

SOCIO-ECONOMIC AND LEGAL ISSUES AND CHALLENGES OF FOREIGN MIGRANT WORKER IN MALDIVES: A CASE STUDY OF CONSTRUCTION INDUSTRY IN MALE

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ABSTRACT

Foreign migrant workers have become an integral part of construction industries in Maldives, who have gradually become the main force and an indispensable component of development in the Maldives.

A large numbers of foreign migrant workers are being recruited in the construction sector each year, because the national workers have no interest to carry out such works. This research paper evaluates the Socio- economic & legal issues and challenges faced by the foreign migrant workers, who are being recruited particularly in the construction industry of the Maldives. Therefore, the objectives of this study are to identify the factors that contribute to the increase in the numbers of foreign workers, the problems faced by the employers in employing foreign workers, and most importantly, the problems faced by the foreign employees in working here and the factors that drive the employers to employ foreign workers.

On the basis of taking 100 migrant workers as sample to investigate, the paper analyses on integration status in respects of their survival, employment and other levels, and then gives the following countermeasures from four aspects: legal, social, economic and health. The randomly selected respondents who are working in the construction sector of the Male' City and their employers have been taken into account. Therefore, the study was carried out using

questionnaires forms which contain scale of 3 points. The data was analyzed and presented using pie charts and bar graphs.

The present study aims to analyze the problems of construction workers in Male, Maldives in which the construction industries is booming at a vast proportion and thus, there are greater migration construction workers. That's why there is a need to discuss the socio-economic and legal issues of Construction workers.

The findings of this study indicate that the foreign workers are being ill-treated here in this country which is famous for beauty and is known as paradise of the world, due to inadequate legal mechanisms to monitor the actions of the employers and the poor implementations measures. In addition, their basic fundamental needs and rights are being violated, due to mistreatment done to the workers. One in ten of the construction workers spent most of their time with those from their own countries and only 10% spent any leisure time with Maldivian people. More than 79% of the respondents had not received any training in health and safety and for the remaining 21% training that had been offered was generally limited to a short session at their induction.

The most predictable and significant factor identified by the results is constructability, integrated design and construction which needs much more effort and consideration in the Maldives construction industry and consequently, the recommendation suggests that the changes need to be brought to the paper law regulatory framework.

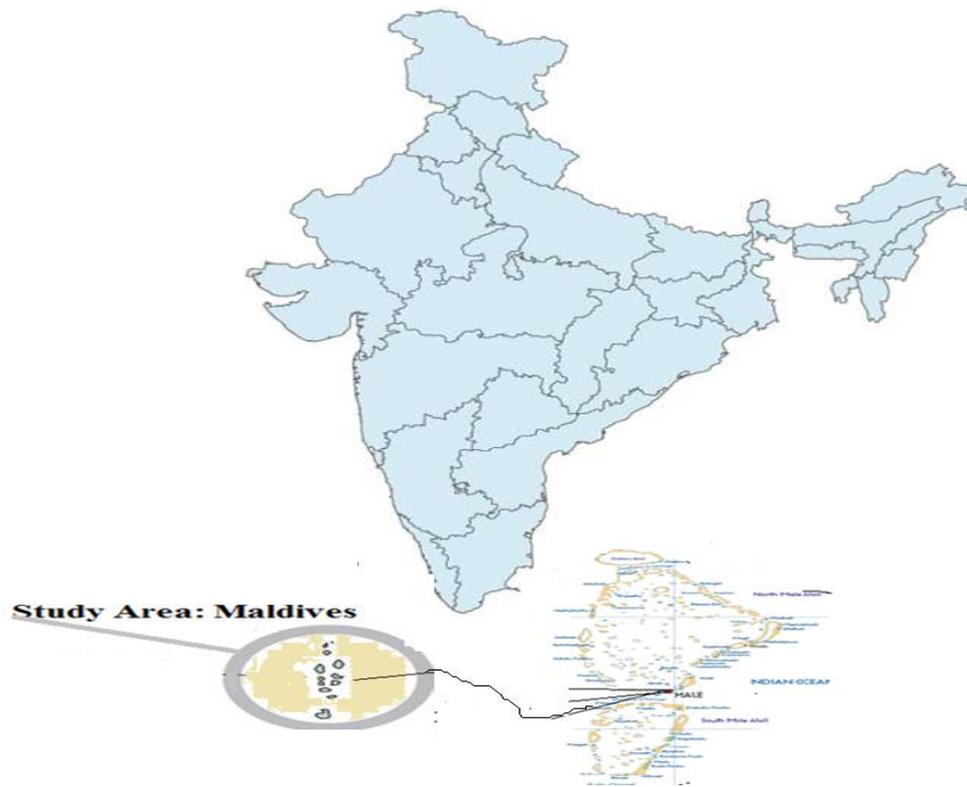
Keywords: *Paradise, Construction Industry, Foreign Workers, Socio-Economic*

INTRODUCTION

The definition of 'foreign migrant worker' used in this paper is taken from the International Labour Organization's (ILO) definition of a 'migrant for employment.'ⁱ Foreign migrant workers are considered 'regularly admitted' or 'regular' when their entry and work activity comply with the immigration laws of the country in which they work. (ILO).ⁱⁱ

Labor migration is an important part of the current global economy (RMMRU Policy Brief 6, (2011)).ⁱⁱⁱ The construction industries in Maldives includes the construction of commercial and non-commercial buildings and engineering projects like roads, bridges, and utility systems. Construction includes both new construction and repairs. The building business and works of construction industries in Maldives have made incredible progress in recent years. The growth of the industry has also been subjected to increasing expatriate laborers in the country. In addition to the Maldivian population of approximately 451,738, there are about 70,000 foreign workers in Maldives, as well as 33,000 illegal immigrants, who make up about one-third of the total population().^{iv} The Maldives' treatment of migrant workers is degrading enough for it to be called 'modern-day slavery.'^v It is true that the construction sector is a very important sector in the economy of the Maldives and plays a prominent role in providing the basic infrastructure needed for socio-economic development. In this regard, it covers the construction of roads, highways, harbours, ports and building of houses, offices, schools and apartments, etc.

Article 23 (1) of the Universal Declaration of Human Rights states that everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. This right to work and to just and fair condition of work is guaranteed by the chapter 2 of the Constitution of the Maldives 2008 as well. However, in the Maldives we see that foreign migrant workers face many social, economic & legal problems. They often enjoy little social protection. At the same time, they face inequalities in the employment and are vulnerable to exploitation and human trafficking. Though the construction industry in the Maldives includes both large and medium sized private employer organizations, and also public-sector employers operating in the sector, there had been number of companies throughout the country recruiting and providing employment to the foreign workers, but the majority of companies are located in Male'.

Figure-1: Geographical Location of Study Area: Male

Most construction companies hire foreign worker through local recruitment agencies, both for skilled technical jobs and unskilled labourer roles. Usually, the foreign labourers are from neighboring Bangladesh, Sri Lanka, Nepal, Philippines and India.^{vi} However, the majority of workers are recruited from Bangladesh. With the large increase in expatriate labour force, the construction sector has also now become the single largest employer of the country's expatriate labour force and therefore, the construction industry is one of the sectors that attracted a large number of foreign workers working at construction sites.

STATEMENT OF PROBLEM

The foreign migrant worker or foreign employees who work in the construction sector are in an adverse position in workplace. The foreign laborers who are working in the construction industry in the Maldives are facing a number of socio-economic and legal challenges. However, foreign or locals, we live in one society, after the foreign migrates to our country, and on top

of that we are humans, and all are same despite the fact that their native country is different from us. Notwithstanding, foreign laborers are saddled with the burden of removing social differences that exists between locals and migrant workers.

This social indifference has the result of maintaining the discrimination and ill treatment to the foreign worker, which is against the objective of Article 7 of the Maldivian Constitution.^{vii} Irrespective of this, employers have legal and moral obligation towards protecting the rights of foreign workers in the workplace against unfair treatment. The sad truth is though the employers are burdened with this responsibility, they are not fulfilling their obligation towards the foreign workers recruited and working under them, in their construction companies. They are also not abiding by to the laws that protect rights of the foreign labourers. Undocumented migrant workers may not be willing to report a workplace injury because they are afraid of being reported to immigration authorities or losing their jobs and not being able to find another employer willing to take them on. Some workers are promised jobs to entice them to come to the Maldives, but are not given the same type of job when they arrive.

The annual reports, assessments and surveys conducted by national and international institutions over the past years is evident to prove that both the legal and institutional framework relevant to foreign migrant workers need to be reformed. Greater emphasis needs to be given to the foreign migrant workers in the legal system. Their rights need to be fully protected under the law. Therefore, the goal of this study is to analyze the regulatory framework of the Maldives in order to determine how well the socio-economic and legal rights of the migrant workers are protected.

Literature Review

One of the subsequent results of the disparity between labour force and employment opportunities is the high inflow of migrant workers into the Maldives, which is estimated to exceed a quarter of the total population (Technical Assistance Consultant's Report, August 2012). Therefore, the limitations of inspecting mechanisms for migrant workers, which at the same time create exploitative work and living conditions for migrant workers and a heavy economic burden on the country, has been an area of concern by the Government of the Maldives.^{viii}

According to a study on lifestyle of Bangladeshi workers in the Maldives (Lifestyle of Bangladeshi Workers in Maldives), the lifestyle of Bangladeshi workers will automatically become favorable when legality is ensured. The study showed 87% of the Bangladeshi workers stated that their work permit either expired or they were in the Maldives illegally after coming on a visit visa.^{ix}

The protection of the rights of migrant workers has been the subject of increasing concern throughout the United Nations system. Hence, a large array of international instruments exists to provide parameters for the regulation of International migration and standards for human and labour rights. This includes, International Human Rights Law, International Labour Organisation and United Nations Conventions concerning migrant workers which provides a complementary set of standards.^x

In a publication issued by the Government of the Maldives (Labour & Migration- issue 1, March 2016), the Government of the Maldives began work on reviewing the regulations governing employment agencies to strengthen labour recruitment practices in the Maldives. The Government of the Maldives also made initial steps in combating human trafficking issues in the Maldives by enacting Anti-Human Trafficking Act (Law No: 12/2013) and publishing a five-year National Action Plan on Anti-Human Trafficking in 2015.^{xi}

Aim of Study

In the Maldives, migration and the economy are closely linked. Migrants dominate the workforce, and represent nearly one-third of the entire population. The present study aims to analyze the problems of construction workers in Male, Maldives in which the construction industries are booming at a vast proportion and thus, there are greater migration construction workers. That's why there is an imminence need to discuss the socio-economic and legal issues of Construction workers.

Scope & Area of the Study

The present research work titled "socio-economic and legal issues and challenges of foreign migrant worker in Maldives: a case study of construction industry in Male" study in detail the various socio-economic, legal, health, and hygienic and safety equipment aspects of foreign migrant worker. The study depends on six important construction companies of Maldives. The

study undertakes an in-depth analysis of foreign migrant worker and socio-legal awareness of labourer, transactional security and problems. It examines the legal challenges, origin and growth of migrant workers in Male. The study has been undertaken by random selection of six construction companies. It will prove to be highly useful for academic, businessmen, employee's social worker and policy-makers, lawyer, young researchers and multinational companies.

Research Objectives

The objective of the study is to identify the factors that contribute to the increase in the numbers of foreign workers, the problems faced by the employees, and employers in hiring the foreign workers and the factors that drive the employers to employ foreign workers. The specific objectives are:

- To examine the standing of the 'foreign migrant workers' as a specific subject of protection in Maldivian legal framework.
- To study socio-economic and legal issues and challenges within the Migrant workforce in the Male.
- To establish strong relationship between employer and employee.

Importance of The Study

The Foreign migrant workers are important for the construction industries of Male thus, this paper explores importance in order to obtain greater understanding of foreign worker, and to define the socio-economic and legal challenges and opportunities that they face in Male'. Although foreign migrant worker is not a new phenomenon in itself, the importance of this study which looks for a new perspective on this matter have not been studied thoroughly yet, which makes the chosen research approach the most appropriate.

Assessment & Purpose of Study

The purpose of study is to improve the protection of migrant workers and to ensure that the needs of the labour market, revise its migration and foreign employment policies, including re-

evaluating its quota system, increase awareness of arriving migrant workers of their rights and the obligations of employers and the government, disseminate information on how to seek assistance and increase the capacity of the government to collect and analyze data to assess its labour market needs.

Assumptions & Hypothesis

The hypothesis created in this study is descriptive research which has studied the present conditions of migrant worker that is, with the increase of migrant labor forces in the construction industry of the Maldives, the number of challenges and issues faced by them are increasing. Moreover, the legal mechanisms that are governing the foreign migrant workers are inadequate and failure to implement and enforce it by the employers and the government authorities, the basic fundamental rights of the foreign migrant workers are being violated.

Research Methodology

The problem statement in this paper is focused on both qualitative and quantitative analysis through survey methods, including questionnaire and a few interviews. Both primary and secondary data was collected for the purpose of this study. Secondary data have been collected from various sources including websites, newspapers, various published and unpublished article etc.

The level of this analysis will be on foreign migrant construction workers. It is necessary to get an in-depth knowledge about the entire possible foreign migrant construction industries worker, meaning that the descriptive research approach will be qualitative and quantitative in order to obtain greater understanding of foreign worker, and to define the challenges and opportunities that it faces in the study area.

Questionnaire Design

The research design is the conceptual structure of which the research has been conducted. The research is the overall configuration of a piece of the collected data.

The questionnaire consists of 20 questions which were grouped into 5 sections social, legal, economic, health & hygienic and safety issues. All questions were multiple-choice questions with 3 possible answer choices including yes/no/can't say statements. The questionnaire has definite advantages of requiring a smaller time to be responded and more accuracy in the final outcomes. Factors affecting the labour issues in construction Industries were identified through the literature based on previous research, with input, revision, and modification by the researcher.

Data Collection and Analysis Procedures

This research is based on the survey designed to gather all necessary information in effective way. The survey presents a questionnaire which consists of twenty questions printed in a definite order on a form or set of forms. The respondent has answered the questions on available options. Objective type questions have been designed in survey. The results of survey has been shown in images graphs & pie chart. The questionnaire was designed on socio-economic and legal issues and challenges. Three-point scale has been used as: yes, no and can't say. The data collected were analyzed for the entire sample.

Data Interpretation

Quantitative data can be analyzed using a spread sheet program like Microsoft excels to calculate, calculate percentage of worker who responded in survey. Studied have been carried out on foreign migrant workers. Questions are related to socio-economic and legal issues in which the given options are Yes, No and can't say.

Limitation of Study

The researcher usually come across many constraints and barriers in the course of his study. The present study on socio-economic and legal issues and challenges of foreign migrant worker in Maldives: a case study of construction industry in Male' was not an easy task. During the course of present study, the researcher faced many problems which were resolved to the desired

level; however, these were very cumbersome and time consuming. The following are the main limitations of the study:

1. The procedure to visit the place and collect the data was very complex.
2. In this study, the data that was collected with the help of questionnaires from selected respondents are taken due to time and cost constraints.
3. Few researchers have earlier conducted the research in the region on the foreign migrant worker in construction industries, there for it was difficult to get information about the same.
4. Majority of the employer do not maintain proper legal document of work timing, and socio-economic security Process. However, efforts on the part of the researcher was to managed and gather the adequate information as much as possible for the purpose of data analysis.

All the aspects relating to the foreign migrant worker in Maldives could not be covered in the present study and thereby leaving scope for further research in the field. However sincere efforts have been made by the researcher to make the study potentially meaningful which will serve as a milestone for further studies in the field.

OBSERVATION AND FINDING: RESULT

The questionnaires findings have been collected and presented under main categories which reflects the major themes discussed in the questionnaires. It is important to note that the migrant worker's companies were selected by the researcher randomly. Finally, the fact that some of the informants had limited English language ability (with some being questionnaires through an interpreter) may have adversely affected the depth of their responses to the questionnaire's questions, thus affecting the identification of underlying socio-economic and legal issues and challenges. This is a descriptive research which has studied the present conditions. The relevant data was collected based on foreign migrant worker. A majority 52 % of construction workers are 18-30 age groups, 13% construction worker are 16-18 while 35% age groups of 30--55 are of construction workers.

The priority issues identified in study are social, economic & legal protection and promotion of human rights which importantly highlights the inclusion of migrants in the host country. Sometimes, there are evidences of discrimination and limited access to basic services to migrants and their families. It is also important to ensure obligations of migrants towards host country.

Legal Issues

Undocumented migrant workers may not be willing to report a workplace injury because they are afraid of being reported to immigration authorities or losing their jobs and not being able to find another employer willing to take them on. Some workers are promised jobs to entice them to come to the Maldives, but are not given the same type of job when they arrive. 92% of respondents are not aware of employment rights and protections guaranteed by the Employment Act of Maldives.

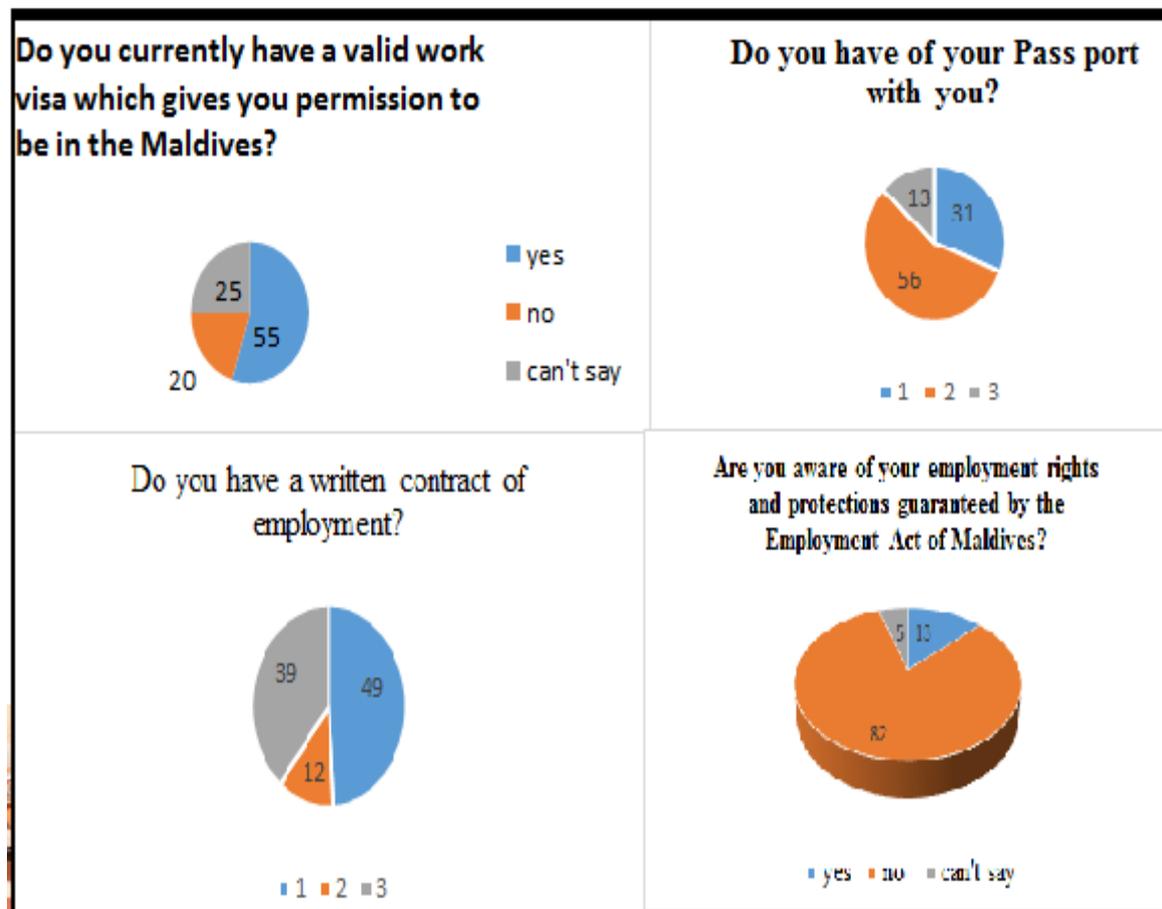
Figure 2: Dhaka Airport View



(Source: <http://1hu9t72zwlj44abyp2h0pfe-wpengine.netdna> and google.com/search?)

According to survey analysis 55% of workers have valid work visa, whereas 25% not having validity of work visa and 20% answered no. The 56% of respondents don't have pass port with them, while 49% have written contract.

Figure3: Four Legal Issues



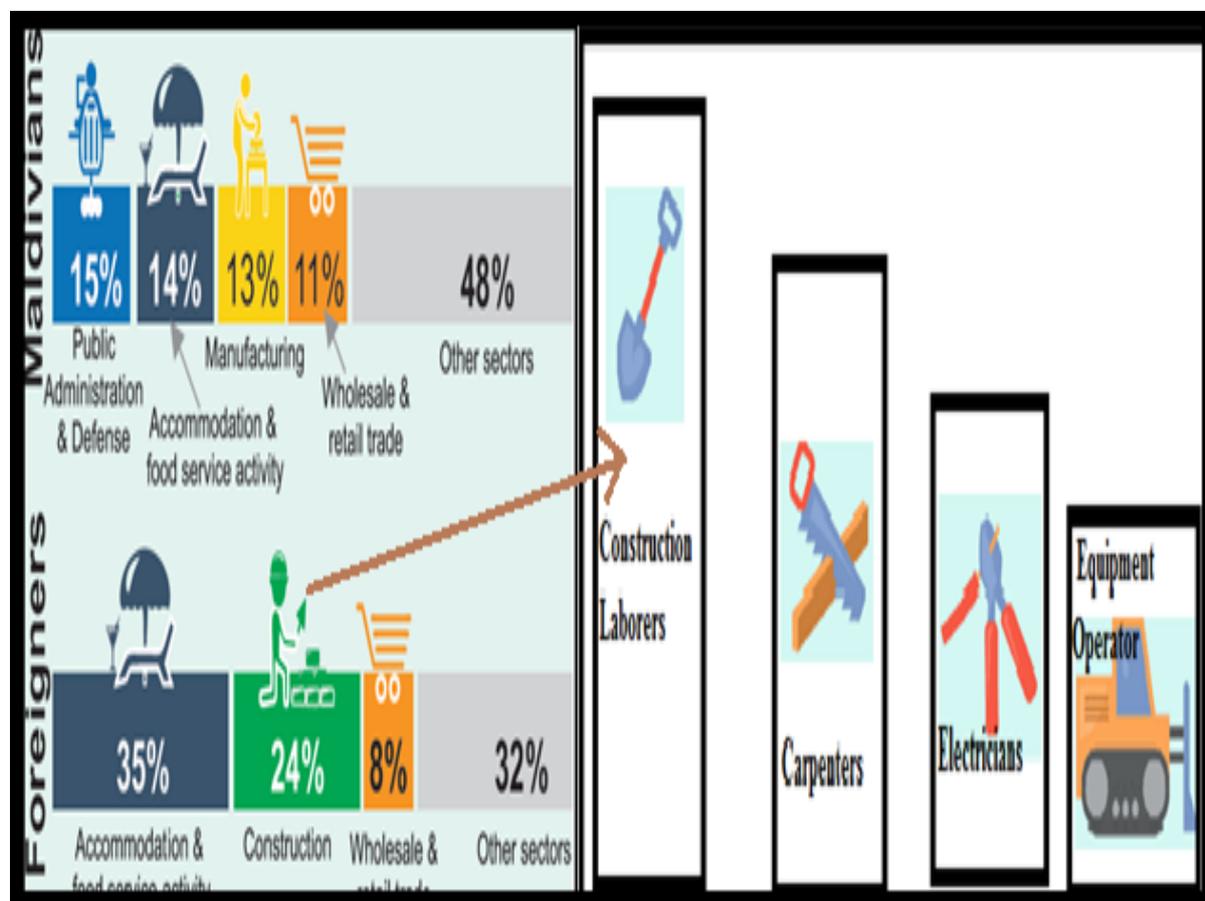
Protection means elimination of exploitation and respect for basic human rights and rights at works of all migrant workers. Yet this is far from the case in practice. Majority construction workers do not have safety committee on the construction site.

Social Issues

The key to understand an economy is by studying the number of persons engaged in different economic activities. Most foreign laborers are employed in the construction industry, where there are 34260 of them. Second comes the tourism industry, which has employed 13488 expatriates. In the fishing industry there are 1103 foreign workers.^{xii} It costs 10,000-12000

rufiyaa to rent a one room flat in Male due to which of majority 92% Construction workers are living up to 10 persons in one room in inhuman conditions.

Figure 4: Kind of Laborers & Equipment's



(Source: <http://statisticsmaldives.gov.mv/nbs/wp-content/uploads/2016/02/StatisticalReleaseIV-Employment.pdf>)

Construction Laborers

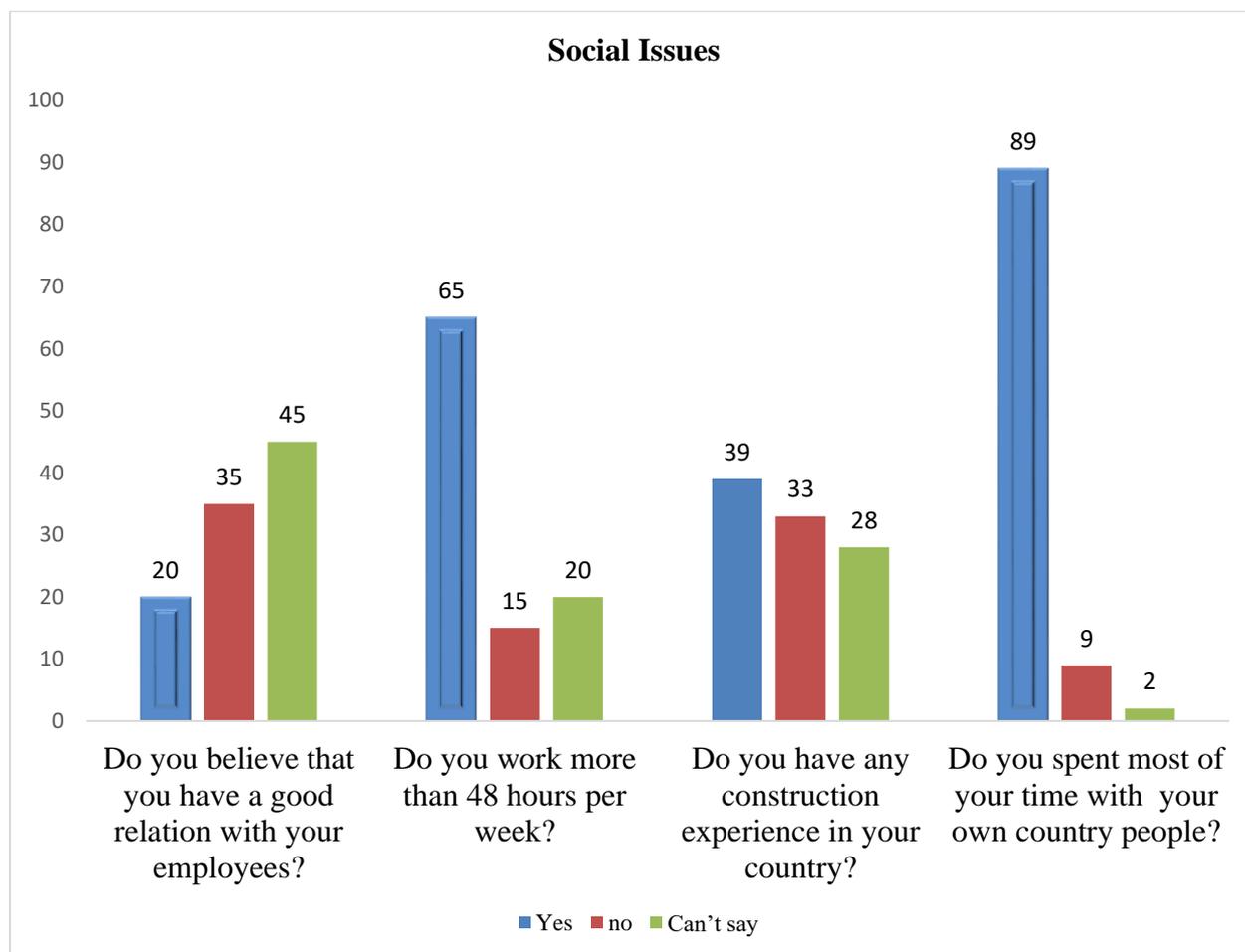
Laborers work on site to do the hard-physical work; such as digging, building, unloading, clearing, and assisting craftspeople.

Construction Equipment Operators

In this type of job, expert drive or operate equipment and machinery such as; Excavator, Bulldozer & Trencher to build and repair roads, buildings, and more. The foreign workers were

found to be valued in construction industries where they were employed; the survey found that the employers were dependent on this source of labour. The role played by foreign workers was widely expected to increase.

Figure5: Social Issues

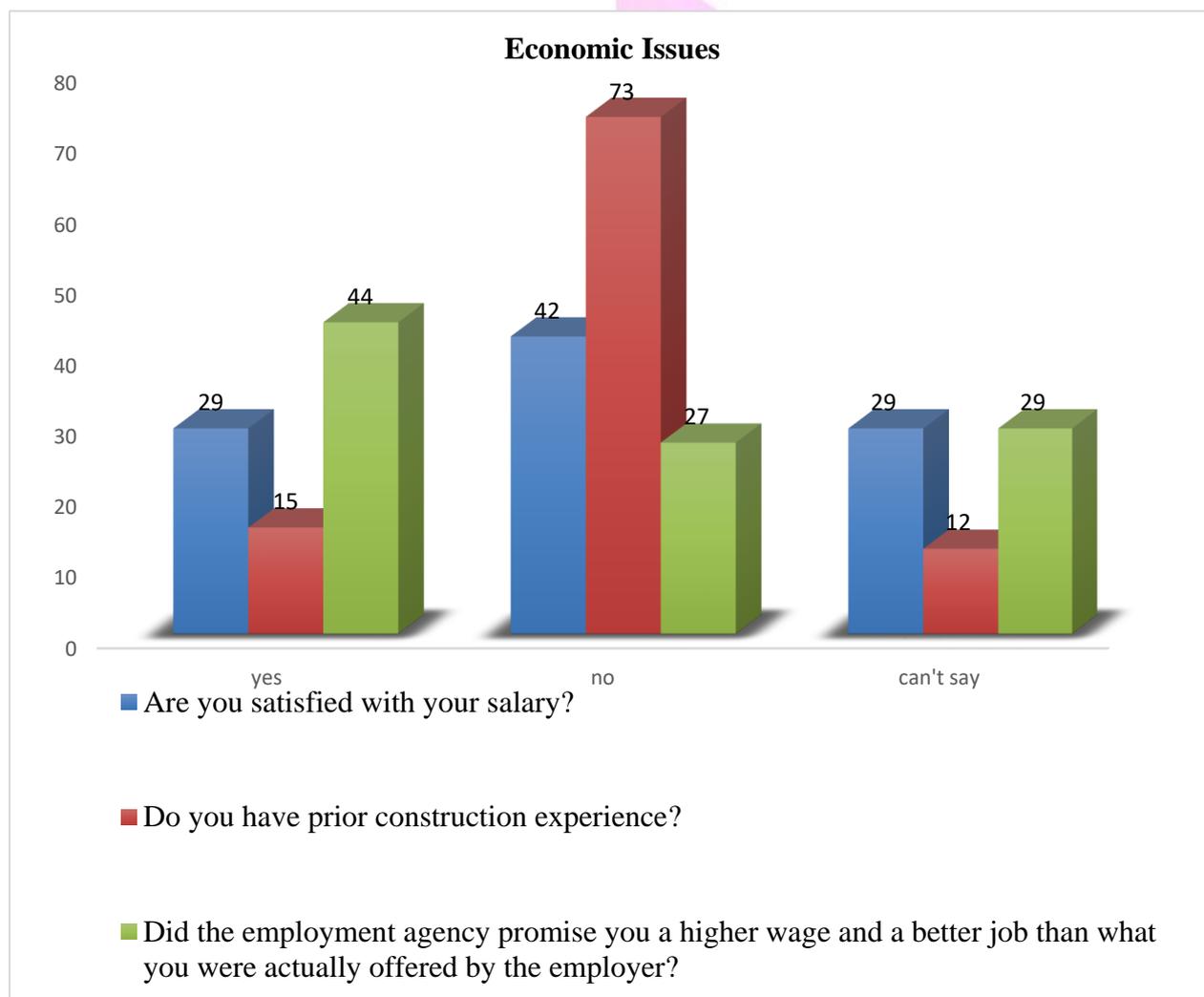


The graph shows 41% of respondents explain that employment agency promises a higher wage and a better job than what they were actually offered by the employer. 65% respondents works on site for 8-9 hours., while 13% workers work for 9-10 hours. and 5 % construction workers are works for above10 hours. Most of 89% respondents spent most of time with his own country propels.

Economic Issues

Foreign migrant workers always face economic issues in getting equal treatment with that of other workers. First and foremost, foreign workers often do not get their salary on time due to the inefficient arrangement of their employers.

Figure-6: Economic Issues



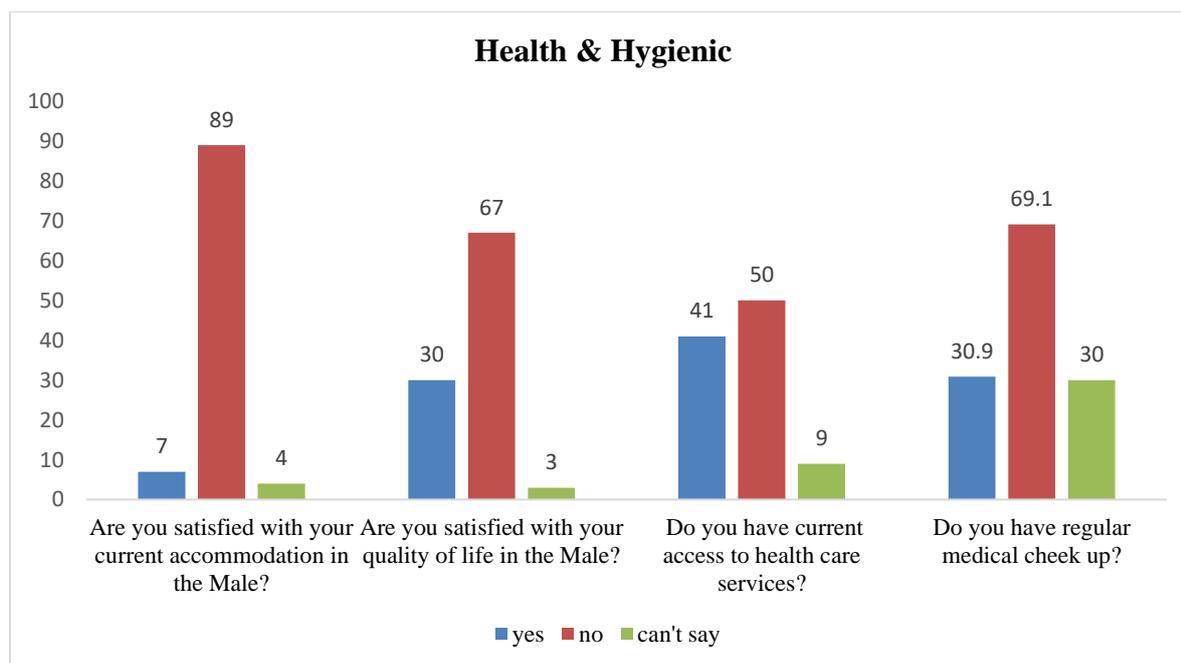
Only 15% of the workers had any prior construction experience while working in their home country, although three quarters had worked exclusively in construction since coming to the Male. 44% employment agency promise worker a high wage and a better job than they were actually offered by the employer. All of the employers, suggested that foreign migrant construction workers were required because of the current skills shortage in the Male.

However, they went on to add that, essentially, migrant workers were cheap, flexible and had a different, more positive attitude to work. The wages of construction workers range from 44% in the range \$-300, 28 % are in the range of \$-350 and 8% are of more than \$-350.

Health and Hygienic Issues

Migration is a social determinant of health that can impact the health and well-being of individuals and communities. The construction industry has one of the highest incident rates of psychosocial health problem such as stress, fatigue & burnout. Migration can improve the health status of migrants and their families by escaping from persecution and violence, by improving socio-economic status.^{xiii} Undocumented workers are usually deprived entirely of legal protection and are therefore highly vulnerable to exploitation. However, documented worker also faces problems.

Figur-7: Health and Hygienic Issues



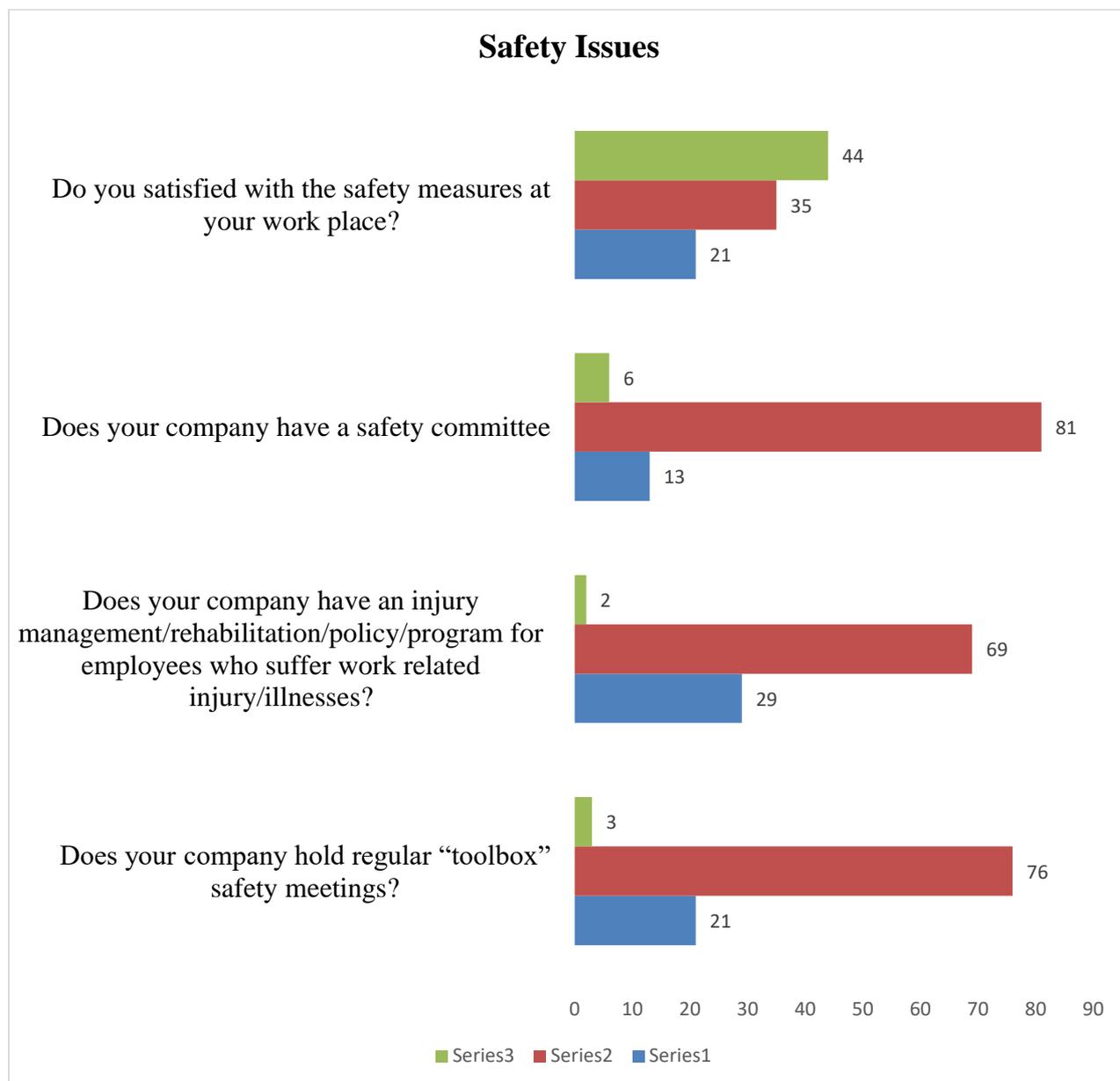
The above graph shows around 89% of respondents are not satisfied with the current accommodation in Male. Moreover 67% are not satisfied with the quality of life and round 50% of respondent subjects discussed their health problems, more than 50% of the respondents

do not have regular medical checkup, while they practiced common medicines (*without the prescription of Doctor*) for their illness.

Labour workers may be housed in unsanitary conditions, which are especially dangerous for health. If the company provides food for its employees, it is often low quality. With many male worker living together in the same facility, important items such as showers and toilets may break down, which may go against the essence of Article 37 (b) of Maldives Constitution.^{xiv} Migrant workers are also subject to harsh conditions on the job, such as working in extreme weather for long hours with no breaks, thus violate Article 37(c) of Maldives Constitution.^{xv} The sanitation and hygiene of the construction site remains unsatisfactory. Foreign migrant workers can be exposed to many risk factors during their working life and they therefore face an increased risk of developing health problems. To prevent ill health among construction workers, it is important that effective measures are taken by both employers and workers.

Safety Equipment

Safety in construction sites is needed to be highly considered in order to reduce the risk of being injured at work. Safety is also identified as one of the major factors affecting the image of the company.

Figure- 8: Safety Issues

Graph, shows 76% Of company does not hold regular “toolbox” safety meetings. 69 % of the workers had gained any prior construction experience while working in their home country. Most of workers have no prior construction experience, so employer have responsibility to launch a multilingual safety initiative to reduce the number of site accidents. Thus most of the company started a 10-20-minute discussion. which were in Bengali, Hindi and Hhiveli. 21 % respondents are satisfied with the safety measures at work place.

CONCLUSION AND RECOMMENDATION

From analyzed results about obtained data by the researcher and literature materials, it can be seen that Construction is one of the industries with the highest projections for new employment opportunities. Positions vary ranging from unskilled laborer and helper jobs to roles that require extensive training, education, and skills. However, the problems related to the employment of foreign workers are numerous. Migrant workers come to the Maldives in search of jobs. They face challenges that are not present for native workers. Many of them do not have the required paperwork to stay in the country legally, so they face the constant threat of deportation. If government want to change their situations, there is a need to improve the level of social integration, society and then the migrant workers must be allowed work together to make them realize the fruits of welfare policies.

Therefore, assessments of the major problems faced by the foreign laborers and with what their employer's say in this regard are done. To achieve this, the views and personnel experiences of the randomly selected respondents who are being working in the construction sector of the Male' City and their employers are being taken into account.

The most predictable and significant factor identified by the results the worsening condition of worker, which needs much more effort and consideration in the Maldivian construction industries. This confirms the significance of applying this concept to the construction industry and asserting the pivotal role of the good and smooth relationship between employer and employee in process. Thus, the employer should provide strong assistance and support regarding health and socio-legal issues of their workers in order to secure that the migrant construction workers are safe and secure, and also able to access their basic rights.

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ⁱⁱⁱ RMMRU Policy Brief 6, (2011): Probashi Kallayn Bank: Innovative Approaches for Remittance Transfer, Migration Finance Loan and Investment Loans, RMMRU: Dhaka

^{iv} Available at <http://worldpopulationreview.com/countries/maldives-population/> 2.10.2019

^v Available at <https://www.dhivehisitee.com/judiciary/migrant-workers-voice-illegal-and-silenced-in-the-maldives/> 2/5/2019

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Chapter 2, Article 7 (a) of Maldives Constitution: Everyone is entitled to the rights and freedoms included in this Chapter without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native island.

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- ^{xii} <https://en.sun.mv/8537>
- ^{xiii} IOM Maldives Country Promme, 2017: International Organization for Migration (IOM), the UN Migration Agency
- ^{xiv} Article 37 (b) of Maldives Constitution (2008) enshrines that “Everyone is entitled to just and safe conditions of work, fair wages, equal remuneration for work of equal value, and equal opportunity for promotion.”
- ^{xv} Article 37 (c) of Maldives Constitution (2008) prescribes that “Everyone has the right to spend time on rest and leisure, including limits on hours of work and periodic holidays with pay.”