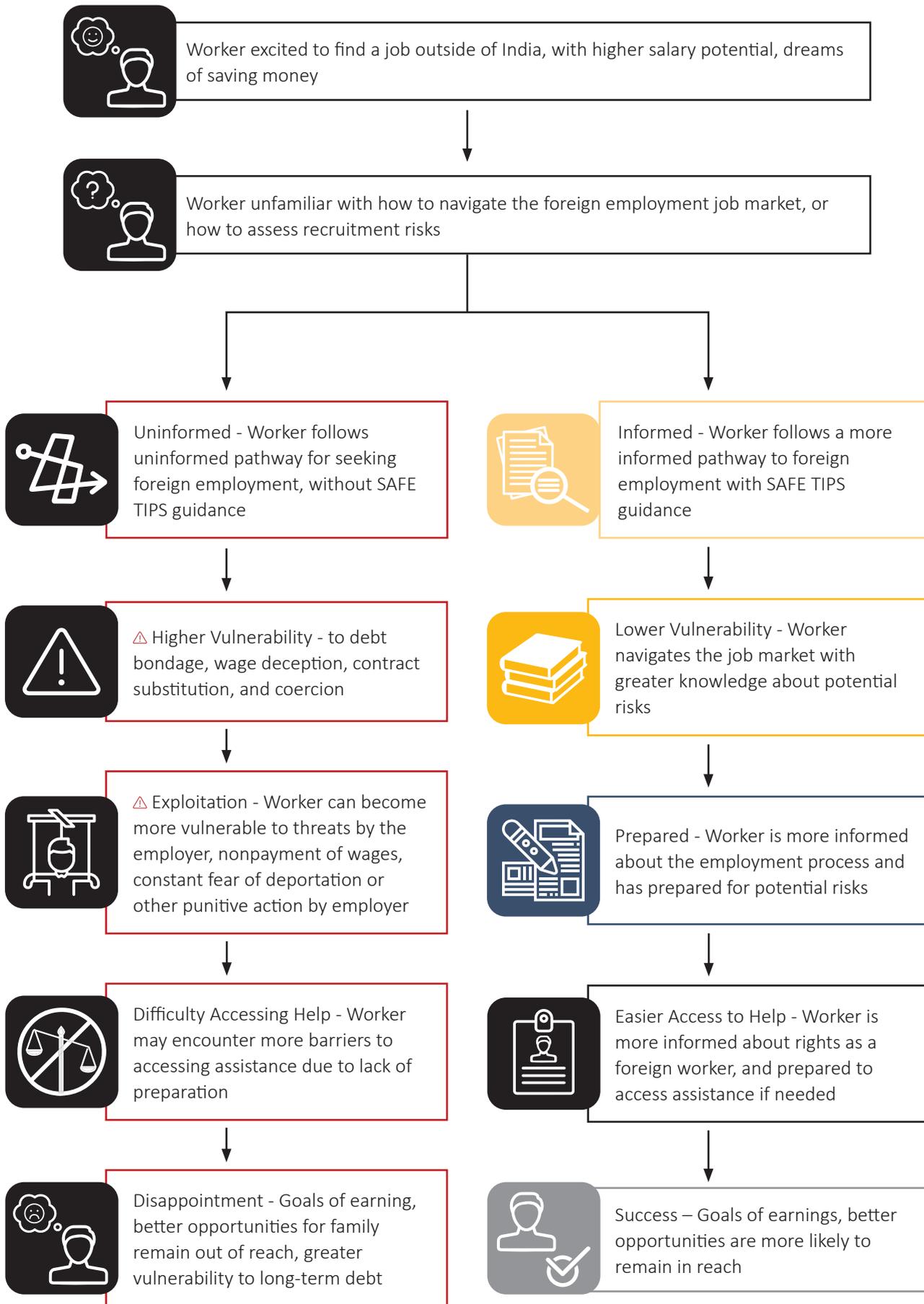


FIGURE 1 – FIRST STEPS ON THE PATHWAY TO FOREIGN EMPLOYMENT CAN GREATLY AFFECT OUTCOMES

# Background: Why Workers Need SAFE TIPS

Workers who migrate from Uttar Pradesh (UP) to the Gulf region for employment migrate out of hope for better opportunities, but the process of recruitment for foreign employment, as well as the foreign employment experience itself, presents serious risks to workers of exploitation by unscrupulous employers and labor agents. Organizations and news outlets have documented cases in which the exploitation that workers from India experienced in the Gulf region was severe enough to resemble forced labor.

## Defining Forced Labor

The International Labour Organization (ILO) Forced Labour Convention 29 (1930), the most authoritative convention on forced labor, defines forced or compulsory labor as “All work or service which is exacted from any person under the menace of any penalty, and for which the said person has not offered himself voluntarily.”<sup>2</sup> In other words, if work is carried out involuntarily and under a threat or menace of penalty, it meets the internationally recognized definition of forced labor, which is legally prohibited in Gulf region countries including Jordan, Qatar, Saudi Arabia, and the UAE.<sup>3</sup>

 Involuntary Work +  Threat or Menace of Penalty = **FORCED LABOR**

While terms such as “involuntary work” and “threat of penalty” may at first appear subjective and overly open to interpretation, the actions and conditions that can be counted as indicators of forced labor have in fact been carefully defined and agreed on by the international community. The ILO first presented a framework for indicators of forced labor in 2012,<sup>4</sup> which was updated in 2018 by the International Conference of Labour Statisticians (ICLS).<sup>5</sup> The forced labor indicators help to identify the presence of any menace of penalty and involuntary work.

The following indicators were found in Verité research of conditions reported by UP workers in Gulf region countries.

### Selected indicators of forced labor found in Verité research of UP workers in the Gulf region<sup>6</sup>

Involuntary Work	+	Threat or Menace of Any Penalty
<ul style="list-style-type: none"> <li>→ Situations in which the worker must perform a job of different nature from that specified during recruitment without a person’s consent</li> <li>→ Abusive requirements for overtime or on-call work that were not previously agreed with the employer</li> <li>→ Work in hazardous conditions to which the worker has not consented, with or without compensation or protective equipment</li> <li>→ Work with very low or no wages</li> <li>→ Degrading living conditions imposed by the employer, recruiter, or other third party</li> <li>→ Work for other employers than agreed</li> <li>→ Work for a longer period of time than agreed</li> <li>→ Work with no or limited freedom to terminate work contract</li> </ul>		<ul style="list-style-type: none"> <li>→ Threats or violence against workers or workers’ families and relatives, or close associates</li> <li>→ Restrictions on workers’ movement</li> <li>→ Debt bondage or manipulation of debt</li> <li>→ Withholding of wages or other promised benefits</li> <li>→ Withholding of valuable documents (such as identity documents or residence permits)</li> <li>→ Abuse of workers’ vulnerability through the denial of rights or privileges, or threats of dismissal or deportation</li> </ul>

## Drivers of Risks for Workers

The level of risk facing an individual worker can be impacted, in part, by systemic factors such as labor markets and the legal frameworks that govern them. In labor markets where the pool of potential workers is larger than the pool of potential jobs, workers may feel pressured to accept riskier terms from a labor agent and, as a result, riskier employment. Worker vulnerability can be further increased when legal frameworks in India and Gulf countries are weak or not sufficiently enforced to protect workers.

This section will describe how risks to workers are driven by:

- Labor Market Dynamics
- Legal Frameworks in the Multiple Countries Governing the Labor Market (India and Gulf Countries)
- The Labor Supply Chain

### Labor Market Dynamics

Workers from Uttar Pradesh seeking foreign employment are entering into a global labor market. Like many markets, the labor market for jobs in Gulf countries is based on “supply and demand” dynamics. Employers rely on the low cost of foreign workers and the large supply of workers willing to take low-wage jobs. This is based on an unbalanced labor market: there is a large supply of workers, but limited jobs are available. In this situation, employers in Gulf region countries hold greater power to dictate wages, terms and conditions, and other aspects of jobs offered to workers in UP, knowing that any job they offer is likely to be in high demand. This leaves workers vulnerable to exploitation.

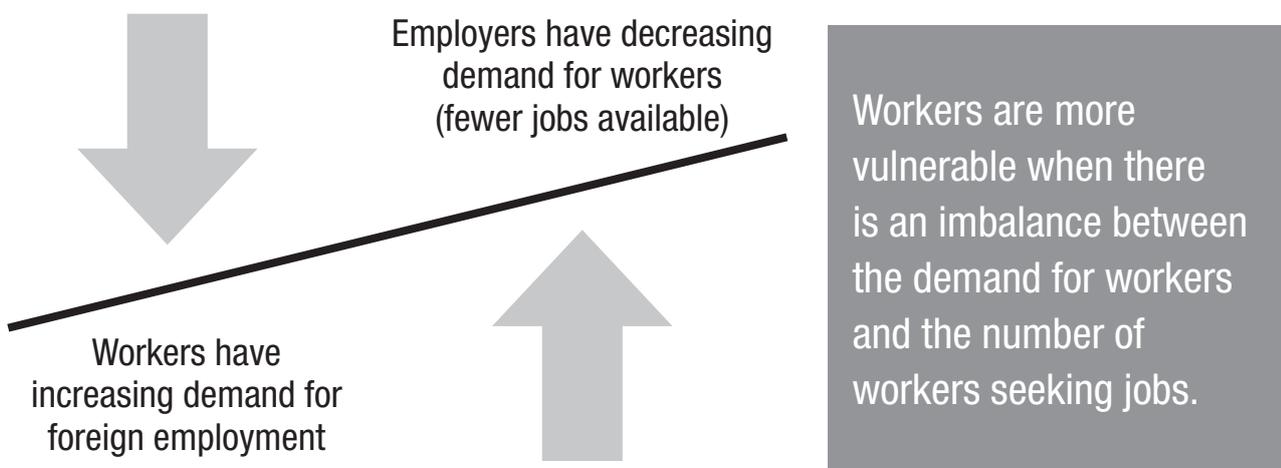


FIGURE 2 – IMBALANCE BETWEEN DEMAND FOR WORKERS AND DEMAND FOR JOBS

Supplying workers from India to employers in Gulf countries is big business and there are many companies that act as intermediaries or middlemen between workers and employers, hoping to make their own profit. Workers may be exposed to more than three of these middlemen when seeking employment in a Gulf country. Some of these intermediaries are paid by employers for the recruitment, hiring, and placement services they provide. Some make their money from fees paid by workers seeking a foreign job – fees that are often so high they require the worker to take out a loan.

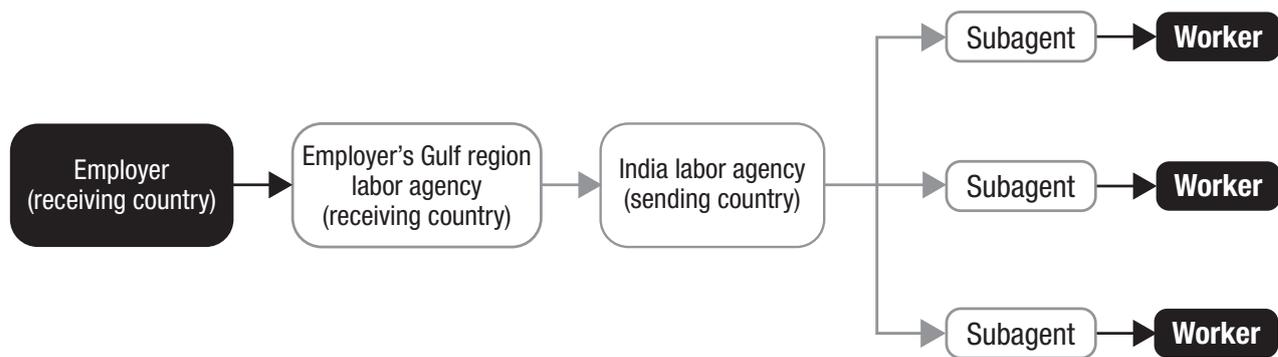


FIGURE 3 – A LONG LABOR SUPPLY CHAIN Each additional middleman between the worker and employer increases risks of deception and other forms of exploitation during recruitment

Middlemen acting as labor agents (sub-agents or recruitment agencies) play an important role connecting a worker seeking foreign employment to all of the steps required to obtain a job. However, each layer of “middlemen” in a labor market presents a risk that workers will be deceived, manipulated, or charged high fees; in some cases, exploitation may rise to the level of forced labor.

According to the Uttar Pradesh office of the Protector of Emigrants, as of February 2021 there were 40 registered recruitment agencies in Uttar Pradesh: Lucknow (17), Gautam Buddha Nagar (3), Gorakhpur (4), Kanpur Nagar (4), Khushinagar (4), Lakhimpur-Kheri (3), Ghaziabad (2), Aligarh (1), Sant Kabir Nagar (1), and Mau (1).

In districts of UP where there are many people seeking foreign employment, there may not be a registered recruitment agency office. In this situation, most recruitment agencies rely on a network of unregistered and unregulated “sub-agents” to find workers to fill their clients’ orders to fill foreign job openings. Because these sub-agents are, for the most part, not registered or regulated by the government of India – and because the employers generally have no oversight of what they do – their business dealings with workers seeking foreign employment in UP are not covered by regular oversight procedures. Sub-agents tend to operate informally, and with little accountability. If a worker experiences fraud, deception, or any problems when dealing with a sub-agent, they may not have access to legal avenues of redress. (See more about labor agents and sub-agents in Step 2 of the SAFE TIPS.)

## The Worker Pays Model:

The labor market between Uttar Pradesh and the Gulf region is out of balance because employers are drawn to the cheapest cost of procuring foreign workers, and there are more workers seeking foreign employment than there are job vacancies. With this dynamic, workers pay high fees to labor agencies in order to access foreign jobs. When workers pay for their own recruitment, the cost to the employer is cheaper. In other words, the fees workers pay to labor agencies are subsidizing the employer's costs of recruiting workers.

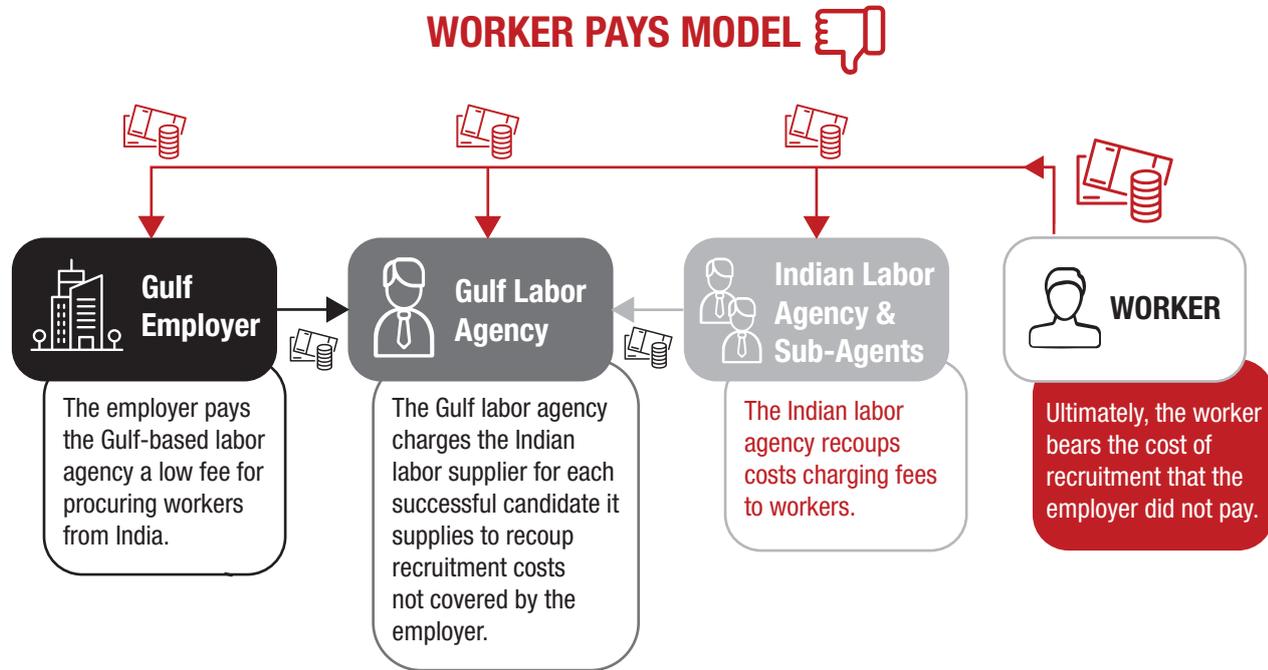


FIGURE 4A – THE WORKER PAYS MODEL

## The Employer Pays Model:

In a more fair and balanced labor market, **the employer should pay** all fees and costs associated with finding, recruiting, and procuring workers from India to the job in a Gulf country. This is what the ILO refers to as “the employer pays principle” which states that “No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.”

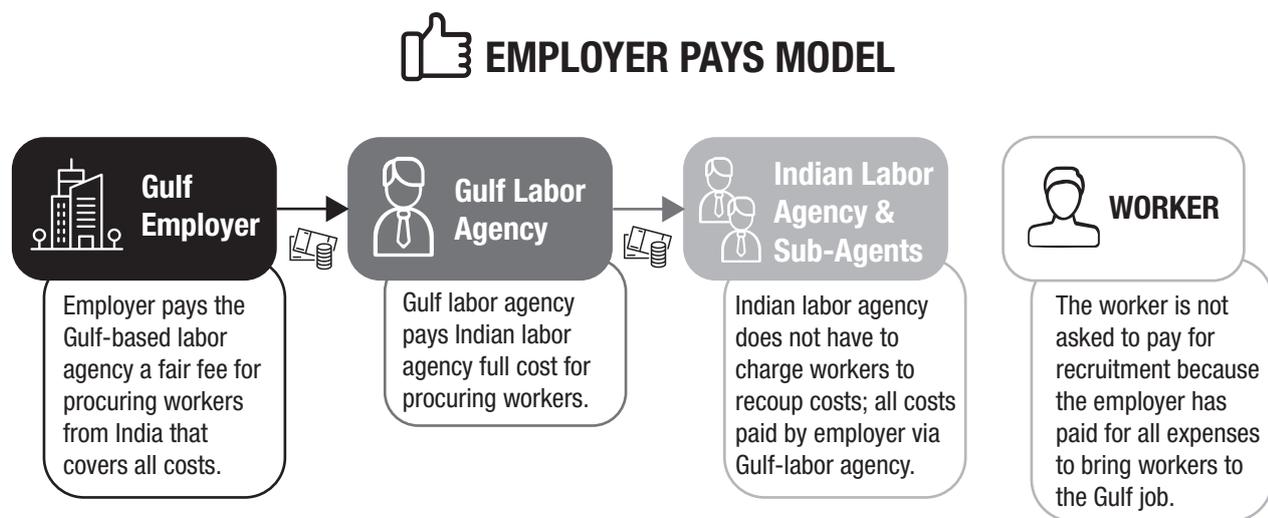


FIGURE 4B – THE EMPLOYER PAYS MODEL

## Examples of Common Forced Labor Risks

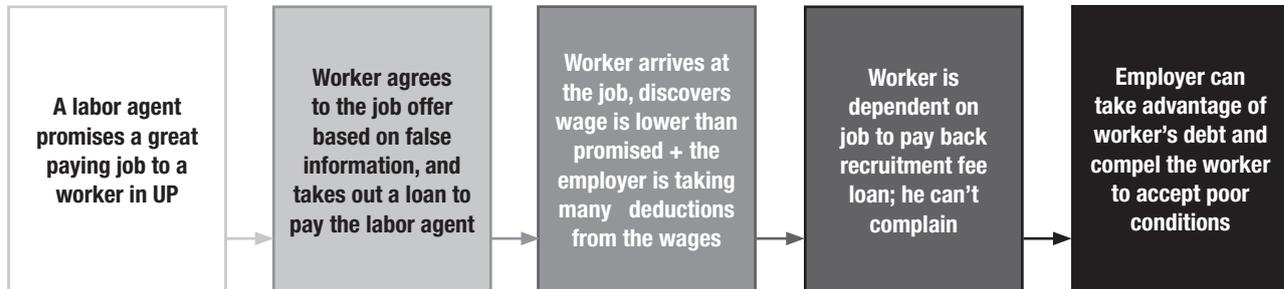
The following are accounts from workers interviewed in UP during 2019 and 2020 who had recently returned from a job in the Gulf region. These accounts illustrate examples of some of the forced labor risks that workers face during the labor recruitment and foreign employment experience. (Names and identifying details of workers have been changed for their protection.)

### **Fraud by a Labor Agent**

A labor agent visited a village in Gorakhpur and promised workers visas for high-paying jobs in Dubai. When Abdul heard about this opportunity, he used his farm as collateral for a loan to pay a fee of 60,000 Indian rupees (referred to here as INR, which are approximately USD 826) to the labor agent. Once Abdul made his payment to the agent, the agent disappeared with the money, never to be seen again in the village. Abdul was left without a visa or job, and a large debt for the loan he had taken. Abdul had no written record of the promises made by the labor agent. Also, there was no receipt of the payments he had made, leaving his farm in jeopardy. Without this evidence, Abdul had no chance to seek assistance from the police or courts to recover his money.

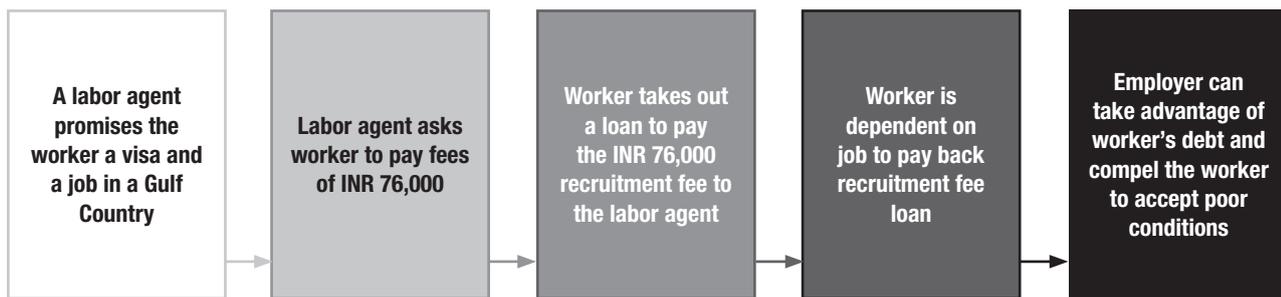
### **Deception – Wages**

Bhajan worked in Dubai for a construction and engineering firm in Dubai. “The agent told me I would be paid 2,500 Dirhams (referred to in this guide as AED; approx. INR 49,409 or USD 681) as a basic salary and would receive other benefits such as food, accommodation, and healthcare provided by the employer,” Bhajan said. “I was also promised about two hours of paid overtime daily.” However, Bhajan was never paid overtime. “On public holidays and on days I fell ill, my salary was deducted,” Bhajan said. “Even after the eight-hour shift, the supervisor forced us to work an extra two hours each day.” His salary was also deducted for other expenses. “My salary was cut, I believe for medical treatment, food, laundry, and other expenses,” he said. Bhajan never received a clear explanation of what these deductions were for.



## Debt Bondage

Raheem met a labor agent in Uttar Pradesh who promised him a job as a wall painter in the UAE. The labor agent said the job would include a wage of AED 1,300 (approx. INR 25,690 or USD 354) per month, for eight hours of work per day. He also said that the employer would provide Raheem with free food, a good room, and healthcare facilities. Raheem took out a loan to pay the labor agent INR 76,000 (USD 1,047) for this job. He was confident that with a wage of INR 25,000 per month, he would be able to repay the loan with wages from the first few months after starting the job in the UAE. “I was forced to work for 12 hours a day. Food, housing, and medical treatment was not provided by the employer – I had to pay for these out of my salary,” Raheem said. He was also not paid wages at the end of the first or second month of work. The longer he was not paid by his employer, the more his debt to the labor agent in UP increased. Raheem was afraid to speak up against the exploitation by his employer because if he were fired or deported, he could lose the chance to pay off his debt.



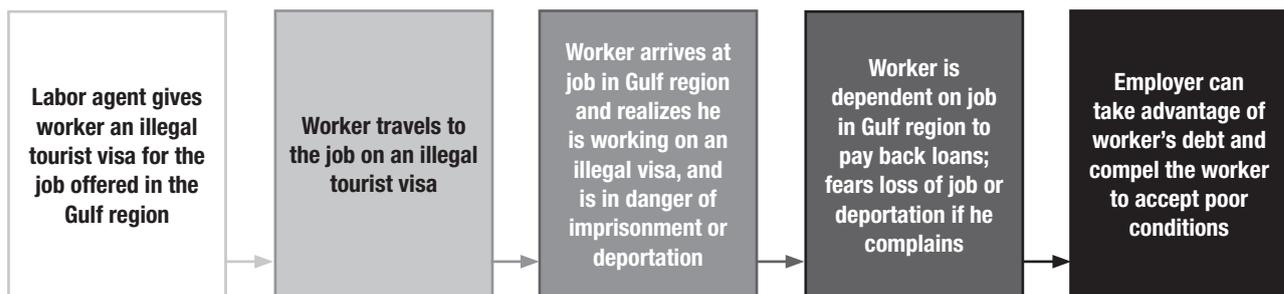
## Contract Substitution – “Bait and Switch”

Mohammed was seeking foreign employment and paid INR 85,000 (USD 1,171) to a broker in Uttar Pradesh. “The agent told me I was going to work as a laborer on a construction site in Dubai, and I was promised a monthly salary of INR 23,000 (USD 317), plus food and accommodation provided by the employer at no cost to me, and paid overtime. When I arrived, I found that my job was at a local restaurant in the city, where I was forced to wash dishes, sweep, mop, and pick up garbage for 12 to 14 hours every day without paid overtime. When I complained to my manager about overwork, they abused me and beat me up because I refused to work overtime.”



## ⚠️ “Menace of Penalty” – Exploitation of Irregular Visa Given by Labor Agent

Jagat paid a labor agent in Uttar Pradesh INR 60,000 (USD 827) for a road construction job in Qatar. It turns out the labor agent provided Jagat with a tourist visa, which does not allow someone to work in the UAE. As a result, his status as a worker in Qatar was “illegal,” and he was at risk of being deported back to India or imprisoned in the UAE. Jagat told researchers that workers on tourist visas working for his employer in the UAE were exploited. “My colleagues on proper employment visas [with legal working status] worked eight hours per day,” Jagat said. “Workers on tourist visas worked 10- to 12-hour shifts, and there was no fixed salary. They just paid me QAR 700 (INR 14,000 or USD 19), and within that sum I had to take out money to pay my rent, food, and medical bills. Also, the salary was delayed for several weeks and I was not paid any overtime.” He could not make complaints about his salary without fear of retribution from his employer because of his illegal (irregular) visa status.



## Legal Frameworks Governing the India-Gulf Labor Market

### The Gulf Region

The degree to which employers and their hired labor suppliers in the Gulf region follow legal requirements for the recruitment of workers from India can significantly affect workers’ vulnerability to labor exploitation.

The laws and procedures governing how employers in the Gulf region can legally hire foreign workers differ in each country. Most employers in the Gulf region, at a minimum, go through the steps of receiving permission from their government to bring foreign workers from India to their company. However, in some cases employers will hire workers through irregular means, without following the law. This usually poses a greater risk for workers. Examples of legal restrictions for foreign workers in Gulf Region countries include the following.

- **Barriers to workers changing jobs or leaving employment before the term of an employment contract is completed** – If the worker does not like the job, they cannot easily move to another job or different employer.
- **Barriers to free movement** – Many employers tightly control the movement of workers, making it difficult for workers to leave job sites or worker accommodations to access assistance or other necessities. This can extend to barriers to the worker leaving the host country, particularly in the case that a worker needs to return to India because of an emergency situation.
- **Barriers to receiving restitution for mistreatment by an employer** – With the exception of Qatar, where there have been recent labor law reforms enacted with the support of the ILO, foreign workers may not find many avenues to lodge complaints and/or attempt restitution for exploitive actions by an employer, such as non-payment of wages, forced overtime, deplorable working or accommodation conditions, failure to provide appropriate healthcare, etc.

- **Barriers to joining labor unions or worker committees** – It is illegal for foreigners to join these organizations in all Gulf region countries.
- **Barriers to seeking better working conditions** – The restricted legal status of foreign workers in Gulf Region countries makes workers vulnerable to threats of imprisonment or deportation from employers who can exploit this vulnerability to force workers into forced overtime, or other exploitive working conditions.

See also Annex C for more information about labor laws pertaining to foreign workers in Qatar, UAE, Saudi Arabia, and Jordan.

## India

Key legal frameworks in India governing procedures for Indian workers to be hired into foreign jobs are governed by the Indian Emigration Act of 1983. This law established the authority of the Protector General of Emigrants (PGE), the primary government authority responsible for regulating recruitment of Indian citizens for foreign employment. The PGE oversees offices of the Protector of Emigrants (PoE), responsible for a particular region in India. There is a PoE office for Uttar Pradesh in Raebareli.

The POE's Office is Responsible for:

- Providing protection and aid for all prospective and current foreign workers,
- Helping workers apply for passports,
- Ensure proper employment visas are issued before departure, and issue Emigration Clearances, allowing workers to legally travel abroad for employment.
- Registering and monitoring labor agencies. The Emigration Act established a process for labor agencies in India to register with the government and receive job opportunities from foreign employers. Registered recruitment agencies are required to follow laws and procedures to protect workers from fraud or deceptive recruitment.

## Illegal or Irregular Pathways to Foreign Employment in the Labor Market

Following a pathway to foreign employment through unregulated channels, such as through unlicensed sub-agents and informal networks, presents significant risks to the worker. This includes serious human rights concerns around workplace conditions, living conditions, and exploitation, including forced or bonded labor. The majority of workers from Uttar Pradesh use irregular and less secure pathways, which can be easier to access, but which can make workers more vulnerable to exploitation. The Indian government does not record the recruitment of workers who bypass the emigration clearance system, either because they do not meet the Emigration Check Required (ECR) passport requirements or are migrating on tourist visas or other irregular arrangements. When going through an irregular pathway, it can be much more difficult to seek assistance if the worker encounters any problems during the job seeking process or during employment in a Gulf country.

The recruitment of workers on tourist visas is common practice. Employers may recruit workers on tourist visas for expediency or to save on costs. However, this puts workers at greater risk of exploitation. A large part of the problem continues to be the spread of information via informal networks, and the over-reliance of jobseekers on unlicensed labor agents (which include informal organizations, friends, and relatives).

# The Eight SAFE TIPS Steps

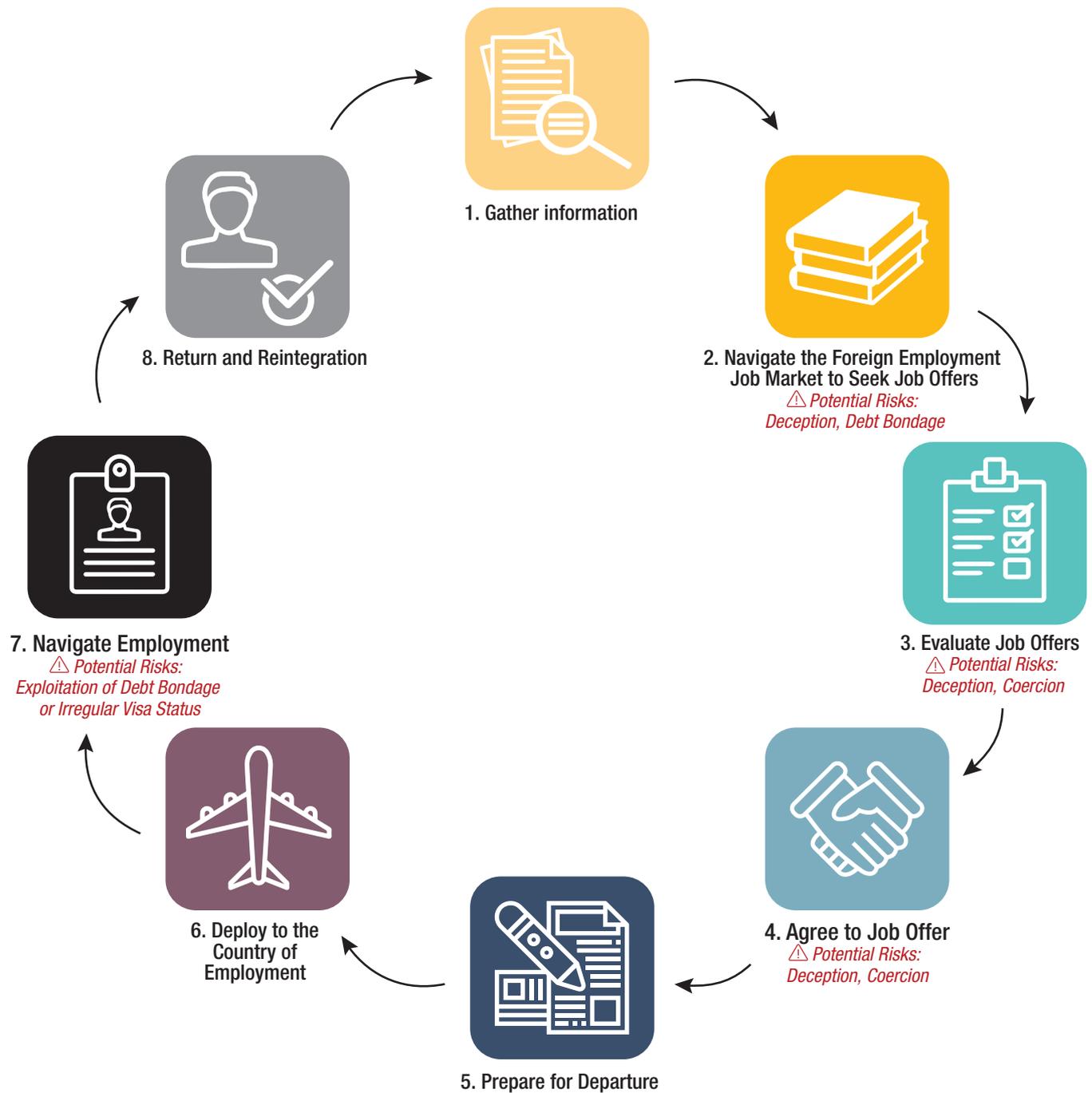


FIGURE 5 – THE EIGHT SAFE TIPS STEPS FOR FOREIGN EMPLOYMENT

# Overview of SAFE TIPS Steps



## 1. Gather Information

The worker is advised to:

- Gather information from trusted, neutral sources
- Discuss options with family and other trusted people
- Weigh the pros and cons of taking a foreign job
- Navigate the foreign employment job market and seek job offers



## 2. Navigate the Job Market and Seek Job Offers

The worker is advised to:

- Learn about the labor market for foreign employment, including the risks and advantages of working with different recruitment agents
- ⚠ Beware of Fraud, Deception, and Recruitment Fees leading to Debt Bondage.



## 3. Evaluate Job Offers

The worker is advised to:

- Determine which labor agent to work with
- Assess job openings and job offers to determine whether they are credible and good options
- ⚠ Beware of Deception, Coercion.



## 4. Agree to a Job Offer

After the worker has decided to accept a job offer, the worker is advised to:

- Ask when they will be issued a formal, written employment contract
- Request a written, signed document containing all details of the job offer
- ⚠ Beware of Deception, Coercion.



## 5. Prepare for Departure

The worker is advised to:

- Complete activities required by the employer or by law, such as medical testing, obtaining emigration clearance, and applying for social insurance
- Complete additional recommended activities in the Pre-departure Checklist



## 6. Deploy to the Country of Employment

The worker is advised to:

- Use information from a pre-departure training to know what to expect in an international flight and on arrival in the country of employment
- Be prepared to assess any employment contract presented on arrival



## 7. Navigate Employment

The worker is advised to:

- ⚠ Be aware of opportunities for support and remedy in India and the country of employment and avail of them as necessary.



## 8. Return and Reintegrate

The worker is advised to:

- Avail of resources and support available to returnees to build a livelihood



## STEP 1: Gather Information

Gathering information is the first step in seeking foreign employment. Workers are advised to take time to gather information from trusted, neutral sources, and discuss options with family and other trusted people to weigh the pros and cons of pursuing a foreign job. Workers and their families should have clear goals for their foreign employment, an understanding of the risks, and knowledge of strategies for pursuing employment to ensure the best possible outcome.

### Recommended Actions for Workers

- 1.1 Understand the risks of foreign employment
- 1.2 Understand restrictions on foreign workers' rights in the Gulf region
- 1.3 Weigh goals, risks, and benefits to decide whether to pursue foreign employment
- 1.4 Review SAFE TIPS and determine the feasibility of following the guidance

## 1.1 Understand the Risks of Foreign Employment

This section describes the risks workers face in relation to foreign employment. Workers should familiarize themselves with these risks before pursuing foreign employment.



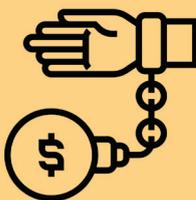
### Labor Agent Fraud

Some labor agents simply take fees paid by prospective workers without ever providing employment.



### Deception and Misinformation

It is common for labor agents to deceive workers, either verbally or in the contract. Workers may be deceived about working conditions such as wages, working hours, type of work, legality of work, location of work, or living conditions.



### Debt Bondage

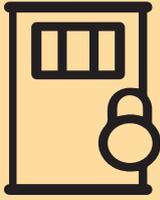
The costs of securing of a job may be so high that they leave the worker indebted and unable to pay back their loans. This risk is heightened if the worker was deceived about wages or if their wages are withheld. It is not uncommon for workers from UP to have difficulty affording a flight home. Debts incurred during the process of obtaining foreign employment may take years to repay.



### Non-payment, Withholding, or Underpayment of Wages

In some cases, workers will not receive any wages for multiple months of working.

More commonly, workers are paid their wages irregularly. Some workers to be without a wage for up to three months at a time. If a worker has taken out a loan, the non-payment of wages can lead to further debt. Wages may also be deducted for time not worked due to illness or per disciplinary policy.



### **Restricted Freedom of Movement and Isolation**

During the recruitment process or transit, labor agents will sometimes hold workers and prevent them from leaving hotels or offices while awaiting a job opportunity. Once in Gulf, worker they may be prevented from leaving the housing or worksite or may be closely surveilled.

Workers will likely be isolated in their destination country. They may not know where they are and typically lack access to transportation. Mobile phones may also be confiscated.



### **Document Retention**

It is common practice for employers or labor agents in Gulf countries to take away workers' identity documents, such as visas, original passports, and original employment contracts.

Without identity documents, the worker will not be able to obtain other jobs or access essential services and may be afraid to ask for help from authorities if they are being exploited.



### **Physical Violence, Verbal Harassment, and Threats**

Workers may face physical violence (being beaten, slapped, whipped or punched). Violence may be used as a way to retaliate, for instance when a worker refuses to work overtime or makes a complaint about their supervisor.

Workers are sometimes subjected to racism and discrimination due to their nationality or religion.



### **Hazardous Living and Working Conditions**

Foreign workers in the Gulf states sometimes have to perform their job under conditions that are degrading (humiliating or dirty) or hazardous (difficult or dangerous without adequate protective gear).

Worker housing may be overcrowded, unhygienic, and lacking adequate privacy.



### **Excessive Overtime**

It is very common for foreign workers in Gulf countries to work excessive hours or days beyond legal limits, even if they do not agree to these hours before leaving their home country.

Additionally, workers can be denied breaks and rest days and may be on call 24 hours a day, seven days a week.

FIGURE 6 - COMMON RISKS EXPERIENCED BY WORKERS IN FOREIGN EMPLOYMENT

## More Information About Deception During Recruitment:

Deception means that the labor agent or sub-agent gives the worker inaccurate information, either verbally or in writing. Deception about working conditions and terms of employment is one of the most common risks faced by foreign workers. Workers should be alert to potentially inaccurate information on the following topics when reviewing job offers:

- **⚠ Wages and salary:** Many workers arrive in the Gulf country only to find their salary is much lower than was promised.
- **⚠ Nature of the job or identity of the employer:** Workers sometimes arrive in the Gulf country thinking they will work in one type of job (example: electrician), but when they arrive, they are told they need to do another job or have other responsibilities (example: cleaning staff).
- **⚠ Hours and working conditions:** Workers may be promised standard work hours and rest periods but be coerced into excessive overtime upon arrival. Workers may also be deceived about overtime rates.
- **⚠ Housing and living conditions:** Workers may be told that additional benefits such as food, housing, and healthcare services will be provided free of charge. However, upon arrival, these may not be provided, or they may be provided at high rates that are deducted from workers' salaries. The quality of these benefits may also be lower than what was promised.
- **⚠ Location of work:** Workers may be taken to another city or even country without their once they have begun their transit.
- **⚠ Legality of work:** Workers are sometimes given inaccurate information about whether their new job is legal. For example, the labor agent may incorrectly tell the worker that it is legal to work in a Gulf country on a tourist visa.

### Checklist to Prepare for Legal Restrictions During Foreign Employment

- Keep copies of your passport and all other important documents with you at all times and leave another copy at home before you leave.
- Keep key phone numbers written down in a separate place other than your phone, and keep those with you at all times.
- Know where you could get legal aid assistance. (In Qatar, UAE, and Jordan there may be more options for legal aid than in Saudi Arabia, for example.)
- Be aware of other cultural norms or expectations for public behavior that foreign workers can be jailed for in Gulf region countries – for example, public consumption of alcohol or eating in public during Ramadan.

SEE MORE IN  
STEP 6: PRE-DEPARTURE, AND STEP 7: EMPLOYMENT

## 1.2 How will my rights be different if I take a job in the Gulf region?

The laws and procedures governing how employers in Gulf countries can legally hire foreign workers are different in each Gulf Region country. When understanding the laws in the destination country, workers can research the following topics:

- There may be barriers to workers changing jobs or leaving employment before the term of an employment contract is completed
- Many employers tightly control the movement of workers, making it difficult for workers to leave job sites or worker accommodations to access assistance or other necessities. This can extend to barriers to the worker leaving the country of employment, particularly in the case that a worker needs to return home to India because of an emergency.
- With the exception of Qatar, there are few avenues for workers to lodge complaints and attempt restitution for exploitive actions by an employer in Gulf countries, such as non-payment of wages, forced overtime,

### Pre-Decision Checklist for Workers

- Consider your goals in seeking foreign employment.
- Discuss your goals and plans with family members and trusted people to weigh risks and benefits.
- Review the SAFE TIPS.
- Gather information on the labor market in the destination country.

deplorable working or living conditions, or failure to provide appropriate healthcare, for example.

- The restricted legal status of foreign workers in Gulf region countries makes workers vulnerable to threats of imprisonment or deportation from employers who can exploit this vulnerability to force workers into forced overtime or other exploitive working conditions.

## 1.3 Weigh goals, risks, and benefits to decide whether to pursue foreign employment.

Before beginning to search for a job in a Gulf country and seeking a labor agent for assistance, the worker should review the goals, risks, and benefits of foreign employment to decide whether or not to pursue foreign employment opportunities. It is advisable to consult family members before making a decision, especially those sharing responsible for supporting dependents such as children and elderly family members. Workers weighing whether to pursue foreign employment will feel more confident and informed in their decision after reviewing the following questions:

Questions to answer before deciding to seek foreign employment:

- How much demand is there for foreign workers in the destination country?
- How many jobs are available in this field?
- What are the typical wages?
- What is the typical range of fees that workers pay to obtain a job in the destination country?
- Are most foreign workers able to secure legal visas and paperwork?
- What legal protections are available to foreign workers in the destination country?
- Do I clearly understand my reason for seeking overseas employment?
- Do my family and I have a goal for overseas employment (e.g., to purchase assets, children's education, or for business or livelihood start-up funding)?
- Have I explored all options for employment within India?
- Can I stay away from my family for a two-year period or more?
- Do I have infants or children under five-years-old who need my care?
- Who will care for family members in my absence?
- Can my family members manage day-to-day activities without my support?
- Can my children (over five-years-old) continue their schooling effectively without my support?
- Is the safety, nutrition, and health of my children secure without my presence?
- Will I get the required support of my immediate and extended family members?
- Will the elderly family members be able to manage without me? If not, what is the available alternative for their care?

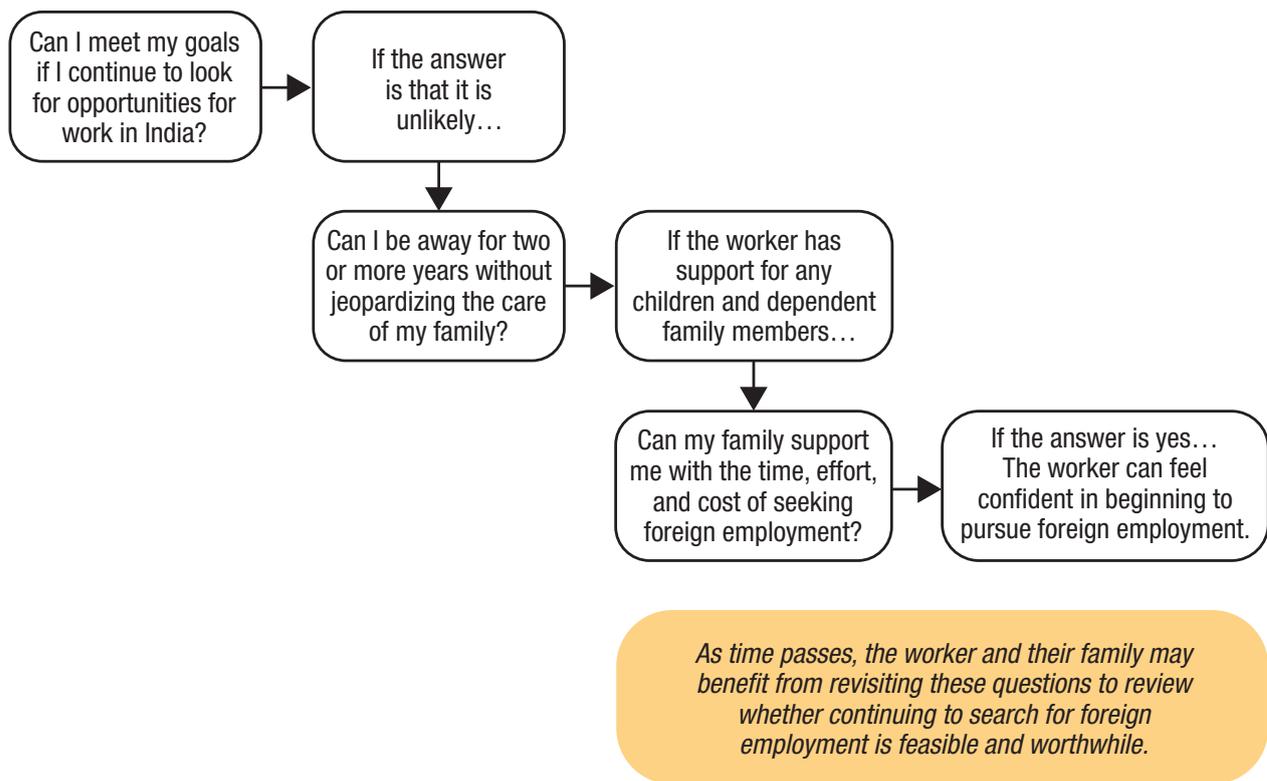


FIGURE 7: EXAMPLE PROCESS FOR REVIEWING THE FEASIBILITY OF PURSUING FOREIGN EMPLOYMENT

## 1.4 Review SAFE TIPS guidance and determine whether the worker can commit to following it.

If the worker decides to pursue a search for foreign employment, they will benefit from making a plan to follow SAFE TIPS steps in the rest of this guide and documenting each step. The checklists provided in this guide can be used to track the worker's progress in following the guidance during the jobseeking and recruitment process.



## Step 2:

# Navigate the Job Market to Seek Offers

Once the worker has decided to seek foreign employment, the worker begins to navigate the labor market, talk with labor agents, assess job offers, and eventually negotiate offers. During this stage, the worker will need to obtain any documentation required to apply for a foreign job, such as a passport.

### Recommended Actions for Workers

- 2.1 Understand the different types of labor agents in Uttar Pradesh.
- 2.2 Learn to select and negotiate with a labor agent.
- 2.3 Evaluate fees or costs charged by the labor agent against risks of debt bondage
- 2.4 Obtain a passport and any other pre-requisites for applying for a foreign job.

## 2.1 Understand the different types of labor agents in Uttar Pradesh

### Understand the different types of labor agents

There are different types of labor agents that a worker will come into contact within India. (All are referred to as labor agents or labor agencies in this guide.)

For example,

- Registered Recruitment Agency
- Unregistered Recruitment Agency
- Sub-agent

### What is the difference between a registered agent and unregistered agent?

Labor agents perform a variety of roles, from receiving foreign job offers from employers in the Gulf, advertising open positions, identifying potential candidates, to selecting and directing job candidates through the process of obtaining a foreign job. The latter includes visa application and stamping procedures, emigration clearances, medical tests, and air tickets. Labor agencies vary in size and expertise and are reviewed by employers for their ability to recruit quickly and affordability. The following categories show the differences between a registered recruitment agent, an unregistered recruitment agent, and a sub-agent:

Registered Recruitment Agent	Unregistered Recruitment Agent
Licensed and registered with the Protector General of Emigrants (PGE) office.	⚠ Not licensed and registered with the PGE office.
To be licensed by the PGE, the labor agency is subject to an inspection and requires a police report to verify the character of the agent.	⚠ Unlicensed agencies are not inspected and have no verified police report on file with the PGE.
A registered recruitment agent is supposed to follow the laws and requirements of India and can be held accountable to Indian legal frameworks.	It can be more difficult for worker to use Indian legal frameworks to hold an unregistered agency accountable if there are any problems in the worker's dealings with the agency.

### Sub-Agents

A sub-agent is usually an individual who works on behalf of a labor agency in the sending or receiving country. A sub-agent can be, but is not necessarily, a friend, relative, or acquaintance of the worker. Sub-agents operate on an informal or freelance basis, using their social networks to reach applicants directly as an initial point of contact.

Sub-agents tend to operate in neighborhoods and villages where there is known interest in obtaining foreign employment.

Sub-agents are usually unlicensed or registered as labor agents. This can make it more difficult to lodge a legal complaint if the worker experiences a problem when doing business with a sub-agent.

 **TIP:** There are still risks of worker exploitation when working with a registered recruitment agent and through the formal recruitment process, although this increases the chance of a worker from Uttar Pradesh having a successful foreign employment experience in the Gulf. However, majority of workers in UP find foreign employment through contact with only an unregistered agent or sub-agent.

Therefore, it is important for the worker to know how to negotiate with and assess information provided by anyone who is offering the worker a foreign job.

## 2.2 Selecting and Negotiating with a Labor Agent

### What a labor should and shouldn't do

Whatever type of labor agent or labor agency a worker encounters during their search for a foreign job, the labor agent or agency should be expected to do business fairly. However, the worker must be vigilant and aware that labor agents cannot be easily trusted. Under Indian law, registered agents and agencies can be held accountable for the following:

WHAT A LABOR AGENT SHOULD DO	WHAT A LABOR AGENT SHOULD NOT DO
<p><b>Charge No Fees or Fair Fees</b> – Provide transparent information about fees charged to the worker, assuming fees are charged, and only charge a worker up to the Indian legal limit of INR 20,000 (USD 275)</p> <p><b>Provide a Legal Contract</b> – Ensure that the employment contract is checked by the Gulf country government and the Embassy of India to ensure it is valid for the employment visa provided to the worker</p> <p><b>Provide a Legal Visa</b> – Ensure that the worker travels to the Gulf country using an employment visa, not a tourist visa that officially prohibits the visa holder from working</p>	<p><b>Create Risks of Debt Bondage</b> – Charge a worker excessive placement fees, contributing to risk of debt bondage</p> <p><b>Withhold or Misrepresent Job Information</b> – Give the worker incomplete or deceptive information about the job offered, or otherwise <b>coerce</b> a worker to agree to a job offer <b>based on false information</b></p> <p><b>Provide an Unlawful Visa</b> – Provide a worker with a tourist visa instead of an employment visa, making the worker more vulnerable to exploitation in the Gulf country</p>

Workers in Uttar Pradesh who are seeking foreign employment, especially areas distant from urban centers, tend to learn about labor agents or sub-agents through family, friends, or members of their community. When selecting a labor agent, it is important for the worker to assess how reputable the agent is, and to gather as much information about the agent as possible.

## How to determine if the labor agent is registered, working with a registered agency, or unregistered on the PoE's list of "illegal recruitment agents"

Once a worker learns the name of the labor agent or agency, the registration status can be checked via the PoE's eMigrate website. The eMigrate website is only available in English, so the worker may need to seek the assistance of an English speaker to access the information on the website.

To check if a labor agent or agency is on the PoE's list of Registered Agents	To check if a labor agent is on the PoE's list of Unregistered or Illegal Agents
<p>Visit the webpage <a href="http://emigrate.gov.in/ext/">emigrate.gov.in/ext/</a>.</p> <p>Under the "Recruiting Agent" section, click the "List of Active RA" option. This will bring the user to a list that can be searched by agent or agency name.</p>	<p>Visit the webpage <a href="http://emigrate.gov.in/ext/">emigrate.gov.in/ext/</a>.</p> <p>Under the "Emigrant" section, click on the "Un-registered RAs Details" option. This will bring the user to a list that can be searched by agent or agency name.</p>
	

## 2.3 Negotiating Fees and Costs with a Labor Agent

### Avoid Debt Bondage by Calculating Recruitment Fees and Costs:

Carefully consider options before taking any loan to pay recruitment fees and costs. If a worker takes out a loan in order to obtain a foreign job, once they arrive at the foreign job the worker is highly vulnerable to exploitation by the employer. If a worker is indebted, a worker can be forced to work without pay, for lower wages, for forced overtime, and to endure deplorable working conditions.

Recruitment fees and costs are terms used to refer to the total expenses involved in seeking a foreign job. Workers should be aware of average costs for expenses related to applying for and obtaining a foreign job. Workers can use this knowledge to assess if fees charged by a labor agent are reasonable or would lead to a debt bondage situation.

A labor agent should provide the worker with a full listing of any fees that the labor agent requires for their services and associated travel fees.

### TIPS FOR NEGOTIATING WITH A LABOR AGENT:

- Know What You Are Paying For:** If the labor agent is requesting recruitment fees before providing the prospective worker with details about the employment conditions and employment conditions, this is a bad sign! The worker should not provide any money to the recruitment agent until after fully evaluating the job offer, services offered by the agent, and other available information. The worker should ask the labor agent for **an itemized list of services** he or she will provide, and costs for each one. Assess whether the prices from the labor agent seem to be inflated or could lead the worker to take out a large loan, leading to debt bondage risks.
- Don't Make Cash Payments (Keep Records):** If making a payment to a labor agent is unavoidable, it is recommended that the worker pay using a method with a paper trail such as through mobile banking or a bank transfer. If the worker makes a cash payment, the worker should request signed receipts from the labor agent, as doing so could improve the worker's chances of later securing a refund from the employer or another actor.

## Laws Governing Recruitment Fees and Costs

The laws of many Gulf countries, including Qatar, UAE, and Saudi Arabia, prohibit charging workers any fees or costs for a job. This means that if a worker is applying for a job in Qatar, UAE, or Saudi Arabia, the worker should not pay any recruitment fees or costs. These costs should be paid for by the employer.

These Gulf country laws are in conflict with Indian law, which allows labor agencies to charge workers a maximum of INR 20,000 (approx. USD 275) for services for facilitating the basic documentation or procedures a worker needs in order to be eligible for a job. The labor agent is responsible for coordinating with the foreign employer to cover all fees and costs if the job is in a Gulf country which prohibits recruitment fees to workers, or with the employer to cover any recruitment costs in excess of INR 20,000 if the job is in a Gulf country which allows recruitment fees to be paid by workers (for example, Jordan).<sup>1</sup>

Fees and costs that workers should expect to pay for foreign employment	
Obtaining a passport	INR 1,500 (add to this any associated costs such as photograph for the passport application, and obtaining other documentation required for the application such as birth certificate; cost of any local travel for submitting a passport application)
Pravasi Bharatiya Bima Yojana (PBBY) insurance	INR 275 for coverage of two years; INR 375 for three years
<b>Total (estimated range)</b>	<b>INR 2,000 – INR 2,500 (USD 30 – USD 35)</b>

Fees and costs that Gulf region employers should pay, but are often paid by workers in India:	
Medical examination for Employment Visa	INR 5,000 for UAE INR 4,100 (For other GCC Countries)
COVID-19 negative PCR test for visa and permission to travel	INR 800
Employment Visa Application	The cost is different by country of employment, and for type of job or length of contract. The range of cost is estimated to be in the range of INR 4,000 to INR 63,000 (Workers are advised to consult with PoE's office to learn the current cost of employment visa to the specific country of employment.)
Emigration Clearance for ECR Passport Holders	INR 200
Transit to job – from village to airport (e.g., in Lucknow or Varanasi)	INR 7,000 to 21,000, depending on distance
Airfare from UP to the Gulf region	This cost depends on the route and destination. Costs range from INR 10,000 to INR 15,000 for GCC countries, and INR 35,000 for Jordan.
Return airfare from Gulf region country to UP airport	This cost depends on the route and destination. Costs range from INR 10,000 to INR 15,000 for GCC countries, and INR 35,000 for Jordan.
<b>TOTAL (RANGE)</b>	<b>INR 36,000 – INR 165,000 (USD 500 – USD 2,500)</b>

Unfortunately, workers are often convinced or coerced to pay high recruitment fees and costs in order to obtain a foreign job, leading to vulnerability to labor exploitation due to debt bondage. Research conducted by Verité in 2020 found that it was common for workers who had obtained a foreign job in the Gulf region to have paid labor agents in UP between INR 60,000 and 75,000 (USD 827 to 1,033), depending on whether the worker was paying the labor agent to help them obtain a passport and how many middlemen were involved in the labor supply chain. It is also important to notice that the common range of fees is in excess of the fee a labor agent can legally charge a worker (according to Indian law), and when compared with minimum wages in Gulf countries it would likely take many years to earn enough to pay back a loan a worker might take out in order to pay such fees, particularly if the loan is made with a high rate of interest.

**⚠ Beware** – One of the reasons it is common for workers to travel to a foreign job on a tourist visa is because a tourist visa costs less up-front than an employment visa (in the range of INR 2,000 – INR 14,000 for a tourist visa vs. INR 4,000 – INR 63,000 for an employment visa).

Tourist visas, however, are **ultimately more costly**. Working without a valid employment visa leaves the worker vulnerable to exploitation by an employer, including through non-payment of wages, as well as to paying for costs of imprisonment and deportation if the worker’s visa status is discovered.

It is advised that workers keep a log of fees and costs paid during the jobseeking and recruitment. The following table is an example of a diary that a worker can use to keep track of the total costs they have paid while seeking and obtaining a foreign job. This can be used while considering a job offer, and assessing the wage of a foreign job, to determine if the foreign job is likely to lead to desired earnings or savings.

LOG OF RECRUITMENT FEES AND COSTS		
Item charged to worker	Cost amount specify currency	Name and contact information of individual or government office to whom the cost was paid
Sub-agent’s fee		
Passport application costs (include the cost of any pre-requisite for a passport, such as obtaining a birth certificate)		
Interview and screening fees and/or travel costs		
Emigration clearance (ECR)		
Medical exams		
Pre-departure training		
Fees paid to any labor agencies (e.g., placement or application fees)		
Transport from India to the jobsite in the Gulf, including ground travel, accommodation, air travel		
Other _____		
<b>Loan repayment costs (based on interest rate)</b>		
<b>Total fees and expenses paid</b>		
<b>Total amount reimbursed by employer or labor agency</b>		
<b>Total paid after reimbursements</b>		

## 2.4 Obtain a passport and prepare other documentation required for applying to a foreign job

Most foreign employment opportunities are only available to people who already have a passport. In other words, workers cannot apply for the job if they do not already have a passport which is valid for at least six months from the date of application.

The Indian government charges a fee of INR 1,500 for a passport. However, labor agents or agencies have been known to charge very high processing fees for helping a worker acquire a passport, which can increase the total cost of obtaining a foreign job.

Workers may also need to incur costs associated with obtaining or preparing other documentation in order to be eligible to apply for a foreign job, such as education certificates and trade skill level test results, among others.

In Uttar Pradesh, there are two Passport Seva offices located in Lucknow, and one office located in Varanasi.

### PASSPORT SEVA OFFICES

#### Passport Seva Kendra - Lucknow

20-A, Ratan Square, VS Marg, Lucknow, Uttar Pradesh 226001

+91 1800 258 1800

#### Passport Seva Kendra - Lucknow

Passport Bhawan, Vipin Khand, Gomti Nagar, Lucknow, Uttar Pradesh 226010

+91 1800 258 1800

#### Passport Seva Kendra - Varanasi No.136, B 38/67, Satyam Apartment,

Arazil Settlement Opposite Mahmoorganj Police Chowki, Mauza, Tulsipur, Mahmoorganj,

Varanasi, Uttar Pradesh 221010

It is possible for a worker to apply for a passport online or directly through the Passport Seva Office. For more information, visit [passportindia.gov.in/](http://passportindia.gov.in/) and find the "Quick Guides." Additionally, a HelpDesk number is available at 1-800-258-1800.

The screenshot shows the Passport Seva website homepage. At the top, there is a navigation bar with links for Home, About Us, Passport Offices, Consular / Visa, RTI, Citizens' Charter, Contact Us, and What's New. Below the navigation bar, there are four main service buttons: New User Registration, Existing User Login, Check Appointment Availability, and Track Application Status. To the right of these buttons is a graphic with the text "PASSPORT INDIA" and "a year of Simpler Citizen Service Delivery". At the bottom of the page, there is a section for "National Call Centre" with the number 1800-258-1800, and a "Before You Apply" section with links for Information Corner, Forms and Affidavits, Document Advisor, and Feedback and Grievance.



## Step 3: Evaluate Job Offers

When the recruitment agent presents the prospective worker with a job opportunity, the worker will need to decide if they agree to take the job. The worker needs to evaluate how credible of an offer it is, the associated costs and expenses, and whether or not it is a good fit for them and their family's goals. **The worker should not provide any payment to the recruitment agent without taking time to consider all of the following terms and conditions of their employment.**

### Recommended Actions for Workers

- 3.1 Learn how to evaluate information provided by the labor agent about job(s) offered. Review all of the provided information about the job and the terms and conditions set by the employer, as well as laws governing foreign workers in the country in which the job will take place (country of deployment).
- 3.2 Evaluate the wage in the job offer compared with information from the PoE's website (see instructions below).

### STEP 3 RISKS:

**⚠ Deception** – Labor agents may provide worker with false or deceptive information or may withhold information. Make sure the worker asks for all information in the job offer checklist. At this stage, if a worker agrees to a job but has not received complete and credible information about a job offer, this increases the risk of contract substitution (“bait and switch”), wage deception (not receiving the wages expected), and extended indebtedness potentially amounting to debt bondage. There are also risks of imprisonment or deportation for working on an invalid or tourist visa, which, in turn, can leave the worker vulnerable to exploitation from the employer with threats of termination (job loss), imprisonment, or deportation.

**⚠ Debt Bondage** – At this stage, if a worker decides to take a job and pay recruitment fees to a labor agent based on a deceptive or misleading job offer, including false information on wages, this can lead to bigger problems later on. Earning a lower wage than what was promised can contribute to the worker struggling to pay back any loans or debts that they took on to get the foreign job. While carrying a burden of debt, a worker is extremely vulnerable to exploitation and threats from the employer.

## 3.1 Assessing a Job Offer

When the worker encounters a job offer, they will need to decide if they agree to take the job, and think about the questions such as: Does this seem like a credible offer to consider? Is this a good fit for my goals?

Job offers will contain a variety of information about the job, wages, and terms and conditions of the vacancy. The more credible information the worker can obtain about the job before deciding whether to pursue the opportunity will help to reduce the workers' vulnerability to problems, surprises, or risks of deception later on in the process of obtaining the foreign job.

A good job offer will inform the worker of the following. If the job offer does not contain this information, the worker should ask for it.

## Job Offer Checklist

To be comprehensive, a job offer should specify the following information:

- Location of employment, including the country and city
- Job position and activities performed in the role
- Employer name and address
- Worker name and identifying details
- Contract length with start and end dates
- Provisions for contract renewal
- Conditions for early contract termination by the worker with and without reasonable notice, specifying in what circumstances the employer will pay for return transportation
- Conditions for contract termination by the employer
- Probationary period, if any, including the length of probation, provision of wages and any benefits during probation, and conditions for successful completion of probation
- Wage rates for regular working hours, as well as the minimum and maximum hours that may be worked per day and/or per week
- Wage rates for overtime hours, if any, including a definition of what constitutes overtime work
- Pay practices, including frequency of payment, payment method, and pay slips
- Deductions taken from the worker's salary, including any for meals, accommodation, transit, healthcare, and insurance
- Benefits and leave provided, including provision of healthcare, sick leave, annual leave, emergency home leave, and holiday leave such as during Ramadan
- Provision of transportation at the end of the contract, i.e., the party responsible for arranging and paying for return transportation to the worker's country

### What is a Job Order or Demand Letter?

When the recruitment agent first presents the worker with the job opportunity, they will commonly provide the worker with a "Demand Letter," a letter written by the employer which describes the number of workers needed, the types of employment being offered, and the general working and living conditions available including hours of work. The letter, also known as a "Job Order," is validated by the government of the Gulf country and the Embassy of India, which confirm that the information provided by the employer is correct. *See 'Annex A' for an example of a Labor Demand Letter/Job Order.*

**A Job Order or Demand Letter is not the same as an employment contract.** The government authorities, as well as the employer/sponsor, sign the job offer, but the employee does not. Also, a Job Order or Demand Letter does not typically include **all** of the information that a worker should review before accepting a job, as laid out in the Job Offer Checklist.

## 3.2 Evaluate the Wage in the Job Offer

In order to evaluate the job offer, it is very important for prospective worker to understand the relevant information, including: (1) the employment and living conditions and costs in the Gulf country and (2) the total recruitment fees the worker will be asked to pay in order to access the job that is offered.

### How to Check the Relevant Wage Information

The Protector General of Emigrants (PGE) website provides listings of the minimum monthly wage that workers from India working abroad in Gulf region countries should, at a minimum, receive. The PGE/PoE will not approve an employment contract or issue ECR for a wage lower than the minimum wage amount, in cases where one is listed.

Workers are encouraged to compare this publicly available information with the information in the job offer. If the wage in the job offer differs greatly from the publicly available information, this could be a sign of wage deception. In such cases, the worker should ask the labor agent to provide an explanation of the promised wages in writing and keep this record in a safe place.

The PoE website also lists the minimum wage for non-domestic service jobs set by the country where the employment will take place. For example,

- **Qatar:** USD 200 per month, approx. INR 14,630 (not including overtime)
- **UAE:** USD 200 per month, approx. INR 14,630
- **Saudi Arabia:** USD 324 per month, approx. INR 23,700
- **Jordan:** No general minimum wage; wage depends on position

#### *Special Considerations for Wages for Foreign Workers in Qatar:*

If the employer does not otherwise make note of food provided to the worker as part of the employment contract, the worker is legally entitled to a monthly Legal Food Allowance from the employer in the amount of INR 6,000 (QAR 300).

**⚠ Beware** – If a labor agent is offering a job with a wage far outside of the minimum wage or the wage ranges listed on the eMigrate website, this could be a sign of wage deception, which could lead to debt bondage or other problems later in the process of obtaining a foreign job.

**⚠ Beware** – It is common for employers to deduct the following from the worker's salary: sick time, food provided by the employer or food allowance to the worker, accommodation provided by the employer/ accommodation allowance to the worker, and any days not worked, including public holidays when work is prohibited. Be sure to ask the labor agent about any deductions the worker should expect from the employer and get the response in writing.

### CHECKLIST FOR EVALUATING OFFERED WAGE

#### Listen to and record details of the job offer, then:

- Ask the recruitment agent to provide a written record of any: Deductions, terms of overtime wages, etc. as listed in the Job Offer Checklist
- Look up and compare wage offered with:
  - Minimum wage in the country for the position
  - Average wage in the country for the position
- Is the offered wage equivalent to or above the minimum wage of the country of employment?



## Step 4: Agree to a Job Offer

This step is short, but should be made carefully. When seeking foreign employment in the Gulf a worker will need to agree to pursue a job offer long before signing an employment contract (see Steps 6 and 7). It is common that workers from UP do not see an official employment contract until after the worker has already left India and has arrived at the worksite in the Gulf country. For this reason, it is important for a worker to carefully consider which job offer to agree to while in India.

### Recommended Actions for Workers

4.1 Use the Job Offer Checklist to review details of the job offer.

4.2 Ask the labor agent to provide the job offer in writing and sign it before the worker agrees to pursue the job offer.

### STEP 4 RISKS:

**⚠ Deception** – When the worker does not have proper written records of dealings with a labor agent, it is much more difficult to get help or assistance later on in the case of fraud or deception. It is important to record all dealings and agreements a worker makes with a labor agent.

**⚠ Coercion** – Workers can be pressured or coerced into agreeing to a job offer, particularly if the worker would forfeit any fees paid to a labor agent by refusing a job offer.

## 4.1 Use the Job Offer Checklist to review details of the job offer

Workers are advised to review the job offer checklist with their labor agent, as well as with trusted family or other neutral parties. This can be done by filling out the Job Offer Checklist included with this Guide. According to Verité research, workers who spend at least one week reviewing job offer details before deciding to agree to the job offer tend to be less vulnerable to exploitation or other problems once they begin employment.

Before making the final decision to agree to pursue a job offer, it is also recommended that the worker compare the job offer information with the labor laws for foreign workers in the country where the employment would take place. Use the tables in Annex C of this guide for country-specific laws which govern the employment of foreigners in Qatar, UAE, Saudi Arabia, and Jordan.

## 4.2 Ask the labor agent to provide the job offer in writing and sign it.

At the time of writing, it is not common practice for workers in UP to receive a written, signed job offer from a labor agent or agency, but it is recommended that workers take whatever actions they can to formally record who is giving the job offer, the terms described in the job offer, and whether the worker agrees to these terms.

**💡 TIP:** If the worker is seeking to work with a **registered recruitment agent**, the worker can check on the status of their **employment contract and learn information about their employer through the eMigrate website.**



## Step 5: Prepare for Departure

During this step, the worker is finalizing documents and preparing to depart from home for an extended period. It can be a busy time, and it may be tempting to skip some of the guidance and advice; however, skipping pre-departure steps can lead to bigger problems during the period of employment when the worker is far from home and lacks access to resources or assistance.

### Recommended Actions for Workers

- 5.1 Complete the Pre-departure Checklist
- 5.2 Undergo the required medical testing
- 5.3 Check the visa and complete emigration clearance
- 5.4 Apply for social insurance

## 5.1 Complete the Pre-departure Checklist

### PRE-DEPARTURE CHECKLIST

- Learn the tips and procedures involved in taking an international flight from a Pre-departure Training offered by the government of India. Prepare employment documents and emigration clearances as necessary (this may include signing the full employment contract).
- Make sure the visa is correct for employment.
- Save copies of key documents and passport in a safe location.
- Make a safety plan with family for emergencies during foreign employment.
- Set up any necessary bank accounts to allow for the transfer of funds from overseas.
- Apply for government social insurance schemes and other government social support – Pravasi Bhartiya Bima Yojana (PBBY).

## 5.2 Undergo the required medical testing

Workers will need to clear a GCC Approved Medical Centres Association (GAMCA) medical test prior to obtaining an employment visa.

List of Authorized GAMCAs: [gcchmc.org/Gcc/Login.aspx](http://gcchmc.org/Gcc/Login.aspx)

Locations: Mangalore, Ahmedabad, Bengaluru, Lucknow, Mumbai, Chennai, New Delhi, Hyderabad, Jaipur, Thiruvananthapuram, Trichy, Calicut, Manjeri, Tirur, Kochi, Goa, and Kolkata

Register for Medical Test: [gcchmc.org/gcc/RegisterForMedicalTest.asp](http://gcchmc.org/gcc/RegisterForMedicalTest.asp)

Check Status of Medical Test: [gcchmc.org/GCC/checkmystatus.aspx](http://gcchmc.org/GCC/checkmystatus.aspx)

## 5.3 Check the visa and complete emigration clearance



FIGURE 7 – EXAMPLE OF AN EMPLOYMENT VISA FOR A FOREIGN JOB<sup>7</sup>

When workers (usually through a recruitment agent) submit their paperwork to the PoE office for the Emigration Clearance Requirement (ECR), they will need to submit a passport with an employment visa and other documentation. The PoE will check the visa to make sure that it is a valid employment visa and not a tourist visa before granting the worker Emigration Clearance, giving the worker permission to travel to ECR countries (including Qatar, the UAE, Saudi Arabia, and Jordan).

Review the full instructions for obtaining emigration clearance at: [www.mea.gov.in/emigration-clearance-system.htm](http://www.mea.gov.in/emigration-clearance-system.htm).

Workers declared “fit for employment” to migrate to ECR countries who have not completed high school must secure emigration clearance which is stamped on their passport. ECR workers also pay for a mandatory insurance cover of Rs 10 lakh, or INR 1,000,000 (USD 13,776), capped for a period of three years in situations of accidental deaths and permanent disabilities.

While workers preparing for foreign employment can apply for an ECR permit online, the workers required to apply for ECR permits are typically illiterate and do not write or read English, which is the only language available on the application page of the eMigrate website. Furthermore, workers are unaware of the recruitment process, particularly if they have not previously had a foreign job and are unable to process their visas and emigration clearances without the assistance of a labor agent or sub-agent.

The emigration clearance system covers workers who have not cleared their high school examinations, have not already worked in an ECR country for three years, or are migrating to one of the 18 countries (including most GCC destination countries) to which ECR passports apply. The 18 countries are as follows: Afghanistan, Bahrain,

Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, the Kingdom of Saudi Arabia, Sudan, South Sudan, Syria, Thailand, the United Arab Emirates, and Yemen.

**TIP:** It is illegal for workers to be employed in a Gulf region country with a tourist visa. Workers employed on a tourist visa or false visa of any kind can be fined, imprisoned, or deported back to India if discovered by authorities. Additionally, employers who hire workers on tourist visa can subject workers to harsh conditions by threatening to report them to the authorities. Traveling on a tourist visa makes workers more vulnerable to exploitation compared to traveling for work with a proper employment visa.

## 5.4 Apply for social insurance for foreign workers

At this stage, it is advised that workers apply for the social insurance mandated by the government of India for workers who obtain foreign employment in an ECR country (see 5.3). This social insurance, called the Pravasi Bharatiya Bima Yojana (PBBY), provides full coverage for accidental death and permanent disability, as well as limited coverage towards hospitalization, transporting mortal remains, repatriation for the medically unfit, family hospitalization in India, maternity expenses, attendants, and legal expenses. Workers are eligible PBBY insurance if they have a valid passport and the appropriate employment visa for their foreign employment. The PBBY also provides access to skills development programs, such as Pravasi Kaushal Vikas Yojana (PKVY), that can help workers qualify for better job opportunities. The maximum sum insured under the policy is Rs 10 lakh (INR 1,000,000).



## Step 6: Deploy to the Country of Employment

During this step, the worker leaves home, travels to an international airport, takes a flight from India to the country of employment, arrives in the country of employment, undergoes border control clearance for foreign workers at the arriving airport, and meets the labor supply company or employer representative at the arrivals hall after collecting their baggage at the arriving airport.

### Recommended Actions for Workers

- 6.1 Learn the tips and procedures involved in taking an international flight from a Pre-departure Training offered by the government of India.
- 6.2 Learn what to expect on arrival in the Gulf country from a Pre-departure Training.
- 6.3 Sometimes the worker is asked to sign an employment contract when they arrive at the country of employment. Review Step 3 and be prepared to assess the employment contract.

### 6.1 Learn the tips and procedures involved in taking an international flight from a Pre-departure Training offered by the government of India.

- The Pre-Departure Training can be accessed online, at [emigrate.gov.in/static/hindi-handbook-pre-departure-orientation-for-migrant-workers/](http://emigrate.gov.in/static/hindi-handbook-pre-departure-orientation-for-migrant-workers/)
- A list of Pre-Departure Orientation training facilities can be found on the website of the Indian Center for Migration (ICM). There are two options listed for Uttar Pradesh. [icm.gov.in/pdo-training/pdo-center-list](http://icm.gov.in/pdo-training/pdo-center-list)

### 6.2 Learn what to expect on arrival in the Gulf country from a Pre-Departure Training.

💡 TIP: When arriving at the Gulf country airport clearing border control can be stressful. Taking steps in Pre-Departure can help. For example, if a worker has had their employment visa cleared by the PoE's ECR process, the worker can cross the border control checkpoint more easily, and will be officially registered as a foreign worker in the country of employment at this stage.

### 6.3 Sign an employment contract on arrival (if contract not signed before departure)

The worker may be presented with the full contract upon arrival at the job site. Often this document is given to the worker in Arabic. The worker has the right to ask for the contract in his or her own language, and to refuse to sign any paperwork he or she does not understand or agree to.

⚠️ Workers are advised not to sign any document he/she does not understand and has not reviewed carefully.



## Step 7: Navigate Employment

During employment in a Gulf country, a worker may not always have access to a mobile phone or other means of staying connected with family at home. Living accommodations, food, and hygiene conditions can also make the stay more difficult. It can be common for employers to confiscate workers' mobile phones and/or passport or other travel documents, which prevents the worker from accessing assistance or freely travelling.

### Recommended Actions for Workers

7.1 Access assistance in the country of employment if the worker encounters any exploitation or risks described in this guide.

#### STEP 7 RISKS:

**⚠️ Exploitation by Menace of Penalty** – Workers on an illegal visa such as a tourist visa, or those with a debt burden are more vulnerable to threats, harassment, and mistreatment by employers who can exploit the worker's fear of job loss (termination), deportation, or imprisonment.

**⚠️ Cost Of Living Can Contribute To Debt Bondage** – Foreign workers in Gulf Countries are often surprised to find that the cost of living is very high, and wages they had planned to save are spent on basic necessities like food, hygiene, healthcare, mobile phone airtime and data, etc.

(Review the list of risks of exploitation during employment, in Step 2)

### 7.1 Learn how find assistance or other resources in the country of employment in case the worker encounters any of the risks described in this guide.

Resources for Foreign Workers While Employed in Gulf Countries are listed with the relevant country laws in Annex C.

#### Summary of Resources for Foreign Workers in the Gulf Region

##### **QATAR**

Labour Dispute Resolution Mechanism Wage Protection System  
Red Crescent Society  
Qatar University Legal Aid Project  
Indian Embassy in Doha

##### **UAE**

Salvation Army in Abu Dhabi  
Indian Embassy in Abu Dhabi, Indian Consulate in Dubai

##### **SAUDI ARABIA**

Indian Embassy or Consulate

##### **JORDAN**

Salvation Army  
Indian Embassy or Consulate



## Step 8: Return and Reintegrate

Returning home after two or more years away from home and working in difficult conditions in the Gulf region can be challenging. It is important to encourage returnees to reach out for support or assistance. For example, savings from a successful foreign employment experience can be invested in livelihood development.

### Recommended Actions for Workers

8.1 Seek out resources and support for developing a livelihood upon returning home.

## 8.1 Seek out resources and support

Examples of resources that returnees may want to access:

### For Skills Development:

Pradhan Mantri Kaushal Vikas Yojana (PMKVY) is a skill certification scheme of the Union Ministry of Skill Development and Entrepreneurship (MSDE), implemented by the National Skill Development Corporation. The objective of the scheme is to enable a large number of Indian youth to take up industry-relevant skill training that will help them to secure a better livelihood. According to PMKVY, individuals with prior learning experience or skills will also be assessed and certified under Recognition of Prior Learning (RPL).

PMKVY website: [pmkvyofficial.org/](http://pmkvyofficial.org/)

PBBY insurance subscribers can also access skills development programs such as Pravasi Kaushal Vikas Yojana (PKVY).

PKVY website: <http://bankersdaily.in/pravasi-kaushal-vikas-yojanapkvy/>

### For financial inclusion and livelihoods:

Aajeevika - National Rural Livelihoods Mission (NRLM) was launched by the Ministry of Rural Development (MoRD), Government of India in June 2011. Aided in part through investment support by the World Bank, the Mission aims to create efficient and effective institutional platforms for the rural poor, enabling them to increase household income through sustainable livelihood enhancements and improved access to financial services.

Relevant Aajeevika webpages:

- [aajeevika.gov.in/en/content/components/financial-inclusion](http://aajeevika.gov.in/en/content/components/financial-inclusion)
- [aajeevika.gov.in/en/content/livelihoods-promotion](http://aajeevika.gov.in/en/content/livelihoods-promotion)



# Annex A: Example Demand Letter<sup>8</sup>



TO,  
BISMILLAH ENTERPRISES,  
10/11, 1<sup>st</sup> FLR, 275 TULSI TERRACE,  
SHAHID BHAGAT SINGH ROAD,  
FORT, MUMBAI - 400 001,  
INDIA.

## LETTER OF DEMAND

Dear Sir,

Please note that our company is having business in Doha Qatar by the name of **STROM CONSTRUCTION W.L.L.** we have delegated M/s. Bismillah Enterprises, approved by the Government of India, Ministry of Labour, New Delhi, vide Registration No. **B-858/MUM/PART/1000-75/8733/2011**, to select and interview on our behalf, the **1121** Nos. workers as approved in the visas, and they are authorized to sign contracts of employment with workers on the following conditions:

Sr.#	Required Positions	NO.	Salary ( QAR )
1	Civil Foreman	5	3000
2	Site Administrators	2	2800
3	Time Keeper	10	2500
4	Planning Engineer	2	4000
5	MEP Draughtsman	5	3500
6	HSE Engineer	3	3500
7	Site Engineer (Structural)	3	3000
8	Sr. Site Engineer (Structural)	3	4000
9	Quantity Surveyor	3	3500
10	Light Duty Driver	50	1950
11	Heavy Duty Driver	70	2600
12	Electrician	100	1950
13	Plumber	50	1950
14	Operator	50	3250
15	Shuttering Carpenter	300	1600
16	Duct Fitters	100	1600
17	Welder	100	1600
18	Auto Painter	50	1600
19	Auto A/C Technician	10	1500
20	Generator Technician	10	1600
21	Auto Electrician	10	1500
22	Heavy Machinery (Mechanic)	10	2000
23	Duct Insulators	50	1950
24	A/C Technician	25	1950
25	Brick Mason	100	1950
<b>TOTAL</b>		<b>1121</b>	

The following terms shall be covered in the contract.

- |                                   |                              |
|-----------------------------------|------------------------------|
| Place of Employment               | : Qatar                      |
| Food / Accommodation              | : Free (Provided by Company) |
| Working Hours                     | : 8 hours per day            |
| Medical Benefits / Leave Benefits | : As per Qatar Labour Laws   |
| Terminal Benefits                 | : As per Qatar Labour Laws   |
| Contract Period                   | : 02 Years.                  |

Yours sincerely,





# Annex B: Example Employment Contract<sup>9</sup>

**EMPLOYMENT CONTRACT**

Reference: eMigrate: [REDACTED] June 15, 2016

This contract is signed between the 1st Party (Employer) and the 2nd Party (Indian Employee).

<b>1st Party</b> Employer : [REDACTED] eMigrate Registration Number : [REDACTED] Address : [REDACTED] [REDACTED] City : Al Khobar Company Registration Number : ..... Contact Numbers : [REDACTED] Mobile Number : [REDACTED] Telephone Number : ..... Email Address : [REDACTED]	<b>2nd Party</b> Employee : [REDACTED] [REDACTED] Address in India : [REDACTED] [REDACTED] [REDACTED] Passport Number : [REDACTED] Date and Place of Issue : 2007-10-16 CHENNAI Job Role(As per eMigrate) : General Labour Job Designation as on Visa : General Labour
---	---

This contract comes into effect from the date the second party joining the first party as employee. Both the parties agrees as under:

\_\_\_\_\_

This space is left blank intentionally .

\_\_\_\_\_

## EMPLOYMENT CONTRACT

Reference: eMigrate [REDACTED] June 15, 2016

1. As of the effective date of this agreement, the Second Party shall work for the First Party in accordance with the terms of this agreement and of ..... any supplements thereto, as ..... at the Head Office or branches of ..... or in any organization associated or in-cooperation with it.
2. This agreement shall become effective as of the date on which the Second Party arrives in Saudi Arabia, stated at the bottom of the last page hereof and shall be in force for a period 24 months renewable for another period of ..... years under the same terms and conditions unless either party expresses his desire in writing not to renew this agreement at least 30 days in advance of the date of completion of the contract.
3. The First Party shall pay to the Second Party, during the latter's performance of his duties, a monthly salary of SR 1700.0 only.
4. The First Party will provide free suitable accommodation with furnishings to the Second Party.
5. The First party will provide to the Second Party free food (three meals daily).
6. The Second party shall be entitled to an annual vacation of ..... days after each twelve months of continuous service under this Agreement Salary for vacation shall be paid in advance.
7. Free medical treatment shall be provided by First Party as per Saudi labour Law.
8. The First Party shall bear the cost of transportation of the Second Party from India to Saudi Arabia by air(economy class) for the latter's incoming trip before the effective date of this Agreement and his return after its termination accompanied by ..... and .....
9. The First Party shall bear all fees pertaining to residence, passport, entry and exit visas as well as cost of transportation of the Second Party on a round trip at economy class air fare accompanied by ..... and ..... between ..... and ..... where the Second Party shall spend his vacation once after each of one /two years of uninterrupted service.
10. The Second Party shall bear all kinds of taxes for which he is liable under the provision of the laws and regulation in force in the Kingdom of Saudi Arabia.
11. The employment of the Second Party, under the present agreement, in respect of all matters relating to working hours, weekly rest, sick leave, causes of absence, injuries, disability and death, and as regard termination of services and compensation due to the Second Party in the form of an end-of-service award as well as in all matters for which this agreement does not contain a specific provision, shall be governed by provisions of the labour and workman's law in force in the Kingdom of Saudi Arabia, which provisions shall constitute the only terms of reference which either party can invoke.
12. The Second Party must observe all the rules, regulations and instructions issued by the First Party, and must so conduct himself as to avoid anything that would detract from his reputation or the reputation of the First Party . The Second Party must also abide by all general and local laws and regulations in force within the territorial boundaries of the Kingdom of Saudi Arabia
13. The Second Party shall have no right to directly or indirectly perform any job or service, or engage in any commercial activity except as assigned to him by the First Party as long as this Agreement is in effect.
14. The Second Party agrees to depart from the Kingdom of Saudi Arabia immediately upon termination of this agreement by either party in accordance with its term except if he remains in the Kingdom with the agreement of the First Party and the authorities concerned.
15. This agreement may be terminated in any of the following cases:
  - (i) At any time by a 30 days written notice from either of the two parties or immediately upon serving such notice and after making to the other party a payment of wages in lieu of the notice period of 30 days.
  - (ii) By the First Party without need for any notice or cash payment in lieu thereof or award of compensation by reason of any infractions committed by the Second Party determined by the Labour and Workman Law in Article 83 thereof.
  - (iii) By the First party in the course of the first three months which shall be considered a probation period under the provisions of the law in which case the First Party will bear the cost of the transportation of the Second Party .
16. In case of death of Second Party in Saudi Arabia while employed with the First Party in terms of this contract it would be the responsibility of the First party to dispatch the dead body and personal belongings to his next of kin in the country of his origin.
17. Both parties acknowledge that this Agreement cancels and supersedes all agreements prior to the date thereof, if any, and after the Execution of this agreement neither party shall claim to have any right privilege, or benefit other than those mentioned herein. Exception is however made in respect of the Second Party's right, to an end-of-service award and unutilised annual vacations up to the date of execution of this Agreement.
18. The First Party acknowledges that it shall be fully responsible for payment of death compensation including blood money, on behalf of the Second Party should the latter be held guilty of causing the death of the third party and is required to pay any compensation, including blood money, to the next of kin of deceased .

Page 2 of 4

## EMPLOYMENT CONTRACT

Reference: eMigrate [REDACTED] June 15, 2016

19. This agreement has been drawn up in triplicate, one copy for each party, and the third copy to be kept in the Second Party's file with the First Party all copies having been signed by the two parties in acknowledgement of their agreement to the contracts thereof in the presence of the witness for its execution.
20. This employment contract will be the only valid contract, and any subsequent contract entered into between the employer and employee in substitution of this contract will have no validity vis-à-vis this agreement.
21. A representative of the Indian Embassy in Saudi Arabia can visit camp sites of Indian workers to inspect living and working conditions and their welfare.
22. Either party can terminate this agreement any time before its expiry by giving 30 days notice to the other party.

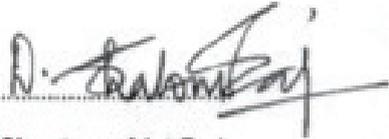
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EMPLOYMENT CONTRACT

Reference: eMigrate [REDACTED] June 15, 2016



Signature of 1st Party

.....

Signature of 2nd Party

[REDACTED]



.....

Signature of Indian Recruitment Agency  
(if Applicable)

\_\_\_\_\_  
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\_\_\_\_\_

# Annex C: Key Labor Laws and Resources by Country: Qatar, UAE, Saudi Arabia, Jordan

## **QATAR Resources**

### *Qatar Government Labour Dispute Resolution Mechanism*

Foreign workers in Qatar can file a complaint with and seek assistance from the Ministry of Administrative Development Labour and Social Affairs (MADLSA) in the case that their rights under the employment contract, or the laws and regulations of Qatar, are violated; or they experience any harassment; or if any penalties are imposed on the worker by the employer.

The MADLSA has to resolve the dispute within seven days of receiving the complaint and shall forward the complaint to Workers' Dispute Settlement Committee (WDRS) within three days. The WDRS must make a decision within the next three weeks. The committee is comprised of the court judge and two members. If the worker or the employer is not satisfied with the decision, an appeal can be filed in the Appellate Court within 15 days of the decision, and the final decision is issued within the next 30 days.

#### Contacts for Accessing the Labour Dispute Resolution System

Ministry of Administrative Development, Labour, and Social Affairs (MADLSA) Al Faisal Tower, Doha, Qatar

Tel: +974 4028 8888

Website (Arabic): [www.adlsa.gov.qa](http://www.adlsa.gov.qa) (English) [www.adlsa.gov.qa/en](http://www.adlsa.gov.qa/en)

#### Labor Relations Department of MADLSA

For female workers: Al Houda Tower, Dafna area, Doha, Qatar

For male workers: Street No. 13 (Al Kasarat Street), Building No. 27, Industrial Area

#### Online Complaints and Suggestions

Tel: +974 16008

Email: [info@adlsa.gov.qa](mailto:info@adlsa.gov.qa)

### *Wage Protection System*

For any problems or issues the worker has with receiving wages from his/her employer, the worker can lodge a case with Qatar's Wage Protection System by contacting MADLSA, using the contact information above.

### *Qatar University Legal Aid Clinic*

Dr. Mohamed Mattar

Clinical Professor of Law and Director of the Law Clinic Qatar University College of Law P.O. Box: 2713 Doha - Qatar

Tel: +974 4403 7786

Email: [mmattar@qu.edu.qa](mailto:mmattar@qu.edu.qa)

### *Other Organizations Offering Humanitarian Support to Foreign Workers in Qatar*

#### **Qatar Red Crescent Society**

Address: Al Safliya St, Doha Hotline

Phone Number: 16002

Additional Phone Numbers: (00974) 44027777

#### **National Human Rights Committee**

Fereej Abdulaziz Area (Behind Doha Petrol Station) Nasser Bin Khalid Intersection, Otabi Tower, Doha, Qatar

Tel: +974 4408 844

Fax: +974 444 4013

Email: [c@nhrc.org.qa](mailto:c@nhrc.org.qa)

Hotline: +974 666 26663

Website: [www.nhrc-qa.org](http://www.nhrc-qa.org) (Arabic) Website: [www.nhrc-qa.org/en/](http://www.nhrc-qa.org/en/) (English)

EMBASSY OF INDIA in Qatar – Visa assistance, emergency repatriation

No.12, Al Jaleel Street, Al Hilal Area, P.O. Box 2788, Doha, Qatar.

Email: [labour.doha@mea.gov.in](mailto:labour.doha@mea.gov.in)

Hour Emergency Hotline Phone Number: 00-974-50411241

Additional Phone Numbers: 00-974-44255706

For Labor Disputes: 00-974-4425 5706

## QATAR Labor Laws

Category	Description
Recruitment Costs	<p>While Indian law allows labor agents to charge workers up to INR 20,000 (USD 275) for recruitment services, it is illegal under Qatari law for labor agencies or employers to charge any amount to workers for recruitment fees. Under Qatari law, all recruitment fees and related costs are the legal responsibility of the employer.<sup>10</sup> Fees and Related Costs include:</p> <ul style="list-style-type: none"> <li>→ Recruitment Fees paid to a labor agent</li> <li>→ Cost of travel from the worker's home country to the workplace as well as return expenses to home country once contract is complete<sup>11</sup></li> <li>→ Round-trip journeys to workers' home countries for vacation if agreed to in the employment contract<sup>12</sup></li> <li>→ Work Visa Fees</li> <li>→ The cost of a Qatar ID and annual renewal<sup>13</sup></li> </ul>
Employment Contracts	Employment contracts are legally required for all migrant workers who work in Qatar. <sup>14</sup>
Passport Confiscation	It is illegal for employers to keep workers' passports without the workers' written permission. <sup>15</sup>
Changing Employers or Jobs	<p>Workers can switch employers without the permission of their employer as long as the worker provides between one and two months of notice<sup>16</sup> and follows the procedures of the Ministry of Administrative Development, Labour, and Social Affairs (ADLSA). Those procedures are provided here: <a href="http://www.adlsa.gov.qa/en/Labour">www.adlsa.gov.qa/en/Labour</a></p> <p>No Objection Certificates (NOCs) are no longer legally required.<sup>17</sup></p>
Leaving Qatar to Return to India	All workers are allowed to leave Qatar at any time without obtaining an exit permit. They do not need permission from their employer. <sup>18</sup> However, workers who leave a job without the employers' permission may be accused of absconding from the job in violation of the employment contract. Punishment for absconding could include detention, deportation, fines, and/or a ban on reentry into Qatar. <sup>19</sup>
Wages	<p>The minimum wage (as of September 2020) in Qatar is QAR 1,000 (INR 19,900) per month for all workers.<sup>20</sup></p> <p>Employers are required to pay their workers by direct bank deposit at least once per month, within seven days of the due date.<sup>21</sup></p> <p>When a worker leaves their job, they are guaranteed a bonus of at least three weeks wages for every year they have worked for the employer.</p>
Hours and Overtime	<p>The maximum workweek is 48 hours with a weekly with 24 hours paid rest period (typically Friday). The maximum workday is eight hours; overtime is limited to two hours per day.<sup>22</sup></p> <p>Workers must have at least a one-hour break for every five consecutive hours of work.</p> <p>If employees work overtime, they must receive pay of at least 1.25x regular wage. If overtime is between 9pm and 6am, pay is 1.5x the regular wage rate.<sup>23</sup> However, some workers are exempt from this if their work regularly requires work during these hours, such as private security guards.</p> <p>Workers have the right to refuse overtime.<sup>24</sup></p> <p>Outdoor work between the hours of 11:30 AM and 3:00 PM is banned between June 15 and August 31. Employers were also required to provide workers with a place to rest in the shade.<sup>25</sup></p>

Paid Time Off	<p>Three weeks paid yearly leave is required for workers that have worked for at least one year. After five years of employment, a worker is entitled to four weeks paid leave per year.<sup>26</sup></p> <p>All workers are entitled to the following paid holidays: three days for Eid El-Fitr, three days for Eid Al-Adha, one day for Independence Day, and three days to be specified by the employer.<sup>27</sup></p> <p>After three months, workers are entitled to two weeks of fully paid sick time. Workers can receive up to four additional weeks of sick time paid at half their wage.<sup>28</sup></p>
Freedom of Association	<p>It is illegal for migrant workers to join workers' rights organizations or labor unions.<sup>29</sup></p> <p>Workers can join government sanctioned worker committees; typically these are organized by nationality or type of work.</p>
Health and Safety	<p>Workers have a right to remove themselves from a dangerous work environment without penalty.<sup>30</sup></p> <p>Employers are required to provide workers with free personal protection equipment and first aid.<sup>31</sup></p> <p>If a worker suffers a work injury, they are legally entitled to medical attention at the cost of the employer. They are also entitled to their full wages while recovering, for up to six months. Workers are entitled to half wages for recovery time beyond six months.</p> <p>Employers are not allowed to house more than four workers in the same room, with the exception of temporary housing, in which employers can house up to eight workers in the same room. However, the meaning of "temporary" in this case is not specifically defined by Qatari law.</p> <p>Employers are required provide workers with access to clean water, air conditioning, and proper ventilation in all housing.<sup>32</sup></p>

## UAE Resources

### Salvation Army – Abu Dhabi (humanitarian and legal aid services)

Phone: +971 56 102 2523

Email: [mark\\_bearcroft@salvationarmy.org](mailto:mark_bearcroft@salvationarmy.org)

Facebook: <https://www.facebook.com/pg/SalvationArmyInTheMiddleEast/about/>

### Indian Embassy and Indian Consulate in UAE – Visa assistance, emergency repatriation

#### ABU DHABI:

Embassy of India, Abu Dhabi

Plot No. 10, Sector W-59/02 Diplomatic Area, Off-Airport Road, PO Box No.4090, Abu Dhabi, UAE.

Web: [www.indembassyuae.org](http://www.indembassyuae.org)

Telephone: 00-971-2-4492700; 4447729

Fax: 00-971-2-4444685; 4447768 (Consular)

Email: [indiauae@emirates.net.ae](mailto:indiauae@emirates.net.ae) (General) [indiacom@emirates.net.ae](mailto:indiacom@emirates.net.ae) (Economic and Commercial Wing)

#### DUBAI:

Consulate General of India, Dubai Al-Hamaria Diplomatic Enclave, PO Box No.737, Dubai, UAE.

Telephone: 00-971-4-3971222 / 3971333

Fax: 00-971-4-3970453 and 3972297

Email: [cgidubai@emirates.net.ae](mailto:cgidubai@emirates.net.ae)

Web: [www.cgidubai.com](http://www.cgidubai.com)

UAE Labor Laws	
Category	Description
Recruitment Costs for Migrant Workers	<p>While Indian law allows labor agents to charge workers up to INR 20,000 (USD 275) for recruitment services, it is illegal under UAE law for labor agencies or employers to charge any amount to workers for recruitment fees. Under UAE law, all recruitment fees and related costs are the legal responsibility of the employer. Fees and Related Costs include:</p> <p>Cost of travel (including flight) from the worker's home, country to the workplace as well as return expenses to home country once contract is complete<sup>33</sup></p> <p>Round-trip annual journeys to workers' home countries for vacation, only if agreed to in the employment contract<sup>34</sup></p> <p>Visa Fees, Medical Tests, Sponsorship Costs</p> <p>Labor/Employment Card and other permits<sup>35</sup></p>
Employment Contracts	<p>All migrant workers must sign an offer/demand letter in their home country before they depart for the foreign job, written in a language they can understand.</p> <p>Workers can only be registered for employment after signing a standard Labor Ministry employment contract that stipulates pay, dates and duration of employment, and the nature of the work.<sup>36</sup></p>
Passport Confiscation	It is illegal for employers to keep workers' passports. <sup>37</sup>
Changing Employers or Jobs	<p>With the permission of their employer, the worker can resign or switch employers after six months of service. Workers are required to give notice (usually 30 days) before leaving.</p> <p>Without the permission of their employer, the worker can resign or switch employers without giving notice if the employment contract is complete; if the worker has not been paid in at least 60 days; or if the current employer has otherwise broken the law or failed to meet worker's employment contract.<sup>38</sup></p>
Leaving UAE to Return to India	No exit permit is required for workers to leave the UAE. <sup>39</sup>
Wages	<p>There is no national minimum wage for non-UAE citizens (foreign workers) in the UAE, except for certain education levels (high school diploma or above).</p> <p>Employers must pay workers via the Wage Protection System (WPS) at least once per month.<sup>40</sup></p>
Hours and Overtime	<p>The maximum working hours is eight hours per day and 48 hours per week, with overtime not to exceed two hours unless there are extreme circumstances.</p> <p>If employees work overtime, they must receive pay of at least 1.25 times the regular wage. If overtime is between 9pm and 4am, pay is 1.5 times the regular wage rate.</p> <p>Friday is most often designated as a rest day; employees that work Fridays must be guaranteed one rest day plus wages at 1.5 times the regular rate.</p> <p>Employees cannot work more than five consecutive hours without taking a break of at least one hour for rest, food and prayer.</p> <p>→ Between June 15 and September 15, outdoor workers (including construction and industrial workers) must be provided a break between 12:30 and 3PM due to heat.<sup>41</sup></p>
Paid Time Off	Workers who have been employed for over a year are entitled to 30 days of annual holiday per year. <sup>42</sup> Workers are also entitled to seven paid public holidays per year. <sup>43</sup>

Freedom of Association	Unions are illegal in UAE and migrant workers are forbidden from striking. Migrant workers can join government sanctioned workplace committees. <sup>44</sup>
Health and Safety	Employers must provide necessary personal protective equipment, clean drinking water, sanitary facilities, ensure cleanliness and adequate space and proper ventilation and lighting. Employers are required to provide first aid kits and offer medical treatment. <sup>45</sup> If a work injury occurs, the employer is required to pay for medical treatment, along with worker's wages during treatment (full wages for up to six months and half wages for anything beyond six months until recovered). <sup>46</sup> In Dubai and Abu Dhabi, employers are required to provide health insurance. <sup>47</sup> Fatalities or permanent work-related injuries are to be compensated by the employer at a rate of at least two years of wages. <sup>48</sup> Workers are entitled to 15 days of paid sick leave at full pay and an additional 15-day sick leave at half-pay. After this period, sick leave is not paid. <sup>49</sup>

### SAUDI ARABIA Resources

Indian Embassy, Indian Consulate – Visa assistance, emergency repatriation

Embassy of India, Riyadh

B-1, Diplomatic Quarter, P.B.No.94387, Riyadh-11693, Saudi Arabia.

24-Hour Emergency Hotline Phone Numbers: 00-966-1-4884697, 542126748 (Mobile),

00-966- 542126748 (Mobile),

800 247 1234 (Toll Free Number)

Phone Numbers for Labor Issues: 00-966-11- 480 4554 (Direct),

00-966-11- 488 4144, Ext 103 or 118,

00-966-11- 488 4691

For a full list of contact information, visit: [www.eoiriyadh.gov.in/page/contact-us/](http://www.eoiriyadh.gov.in/page/contact-us/).

#### Consulate General of India, Jeddah

Jeddah Building of M/s Bughshan and Bros. Madinah Road, Sharafiah Distt.,

P.O. Box No. 952, Jeddah21421, Saudi Arabia.

Telephone: 00-966-2-6520104, 5520112

Fax: 00-966-2-6533964

Email: [welfare@cgijeddah.com](mailto:welfare@cgijeddah.com) (Consul Community Welfare); [info@cgijeddah.com](mailto:info@cgijeddah.com) (Information Section)

Web: [www.cgijeddah.com](http://www.cgijeddah.com)

### SAUDI ARABIA Labor Laws

Category	Description
Recruitment Costs for Migrant Workers	While Indian law allows labor agents to charge workers up to INR 20,000 (USD 275) for recruitment services, it is illegal under Saudi law for labor agencies or employers to charge any amount to workers for recruitment fees. Under Saudi law, some recruitment fees and related costs are the legal responsibility of the employer.
Employment Contracts	Employment contracts are required for all migrant workers prior to starting work. Arabic is the official language for work contracts. Foreign workers can only obtain a fixed-term contract with a start and end date.
Passport Confiscation	It is illegal in Saudi Arabia for employers to hold workers' passports. <sup>50</sup>

Changing Employers or Jobs	<p>In order to resign and/or change employers in Saudi Arabia, workers are subject to the following rules:</p> <p>With the permission of their employer, a worker can resign and/or change employers after one year of employment or change employment if their new employer meets the country's Nitaqat Program regulations.</p> <p>Without the permission of their employer, a worker can resign and/or change employers only if the employer fails to renew the worker's residency permit, the employer does not pay the worker's wages for three months, or if the employer has committed an illegal act.</p> <p>Workers who leave their employment illegally could be potentially arrested, fined, and deported.<sup>51</sup></p>
Leaving Saudi Arabia to Return to India	<p>Unlike in Qatar and the UAE, an exit permit and permission of their employer is required for a worker to leave Saudi Arabia, either temporarily or permanently.<sup>52</sup></p>
Wages	<p>There is no national minimum wage for foreign workers.</p> <p>Employers must pay workers via direct deposit at least once per month.<sup>53</sup></p>
Hours and Overtime	<p>Maximum regular working hours are 48 hours per week and eight hours per day. Employees are not allowed to be at their workplace for over 12 hours per day.<sup>54</sup></p> <p>In certain sectors, the maximum number of hours per day can be reduced to seven hours (in hazardous sectors, including construction) or increased to nine or 10 hours per day.<sup>55</sup></p> <p>During Ramadan, maximum hours are reduced to a maximum of six hours per day or 36 hours per week.<sup>56</sup></p> <p>Employees cannot work more than five consecutive hours without taking a break of at least 30 minutes for rest, food and/or prayer.</p> <p>If employees work overtime, they must receive pay of at least 1.5 times regular wage.</p> <p>Between June 15 and September 15, outdoor work (except for oil and gas workers) is banned between 12:30 - 3PM due to heat.<sup>57</sup></p>
Paid Time Off	<p>In the first five years of employment, workers are entitled to 21 days of paid annual leave per year. After five years, workers are entitled to 30 days of paid annual leave per year.</p> <p>Employees are entitled to one rest day per week on Friday.</p> <p>In some cases, such as "unusual work pressure", the weekly rest period can be suspended.<sup>58</sup></p>
Freedom of Association	<p>Trade unions are not illegal in Saudi Arabia, but do not exist in practice. Foreign workers are additionally prohibited from joining or establishing worker councils.<sup>59</sup></p>
Health and Safety	<p>Workers have a right to remove themselves from a dangerous work environment.<sup>60</sup></p> <p>Employers must provide all employees with health insurance.<sup>61</sup></p> <p>Employers are required to provide workers with free personal protection equipment and first aid.<sup>62</sup></p>

## JORDAN Resources

### Embassy of India in Jordan

Address: No.24, Al-Hidhab Street, (corner of Abu Bakr Al Banani Street), Abdoun, Amman, Jordan.

Working hours: 09:00 hrs to 17:30 hrs from Sunday to Thursday

Telephone Number: 00-962-6-462 2098 / 463 7262

For a full list of phone numbers, visit: [ww.indembassy-amman.gov.in/Contactus.html](http://ww.indembassy-amman.gov.in/Contactus.html).

## JORDAN Labor Laws

Category	Description
Recruitment Costs	<p>Unlike Qatar, UAE, and Saudi Arabia, it is legal for employers in Jordan to charge recruitment fees to workers, and there is no cap on the amount that can be charged.<sup>63</sup></p>

Employment Contracts	An employment contract may be written or verbal. If written, a copy of the contract must be provided to the worker in the language they can understand. <sup>64</sup>
Passport Confiscation	It is illegal for employers to keep workers' passports. <sup>65</sup>
Changing Employers or Jobs	With permission of employer, workers can resign or change employers. Without permission of employer, workers can resign or change employers after one year of service for the employer, except for Qualifying Industrial Zone (QIZ) workers. <sup>66</sup>
Leaving Jordan to Return to India	There is no requirement for an exit permit to leave Jordan. <sup>67</sup>
Wages	The minimum wage in Jordan is JOD 230 (INR 23,500) <sup>68</sup> Employers must pay wages within seven days of the due date. There is no requirement for making payments through direct deposit, and employers can pay in cash. Workers are entitled to an end of service payment after they leave an employer. For each year of service for an employer, the worker is entitled to one month of wages. <sup>69</sup>
Hours and Overtime	The maximum workweek is 48 hours and eight hours per day. Employees are allowed to work up to 11 hours per day in some cases, as long as this does not exceed 48 hours per week. If employees work overtime, they must receive pay of at least 1.25 times the regular wage. If overtime is on weekly rest days (Fridays) or public holidays, the pay is 1.5 times the regular wage rate. <sup>70</sup>
Paid Time Off	Workers are entitled to one rest day per week (usually Friday) Workers are entitled to 14 days of paid annual leave per year. After five years, workers are entitled to 21 days of paid annual leave per year. <sup>71</sup>
Freedom of Association	All workers are allowed to join a trade union. <sup>72</sup>



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