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Impact of COVID-19 on Nepali Migrant Workers: Protecting Nepali Migrant Workers during the Health and Economic Crisis

Challenges and the Way Forward

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Impact of COVID-19 on Nepali Migrant Workers: Protecting Nepali Migrant Workers during the Health and Economic Crisis¹

Work in Freedom (WIF) project and the Integrated Programme on Fair Recruitment (FAIR) / ILO Country Office Nepal

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The COVID-19 pandemic has affected all aspects of human life, including the world of work, and has further exacerbated the impact of financial crisis brought about by agrarian crisis², job crisis, rise in oil prices and trade renegotiations. The crisis has intensified and expanded its global reach, and the full and partial lockdown imposed in response to the crisis, along with other restrictions, is already affecting almost 2.2 billion workers, representing approximately 68% of the world's workforce³. Business across a range of economic sectors, especially smaller enterprises, are facing losses and millions of workers are vulnerable to income loss, temporary reductions in working time and loss of jobs⁴. Migrant workers are particularly vulnerable to the impact of the COVID-19 pandemic, which has constrained both their ability to access their places of work in the countries of destination as well as their ability to return to their countries of origin⁵.

In the case of the Nepal, there are three types of migration posing unique challenges:

Cross-border migrant workers (other than India): With over 4 million labour permits⁶ issued in the last decade and volume of remittance reaching 8.79 billion in fiscal year 2018/2019 accounting for 28 per cent of GDP for that year, labour migration is one of the key features of the Nepali economy⁷. In the last fiscal year alone, the Department of Foreign Employment (DoFE) issued 236,208 labour permits⁸ which averages at 650 per day⁹. Women migrant workers account for 8.5 per cent of the migration flows¹⁰. The top destinations for migrant Nepali migrant workers are Qatar, Malaysia, Saudi Arabia, the United Arab Emirates (UAE) and Kuwait¹¹. An estimated 127,000 migrant workers are likely to return to Nepal due to

² "Lessons Learned by Work in Freedom Project" https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_600474.pdf

³ ILO Monitor: COVID-19 and the world of work. Third Edition

⁴ ILO Monitor: COVID-19 and the world of work. Second edition.

⁵ ILO Monitor; COVID-19 and the world of work: Impact and policy responses. 1st Edition

⁶ In the context of Nepal, issuance of labour permits by the Department of Foreign Employment is mandatory for those seeking to go for foreign employment. Hence, it serves as a strong proxy to enumerate the number of people migrating for work.

⁷ Nepal Labour Migration Report 2020 (MOLESS, 2020). Available at: <https://moless.gov.np/wp-content/uploads/2020/03/Migration-Report-2020-English.pdf>

⁸ Out of these, 215,630 were issues to men while 20,578 were issued to women. Nepal Labour Migration Report 2020 (MOLESS, 2020). Available at: <https://moless.gov.np/wp-content/uploads/2020/03/Migration-Report-2020-English.pdf>

⁹ This number does not take into account migrant workers going to India for work and those who have migrated via irregular route without acquiring labour permit from the Department of Foreign Employment.

¹¹ Other than India; Nepal Labour Migration Report 2020 (MOLESS, 2020). Available at: <https://moless.gov.np/wp-content/uploads/2020/03/Migration-Report-2020-English.pdf>



job loss and increased anxiety about their health¹², while an additional 400,000 may follow in the mid-term due to expiration of visa and non-renewal of contracts¹³.

Migrant Workers in India: Although there is no official record in terms of the number of Nepali migrant workers residing in India for employment, as per the National Labour Force Survey, there are an estimated 587,646 Nepali migrants in India, most of whom are engaged in service sector¹⁴. Majority are represented in informal and seasonal work¹⁵. Approximately 86 per cent of these workers are daily wage earners in the informal sector, primarily in agriculture (approx. 26 per cent) and construction sector (approx. 30 per cent) without any formal employment contract or other benefits, placing no contractual obligations on their employers to provide them with food, accommodation and health care. Thousands of Nepalis working across India have travelled long distances in a hope to return Nepal, only to find themselves stranded on the India-Nepal border without any further notice due to the travel restrictions placed by the government of Nepal. While efforts have been made to admit Nepali workers back to Nepal, thousands remain stranded on the border without adequate food or shelter¹⁶.

Internal Migrant Workers: Out of 2.6 million internal migrants in Nepal, more than 700,000 migrate for work, among which 94,000 i.e. 13 per cent were women¹⁷. There are an estimated 1.7 million daily wages workers and another million workers on temporary contract and other informal sector workers who have been significantly impacted by COVID 19 which has brought most part of the economic to a halt. ¹⁸ In the absence of sustainable wages, job guarantee, insurance and inclusion in other social security and protection mechanisms, daily wages labourers and informal sector workers have been rendered most vulnerable to the socio-economic impact of the lockdown.

In this context, the International Labour Organization (ILO) through the [Work in Freedom](#) (WIF) project and the [Integrated Programme on Fair Recruitment](#) (FAIR) organized a series of virtual consultation with three groups of stakeholders: civil society organizations, trade unions and Nepal Association of

¹² "Create employment opportunities for workers affected due to COVID-19 through the new budget say experts." <https://kathmandupost.com/national/2020/05/02/create-employment-opportunities-for-workers-affected-due-to-covid-19-through-new-budget-say-experts>

¹³ "At least 500,000 migrant workers want to return home at the earliest, says report." <https://kathmandupost.com/national/2020/05/21/at-least-500-000-migrant-workers-want-to-return-home-at-the-earliest-says-report>

¹⁴ National Labour Force Survey https://nepalindata.com/media/resources/items/20/bNLFS-III_Final-Report.pdf

¹⁵ Nepal Labour Migration Report 2020 (MOLESS, 2020). Available at: <https://moless.gov.np/wp-content/uploads/2020/03/Migration-Report-2020-English.pdf>

¹⁶ "Thousands of Nepalis without food or shelter await at the Karnali." https://kathmandupost.com/national/2020/05/26/thousands-of-nepalis-without-food-or-shelter-await-entrance-atthekarnaliborder?fbclid=IwAR1sfHcicy_q6qRmUJh8bgWHd2meoxjNL1AXL81xIMt4ztOyEkqHYAJ7Ijs

¹⁷ National Labour Force Survey https://nepalindata.com/media/resources/items/20/bNLFS-III_Final-Report.pdf

¹⁸ Nepal Labour Force Survey. https://nepalindata.com/media/resources/items/20/bNLFS-III_Final-Report.pdf

Foreign Employment Agencies (NAFEA) on 10 April 2020, 22 April 2020 and 23 April 2020 respectively. These discussions were geared towards getting a situational update of Nepali migrant workers, the key challenges that exist and recommendation for way forward. This paper primarily aims to, but does not limit itself, to summarizing the key challenges highlighted in the discussions and enlisting considerations for the way forward for protecting the rights of migrant workers.

Key Issues for Nepali Migrant Workers

The key issues and challenges identified for Nepali migrant workers can be divided into two parts- immediate and mid-term/long-term challenges as highlighted below:

Immediate Challenges

Health. Although proportionally low, there has been a rapid increase in the number of Nepali migrant workers infected by COVID-19 in various countries of destination, particularly in the Gulf¹⁹. Whilst it was recognized that many countries of destination have introduced healthcare coverage for all migrant workers regardless of their legal status, there are concerns over discriminatory behaviour regarding MW's access to healthcare. While recognizing that several employers have taken preventive measures to protect their workers from risk of infection, concerns have been raised about the working and living conditions of majority of migrant workers in countries of destination which are often overcrowded and unsanitary²⁰, making them more susceptible to infection²¹. In some countries, smaller or remote factories are still operating where workers are reportedly being made to work without adequate protective measures²².

Jobs. With the economic slowdown, many businesses in countries of destination are struggling to continue operations with manufacturing and service sector being the most

¹⁹ As of 28 May 2020, a total of 9,251 Nepali workers have been infected in key destination countries like Kuwait (84), Saudi Arabia (1,364), Bahrain (311), UAE (500), Qatar (6911) and Malaysia (81) and total of 50 deaths in these countries. <https://mailchi.mp/5411da9373d3/covid-19-labour-migration-weekly-newsletter-b10>

²⁰ "Nepalis in Qatar live in overcrowded and squalid conditions even during pandemic." (The Kathmandu Post, 2020). Available at: <https://kathmandupost.com/national/2020/03/26/nepalis-in-qatar-live-in-overcrowded-and-squalid-conditions-even-during-pandemic>

²¹ Contagion or starvation, the dilemma facing informal workers during the COVID-19 pandemic. <https://www.ilo.org/global/about-the-ilo/newsroom/news>

²² "Peril overload for Nepali migrant workers." (The Record, 2020) Available at: <https://www.recordnepal.com/wire/features/peril-overload-for-nepali-migrant-workers/>; "Nepal workers forced to work even under lockdown in Malaysia." (The Kathmandu Post, 2020). Available at: <https://kathmandupost.com/national/2020/03/23/nepali-workers-forced-to-work-even-under-lockdown-in-malaysia>



impacted. As a result, Nepali workers working outside Nepal have endured reduced work hours²³, non-payments of wages or made to work in exchange of food, have been forced to take unpaid leave with inadequate access to basic necessities such as health care and food²⁴ and in some cases have experienced job-loss. NAFEA estimates that proportion of job in loss for Nepali workers in key countries of destination is as follows: 30 per cent jobs in the United Arab of Emirates and Malaysia, 20 per cent in Qatar and Saudi Arabia, 15 per cent in Kuwait, 12 per cent in Bahrain, and 10 percent in Oman²⁵. This has had an adverse impact on workers who are left stranded without access to basic amenities. Several employers have notified their recruitment partners in Nepal about their inability to provide workers with accommodation and food if the lockdown prolongs. Further, there are over 115,000 migrant workers who had received labour permits but were unable to travel for foreign employment²⁶.

Vulnerable groups: Undocumented and domestic workers are the most vulnerable categories of workers in the current circumstances. Domestic workers are particularly vulnerable where pre-existing conditions of restriction to movement, working for excessive hours, and work without a day off, delay or withheld wages and in some cases physical abuse is likely to be exacerbated under the given circumstances²⁷. Many Nepali domestic workers lack information on health services available to them as well general information on preventive measures for COVID-19. A majority have experienced an exponential rise in workload. Those who want to leave are unable to leave their employment due to the restriction of mobility enforced by the lockdowns. Undocumented workers are also at risk, given their lack of access or unwillingness to access support services in fear of retaliation. Several rights organizations have raised concerns over the deportation of workers prior to international travel bans being enforced, and over the hundreds of others stranded in overcrowded and unhygienic pre-deportation detention centres in countries of destination²⁸.

²³ “As Malaysia enforces complete lockdown, Nepali workers struggle with reduced working hours.” (The Kathmandu Post, 2020) Available at: <https://kathmandupost.com/national/2020/03/19/as-malaysia-enforces-complete-lockdown-nepali-workers-struggle-with-reduced-working-hours>

²⁴ “Protect migrant workers and marginalized groups affected due to COVID-19 restrictions, Amnesty International appeals.” (The Kathmandu Post, 2020) Available at: <https://kathmandupost.com/national/2020/04/03/protect-migrant-workers-and-marginalised-groups-affected-due-to-covid-19-restrictions-amnesty-international-appeals>

²⁵ “At least 500,000 migrant workers want to return home at the earliest, says report.” <https://kathmandupost.com/national/2020/05/21/at-least-500-000-migrant-workers-want-to-return-home-at-the-earliest-says-report>

²⁶ <https://kathmandupost.com/national/2020/05/21/at-least-500-000-migrant-workers-want-to-return-home-at-the-earliest-says-report>

²⁷ “Domestic workers in Middle East risk abuse amid COVID-19 crisis.” (Aljazeera, 2020). <https://www.aljazeera.com/indepth/opinion/domestic-workers-middle-east-risk-abuse-covid-19-crisis-200404152201409.html>

²⁸ “Take us home: detained workers’ plea to Nepal from Qatar” (The Record, 2020). Available at: <https://www.recordnepal.com/covid19/take-us-home-detained-workers-plea-to-nepal-from-qatar/>



Deportation. Although many countries of destination like Kuwait and Malaysia have announced amnesty programmes, undocumented workers remain reluctant to come forward for fear of retaliation. The deportation of over 400 Nepali workers, despite their valid legal status, from Qatar has added to the fear²⁹. Over 3,500 migrant workers, including women who have enrolled themselves under the amnesty schemes put forward by the Kuwait government have not been able to return to Nepal due to restriction on the international flights and have been placed in substandard deportation centres till flights resume³⁰.

Discrimination. In addition to economic and impact on health, migrant workers are also subjected to discriminatory behaviour at countries of destination. In several countries, despite commitments from host community governments that there will be parity in health services, many workers have experienced discrimination in access to health care. Additionally, given that the majority of the cases initially identified in Nepal were amongst those who had travelled outside the country, workers reported multiple cases of stigmatization and discrimination from within their home communities.

Mental health. Concerns about ones well-being, job security, lack of information and future has lead to high level of anxiety amongst migrant workers. Majority of these cases are related to having to go to work despite fears of infection in order to secure their jobs. For those who are not working, uncertainty about the future and avenues available to them back in Nepal has been the key source of anxiety.³¹

Information. One of the key sources of stress amongst migrant workers has also been the lack of a proper communication channel for support available to them. Critical information in the country of destination are mostly³² in local language which many migrant workers do not understand and are hence unable to take advantage of such information. For example the Government of Jordan launched 13³³ online platforms for a range of services including grocery, health services, registering grievances but all of these were in Arabic and was far from the reach of the migrant workers who might not

²⁹ Joint statement by AFL_CIO, Amnesty International, Building and Woodworkers International, Business & Human Rights Resource Center, Equidem, Equidem Nepal, Fair/Square, Francois Crepeau, Global Labour Justice, Human Rights Watch, Humanity United, International Transport Workers Federation, International Trade Union Confederation, Migrant Forum in Asia, MigrantRights.org and Solidarity Center. https://humanityunited.org/wp-content/uploads/2020/04/Joint-Letter_March-31-2020.pdf

³⁰ "Nepal grapple with bringing workers home" <https://www.nepalitimes.com/latest/nepal-grapples-with-bringing-workers-home/>

³¹A Nepali migrant worker working in the hospitality sector in Kuwait reportedly committed suicide after he was unable to handle the stress of not being able to return home. "Migrants take their own lives as COVID-19's psychological impact worsens." <https://www.migrant-rights.org/2020/04/migrants-take-their-own-lives-as-covid19s-psychological-impact-worsens/>

³² In some countries like Qatar, efforts have been initiated to disseminate information to migrant workers in their language. https://www.ilo.org/beirut/projects/qatar-office/WCMS_745210/lang--en/index.htm

³³ <https://one.gov.jo/>

be familiar with these technology and language. Similarly, migrant workers seeking assistance from embassies to access critical information have complained about their lack of responsiveness.

Relief. Lack of an organized relief distribution was identified as a key gap for supporting migrant workers in the key countries of destination. Lack of a clearly defined identification mechanism and insufficient resource have been identified as some of the key challenges. Concerns have also raised been in terms of how relief distribution will be organized in countries of destination like Lebanon or Jordan where despite the presence of a high number of Nepali workers, no diplomatic presence exists. Further, on the Nepal side, cases have been reported where migrant families have been discriminated against in the process of relief distribution where they have been told that as remittance receiving households they would not require additional support.

Return. With at least 127,000 migrant workers other than those in India expected to return after travel restrictions are lifted, managing return has been identified as one of the key challenges that lies ahead for Nepal. Although the government has already development and begun the implementation of a return plan, several gaps have already been identified in the course of implementation³⁴. In order to further strengthen the return plan, further consideration on categorization of workers in accordance to priority for return [Refer to Annex: 1], facilitation of return including who will bear the cost of return, health screening, standard of quarantine facilities and affordable and safe transportation facilities can be taken.

Mid-term and Long-term issues

- **Managing reintegration:** Given the economic slowdown brought about by COVID-19, it is likely that those workers who have lost their jobs will be unable to re-migrate immediately. In such circumstances, the government of Nepal is faced with a big challenge of reintegrating returnee migrant workers in the national labour market. This would include the need for a comprehensive plan for creation of decent work opportunities matching the needs of the economy as well as the skills and interest of returnee migrant workers.
- **Managing grievances:** There would be a need for a strong mechanism both at countries of destination and Nepal to address the grievances which are likely to come with of the large volumes of workers requesting to come back as well as those who want to complain against the violation of their rights during the pandemic.

³⁴ “The Kathmandu airlift begins” <https://www.nepalitimes.com/latest/the-kathmandu-airlift-begins/>

- A recent World Bank Report has already indicated that **remittances** to Nepal are projected to decline by 14 per cent in 2020 and the corona virus-related global slowdown and restrictions on travel, which has already began impacting movement, is likely to keep remittances subdued even in 2021³⁵. With remittance constituting over a quarter of the GDP (registered at USD 8.79 billion in the last fiscal year 2018/19)³⁶, the government of Nepal is faced with a long term challenge of keeping the economy afloat.
- Ensuring **job security and fair recruitment** into decent work opportunities for migrant workers seeking employment in the local market as well as those who want to go back for foreign employment once the migration corridors have been reopened with appropriate and relevant health measures in place to avoid further spread of the virus.
- **Employment Generation:** In Nepal, nearly 3.7 million workers earning their livelihoods in the sectors deemed most at risk to experience a significant (medium to high) reduction in economic output as a result of the Covid-19 crisis. Nearly four in every five workers most vulnerable to disruption are in the construction, manufacturing and trade sectors. Between 1.6 and 2.0 million jobs are likely to be disrupted in Nepal in the current crisis, with either complete job loss or reduced working hours and wages. Approximately 5.7 million or 80.8 per cent of workers in Nepal have informal jobs. Another category of precarious workers is home-based workers. There are approximately 1.4 million home based workers in Nepal – nearly all women – producing goods for export and because of the complete lockdown the whole supply chain and demand has been disrupted affecting these workers at large³⁷.
- Some sectors, such as service and hospitality industry where Nepali migrant workers work, have been hit hardest by the pandemic. A long-term strategy would then consider sectors for which demand might increase in the wake of the pandemic, such as care and domestic work. It is important that the government make plans to ensure safe migration in these sectors.
- **Food Security:** Food security and malnutrition will be an issue in coming days with national-scale hoarding, which would be detrimental to low-income, food deficit

³⁵ World Bank. 2020. *COVID-19 Crisis Through a Migration Lens*. Washington, DC: World Bank.

³⁶ Ministry of Labour, Employment and Social Security(2020) *Nepal Labour Migration Report 2020*.
<https://moless.gov.np/wp-content/uploads/2020/03/Migration-Report-2020-English.pdf>

³⁷ COVID-19 labour market impact in Nepal.

https://www.ilo.org/kathmandu/whatwedo/publications/WCMS_745439/lang--en/index.htm

countries like Nepal but also because of millions of Nepali migrants returning home from abroad could add to the problem by raising domestic demand for food.³⁸

- In the long term, the government of Nepal will need to consider **amendment of the Foreign Employment Act, 2007** through the adoption of a rights-based approach.

Government Responses

Some of the key government initiatives to address the issues of migrant Workers amid COVID 19 crisis are as follows:

- As an immediate response to the COVID outbreak, the government of Nepal has stopped issuance of labour permits for those seeking to go for foreign employment from 23 February 2020 till further notice.
- The government's action plan on relief includes provision for the inclusion of workers who had obtained work permit for foreign employment but were unable to go to be included in the Prime Minister Employment Project (PMEP)³⁹.
- Foreign Employment Board (FEB) has carried out a study⁴⁰ to estimate the number of migrant workers expected to return home and those who have lost jobs projecting that study shows at least 127,000 Nepali migrants will return to Nepal once travel restrictions are lifted while another 407,000 others are expected to return in the long run⁴¹.
- The Government of Nepal has announced and started the repatriation of migrant workers in need of return⁴². Pregnant women, people who have lost their jobs, those with health issues, those that have lost a family member back home, and those that have overstayed their visas are stated to be given priority for repatriation assistance⁴³.
- To support migrant workers stranded without employment and food in some countries in Malaysia and the Gulf, the FEB sent a total of NRP seven million (approx..USD57,894) to the diplomatic missions based there in some countries in Malaysia and the Gulf⁴⁴.

³⁸ <https://thediplomat.com/2020/04/coronavirus-severs-nepals-economic-lifeline/>

³⁹ MoLESS has allocated and transferred USD 16,596,576 of the Prime Minister Employment Programme (PMEP) to the local level government levels in the month of February 2020. Though PMEP was announced to ensure basic employment opportunities for the jobless, discussions are underway to change the modality of this programme and incorporate all who have lost their jobs due to the ongoing crisis under this flagship employment generation programme. [

<https://thehimalayantimes.com/business/pmep-to-be-promoted-as-major-source-of-employment-next-fiscal/>]

⁴⁰ This study only includes Nepalis in seven destination countries—Qatar, Saudi Arabia, the United Arab Emirates, Kuwait, Bahrain, Oman, and Malaysia.

⁴¹ Create employment opportunities for workers affected due to COVID-19 through the new budget say experts.

<https://kathmandupost.com/national/2020/05/02/create-employment-opportunities-for-workers-affected-due-to-covid-19-through-new-budget-say-experts>

⁴² The Kathmandu airlift begins. <https://www.nepalitimes.com/latest/the-kathmandu-airlift-begins/>

⁴³ Government considers bringing back Nepali migrant workers from COVID-19 affected countries.

<https://kathmandupost.com/national/2020/05/05/government-considers-bringing-back-nepali-migrant-workers-from-covid-19-affected-countries>

⁴⁴ The board sent NRP 2.5 million (approx.. USD20,676) to Nepal's embassy in Saudi Arabia, NRP 2 million (approx.. USD 16,541) to UAE, NRP 1.5 million (approx.. USD 12,406) to Bahrain and NRP 1 million (approx.. USD 8,270)to Malaysia. ;

- National Planning Commission (NPC) is leading a task force⁴⁵ to assess the effect of COVID-19 on foreign employment and its impact on Nepalese economy with particular focus on remittance.
- The National Human Rights Commission (NHRC) of Nepal is liaising with their counterparts in Malaysia, Qatar and Philippines and has been monitoring violations of rights of migrant workers in various countries of destination with its counterparts as well as the government. NHRC has called upon action from the government address issues related of migrant workers stranded in countries of destination as well as those in the Nepal-India border.
- NHRC has also formed a multi-stakeholder taskforce including relevant government bodies to organise support for migrant workers during this pandemic⁴⁶.
- Ministry of Labour, Employment and Social Security (MoLESS) has been collecting grievances through its call centre, which operates from 7 AM to 9PM on a daily basis. The Call centre operators have been provided with the psychosocial counselling training and are providing counselling service to the migrant workers and their families.
- Aimed at facilitating reintegration programmes, MoLESS has developed a form that can help record the skills of the migrant workers. These forms are distributed to the migrant workers through the diplomatic missions in countries of destination.
- The Supreme Court has issued an interim order directing the government to rescue migrant workers stranded in vulnerable conditions and to ensure WHO standard health services based on the situation.⁴⁷ Similarly, the Supreme Court has also issued an interim order to the government to bring all the Nepali citizens stranded at the Indian border, who are willing to come home, and put them under quarantine.⁴⁸
- Provincial and local government are engaged in establishing quarantine facilities in their respective locations and have formulated several programmes and policies to promote local employment opportunities⁴⁹.

“COVID-19 roundup 14 May cases rise to 246 and teaching hospital sealed”.

<https://www.recordnepal.com/covid19/covid19-roundup-14-may-cases-rise-to-246-and-teaching-hospital-sealed/>

⁴⁵ The task force comprises of the members from other relevant ministries such as Ministry of Labour, Employment and Social Security (MoLESS), Ministry of Finance, Ministry of Industry, Commerce & Supply, Ministry of Home Affairs and Ministry of Foreign Affairs (MoFA)

⁴⁶“Rights body forms taskforce to assist government in protecting and repatriating migrant workers”.

<https://kathmandupost.com/national/2020/05/14/rights-body-forms-task-force-to-assist-government-in-protecting-and-repatriating-migrant-workers>

⁴⁷ Court issues interim order to rescue workers stranded abroad. <https://kathmandupost.com/national/2020/04/17/court-issues-interim-order-to-rescue-workers-stranded-abroad>

⁴⁸ Supreme Court tells the government to bring all stranded citizens willing to enter Nepal home.

<https://kathmandupost.com/national/2020/04/07/supreme-court-tells-government-to-bring-all-stranded-citizens-willing-to-enter-nepal-home>

⁴⁹ Some of the initiatives are as follows: In Province 1, ‘Chief Minister Youth Entrepreneurship Programme’ has been proposed to create self-employment opportunities for youths and returnees and to utilise the knowledge, skill, expertise and capital they have gained in an efficient manner. Similarly, Province 2 plans to actively engage the private sector in the economic well-being of the migrant workers. They have programs to provide 50 per cent grants to returnees of foreign employment who are interested in setting up small industries that can modernize agriculture. Likewise, Province 5 has aimed to promote youth entrepreneurship, vegetable farming, bee keeping, fisheries, flower cultivation, and mushroom farming to target youth in employment generation. It also aims to provide concessional loans and contract-based land lease system

Key considerations moving forward

The concerted action of governments, employers' and workers' organization in developing COVID-19 policy responses can help address many labour rights violations, labour market issues, including health & safety and adequate working conditions, support to businesses and small enterprises, extension of social protection and the consideration of employment opportunities for migrant workers. The following is a list of recommendations by ILO for various actors to support Nepali migrant workers in the current circumstance:

I. Government

As the current situation is beyond the control of non-state stakeholders, it is important for the government to take a lead in terms of supporting migrant workers. The role of the government has to be envisioned in several stages: support at countries of destination, facilitating safe return, immediate and long term reintegration in Nepal as well as in the long term ensuring safe migration back to countries of destination.

As a first step and to inform the government's response plan at all stages, establish a tripartite plus structure to address the issues related not only to the impact of COVID-19 on labour migration, but also other issues related to labour market, including health & safety and adequate working conditions, support to businesses and small enterprises, extension of social protection and the consideration of employment opportunities for returnee migrant workers in Nepal⁵⁰. This should include representatives from relevant government bodies, workers' organizations, CSOs, private sector including representatives from NAFEA and FNCCI and relevant development partners.

to farmers. Province 7 in its annual policy and programme of 2019/20), has aimed to provide returning migrant workers with the concessional loan to encourage entrepreneurship. Likewise, several Municipalities have come up with the policy and programmes for employment creation, protection of the rights of migrant workers and their family members and reintegration of returnee migrants. They have plans to adopt a policy to change the farming system from subsistence to sustainable and commercial farming. There are plans to operate youth-targeted programmes to develop enterprises based on agriculture, provide grants to the groups, cooperatives, and businesspersons involved in agricultural enterprises based on their commercial plans. They have plans to set up enterprises to create employment opportunities and to conduct skill-development training and promote entrepreneurship training to youth and women.

⁵⁰ ILO (2020) Protecting migrant workers during the COVID-19 pandemic. https://www.ilo.org/global/topics/labour-migration/publications/WCMS_743268/lang--en/index.htm

➤ Support at Countries of Destination (COD):

- ❖ Establish a help desk/focal unit at diplomatic missions in COD where such mechanism do not exist as well as in Nepal with coordination of relevant ministries⁵¹ for gathering regular situational updates, effective and accessible information dissemination, including using social media, as well as registering worker requests and grievances and provide legal assistance. The government could consider developing a standardized tools for recording and following-up of grievances/requests.
- ❖ Develop a comprehensive relief package and distribution mechanism for migrant workers in countries of destination as well as their families in countries of origin. For this, the government can consider the possibility of using the Migrant Welfare Fund. In order to address the current needs, Nepali diplomatic missions in key countries of destination should mobilize volunteers for immediate relief distribution.

➤ Bilateral Cooperation:

As bilateral cooperation between countries of origin and destination is key, hold bilateral discussions with counterparts in the COD to:

- ❖ Ensure that Nepali workers, regardless of their legal status, have access to healthcare including testing and treatment.
- ❖ Reiterate that the basic human and labour rights of migrant workers, regardless of legal status, are protected. This should include those who have applied for amnesties, regularization schemes or those who are in detention centres. This would also include call for stronger wage protection systems ensuring that migrant workers get minimum wages calculated according to countries of destination living standards
- ❖ Negotiate with the country of destination to reach out to the respective employers to guarantee the access to basic amenities such as food and water and accommodation following basic guidelines for preventive measures to the workers.
- ❖ For migrant workers who are in irregular status, ensure information of and access to amnesties, regularization and return plan.
- ❖ Provide migrant workers with access to legal remedies for unfair treatment (reduced or non-payment of wages, denial of other entitlements & workplace discrimination). To do so, diplomatic missions could consider working with other organizations like Non-Residential Nepalese Association (NRNA), civil society actor and workers' organization working on the same.
- ❖ Lobby for migrant workers to undergo a pre-departure medical test in countries of destination prior to their return.

⁵¹Ministry of Labour, Employment and Social Security, Ministry of Home Affairs, Ministry of Health, Ministry of Foreign Affairs

➤ Facilitating safe return

Governments is primarily responsible to facilitate the return of migrant workers within their territory and across international borders as well as to define and ensure safeguards that uphold their rights to freedom of mobility and right to return. While the state has formulated a return strategy and has started repatriating workers, it would be important for the government to consider migrant workers' safe return to Nepal and access to health care, including testing and treatment upon their arrival.

➤ Mechanism in Country of Origin:

- ❖ Enhance the standard of quarantine facilities to ensure that they include sanitary dorms, well-equipped with medical care, adequate number of sanitary restrooms, sanitation/cleaning equipment and sufficient supply of nutritious food. These facilities should be gender-responsive with segregated areas for men and women, including female security personnel overseeing the female centres and special provisions need to be made for pregnant women and women in need of post-natal care.
- ❖ The government should continue programmes aimed at building the capacity of the local government to register returnees as well as to conduct contact tracing.
- ❖ To avoid discrimination and attempts to undermine the civil rights of returnee migrants, develop and implement IEC/social change communication interventions from a migrant and gender perspective. Strengthen facilities for psycho-social counselling for GBV survivors, returnee migrant workers and family members.
- ❖ In consultation with constituents and stakeholders, develop sector-wise occupational health and safety (OSH) policies that ensure and protect fundamental principles and rights at work for workers in the national labour market.

- ❖ Reintegration
 - Develop a system to record the actual number of returnees along with details of skills, sector of employment and preferred area of work and training needs. This information and to be collected to standardized tools either through diplomatic missions at countries of destination or immediately upon return. This can be implemented at the municipal level.
 - Ensure implementation of the budget allocated for the creation of alternate livelihood options for returnee and as well as aspiring migrant workers as stipulated in the national budget plan.
 - Formulate a plan for short-term cash transfer to financially support migrant workers who have lost their livelihood and their families immediately after return
 - Formulate a strategy to work with farmers and agricultural workers to prioritize food crop production and ramp up public employment programmes

in sectors that are crucial to ensuring food security and rebuilding the national economy.

- Strengthen the Prime Minister Employment Program (PMEP) to create additional quick income jobs as per the analysis of assessment of the initial mapping of skills and needs of returnee migrant workers. However, rather than relying solely on PMEP, the government should invest in expansion of public employment programme.
- Enhance the capacity of Employment Service Centres (ESC) to deliver vocational, career and employment counselling including financial literacy training particularly targeted at migrant workers.
- Design and implement a comprehensive entrepreneurship development programme including business start-up support, close mentoring, product/service marketing, and linkages for financing.
- Enhance self-employment programmes and mortgage-free or minimal interest loan facilities to prioritize migrant workers who returned in the last six months. The process of accessing such loans should be simplified with limited and clearly set criteria and terms and conditions to make it easily comprehensible by targeted beneficiaries i.e. migrant workers.
- Develop a strategy to support migrant workers to acquire a prior learning certificate, facilitate registration in the existing job portal, through ESCs extend support to link with potential employers for wage employment and provide need –based support for self-employment.
- Introduce schemes to promote the use of domestically produced things.
- Any scheme developed by the government should take into consideration the learnings of implementation experiences of similar initiatives in the past to ensure effectiveness⁵².

II. Worker’s Organization & Civil Society Organization

➤ Immediate COVID-19 Response

- ❖ Lobby for migrant workers’ access to health care including access to testing and treatment for returnees
- ❖ Advocate systems for worker protection both in the areas of social protection and wage protection

⁵² “Where have we heard that one before” <https://www.nepalitimes.com/latest/where-have-we-heard-that-one-before/>



- ❖ Monitor living and working conditions to ensure that they are not hazardous and conducive to the spread of the virus
- ❖ Disseminate accurate information and preventive measures (liaise with missions or partners at countries of destination; use of IT platforms)
- ❖ Call for non-discrimination on the coverage of government announced support schemes regardless of legal status
- ❖ Provide support against unfair dismissal to ensure contract compliance and that migrant workers are fully compensated (wages and benefits)

➤ Long Term Work

- ❖ Lobby for a standard contract for migrant which includes provisions of wage protection and social protection
- ❖ Lobby for a development of a robust crisis response mechanism based on learnings of the current pandemic
- ❖ Advocate for including of Nepali migrant workers in India and Indian migrant workers in Nepal in COVID response strategy
- ❖ When the recruitment of migrant workers resumes, promote fair recruitment of workers into decent work conditions.

III. Labour Recruiters⁵³

- ❖ Maintain an updated record of workers placed abroad in terms of status of migrant workers and share it with relevant stakeholders, particularly the government to support COVID-19 response including support at countries of destination, return and repatriation.
- ❖ Maintain regular communication with migrant workers placed abroad to disseminate information about preventive measure against COVID-19 (through information gathered through reliable sources), information on change in regulations in countries of destination and origin such as amnesties, repatriation schemes etc. that directly impact the worker as well as information about their labour rights, support services available for migrant workers.
- ❖ Maintain regular dialogue with employers and business partners to ensure workers are protected from exposure to infection in the workplace and accommodation and that their fundamental rights at work are protected. In the event that workers have experienced unfair treatment and issues related to living and workplace (non-payment of wages, forced to take unpaid leave, forceful resignation), facilitate

⁵³ The ILO General Principles and Operational Guidelines for Fair Recruitment defines “labour recruiters” as both public employment services and to private employment agencies and all other intermediaries or sub agents that offer labour recruitment and placement services. Labour recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory framework.



discussion between employers and workers to address the grievance in accordance to legal requirements and contractual obligations.

- ❖ Negotiate with the employers and/or business partners at countries of destination that workers receive all pending wages and benefits prior to their return.

Annex: 1

Indicative priority categories of migrant workers requesting to return:

1. Elderly, non-COVID-19 hospitalised cases and unassisted migrants with medical conditions (pregnancy, heart disease, respiratory problems who are unable to access medical facilities or care in the destination countries).
2. Family emergency in Country of Origin due to death, hospitalisation, need of family member assistance. This type of return should be prioritized irrespective of available support at the destination country.
3. Undocumented migrant workers. For those not allowed to exit, it would be important to advocate for their return on humanitarian grounds especially if they have no income or safe accommodation, etc.
4. Low income migrant workers who were working on short or fixed term employment contracts via employment visas and completed their work and are awaiting pending dues/end of term entitlements/return tickets/exit visas.
5. Newly arrived migrant workers whose contracts were cancelled. They reached the destination on employment visas, staying at shelters provided by manpower agencies or employers but need to return due to unfulfilled contracts as projects were shelved due to the crisis.
6. Employment terminated due to COVID outbreak with no access to cash, nutritious food, safe accommodation and health facilities with physical distancing provided by the employer on-site. No promise of re-employment after lockdown restrictions are lifted.
7. Migrant workers on compulsory unpaid leave due to COVID outbreak with no access to cash, nutritious food, safe accommodation and health facilities with physical distancing and no promise of re-employment after lockdown restrictions are lifted.
8. Migrant workers on compulsory unpaid leave due to COVID outbreak with access to cash, nutritious food, safe accommodation and health facilities and physical distancing with possibility of re-employment after lockdown restrictions are lifted.
9. Migrant workers with reduced wages due to COVID outbreak but who have access to other basic needs.

Annex: 2 List of Attendees: Discussion with Civil Society Organisation (10th April 2020)

S.No.	Name	Organization
1.	Krishna Neupane	People's Forum
2.	Bijaya Rai Shrestha	Aaprvasi Mahila Kamdar Samiti (AMKAS)
3.	Binda Magar	United Nations Development Programme (UNDP)
4.	Chiranjivi Baral	Nepal Institute of Development Studies (NIDS)
5.	Dr. Md Khurshid Hyder	World Health Organization (WHO)
6.	Manju Gurung	Pourakhi
7.	Hom Karki	Kantipur Daily
8.	Jeevan Baniya	Social Science Baha
9.	Kul Prasad Karki	Pravashi Nepali Coordination Committee (PNCC)
10.	Milan Dahal	
11.	Nilambar Badal	National Network on Safe Migration
12.	Pascal Fendrich	Helvetas
13.	Prajwal Sharma	International Organization of Migration (IOM)

14.	Priti Shrestha	UNWOMEN
15.	Purnima Limbu	International Organization of Migration
16.	Rameshwar Nepal	Equidem
17.	Rekha Shreesh	World Bank
18.	Sabina Pradhan	Hamro Samman, Winrock International
19.	Shristi Kolakshapati Pradhan	Womens' Rehabilitation Centre (WOREC)
20.	Shubash Nepali	UNDP
21.	Sita Ghimire	Safer Migration Project (SaMi)
22.	Soyesh Lakhey	World Bank
23.	Suswpona Rimal	The Asia Foundation
24.	Swarna Kumar Jha	National Network on Safe Migration (NNSM)
25.	Shom Luitel	People's Forum
26.	Reshma Thapa	USAID
27.	Bishnu Gartaula	Federation of Nepal Foreign Employment Orientation Agency (FEONA)
28.	Prekshya Uprety	Maiti Nepal
29.	Rakshya Ojha	ABC Nepal
30.	Prakash Madai	NEEDS Nepal



31.	Kishor Poudel	Conquer Nepal
32.	Shabarinath Nair	International Labour Organization (ILO)
33.	Insaf Nizam	ILO
34.	Bina Kunwar Thapa	ILO
35.	Narendra Bollepali	ILO
36.	Basanta Karki	ILO
37.	Sandhya Sitoula	ILO
38.	Neha Choudhary	ILO

Annex: 3 List of Attendees: Discussion with Workers Organisation (23rd April 2020)

S.No	Name	Affiliation
1.	Laxman Basnet	South Asia Regional Trade Union Confederation (SARTUC)
2.	Ramesh Basnet	Joint Trade Union Coordination Centre (JTUCC)
3.	Bidur Karki	General Federation of Nepalese Trade Union (GEFONT)
4.	Janak Raj Pandey	Nepal Trade Union Congress (NTUC)
5.	Durga Prasad Khatiwada	All Nepal Trade Union Federation (ANTUF)
6.	Sujan Karki	Nepal Trade Union Congress (NTUC)
7.	Bina Kunwar Thapa	International Labour Organization (ILO)
8.	Shabarinath Nair	ILO
9.	Basanta Karki	ILO
10.	Sandhya Sitoula	ILO
11.	Neha Choudhary	ILO

Annex: 4 List of Attendees: Discussion with Private Recruitment Agencies (22nd April 2020)

S.No.	Name	Organization
1.	Kamal Dev Malla	Nepal Association of Foreign Employment Agencies (NAFEA), Second Vice President
2.	Kishore K.C.	NAFEA, Third Vice President
3.	Indira Gurung	NAFEA, Treasurer
4.	Karnaraj Katuwal	NAFEA, Member
5.	Mohan Kumar Dhungel	NAFEA, Member
6.	Radha Khadka	NAFEA, Member
7.	Keshav Raj Neupane	NAFEA, Member
8.	Laxman Paudel	NAFEA, Member
9.	Shabarinath Nair	ILO
10.	Sandhya Sitoula	ILO
11.	Basanta Karki	ILO
12.	Neha Choudhary	ILO