

Victory of Bangladeshi Migrant Workers

Prepared by SHISUK

Seventy seven Bangladeshi Migrant Workers (MWs) repatriated from Malaysian captivity finally get their compensation. M/S Golden Arrow Ltd., Recruiting License No. RL-534, a R/A approved by Bangladesh Association of International Recruiting Agencies (BAIRA) compelled to pay Tk. 175,000.00 (one lac seventy five thousand) to each of the returnee MWs. The R/A processed migration of 80 Bangladeshi workers to Malaysia in March - April 2007 through an outsourcing company there. Though Golden Arrow through their sub agents (middleman) collected Tk. 212,000.00 – Tk. 240,000.00 for getting them employed in Malaysia did not keep any documentary evidence. The R/A tried to escape the reality by paying Govt. approved rate of Tk. 84,000.00 to the returnee MWs but finally failed in the face of peaceful demonstration by the exploited MWs. They get the compensation after lot of struggle in Malaysia and at home. The movement of the exploited MWs and its success created an instance in Bangladesh in the field of external migration. Also, it is established that migrating workers have to pay much more than the Govt. authorised amount as migration fee.

Outsourcing Worker: taken away Migrant Workers' right

Concept

"A licensed outsourcing company that has a binding contract with another company to provide services that might otherwise be performed by in house employees."

These services have to do with manpower needs—the sourcing, documentation, payroll, administration and welfare needs of a foreign worker are normally handled by a company's human resource department. Under the outsourcing concept, these human resource matters are now handled by outsourcing companies.

There are two forms of outsourcing. One form of outsourcing is where certain tasks are contracted out by one company to another company to manage its work. The second form of outsourcing is related to worker. In this form of outsourcing, the company provides an industry, often referred to as the Principal, with workers to do the job or tasks. The outsourcing company is left with the responsibility of recruitment, of management of the workers including wages, accommodation, transport to work and meeting all legal requirements, as in the case of migrant workers. The principal then has a separate contract with the outsourcing company where the terms of payment, number of workers and period of time are agreed upon.

Malaysia decided to lift the freeze on the recruitment of Bangladeshi workers on August 2006. But the new recruitment could only be done through the outsourcing process and procedures determined by the Ministry of Home Affairs. And a new memorandum of understanding was signed. The Ministry of Home Affairs had the sole power to approve the outsourcing companies. The recruitment in Bangladesh will be done through BAIRA which is the umbrella body of recruiting agencies. The Malaysian government rationalized the introduction of Outsourcing as a way to stop the exploitation of migrant workers and a host of other problems. Many workers were being brought into the country by unlicensed agents. The workers were cheated or left stranded at the airport. The authorities believe that if the responsibility of recruitment, placement and management of the migrant workers was given to specific approved companies, then the problems would be extensively resolved and minimised.

Labor Export Through Outsourcing to Malaysia – The Bangladesh Scenario.

In Bangladesh, the media report on February 14, 2007, quoted the Foreign Affairs Adviser Iftekhar Ahmed Chowdhury, “Malaysia had given approval for recruiting over one lakh (100,000) workers from Bangladesh. Of the 1,05,000 workers to be recruited, 26,000 workers received clearance from the Malaysian authorities and 18,000 have already left for Kuala Lumpur. The government has fixed Tk 85,000 for each worker who wants to work in Malaysia.

“It’s very good news and the process for sending the workers has already started,” he added while addressing a weekly press briefing at the Ministry of Foreign Affairs. (Daily Star newspaper reports)

He said the government has set up a coordination committee with officials from the ministries of foreign affairs, labor and employment, civil aviation, home and the Department of Passport and Immigration, Bureau of Manpower Employment and Training, and Bangladesh Overseas Employment Services Ltd (BOESL) to resolve problems in sending skilled manpower abroad.

From the migrant workers responses it was clear that the migrant worker only dealt with the recruiting agent at the village level. This agent would state a total sum for the migrant worker to pay. This sum of money would get the worker to Malaysia with a guaranteed job and contract attested by the Bangladesh government. But the agent at the village level is only a representative of the city agent. And the agent in the city has a middleman who negotiates with the R/A that is approved by BAIRA.

The government of Bangladesh saw it as a victory when the freeze was lifted. It was very important for the government to ensure high export of labor from Bangladesh. Mr. Iftekhar ensured potential migrant workers that the labor wings in Bangladesh missions abroad would be strengthened while consul generals or honorary consuls would be appointed wherever necessary to boost the export of the country’s workforce. He went on to say that the present caretaker government was engaged in combating corruption and appropriate steps were being taken against unscrupulous manpower agencies that committed forgery and harass workers while sending them abroad.

In spite of Govt. initiative and ambitious hope for achievement through outsourcing, the reality is that the migrant workers lost their rights. Some of their sufferings are as follows:

- Syndicate of agency/agents recruit workers on false document and send inflated number of workers
- On arrival MWs remain stranded in the Kuala Lumpur International Airport for number of days without food waiting to be received by the employer.
- Majority of the MWs do not get appointment as per the commitment and agreement of the R/As
- Some of the MWs get opportunity to work on temporary basis with very low or no wage
- When MWs raise any query they are subjected to physical and mental harassment
- MWs are not provided accommodation though mentioned in the agreement. They are kept in the abandoned house/warehouse/temples without proper water supply and sanitation
- MWs can not complain as virtually they do not have their employer.

Investigation and prevailing situation of the MWs in the receiving country reveals that outsourcing is just selling the Bangladeshi workers to another agency of the labor receiving country.

The case of Golden Arrow:

M/S. Golden Arrow Ltd., one of the more than 1000 licensed R/As in Bangladesh having Recruiting License No. RL-534 and member of Bangladesh Association of International Recruiting Agencies (BAIRA) is engaged in manpower business. Like other R/As it does not give any advertisement for foreign job vacancy. It rather prefers to collect overseas job seekers from rural set up through its community based sub agents/middlemen network. The middlemen usually allure the overseas job seekers and collect migration fee much higher than the government approved rate of 84,000 taka without any money receipt or document. Same way they collected Tk. 212,000.00 – Tk. 240,000.00 from 80 foreign job seekers of different districts and send them to Malaysia in March - April 2007 through outsourcing company there. None of these workers got appointment in Malaysia according to the contract agreement. Some of the workers were deployed on temporary work without proper wages and other facilities that committed by the R/A. They were compelled to be dumped in different abandoned houses along with other Bangladeshi workers. There was no water supply, sewerage and proper electric supply. Hired muscleman of the R/A and outsourcing company guarded them. Realising that they are being cheated, the workers went to Bangladesh High commission and started hunger strike until death on 10/09/07. At mid night of 24/09/07 hired agents and muscleman of the R/A and High Commission staffs cracked down on the workers and beaten up the workers and with the help of Malaysian immigration police they were taken to Juru, Penang (4 hours from Kuala Lumpur). During the period the Bangladesh H.C insisted to hand over the workers to the R/A's agents. It is learned from various sources that selected 700 job seekers are in the waiting list of Golden Arrow waiting for their turn to go to Malaysia.

During recent investigation by the deputy Secretary, BMET it has been established that R/A received Tk. 1,75,000.00 from the above mentioned Bangladeshi workers.

Struggle of Migrant Workers (MWs)

80 MWs were sent to Malaysia by Golden Arrow Ltd. between March - April 2007 through outsourcing company to a Labor Contractor Organisation named "PTC Asia Pacific Sdn Bhd (PTC). These workers were among 196 Bangladeshi workers recruited by Golden Arrow Pte Ltd. On arrival at KLIA the workers find none to receive them. They were stranded at the airport for 04 days without food. After that they were taken to Kula Lumpur and kept in improvised accommodation along with 500 Bangladeshi workers. The workers complained they did not find their job as per the R/A's commitment and agreement. Some workers were put on temporary work where they worked for three months and complained of poor treatment, unpaid wages, poor working conditions and long working hours while others were not employed at all at the PTC. The workers soon found that they were deceived. At some stage the 80 workers started hunger strike until death on 10/09/07 in the Bangladesh H.C premises. At mid night of 24/09/07 hired agents and muscleman of the R/A and High Commission staffs cracked down on the workers and beaten up the workers. Bangladesh H.C with the help of Malaysian immigration police forcibly pushed the workers out of H.C premises. The workers were taken to Juru, Penang (4 hours from Kuala Lumpur). During the period the Bangladesh H.C insisted to hand over the workers to the agents of R/A. The workers who did not trust the agents refused to be taken without any guarantee of employment or direct contract with the employing companies and turned to the Bangladeshi High Commission for assistance to recover monies paid to the recruiting agency and to return to Bangladesh. The workers declined to leave the premises and refused to go with the agents. They said that the High Commission, which attested and approved the initial recruiting contracts, should take responsibility, and resolve the situation instead of lodging a police report against them and relying again on the same agents who exploited them to resolve the crisis.

On behalf of Bangladesh Govt. the Secretary of Ministry of Expatriate Welfare and Overseas Employment went to Malaysia and investigated the situation on 20/09/07. He had a meeting with Bangladesh H.C in Malaysia and talked to the R/A. On 21/9/07 the Secretary promised to the workers assuring that they would be taken back to Bangladesh within 15 days and pays them the compensation ranging from Tk. 212,000.00 – Tk. 140,000.00. As advice by the Secretary and H.C, the workers individually wrote down a letter to the Ministry of MOEWOE that contains the amount of compensation that would be paid on landing at Dhaka airport and other terms promised by the Secretary. The letter endorsed by Bangladesh H.C in Malaysia. Believing the commitment of the Secretary the exploited 77 out of 80 MWs returned to Bangladesh from 25th September – 29th October 2007. Other two absconded and Mahesh Sarker from Tangail died in private detention of the R/A and outsourcing company in Juru area, Kuala Lumpur. The 1st party of 11 returnees landed at Dhaka airport on 25th September and was stranded there for two days waiting to receive their compensation money according to the commitment given to them by the Secretary, MOEWOE. But after repeated contact with the Secretary he managed with Golden Arrow to pay them Tk. 84,000 on 28th September 2007. The amount being decided by the Government as legal migration fee for Malaysia and GCC countries

Commitment of Secretary, MOEWOE

A three member's team headed by Secretary of Ministry of Expatriate Welfare and Overseas Employment, Government of the Peoples Republic of Bangladesh went to Malaysia and investigated the situation arisen due to exploitation, deception and inhuman harassment of the Bangladeshi workers by the R/A and the outsourcing company. After the investigation the Secretary promised following to the workers on 21 September 2007:

- The Bangladeshi workers were not employed after seven months of their arrival in Malaysia. As such they want to return to Bangladesh.
- Arrange return air ticket and migration fee ranging from 212,000.00 – 240,000.00 paid to Golden Arrow Ltd. would be paid to the worker immediately after landing at Dhaka airport.
- The oppressed group of 80 Bangladeshi workers would be taken back within 15 days from 20th September 2007

After returning to Bangladesh the MWs repeatedly remind the Secretary about his commitment and kept him under pressure to settle the issue. At this stage he maintained close contact with Golden Arrow Ltd. and on behalf of the R/A he gave many date of payment to the aggrieved workers. It apparently looked like he was working as spokesman of the R/A.

Referred to SHISUK by Tenaganita

Tenaganita, a rights based organisation in Kuala Lumpur, Malaysia has been SHISUK's overseas partner in the major Bangladeshi labour receiving country of Malaysia since 2002. SHISUK has been providing post arrival care and support to the Bangladeshi MWs in Malaysia through Tenaganita. SHISUK with the collaboration of its regional principal; CARAM Asia and regional partner Tenaganita sponsored 'ATN Bangla' television reporter Mr. Shawkat Milton to make live report on the outsourcing issue. He along with the camera crew Mr. Alamgir Kabir visited Malaysia from 8 – 14 July 2007 to collect information on situation of Bangladeshi migrant workers taken to Malaysia through Outsourcing. The four episodes of the live report along with the follow up report telecasted in ATN Bangla television as a news item on 20, 21, 23, 25 August 2007. The issue widely telecasted in other private television channels and published in the daily news papers. During visit of Mr. S M Morshed to Malaysia from 25 – 30 October 2007 to attend partners meeting, the leaders of the 80 MWs introduced to him by Tenaganita.

SHISUK's Intervention

Executive Director of the organisation gave address of SHISUK to the 80 MWs when they met him in KL, Malaysia and assured them all possible help supporting their cause. On return to Bangladesh the leaders of the MWs came to SHISUK and requested its solidarity to their just cause.

SHISUK provided all necessary guidance and support to keep up their unity required to press their demand for realisation including support to their mobilisation and motivational activities. The organisation helped them to consolidate their documents and generate letters to the govt. authority. SHISUK offered the returnee MWs to engage themselves in the IGP that could be the base for their unity. For this the MWs offered SHISUK's BDR allotted whole sale shop at Jatrabari, Dhaka. They find the offer as a blessing and started vegetables supply from Meherpur district. So far they are doing well with the vegetables supply business. Side by side the MWs were guided how to press their demand to the concern authority/agency to get their compensation money that was committed by Secretary, MOEWOE.

BMDF onboard

There was a schedule meeting of BMDF on 11th November 2007. on request of BMDF members SHISUK arranged video presentation of the ATN Bangla live report in the same meeting besides, two representative of the 80 exploited MWs' narrated their inhuman suffering at the hand of the syndicate who are very active in outsourcing process of Bangladeshi workers to Malaysia. All BMDF members present in the meeting were shocked to learn the sufferings of Bangladeshi MWs and expressing their solidarity decided to support the struggle of 80 MWs to realise their full compensation which will be an achievement of BMDF to justify creation of this forum. It was also decided that SHISUK will be the secretariat and official address of BMDF till 31st December 2007. SHISUK extended its full support to lead the struggle of 80 MWs' to a successful achievement. The BMDF members were kept informing the day to day update of the MWs movement until the victorious achievement on 19th December 2007 through fulfilling demand of the exploited MWs. During the peaceful demonstration at Dhaka from 12 – 19th December 2007, Action Aid Bangladesh and other BMDF members morally supported MWs time to time by their presence with the struggling MWs at Reporters Unity, Ramna Park, in front of National Press Club and High Court Mazar and provided blanket, medicine, food and water to the MWs. On behalf of BMDF their case informed to Secretary, MOHA in writing on 15th November and had Mr T I M Zahid Hossain, Head of Rights and Social Justice of AAB with the Secretary on 2nd December 2007. Secretary informed that as the migration issue is inter ministerial issue he can not deal with the case. He advised if specific case filed with documentary support than MOHA can look into the case. The secretary, MOHA requested BMDF to put forward suggestions to overcome the problem of Bangladeshi workers outsourcing to Malaysia. On 12th December the MWs called a meeting and decided to go for street agitation and informed BMDF about their decision that they would go for demonstration till their demand as per commitment of Sectary, MOEWOE not fulfilled. BMDF requested the MWs to be peaceful at any provocation and the forum would provide all possible support including logistic like blanket, medicine, food and water. BDDF also decided to focus the issue on 18th December in the International Migrants Day observance program. Accordingly, BMDF organised a sharing meeting at CIRDAP auditorium on 18th December 2007. In the meeting the MWs got opportunity to share their bitter experience. The meeting attended by representative of 80 MWs, some guardians of presently stranded 55 MWs in Malaysia, returnee female MWs, BMDF members: AAB, BOMSA, Change Makers, OKKAF, SHISUK, TMSS. Professor Mozaffor Ahmed, Chair of TIB, Ms. Shamsunnahar, Chair of SHAKKHAR, a researcher of external Migration, TIM Zahid Hossain of ActionAid Bangladesh Ms. Hamida Khondaker was present as special guest.

Final Struggle of exploited Migrant Workers

The 80 MWs sent to Malaysia through outsourcing started their struggle on 10th September 2007 when they started hunger strike in front of Bangladesh High Commission in Malaysia. On return to Bangladesh they tried to get a solution peacefully. They reminded the Secretary, MOEWOE over telephone many times. Secretary referred the case to D.G, BMET who failing to convince the R/A to pay the compensation informed his inability. From 25th September to 12th December 2007 D.G, BMET and Secretary, MOEWOE given many commitment to pay the compensation but failed. At one point they tried to misguide them advising them to sue case against the R/A. On the other hand the Middlemen of the R/A threatened the workers of harassment by police if do not compromise with the R/A. The MWs over phone informed the Secretary and D.G BMET if their demand is not met by 12 Nov. 07 they would go for any action to press their demand. On 8th Nov. 07 they faxed a letter of ultimatum to the Secretary and D.G BMET. Getting no positive response, the MWs in a meeting took firm decision to go for demonstration. On 12th December 2007 the exploited workers. In the evening the workers garaoed Secretary, MOEWOE for about two hours who had in interview at ATN Bangla regarding outsourcing of Bangladeshi workers and the worse impact of it. The police and special force rescued him. On 13th December 2007 MOEWOE served a Show Cause notice issued to Golden Arrow Ltd. asking it to pay the total compensation of Tk.175, 000 to each of the 74 MWs that was proved by inquiry committee of BMET within 03 days of issuance of the notice. Failing to comply with the terms of the notice license of the R/A would be cancelled and its Security Deposit confiscated. The MOEWOE also agreed the R/A violated Clause 14 of “The Emigration Ordinance 1982. The R/A, Secretary of MOEWOE and DG of BMET tried to help the R/A accepting its request for time extension till 10th January 2007 but failed to convince the demonstrating MWs. The MWs continuously kept the authority under pressure from 17–19th by taking position inside the BMET. Finally they were paid rest of the compensation money of Tk. 91,000 each totaling Tk. 175,000.

The movement of the 77 MWs and its success officially proved the following realities:

- Recruiting Agencies (R/As) collect more than double of the amount as migration fee from each MWs but officially they keep the record of Tk. 84,000 only.
- The syndicate constitutes of R/A’s, agents of home country and receiving country financially exploits the Bangladeshi MWs and subject them to a most vulnerable situation.
- Bangladesh diplomatic missions in the labour receiving countries rather work in support of the syndicate and even do not hesitate to harass the MWs physically with the help of receiving countries police.
- The wage earners do not have any platform to redress their grievances.

The movement of the 77 MWs is a symbolic one. They deserve appreciation for their courage and patience in the face of many threats and provocation. BMDF members first time prove the worthiness of such forum by backing up the demonstrating MWs whatever way it was possible. Success of the MWs movement in establishing their rights created an instance in Bangladesh in the field of external migration. BMDF has opportunity to use this instance to help other Bangladeshi MWs stranded in Malaysia and create a pressure at the policy level for a policy that would pave the way to “Rights of Mobility with Dignity” empowering millions of MWs to establish their human right and migration right in accordance to UN Convention 1990. SHISUK takes the opportunity to congratulate the MWs and all BMDF members who directly and indirectly supported the MWs to establish their rights.