▶ Road map for developing a policy framework for the inclusion of internal migrant workers in India

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Migration – both internal and international – is not a new phenomenon in India. However, the coronavirus disease (COVID-19) pandemic and its collateral effects have emphasized the realization of the magnitude of the economy's dependence on the migrant workforce.

Internal migrants, mainly absorbed within the informal economy, contribute to high-growth sectors of construction, manufacturing and urban services at destination sites. This group of workers, especially those who are temporary migrant workers, have also had to deal with precarity and remain exposed to unsafe work conditions. Mostly recruited through informal channels, they are often underpaid and overworked. Cities are too overburdened and underprepared to provide guaranteed social protection to these migrants. Often, access to adequate food and nutrition, quality healthcare, housing, water and sanitation facilities are not available.

Based on this ground knowledge, the International Labour Organization (ILO) commissioned this report in October 2019 as a part of the effort to revive the deliberations towards the inclusion of internal migrant workers in the discourse of national development planning. It is a bid to promote decent work for the internal migrants of this country.

The report was jointly prepared by the ILO, Aajeevika Bureau and the Centre for Migration and Inclusive Development (CMID). An advisory committee comprising social partners, prominent academics and civil society experts guided the shaping of this report. It synthesizes the available evidence and lessons learned. It examines the scale and nature of temporary labour migration in India and the relevance of current policy and legal frameworks. In conclusion, it suggests a road map towards catalysing the inclusion of migrant workers in the legal and policy frameworks.

The ILO constituents in India, including the central and state governments, trade unions and employers' organizations, will have to make a conscious effort towards improving working conditions for internal migrants. A whole-of-government and whole-of-society approach will be needed to ensure inclusion of the most vulnerable populations among them. Civil society organizations, development partners and the United Nations system will have an important role to play in this process.

I thank my colleagues from the ILO, including Satoshi Sasaki, Deputy Director, who led the strategic discussions from the ILO's side, Shabarinath Nair, Labour Migration Specialist, and Divya Verma, National Programme Officer, who played key roles in the development of this report along with the specialists from the Decent Work Technical Support Team (DWT) for South Asia and our partners, Rajiv Khandelwal, Executive Director of Aajeevika Bureau, and Benoy Peter, Executive Director of CMID, and their respective teams.

A fair and effective labour migration governance system to address the needs of the migrant workers moving within India will be essential to support a future of work that we all wish to see, especially when we aim to "Build Back Better" from the current crisis.

Ms Dagmar Walter
Director, ILO DWT/CO–New Delhi

Foreword by Aajeevika Bureau and Centre for Migration and Inclusive Development

It is with a sense of shared purpose and pride that we present this report to urge equitable inclusion of migrant workers in India's policy framework. Our valued alliance with the ILO in this unique effort gives us the confidence that the messages in this report will reach many policy corridors and will help shape new programmes and interventions to impact the neglected well-being of vulnerable migrant workers.

The timing of this report could not have been more appropriate; just as we began bringing together our research evidence and practice experience on the theme of labour migration, the COVID-19 crisis exploded in our midst. The crisis not only brought to the fore the plight of migrants caught unawares in the lockdown, but also amplified the many challenges that circumscribe their social and economic lives in India's cities and labour markets. It is these challenges that the report documents and attempts to address.

India's labour migration saga is a complex one. It reflects the realities of uneven and inequitable development within the country while reiterating the endemic social disadvantages faced by workers belonging to low-social-status groups, who are over-represented in the most vulnerable forms of work. The sheer numbers of seasonal and temporary migrants have grown over the years, as has their contribution to the economy, but there is meagre improvement in their material conditions. Low and erratically earned wages, informal and casual work engagements, hazardous work leading to poor health conditions, and an all-pervasive presence of labour intermediaries creating debt bondage among migrant workers continue to characterize the experience of seasonal migrants. The absence of essential services and provisioning for migrants – housing, nutrition, sanitation, healthcare and legal aid – have created a paradigm of extraction rather than investment in workers' potential, productivity and agency. The landscape of labour rights and protection

is changing rapidly even as this report reaches the public domain. The exigencies of economic recovery loom large while the claims of informal workers in profoundly reformed labour regimes continue to remain contested.

Both Aajeevika Bureau and CMID have a deep commitment to migrant workers' rights and bring several years of experience in some of India's densest labour corridors. Our direct work with migrant workers became the primary source of our insights in this report. We have also been privileged to draw upon the profound scholarship and evidence available to us through labour experts, researchers, practitioners, institutions and coalitions who have devoted a lifetime to thinking about migrant workers' rights and inclusion.

Our sincere thanks to Dagmar Walter, Director, ILO DWT South Asia/CO–New Delhi, for taking up this important issue, which had not received adequate attention until the national lockdown. The members of the Advisory Committee to this report and specialists at the ILO's DWT for South Asia, based in Delhi, in particular have spent several days and hours reading through and commenting on various drafts of this report – a debt that cannot be easily repaid except through continuing the work we do. We offer our deepest gratitude for their guidance and support. We are grateful to Shabarinath Nair, Labour Migration Specialist, ILO, for nurturing this idea and for his passionate involvement in the deliberations at every stage of the process. Thanks to Divya Verma and Ruchira Chandra, National Programme Officers at the ILO, for providing all possible assistance to ensure that we leave no stone unturned. We also thank several of our colleagues, particularly Divya Varma, Amrita Sharma, Maansi Parpiani and Nivedita Jayaram of Aajeevika Bureau and Vishnu Narendran, Baishali Goswami and Shachi Sanghvi of CMID for the abundant support provided in the preparation of this paper.

Rajiv Khandelwal
Co-founder and Executive Director
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13.	Benoy Peter, Co-convenor	Executive Director, CMID, Kerala

Abbreviations

AMRUT	Atal Mission for Rejuvenation and Urban Transformation
ARHC	Affordable rental housing complexes
ASHA	Accredited Social Health Activist
BOCW	Building and Other Construction Workers Welfare Board
CBO	Community-based organization
CMID	Centre for Migration and Inclusive Development
COVID-19	Coronavirus disease
CSO	Civil society organization
CSR	Corporate social responsibility
CWDS	Centre for Women's Development Studies
DRR	Disaster risk reduction
DWT	Decent Work Technical Support Team
EBMO	Employer and business membership organizations
ESIC	Employees' State Insurance Corporation
GCM	Global Compact for Safe, Orderly and Regular Migration
GDP	Gross domestic product
GoI	Government of India
ILO	International Labour Organization
ISMWA	Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) Act 1979
LSG	Local self-government
MGNREGS	Mahatma Gandhi National Rural Employment Guarantee Scheme
MHA	Ministry of Home Affairs
MoLE	Ministry of Labour and Employment
MSME	Micro, small and medium-sized enterprises
NCEUS	National Commission for Enterprises in the Unorganised Sector
NCR	National Capital Region
NCRL	National Commission on Rural Labour
NFSA	National Food Security Act
NSSO	National Sample Survey Office
NULM	National Urban Livelihood Mission

OSH	Occupational safety and health
PDS	Public distribution system
PF	Provident Fund
PMAY	Pradhan Mantri Awas Yojana
SDG	Sustainable Development Goal
SEDGs	Socially and economically disadvantaged groups
SNCL	Second National Commission on Labour
ULB	Urban local body
UN	United Nations
WASH	Water, sanitation and hygiene

1. Introduction

Migration is a key feature of a rapidly transforming world, one that brings hopes, new opportunities and challenges. Migration for work, within and beyond India, irrespective of the stream or duration of migration, has historically been a path to prosperity for millions of Indians. As a country of origin for the largest number of international migrants globally, India is also the top recipient of international remittances.[1] While international migration for work from India has been quite significant, the magnitude of internal labour migration within the country has been much more staggering.[2,3] It has been a major coping, accumulation as well as adaptive strategy for the poor and marginalized in India. Most of these movements do not involve a permanent change in residence and are temporary in nature.[4,5] Temporary migration for work involves movements of both short and long distances, by men, women and children, single or with families, for anywhere between a few days and many months, and aims to diversify income sources, spreading risks across farm and non-farm work.[6] Temporary migration has increased in the post-liberalization period and can be considered to be the predominant face of labour migration in contemporary India.[7,8,9]

The ILO's framework for promoting decent work applies to all workers including migrant workers. The four pillars of the Decent Work Agenda focus on job creation, rights at work, social protection and social dialogue, with gender equality as a cross-cutting objective.[10] In 2014, the ILO constituents – governments and employers' and workers' organizations – adopted the Fair Migration Agenda that advocated for the realization of both decent work opportunities and respect for the fundamental rights of all migrant workers while also contributing to the establishment of an effective labour migration governance mechanism.[11] Decent work also forms an integral part of the 2030 Agenda for Sustainable Development and would be crucial for the achievement of the Sustainable Development Goals (SDGs).[12] Target 8.8 of the SDGs specifically aims to "Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment".[13] Therefore, protecting labour rights and promoting safe and secure working environments for all migrant workers within India has the potential to deliver a triple win. For source regions, the movement of workers reduces surplus labour and underemployment pressures and increases remittances. For destination regions, it contributes to economic growth through the provision of labour, skills and experiences. For migrant workers, it gives the opportunity to earn higher incomes and gather newer skills, developing greater independence and agency while also contributing to the development of the places they work in and to their families and communities back home.

Migrant workers, especially those whose movements are temporary, comprise of some of the most vulnerable and disenfranchised groups in India in need of serious and creative policy attention. The challenges faced by these workers during the lockdown that was imposed to curb the spread of COVID-19 have highlighted the urgency of universalizing the Decent Work Agenda. The lockdown has revealed that the migrant workforce in India is already highly vulnerable, with few safety nets, and requires the state to intervene on multiple fronts. Crises and shocks like COVID-19 are bound to have a deep and long-standing impact on migrant workers' employment and social protection.

2. Internal labour migration: Levels and trends

The Working Group on Migration constituted by the Ministry of Housing and Urban Poverty Alleviation[i] to assess the impact of migration on housing, infrastructure and livelihoods in India, analysing the Census 2011 data on migration for work in 2017, observed that India's workforce has become increasingly mobile.[14] Around 90 per cent of India's workforce is engaged in the informal economy, which absorbs most of the migrant workers in the country.[15] Reliable estimates of temporary labour migration within India are not available. However, such movements are substantially larger than permanent labour migration within the country. An estimate from the National Sample Survey Office (NSSO) (2007–08) reveals that temporary labour migration within India is 7 times larger than permanent movements and that in the case of the poorest households or those from the scheduled castes/ scheduled tribes, temporary migration is up to 16 times the volume of permanent migration.[16] According to the Census 2011, out of the 456 million migrants in the country in 2011, 41.4 million people reported work as the reason for migration.[17] This severely underestimates the real situation of labour migration in India.[18,19,20] Estimates of temporary labour migration in the country vary from 15 million to 100 million migrant workers, a variance that indicates the ambiguity of the phenomenon.[21]

Labour migration in India primarily takes place within the native state of the migrant from a rural source area to an urban destination. The interstate movements for work have also been substantial. Migrant workers move in a variety of formations: individually, in mixed groups, in gender-exclusive groups of men, women, girls or boys, as families and as groups of families.[22,23,24] Even within the intra- and interstate, rural–urban differentiation, the profile of the migrant worker varies by nature of job, sector of employment, destination, distance from native place, type of engagement of labour and a host of other determinants.

Many migrants travel long distances for work. This increases their vulnerability in a crisis situation that also makes it difficult for them to return home.[25] This includes workers who are footloose and who migrate frequently without a regular or a single unique employer.[26] Others have their mobility tied to a single employer/ contractor. Contractors also act as intermediaries to augment labour migration to a particular region. Such migration through an intermediary could involve anyone from an informal contractor in one's kinship network to a more formal recruitment agency, and reduces the risk of unemployment.[27] Increasingly, social networks have also emerged as a common medium and driver of migration.

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[i]   Currently the Ministry of Housing and Urban Affairs.

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3. Drivers of labour migration

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3. Drivers of labour migration

There is a high level of diversity in labour migration in India. Progressive analysis of both macro data and micro studies reveals that labour migration across different age groups and genders is not limited to rural or urban areas or any specific states or regions.[28,29] To offer a singular explanation of what drives labour migration is thus quite difficult. The nature and magnitude of internal labour migration need to be located in the broader political economy and development context of India. The key drivers of migration are summarized in the subsequent sections.

3.1 Socio-economic disenfranchisement

Among the workers who make temporary moves within India, there is an over-representation of Adivasis, Dalits, religious minorities, the poor, the less educated, the landless, those from rural areas and those who were engaged in agriculture in their source region.[30,31,32] The National Commission for Enterprises in the Unorganised Sector (NCEUS), using secondary and macro-data, established a nexus of poverty, vulnerability, type of employment and social status of workers.[33] Because of these reasons, these workers tend to undertake the riskiest, lowest paying and most hazardous jobs, with clear patterns of segmentation by caste and gender.[34,35] This signifies how social inequalities are replicated in the segmentation of the labour markets. Disadvantaged caste groups, for example, embrace migration as an opportunity to escape unfair practices in their villages, such as caste-based discrimination in accessing employment, opting for other livelihood options.[36,37] It plays a crucial role as a poverty interrupter in the case of households in remote rural areas or for those in chronic poverty.[38] Natural disasters, climatic conditions and conflicts also contribute to migration in search of livelihoods.[39]

3.2 Urbanization

Uneven growth and urbanization are among the drivers of internal labour migration in India. Of the world's 20 fastest-growing cities between 2019 and 2035, 17 will be in India.[40] The central, eastern and north-eastern parts of India have low levels of urbanization, forcing workers to migrate to the southern and western regions, as they offer more employment opportunities.[41] At the destination sites, this supply of workers is met with short-term demands for low-wage workers who will be willing to work without long-term entitlements of security of tenure, wage protection, insurance and pension. Migration, particularly rural–urban migration, further contributes to urbanization.[42] The economic model is focused on cities and certain sectors of economic growth. This has led to the creation of both spatial (between rural and urban) and sectoral (between primary and tertiary) inequalities. The agrarian crisis in India, with reduction in person-days of available farm work and reduced public investment in the primary sector, intensified migration for work. The resultant decline in real earnings, lower consumption by the rural poor and growing landlessness left people with limited choice but to migrate out for livelihoods.[43,44] Connectivity has also been another important driver of labour migration in the country. Enhanced access to road and rail networks, communication channels and information about availability of work has also given a boost to migration in India.

3.3 Aspirations and social mobility

Migration also occurs in pursuit of better livelihoods and socio-economic mobility.[45] Migrant workers aim to enhance their consumption and standard of living by migrating to major cities that offer better resources, better educational facilities for children and a wider range of livelihood options. Migration also helps workers to finance expenses for marriage or to enhance their asset base, by means such as improving housing or even buying land.

4. Impacts of labour migration

Migrant workers contribute to 10 per cent of India's GDP and serve as the backbone of several economic sectors, including construction, textile and apparel, domestic work, fishing and fish processing, mining and quarrying, and even agriculture.[46] Migration has been a coping and development strategy for remittance-dependent households. Evidence suggests that remittances, for instance, do more than address basic needs and have a poverty-reducing effect at the household level, improving the overall well-being of migrant households. They help in building a financial buffer by improving the creditworthiness of these households. Remittances enable migrant households to invest in children's education, improve housing, pay off debts and accumulate assets. Beyond migrant households, the source economy is also substantially benefited. In Thuamul Rampur, a community development block with the highest incidence of poverty in the Kalahandi district of Odisha, the estimated annual remittances in 2019 range between 300 and 400 million Indian rupees. Not only did this help the poor households in the region to tide over their distress but it also revived the local economy, expanded livelihood opportunities for non-migrant households and contributed to the overall improvement of local transportation facilities.[47]

At the destination regions, migration helps sustain many sectors and industries. Without migrant workers, many industries would not have survived due to a lack of adequate local labour. In the urban centres of India, migrant workers take up all kinds of odd jobs, from rag picking to cleaning sewers, providing key services to the city. Besides, migrants also spend a considerable amount of their earnings at the destination, which again benefits the local economy. In Kerala, interstate migrant workers spend over 100 billion rupees a year, most of which benefits the local providers of goods and services in the state.[48] Safe, informed and well-governed labour migration has the potential to positively transform and benefit both source and destination in addition to benefiting the migrant workers themselves.

However, a long-term migration-led transformation is yet to be realized. In the absence of safe migration channels, workers are employed in risky and unprotected jobs that have long-term negative impacts on their health and well-being. Furthermore, low wages and the high cost of living in cities have an impact on the remittances sent back to their rural households. An analysis of NSSO data across nine states reveals that the economic conditions of households receiving remittances from internal migration are not necessarily better off compared to others.[49] In Rajasthan, the average monthly remittances were between 1,000 and 1,500 rupees, forcing women from migrant households to provide approximately 50 per cent of household income through rural paid labour, unpaid work and borrowings from local sources.[50]

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5. Challenges faced by migrant workers

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5. Challenges faced by migrant workers

Migrant workers face unique challenges due to their high levels of mobility, as they are unable to settle in their work destinations, therefore falling outside the state's purview in both their source and their destination regions. They also include economically vulnerable and socially marginalized populations, including women and children, who are absorbed into highly informal, invisible and exploitative work arrangements at the lowest ends of the labour markets. They are often unable to achieve development that is either socio-economic in nature or intergenerational despite several years of migration for work and income. The challenges faced by migrant workers are summarized below.

5.1 Invisibility, fragmentation and informality

Migrant workers remain un-enumerated and unrecognized at the local, regional and national levels. The interface between migrant workers and public systems and services can be established only if there are reliable databases at all levels of governance. It is challenging for local self-governments (LSGs) and labour departments to engage with high labour mobility as it is characterized by informality and lack of documentation.

The labour market is highly fragmented, wherein production processes are often outsourced to smaller units in the supply chains that engage migrant workers. These supply chains are heavily subcontracted in a way that makes it difficult to establish the relationship between business owners and workers, with no clear lines of accountability resulting in unfair labour practices. Informally employed in casual work arrangements and frequently paid on a piece-rate basis, these workers remain outside the purview of employee welfare. The existing gap in the unionization of migrant workers is also an important reason for the precarious nature of

their employment. In the absence of adequate bargaining power and representation, migrant workers may not be able to demand their rightful wages and decent working conditions.[51] Language barriers also add to the challenges faced by migrant workers.

5.2 Occupational safety and health risks

Work in the informal sector presents enormous unaccounted risks for migrant workers across occupations and sectors. For instance, the construction sector, which is the largest employer of migrant workers, frequently presents occupational safety risks because of unstable and dangerous scaffolding and working at heights without safety belts, among other unsafe practices. Their work settings, particularly in micro and small manufacturing units, are often precarious and cramped, for example, with noisy machines without safety guards, dimly lit, with little or no ventilation, and with poor exit signs and pathways. A large majority of such units may be unregistered or registered under less stringent laws, which do not create pressing legal obligations to ensure decent working conditions. Worksites also frequently double up as living spaces for migrant workers, oftentimes surrounded by the storage of hazardous chemicals and materials.[52] Migrant workers therefore experience a high degree of exposure to a wide range of occupational safety and health (OSH) risks and hazards, including fire accidents, electrocution, crush injuries, fatal respiratory disorders and deadly fall accidents, resulting in heavily impairing disabilities or even death in many cases.[53] In addition, women migrant workers are also highly vulnerable to violence and harassment.

5.3 Limited social protection

Migrant workers and their families have limited coverage and access to social protection. Given

the large number of migrant workers in the country and their specific vulnerabilities, it is crucial to design social protection schemes that are tailor-made to their needs. Their access to public services is constrained by a host of barriers, starting from lack of awareness to gaps in policy and institutional coherence in the social protection frameworks. The subsequent sections detail the gaps in access to existing social security programmes pertaining to public distribution systems, health services, housing and WASH facilities, and financial services.

5.3.1 Lack of access to the public distribution system

Migrant workers are not able to access subsidies for food or cooking fuel, as the National Food Security Act (NFSA) 2013 falls short of addressing the needs of migrant communities. Migrant families with low wages are forced to cut down on other expenses such as rent on adequate housing and water and sanitation, choosing to live in the open or within their worksites, due to the high proportion of their incomes being spent on food alone. Evidence from the experience of migrants living in different housing arrangements and employed in different work sectors in Ahmedabad and Surat revealed that they spend between 45 and 50 per cent of their monthly incomes purchasing food and fuel, the quality of which was often very poor.[54] The lockdown imposed for controlling the COVID-19 pandemic revealed that more than 99 per cent of workers were not able to access the public distribution system (PDS), making them dependent on food provided daily as part of relief efforts.[55] Policy measures like the One Nation One Ration Card initiative were therefore initiated under the Atmanirbhar Bharat package for interstate portability of food subsidies by making rations available to migrant workers without PDS cards in cities. As part of the Atmanirbhar Bharat relief package for migrants, the Government of India (GoI) has announced that 100 per cent portability of the PDS will be achieved by March 2021.[56]

5.3.2 Exclusion from public healthcare systems

Urban public health systems remain disconnected from the needs of a mobile community. Migrants resort to more expensive, low-quality private providers or return to the familiar pastures of their villages where quality healthcare is often unavailable. Even the Urban Health Centres providing primary care remain inaccessible to migrants due to their timings, which compel workers to give up a day's wages in order to be able to access care.[57] In terms of visits by health workers, only "recognized slums" are part of their mandated areas, because of which migrant communities residing in open, unrecognized settlements or inside worksites are left out of the purview of such services. Further, the incentives of Accredited Social Health Activists (ASHAs) and health workers are not aligned with the mobile nature of the lives led by migrants.[58] Interstate migrant workers and their families remain particularly deprived of a wide range of health entitlements, since these entitlements are not portable across state boundaries.

5.3.3 Poor access to housing and Water, Sanitation and Hygiene facilities

Ownership-based housing schemes are incommensurate with the housing needs of migrant workers because of the temporary nature of their movement and presence in destination regions. Even if workers were to become claimants, they do not possess domicile documents to make them eligible for socially subsidized housing schemes. Many migrant workers end up renting rooms in slums, where they are vulnerable to ad hoc increases in rent while accepting the poorest of infrastructure and services. Many slum settlements in cities have been able to achieve some degree of legitimacy and access to services. However, migrant workers' settlements often remain unrecognized.

Informal settlements in open spaces, such as public or private land, on road pavements, under flyovers and near railways tracks are a prominent typology of how migrants choose to live in cities. While such arrangements allow them to live among their community members, they also expose them to the risk of frequent evictions and alienate them from access to basic amenities such as water and sanitation. Construction sites and factories doubling up as night shelters are common forms of housing for migrant workers. This not only aggravates their alienation from the city, but also exposes them greatly to the toxicity at the workplace, compromising physical safety and well-being.

An absence of dignified housing is further aggravated by a lack of adequate water, sanitation and hygiene (WASH) facilities. Despite

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the installation of public toilets through a slew of schemes in urban areas, their availability may not be adequate in migrant-dense clusters. Moreover, the affordability of such services may create barriers to access for low-waged migrant workers. Women and girls bear the burden of the implications of inadequate provisions for dignified housing and sanitation while also increasing their vulnerability to harassment and sexual abuse.

5.3.4 Financial insecurity

In India, one in three workers does not receive minimum wages, with casual workers forming the large proportion of that group.[59,60] Migrant workers, who are in most cases casual workers, are paid on a piece-rate basis and form the bulk of workers falling outside the ambit of minimum wage laws. The report of the NCEUS also highlights the significant overlap between the most impoverished sections of the populations and migrant workers.[61] Wage protection laws remain unimplemented in the case of migrant workers due to their inability to prove formal employment relations, with wage fraud being a common occurrence.

Poor financial inclusion and low levels of literacy of migrant workers compromise their access to social security schemes. While a major chunk of migrant workers in the country are in the construction sector, they are not aware of the Building and Other Construction Workers Welfare Board (BOCW). Several government programmes exist to offer social security benefits to migrant workers and are implemented through the banking systems. However, overburdened bank branches have little room to counsel migrants about the details of each scheme or to enrol workers in them. The financial institutions in India need to, therefore, cater to the requirements of this segment of the population. Special efforts should be made to address the banking requirements of migrant workers taking into account their work timings. Since remittances are the lifeline of many migrant households, the Jan Dhan Bank accounts promoted by the GoI should take into consideration the requirements of the migrant workers and ensure their financial inclusion and participation through this scheme.

Linguistic barriers further add to the problem, resulting in migrants often falling prey to financial frauds in their attempt to access social security.

5.4 Forced labour conditions

Migrant workers may end up working in conditions of, or akin to, forced labour. In situations where workers live within the worksites, such as manufacturing units, brick kilns, construction sites, or, for domestic workers, their employer's residence, by packaging the accommodation as a "perk", this arrangement could place migrant workers in highly exploitative circumstances where they are available to the employer for work round the clock. Other situations may include deceptive or coercive recruitment, such as when migrant workers are recruited without providing full and correct information about the nature of work, wages or working conditions; excessive deductions purportedly for food and accommodation; or being forced to migrate on account of an often intergenerational debt bondage.[ii] Such situations may also amount to human trafficking.[iii]

Further, the migrant workforce is a heterogeneous category, with several highly vulnerable subpopulations. These include women, children, older persons, persons with disabilities and historically marginalized communities who have specific vulnerabilities at their work destinations because of social stigmatization.[62,63] These vulnerabilities make migrant workers highly dependent on contractors/employers for addressing their needs, and end up creating forced labour conditions. Unwritten and unilateral contracts with and debt-based attachments to the employer are some other examples of such conditions. There are also instances where women and children have been trafficked for labour.[64,65]

5.5 Labour burden on women

Migrant women face severe gender-based challenges in the regions to which they migrate. These challenges include, among others, discrimination in labour markets, vulnerabilities in living spaces, and a lack of access to public spaces. They are more invisible in comparison to their male counterparts. This lack of visibility is partly because national statistics record them as

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ii   ILO, *ILO Indicators of Forced Labour*, 2012.

iii   ILO, *Operational Indicators of Trafficking in Human Beings*, 2009.

"marriage migrants". However, women who move with their husbands after marriage tend to work in the destination regions.[66]

Migrant women are largely concentrated in sectors where they are not identified as workers. They are employed as helpers to carry and lift materials in the construction sector along with their spouses or male relatives. This role, which is at the lowest end of the labour chain, is almost exclusively reserved for them. They are often not paid at par with their male co-workers. Perverse payment practices such as the *jodi*-based system, where husbands or male relatives are paid the price of 1.5 labour units when they are employed as a couple, have been observed in some construction labour markets.[67]

For a significant section of women migrants, worksites are within households. More than half of the migrant women in Mumbai and Delhi were reported to be domestic workers.[68] Among these, live-in workers face additional challenges of work conditions akin to forced/bonded labour, including a lack of privacy, defined working hours, and access to trade unions or other organizations working with domestic workers. With multiple employers and the non-applicability of labour laws, domestic workers struggle to access minimum wages, social protection or workplace safety and health, all of which are integral to the decent working conditions of a domestic worker as stated in the ILO Domestic Worker Convention, 2011 (No. 189).

Many migrant women employed in the small manufacturing sector, especially textiles and garments, tend to be home-based workers, who receive orders from agents and subcontractors. They do not have formal employment relationships and are paid on a piece-rate basis, with very low remuneration based on their output. They fall completely outside the ambit of labour legislations as they are considered self-employed, even though their work is survivalist in nature and highly vulnerable.[69]

Migrant women also constitute a substantial proportion of intra-state or rural-to-rural migration, to work in hazardous sectors, under unsafe conditions, often forming family-based or single-female labour in sectors such as brick kilns, mines or agriculture and other allied sectors. They face complete exclusion from state systems and public consciousness due to the invisibility of these migration streams. Harassment, accidents, trafficking and bondage are common in these highly vulnerable migration streams.[70]

For women migrant workers, lack of safety and frequent sexual harassment by co-workers and contractors are common experiences. Further, since their employment is tied to their contractors, it becomes more difficult to access justice in the event of harassment. In addition to wage labour, women are also often obliged to undertake other unpaid work.[71] A lack of access to basic services and infrastructure means that they end up working longer hours to overcome the poverty experienced by their households.[72] In some cities, women spend 17 hours a day working, of which 5.5 hours are spent on domestic and care work in frugal conditions and another 3.5 hours on accessing basic facilities such as water, sanitation and fuel.[73] Migrant women have poor access to antenatal and postnatal care.[74] They come back to work within 15–20 days of delivery as they cannot afford to lose wages. Further, due to a lack of childcare facilities, newborn children also end up at the worksites, vulnerable to a range of health-related risks.[75] Members of migrant workers' families who stay behind, particularly women, girls and the elderly, are also substantially impacted.

5.6 Intergenerational transfer of poverty

Migrant children may be broadly classified into three groups: (i) those who migrate alone; (ii) those who migrate in groups that include children or other adult workers; and (iii) those who move with their migrant parent(s). Children migrate as early as 14 to 16 years of age, and drop out of formal education, with little or no skills, to replace their fathers' incomes in informal labour markets.[76] Malnutrition is also reported to be widespread among migrant children.[77]

The National Education Policy 2020 identifies migrant communities as one of the socially and economically disadvantaged groups (SEDGs) in terms of access to education.[78] A lack of appropriate documentation; an absence of schools in the medium of education that caters to migrant children; a lack of support for parents in enrolment processes; and a lack of schools/*anganwadis* in the vicinity of migrant hotspots or industrial clusters, all combine to leave them wholly outside of the childcare and formal education systems, thus pushing them

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5. Challenges faced by migrant workers

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into the same exploitative work conditions as the previous generations, with no vertical socio-economic mobility. Many of them are engaged in hazardous labour, one of the worst forms of child labour. Older children, especially girls, are given the responsibility of looking after younger siblings while parents are away at work. When the worksites are away from their dwellings, the children are left without protection and are vulnerable to exploitation. The children who stay behind when one or both parents migrate for work also undergo substantial challenges, such as deprivation of much-needed parental care and support.

5.7 Vulnerability to crises and disasters

Migrant workers are highly vulnerable to disasters and often migrate to cope with droughts, floods, landslides, earthquakes or cyclones. However,

major destinations such as Kolkata, Mumbai and Chennai are also vulnerable to flooding, among other disasters.[79] The Delhi National Capital Region (NCR) is prone to earthquakes and Bhubaneswar is vulnerable to cyclones. In spite of all this, migrant workers are seldom the target population for Disaster Risk Reduction (DRR) programmes at the urban centres. The vulnerabilities of migrant workers are heightened during a disaster at the destination region, where they have limited resources and social protection to rely upon. Disaster alerts are often in the local language. In the absence of registration or with a lack of data, it is often difficult to reach migrants for relief, as is evidenced by the relief challenges during the COVID-19 pandemic. During and after disaster situations, migrant workers may also end up taking work such as cleaning drains, removing hazardous debris and dumping carcasses without adequate safety measures.

Impact of the COVID-19 lockdown on migrant workers

The sudden lockdown on 25 March 2020 in India to prevent the spread of the COVID-19 pandemic devastated migrant workers across the country. As part of the lockdown, which was initially meant to last for 21 days and was subsequently extended four times, up to 8 June 2020, interstate borders were sealed and transportation was suspended. Industries and other non-essential establishments were ordered to close down and people were advised to stay indoors wherever they were. Millions of migrant workers and their families were impacted by the lockdown. Many of them were asked by their house owners to immediately vacate the rented premises or worksites where they lived. Tens of thousands of others realized that they could not survive the lockdown at the destination region, being unable to manage the consumption expenditure without income from work. Large crowds gathered at bus stations and railway stations, compromising the lockdown goal of social distancing. In the absence of transport, the desperate migrant workers and their families, including women and children, had no other choice than to make their

COVID-19 Stimulus Package: Measures announced for migrant workers by the GoI

- Five kilograms of grains per person and one kilogram of chana per family per month for two months for migrants who are not state card beneficiaries nor covered by the NFSA
- Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) opportunities for those who return to their native place
- Nation-wide implementation of the One Nation One Ration Card scheme by March 2021, enabling national portability of the ration card
- Affordable Rental Housing Scheme for migrant workers under the Pradhan Mantri Awas Yojana (PMAY)

journey homewards on foot, across distances of hundreds of kilometres, carrying all their belongings. This took hundreds of thousands of hitherto invisible migrant workers and their families to the streets. Among them, there were also persons with disabilities, pregnant women and families with infants.

While the Centre directed state governments to provide rations and shelter to migrant workers stranded in their cities, most states were unable to effectively reach the workers, who were scattered across worksites or in the city peripheries, historically excluded from provisioning systems. In their living spaces, often unhygienic and cramped in nature, workers were unable to practise physical distancing and other public health measures because of their lack of access to water and sanitation facilities.

A large number of the workers who returned home did not have the opportunity to obtain their wage arrears, nor did they have the money for expenses on their journey. In many cases, the employers and houseowners

of migrant workers were themselves marginal owners with slim profit margins, and were not in a position to fully compensate for the loss of wages or waive rent payments.

During transit, while on the road and at many other places, migrant workers were stopped, harassed and even beaten up. In several states, workers who had reached the state borders were not allowed to cross over. Those who were on the road as well as those who could not start their journey home, had limited access to free food and could not afford to buy food. Lack of access to food and desperation to go home made migrant workers revolt at many places in the country, including Mumbai, Surat and Kottayam. Several migrant workers and their family members, including children, died, unable to cope with the arduous journey. Thousands had their journeys interrupted midway and were made to stay in temporary shelters. Access to WASH facilities and healthcare was also limited for those who were stranded. Many of them were unable to even communicate with their family members in their villages to inform them of their location and situation. This left both the migrants as well as their families in distress. Since the migrant workers were unable to send money home, the family members in the villages were also financially affected. Workers were burdened with repayments of loans and could not afford to return home. Many of those who managed to reach their villages were not allowed to enter. They faced discrimination and stigma for fear of being carriers of the infection. In several source areas, villagers erected barricades to prevent entry from the outside.

Although unprepared and initially overwhelmed, both the central and state governments responded to the plight of the migrant workers. While the GoI announced relief packages for the poor, including migrant workers, a large number of them were unlikely to benefit from the measures. A majority of the workers are registered neither under the BOCW nor under other welfare funds.[80] Other challenges include the lack of proof of being stranded, the lack of information about relief packages, the inability to furnish and follow up on applications, the lack of Jan Dhan accounts, and problems related to linking bank accounts with Aadhaar.

The Ministry of Home Affairs (MHA) and other government departments/institutions issued several orders and directives to reduce the hardships of migrant workers. The MHA directives under the Disaster Management Act 2005 mandated employers to provide wages to the workers without deductions due to absence during the lockdown and prevented houseowners from charging rent.[81] However, only a minority of the workers benefited from this. The states were provided directions by the MHA to use the State Disaster Relief Funds to ensure food and shelter to the migrants stranded at destination regions and those who were on their way home.

The NITI Aayog, GoI, reached out to civil society organizations (CSOs) to complement the government in alleviating the distress of the migrant workers and their families. The private sector was also mobilized to contribute through corporate social responsibility (CSR) programmes. The concerted efforts of governments, CSOs, trade unions, the private sector as well as individuals helped in providing food, shelter and other services to hundreds of thousands of workers in transit camps, on the road and at railway stations. However, these efforts were grossly suboptimal, resulting in thousands of workers and their families, including women and children, being forced to skip many meals.[82] Several states known for high out-migration set up helplines for stranded workers and also took measures to enable cash transfers to the bank accounts of workers stranded in other states. States also took measures to bring back stranded workers who wished to return home. The CSOs and trade unions not only addressed and responded to distress calls of migrant workers by providing food, shelter and other aid but also collaborated with key stakeholders for research, advocacy and fundraising to ensure the best support to affected workers.

Shramik special transportation was organized by the GoI across major migration corridors for workers to return home. However, the processes for application were arduous, requiring medical certifications in many cases, and there was a lack of information for workers on how to acquire tickets and passes. Many migrant workers were left stranded at railways stations and bus stops for days, attempting to board transportation back to their villages only to be turned away. Misinformation, lack of support and harassment also created situations of social unrest.

A study that covered migrants who returned to their places of origin in ten states revealed that 95 per cent of them lost all their means of livelihood and only 7 per cent benefited from the efforts to revive their livelihoods through MGNREGS.[83] While the real impact of COVID-19 on migrant workers cannot be predicted now, as the epidemic is still unfolding, it has substantially affected their households' livelihoods and consumption. It is likely to push them into acute poverty, malnutrition and debt traps.[84] These factors could eventually push more people to undertake distress migration in highly exploitative conditions, unless timely interventions are made through the collective efforts of the central and state governments, the private sector, trade unions, CSOs and other development partners.

Road map for developing a policy framework for the inclusion of internal migrant workers in India
6. Policy and legal frameworks of labour migration in India

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6. Policy and legal frameworks of labour migration in India

Migration within the country for work is a fundamental right of a citizen as upheld by Article 19 of the Constitution of India, which guarantees to all its citizens the freedom to move, work and reside in any part of the country.[85] The fundamental rights further prohibit human trafficking and guarantee freedom from discrimination based on place of birth, equal opportunities for employment, and protection from forced as well as child labour. The constitutional provisions, therefore, enshrine universal access to civil, political, economic, social and cultural rights, including labour rights, for a citizen of India. Interstate migration comes under the seventh schedule of the Constitution, List I (Union List), entrusting the authority to the central government.

The experiences of migrant workers, however, are quite contrary to the egalitarian principles stated in the Constitution. Labour migrants face difficult challenges in terms of accessing the mechanisms for the protection of their labour rights. One of the central reasons for this is that India's labour protection framework does not adequately cater to the challenges faced by informal workers, including migrant workers, who are in non-standard forms of employment and move across a variety of different work destinations. There is a serious risk of further marginalizing and excluding migrant workers if the frameworks that address and prevent violation of migrant workers' rights like the labour codes are not implemented effectively or the regulatory institutions and the justice delivery architecture are not strengthened.

India's labour policies have been undergoing structural shifts since the 1990s. Recently, in some cases, labour protection laws were relaxed with the objective of reviving economic activity during and after the COVID-19 lockdown. Some states passed ordinances that would have impacted the workers' ability to collectively demand fair wages, social security, regular work hours and safety. While migrant workers often fall outside the ambit of protective labour legislations and are seldom members of trade unions at their work destinations, such changes in the legal framework would have had severe consequences on their working conditions, welfare and livelihoods.

The business environment in India has witnessed sweeping economic changes that have been ushered into the country post-1991 with liberalization and deregulation. The economic reforms, however, were not accompanied by legal reforms governing employment and regulating industrial relations. The labour reforms agenda is based on the report of the Second National Commission on Labour (SNCL) in 2002, which looked at the rationalization of labour laws and an umbrella legislation to provide a minimum floor of rights to unorganized workers. The process of codification of the central labour laws into four labour codes began in 2014. As of date, the government has merged 29 central laws into four codes: (i) the Code on Wages; (ii) the Code on Occupational Safety, Health and Working Conditions; (iii) the Code on Industrial Relations; and (iv) the Code on Social Security. While the Code on Wages was adopted in 2019, the remaining codes were adopted in September 2020.

6.1 The Labour Codes[iv]

The Code on Wages consolidates the regulations on the payment of wages, minimum wages,

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[iv] This paper only provides a summary of the Labour Codes in the context of their applicability to migrant workers. Three of the four codes were finalized and passed in September 2020, just prior to the finalization and publication of this paper. Also, the draft Rules to the Labour Codes are to be finalized.

payment of bonus and equal remuneration. Both the Code on Wages and the Draft Code on Wages (Central) Rules 2020 have introduced significant reforms that can potentially strengthen wage policy in India.

Firstly, the coverage of the provisions for minimum wages and payment of wages has now been legally extended to all employees, leading to a net increase of 76.4 million wage earners protected by the Code.[86] However, it does not explicitly include in its ambit several vulnerable segments of the workforce, such as domestic workers, home-based workers or workers in the gig economy. Secondly, the Code establishes a statutory floor wage under which no state government shall fix its own minimum wages. The central government can set different floor wages for different geographical regions. This binding floor wage could bring new dynamics to the wage-setting process in India, reducing disparities within and across states. It could also raise the wage levels of millions of low-paid workers who are presently not covered under minimum wage regulation. However, the criteria and methodology for setting both the floor wage and minimum wages require more guidance. Currently, the rules for fixing minimum wages include the need-based criteria from the Indian Labour Conference's recommendations in 1957. However, evidence-informed criteria factoring in both the needs of the workers and current economic factors in fixing minimum wages at an adequate level, as stipulated by the ILO's Minimum Wage Fixing Convention, 1970 (No. 131) addressing a balanced approach that is almost a universal practice, could have been something to consider. Finally, the rules on the enforcement actions of the law could be more explicit in outlining the use of technology, awareness-raising mechanisms and implementation of the inspection scheme. On the latter, an inspection system focused on a web-based scheme should also include complaint-based and planned inspections improving minimum wage compliance.

The Code on Occupational Safety, Health and Working Conditions (2020) consolidates 13 existing acts regulating health, safety and working conditions, including the Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act (ISMWA) 1979.[87] The Code takes a notable step forward by revising the definition of the term "interstate migrant workers". The definition is now widened beyond

those recruited by contractors or employers alone, to include any worker who migrates on his/her own to another state, including self-employed workers. In the context of migration being increasingly driven by social networks, this considerably improves the scope for the social security of such workers. Provisions have also been stipulated to enable their registration on portals set up by the central government and state governments. Additionally, the Code specifically provides for portability of entitlements under the PDS and BOCW, which has the potential to benefit migrant workers in a significant way. The Code also recommends the setting up of a toll-free number to address grievances of interstate migrant workers, which was a major recommendation made by the Working Group on Migration. The exact mechanism through which the registration of migrant workers would be operationalized and responsibilities of various governments (source, destination and centre) on this matter would need to be further clarified. Additionally, the threshold of applicability of the provisions to establishments employing ten workers or more (increased from five as per ISMWA, 1979) is likely to leave out a vast number of migrant workers employed in micro units throughout the country. The responsibilities of the principal employer with respect to the rights of migrant workers need to be clearly spelled out, so that appropriate mechanisms can be designed for ensuring accountability. The Code could have also set out a universal standard for health and safety of all workers and stipulated provisions for their meaningful enforcement.

The Code on Social Security (2020) replaces nine laws relating to social security, including the Employees' Provident Fund Act 1952, the Maternity Benefit Act 1961 and the Unorganized Workers' Social Security Act 2008.[88] The Code recognizes gig and platform workers, a large majority being migrants, as a separate category of workers, and mandates that the central and state governments set up funds for unorganized sector workers, including home-based and self-employed workers, as well as stipulates provisions for their registrations.[89] However, the Code does not enable portability of social security benefits, a feature that could have significantly benefited migrant workers. The large migrant workforce engaged in micro units could have accessed social security benefits had the Code provided a "social security floor" to all workers.

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6. Policy and legal frameworks of labour migration in India

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The Code on Industrial Relations (2020) seeks to replace three labour laws: the Industrial Disputes Act 1947, the Trade Unions Act 1926 and the Industrial Employment (Standing Orders) Act 1946.[90] The Code increases the threshold of certain key provisions. For instance, the threshold for applicability of Standing Orders has been increased to 300 from 100 as per the Industrial Employment (Standing Orders) Act of 1946. This provision could lead to the exclusion of migrant workers employed in smaller establishments. Similarly, the threshold for applicability of provisions mandating industrial establishments to seek permission from the government before lay-off, retrenchment or closure has been increased to 300 from 100 as per the Industrial Disputes Act of 1947. In a context where unemployment of migrant workers has been acknowledged to be very high, the impact of these thresholds is yet to be seen. Further, the provisions stipulating criteria for registration of trade unions prescribe that membership of 10 per cent of the workers or 100 workers, whichever is less, is mandatory for the registration of a trade union. However, this is again likely to leave out a vast number of informal sector workers from participating in trade unions and engaging meaningfully in the processes of collective bargaining.

6.2 Justice architecture

The justice architecture, modelled around the formal sector with permanent and regular workers, is not adequately aligned to the casual, informal and mobile work performed by migrant workers. Access to justice mechanisms for protection of labour rights requires workers to produce proof of an employee–employer relationship and documentation of work, which is often not available to migrant workers who perform daily wage work or face long and complicated contracting supply chains with several layers of intermediaries, or other systems of payments. Women migrant workers, in such situations, are further challenged. There is a need to strengthen the capacities and awareness of officials about the issues that migrant workers, predominantly in the informal sector and engaged in non-standardized forms of work, face.

There are also practical barriers to access justice. These include the timings of state institutions, which function during the work hours of migrants, who cannot afford to forfeit a day's

wages, and the time-consuming and expensive nature of procedures to resolve an impending case. Further, the lack of portability of labour rights and the long and complex legal processes also pose a problem to footloose workers. These workers often return to their villages unable to find social support to lodge cases or finances to subsist in the city following a dispute at their workplaces. Challenges in accessing collective bargaining platforms such as trade unions or workers' collectives in their work destinations leave migrant workers with little support when faced with violations of their labour rights.

Caste and gender-based stigmatization are another central issue for migrant workers in accessing justice. While police stations have last-mile access, they are yet to become friendly to migrants, who are often from disadvantaged castes or are women, who hesitate to approach the police due to previous experiences of harassment.[91] Even though harassment of women at the worksite is common, legal provisions relating to health, safety and dignity of women at the workplace are not extensively applicable to informal workers.

6.3 Urban governance policies and schemes

Migrant workers remain unable to access labour protection at their work destinations given the informal arrangements and their inability to access citizenship rights. When they migrate within the rural regions, they move as agricultural or plantation workers, or to brick kilns. Even when they migrate to urban areas, they largely remain within their worksites, inside factories, hotels and dhabas, or construction sites. A majority of the worksites engaging migrant workers are excluded from the services provided by local governance authorities and, most often, the facilities provided by employers are not monitored or regulated by them. In the urban areas where they work, migrants also live in highly informal migrant settlements, either in makeshift structures on empty plots, in the open, or in deplorable rented accommodations.

Urban governance policies represent a slew of different state- and national-level schemes. However, these largely cater to citizens who can prove their residence status in urban areas through domicile-based documents. With no rental agreements or proof of employment, migrant workers are unable to furnish domicile

documents such as electricity bills, electoral identity cards or ration cards. Even facilities for temporary accommodation or transit accommodation are limited in their availability to migrants. The disproportionate burden of this is borne by women, who are expected to ensure the sustenance of their families in extremely frugal conditions and through additional unpaid labour. Living on unregulated worksites or other settlements in the cities leaves women migrants outside protective or grievance redressal mechanisms when faced with gender-based violence, sexual harassment and lack of privacy or security. In the absence of civil and political rights in their urban work destinations, migrant workers are unable to access several socio-economic rights, including the right to food, shelter, water, sanitation and healthcare.[92]

Road map for developing a policy framework for the inclusion of internal migrant workers in India
7. Emerging trends in internal labour migration

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7. Emerging trends in internal labour migration

The state of demographic transition in different regions in the country and its repercussions on the labour force are becoming more and more prominent. Migration has emerged as a critical factor in deciding the population composition of various regions. While some regions are experiencing a demographic dividend, there are also regions in the country where there are acute shortages of workers in sectors that demand arduous physical work, a factor that plays a major role in determining the direction of labour migration.[93] This, over the past few decades, has resulted in the evolution of some of the longest labour migration corridors in the country connecting eastern and north-eastern India with the southern Indian states.[94,95] While the state of Kerala, which is on the verge of a population decline, offers high wages in India in the informal sector, wages in the agricultural sector continue to be as low as 120 rupees per day in the tribal pockets of Odisha.[96]

The recent efforts of the GoI towards skilling have expanded the avenues for employment of both young men and young women from rural households. Such initiatives have contributed to reducing the odds of educational attainment and addressed the desperate need for money. However, the sending states are currently unable to ensure that they are not exploited at their destinations. Many of them go as apprentices and do not enjoy the privileges of workers. However, international brands are becoming more conscious about improving working conditions of such workers along their value chains.

Social networks have emerged as a major channel that facilitates labour migration in India, reducing the role of intermediaries in interstate migration.[97] This, coupled with the readiness of young workers from rural India to take up odd jobs in distant places that ensure an anonymity that is lacking in his/her place/state of origin, may foster more interstate moves. Better availability of transportation facilities can catalyse such long-distance migration. There have been unprecedented advancements in connectivity, bringing people and places significantly closer. Over the past decade, India has witnessed several states advocating job reservations based on domicile even though the Working Group on Migration has emphasized that such attempts are unconstitutional and should be discouraged.[98]

With the markers of climate change becoming increasingly more prominent, migration for work is a highly sought-after adaptation strategy for many to cope with distress at home. Given their multiple vulnerabilities, the poor and the marginalized are substantially impacted by climate change.[99] Migrant workers and their families are highly vulnerable to these emerging challenges not only in their source areas, but in their urban destinations too.[100,101] The COVID-19 pandemic and the associated lockdown are expected to have a long-lasting impact on India's rural households. While the trajectory of the epidemic is not yet clear, it is likely to push many more millions of rural households deeper into poverty and debt traps. This, in turn, may accentuate distress migration from rural India to the country's urban centres that may temporarily help them to cope with their immediate crisis.

8. Policy vision and propositions

The COVID-19 pandemic and the enormous impact of the lockdown on migrant workers have hopefully left no doubt in policy minds that this group needs special attention. By making visible their plight, the pandemic has presented a unique opportunity to revive the dialogue around mainstreaming labour migration into India's national development policy.

Through a combination of strategic measures towards reducing distress migration and promoting decent work opportunities for migrants, rural India can be made more adaptive and resilient, making use of social and financial remittances without taking a toll on the well-being of migrant workers and their households. While safe, orderly and regular migration has been envisaged in the context of international migration by the Global Compact for Safe, Orderly and Regular Migration (GCM), it also holds great relevance for internal migration as well.[102] Inclusion of migrant workers and their families more purposefully into the ambit of social and legal policies at both source and destination regions is also imperative to the attainment of the SDGs.[103]

8.1 Five policy visions

A central purpose of this document is to set out propositions that can bring about substantial change in the working and living conditions of India's migrant workers. The informality of India's economy, its deeply stratified social structure and the precarious conditions of migrant workers are all inextricably tied to each other. Policy must therefore be holistic in its definition and implementation; else, it will remain inadequate to the demands of enduring change. In this context, this paper will put forward five visions for policy that guide the specific propositions to national

and state governments, urban authorities, employers, trade unions and CSOs.

8.1.1 Addressing informality

The informal economy in India remains a persistent challenge despite steady levels of economic growth over the last two decades, and remains a priority for governments, employers and trade unions. The ILO's Recommendation Concerning the Transition from the Informal to the Formal Economy (R204)[v] notes that most people enter the informal economy because of the lack of opportunities in the formal economy. The limited employment creation in the formal economy, despite high rates of economic growth, means that for many the only alternative is to seek employment in the informal economy, including those who migrate for work. Therefore, one of the ways to address the dire situation that migrant workers are in is by addressing the informality and segmentation in India's labour markets.

India has initiated a number of steps directed at addressing vulnerability among informal workers and their families as well as enterprises, including the establishment of the NCEUS in 2007, which came out with a number of recommendations. Other initiatives have also included emphasis on the development of the rural economy; skills development for informal economy workers; steps to facilitate credit and financial linkages for last-mile outreach; the enactment of the Unorganised Workers' Social Security Act; and schemes to foster development of micro and small enterprises, including for self-employment. Measures such as formalization of recruitment processes, wage fixation and payments, extension of social security and adherence to mandatory benefits across the entire value chain

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v   ILO, International Labour Conference, Recommendation 204, 2015.

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would also play a significant role in contributing to addressing informality.

The processes of identification and registration to address informality will help in building employers' accountability and commitment while also providing adequate incentives and decent working conditions to migrant workers. States, particularly those in the destination regions, should ensure registration of migrant workers. Further, the benefit of formalization must be extended comprehensively to a large majority of self-employed workers in India, including home-based and piece-rate workers. Transparency in the supply chains of retailers can be brought about by making formal procurement contracts mandatory. This will be a way in which these retailers can be held accountable for the welfare of self-employed migrant workers who supply to them. It is also necessary to ensure that labour standards are complied with and made applicable to all workers, including those in non-standard forms of work. Formalization is a powerful tool to enhance labour productivity, which, in turn, will bring far greater value to the economy.

8.1.2 Ensuring access to justice

This policy vision places migrant workers' access to justice as an inviolable right, which will allow them to overcome their unaccounted loss of wages, combat frauds and denials, and counter bondage and abuse, including violence and harassment. There is a need to clearly demarcate the legal responsibilities of the labour departments, employers, labour courts, trade unions and law enforcement agencies in responding to violations of the labour rights of migrant workers. Labour departments would also need to ensure the implementation of the labour codes for the benefit of migrant workers and play a major role in grievance redressal. A responsive legal aid system must be capable of processing meagre formal evidence and work with migrant populations who may face difficulties in directly accessing the courts or police due to language and documentation barriers. It should also be able to prevent unfair recruitment and retrenchments and enforce compensation in the event of accidents and injuries. A strengthened grievance redressal and legal aid architecture mandated by the state and comprising both employers and workers is urgently needed across all migrant-sensitive labour markets. It should also provide a platform for workers, contractors and employers to settle disputes and grievances within the purview of law.

8.1.3 Moving towards a universal social protection system

The case for universalization of access to social protection for migrant men, women and other workers has never been stronger than today, particularly in the context of the COVID-19 pandemic. Two ILO international labour standards on social protection, namely the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) and the Social Protection Floors Recommendation, 2012 (No. 202), define the principles of improving the national social protection system with a view to building comprehensive social protection coverage. ILO Convention No. 102 (C102) and Recommendation No. 202 (R202) are complementary in that C102 defines the minimum standards of social security in nine branches with the aim of increasing social security benefit levels. R202 defines the necessity of providing national social protection floors by extending universal social protection coverage with a focus on four guarantees (health, children, working age and old age). In the context of high informality in India, strengthening social protection floors both at national and state levels and extending universal social protection coverage are most needed to guarantee minimum required levels of social protection to migrant workers.

It is also important to ensure that universalization of social protection in India is achieved both in coverage and through portability of social protection entitlements across state borders. Migrant workers who move to labour markets within their own state or in other states must have legitimate access to core social protection schemes. India has an impressive range of social protection schemes, ranging from the PDS, which is the world's largest subsidized food distribution programme, to nutrition supplementation programmes, health benefits and medical insurance, social security and pension schemes, housing, public employment programmes and other social assistance benefits. Even though many of these are centrally assisted or formulated, states have considerable flexibility in determining eligibility and accessibility. There is a need for an explicit policy for integrating migrant workers into social protection frameworks so that they can realize their citizenship rights.[104]

The NCEUS report laid out a road map for migrant workers to access a framework of universal social protection through comprehensive legislation and a National Social Security Scheme that would be available to all unorganized workers. This would include hospitalization benefits, life and disability insurance, old age pensions and provident fund (PF) benefits, with a focus on registration and portability for migrant workers. The Working Group on Migration recommends that in the absence of such a unifying legislative architecture, states must establish Unorganised Workers' Social Security Boards, with simple and effective modes for workers to register, including self-registration processes, and that they must ensure that the digitization of registration records is used for interstate portability of protection and benefits.

This policy vision calls for a step towards achieving a universal social protection system using legislation on one hand and innovative financing and delivery on the other. This will also reduce the high costs incurred by migrant workers who have to contend with low wages and informal arrangements, and it will also better regulate the movement of interstate migrant workers. Migrant workers are susceptible to a wide range of shocks in the absence of job security. To guard them against job loss, unemployment benefits in the form of employment or income guarantees must be extended, and these should be adequate to cover the needs of a worker and his/her household.

8.1.4 Guaranteeing dignified, safe and healthy living and working conditions

It is essential that migrants have access to dignified living spaces as well as healthy, safe and non-precarious work environments. This policy vision underscores the ILO Workers' Housing Recommendation[vi] (R115) with regard to the accountability of local authorities and employers to ensure the shelter, safety and health of migrant workers.

Housing for migrants should meet, at the very least, a set of basic universal standards, as has been recommended in R115 and as described in the guidelines of the Right to Adequate Housing.[vii] These include ensuring, among others, rent as a reasonable proportion of income; adequate sanitation facilities; enjoyment of the workers' fundamental human rights, including the freedom of association; safety, health and protection against the vagaries of nature; security of tenure and protection against forced evictions; and proximity to livelihood opportunities.

The recently proposed affordable rental housing complexes (ARHC)[viii] for migrants in cities will focus on developing vacant government housing complexes into rental housing. The ARHC scheme will be made available for workforces in manufacturing, hospitality, health and construction, among others, who come from rural areas or small towns seeking better opportunities. This policy announcement should further take into consideration the existing housing options for migrant workers, within worksites or in informal rental accommodation or open spaces, acknowledge the need for housing to match livelihood concerns, migration patterns, mobility across the city and requirement for proximity to work, all of which are central to migrant workers' access to housing.

The NCEUS points out that access to decent housing, along with education, healthcare, sanitation and other amenities, is an important factor in workers' ability to access decent work, and is a prerequisite for ensuring adequate livelihoods. The Working Group on Migration points out that basic formal provisioning should be linked to the provision of housing to migrant workers, integrating childcare, education and health facilities.

A related goal of this guiding principle is to combat workplace hazards and risks of illness and injury to which the migrant worker is perpetually exposed. Safe and healthy working conditions for women, by definition, also involves access to childcare facilities near either the workplace or their place of residence, and this must be necessarily included in the provisioning for dignified and decent working conditions.

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vi   ILO, Workers' Housing Recommendation, 1961 (No. 115).

vii   The Right to Adequate Housing is a "fact sheet" publication of the Office of the United Nations High Commissioner for Human Rights and UN Habitat. See Fact Sheet No. 21.

viii   Press Information Bureau, GoI, "Cabinet Approves Developing of Affordable Rental Housing Complexes for Urban Migrants/Poor", 8 July 2020.

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Workplace OSH standards are well developed in the formal sector even though they are not evenly executed. Statutes also exist for some sectors like mining, ports, construction and factories. However, India has not ratified the ILO Occupational Safety and Health Convention, 1981 (No. 155).[ix] OSH standards are as yet undetermined for a vast array of informal work domains and arrangements, and the policy calls for urgent articulation of these standards as a starting point. A cross-sectoral, pan-Indian, comprehensive plan that ensures the occupational safety and health of all workers needs to be formulated. Sectors that substantially absorb migrant workers must be prioritized in the formulation of such a plan.

8.1.5 Enabling workers' collectivization and organizations

Labour movements in India have always played a central role in the enactment and implementation of labour legislations. However, the casualization of work has created a large informal workforce with little access to or scope for collective bargaining at the shop-floor level. A majority of the workforce in the informal sector consists of migrant workers who are also a part of long contractual chains, engaged by multiple employers, and belonging to piece-rate and home-based group of workers. This has further led to the steady weakening of the labour movement.

An important goal of any labour policy should be to facilitate collectivization and organization of migrant workers, with caste and gender inclusivity, across the different sectors where they are recruited and engaged. There are successful regional examples of trade unionism in sectors such as garments, domestic work, construction, brick kilns and mining. However, a collectivization vacuum exists in many migrant-dense labour markets on account of workers' constant movement as well as their invisibility owing to the informal nature of their work. Discrimination between local workers and migrants over wage rates and other work conditions creates additional entry barriers for existing trade unions.

These unionization challenges deprive workers of the right to bargain and to communicate their concerns and interests collectively about wages and work conditions. In addition to giving them the power of collective bargaining, the objective of such a principle would also be to facilitate more transparent and organized communication between migrant workers, employers and the state. In essence, this sort of collectivization is a prerequisite for the success of social dialogue and tripartism as stated in the ILO fundamental Conventions C87 and C98.[x] Social dialogue enables (i) negotiations and consultations between different actors (for example, an employer, employees, and a representative of the state), (ii) collective bargaining and (iii) dispute prevention and conflict resolution.

Both the SNCL and the NCEUS note that the labour movement plays an important role in upholding labour rights. It also creates political intent within the state to legislate and implement central provisions necessary for the well-being of working populations. For this purpose, the NCEUS suggests an enhanced outreach towards migrant workers by allowing any union to register itself as long as it has seven or more members, and to be recognized for all dispute resolution mechanisms, even when there are no formal or standard employee–employer relations.

Trade unions, worker rights organizations and CSOs have a strong role to play in ensuring migrant workers' access to rights at par with local communities, thereby reducing discrimination between local and migrant workers and the tendency to utilize migrant workers to undercut local workers. Mobilization of migrant workers into local workers' collectives can also play a critical role in fulfilling the emotional and sociocultural needs of workers, while also providing them an active interface for engagement and integration with the local community. Therefore, there is a need to establish regular communication and networking channels among trade unions, worker rights organizations and CSOs in both sending and destination states.

[ix] The ILO Convention, 1981 (No. 155) on Occupational Safety and Health calls for the documentation, compilation and publication of national statistics on occupational safety and health on an annual basis.

[x] ILO, Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

8.2 Road map for developing a policy framework for the inclusion of internal migrant workers in India: Role of key stakeholders

The global experience underlines that migration will continue as long as there is hope, aspiration and an alternative livelihood option better than those available at home. A holistic response to the situation of migrant workers in India demands strong empirical evidence; capacities and funding; and political will and ownership by the government, social partners, CSOs and other relevant stakeholders.

COVID-19 exposed not just the plight of migrant workers but also highlighted the contribution of the migrant workforce to the development of the country. The pandemic has also presented all stakeholders with an opportunity to bring about a substantial and lasting shift in their conditions.[105] Therefore, the road map for developing a policy framework for the inclusion of internal migrant workers in India requires a multitude of stakeholders, from GoI to state governments, from employers to trade unions, from CSOs to development aid agencies and the UN, to work in coherence and unison to comprehensively address the various issues that have been identified.

We have to bear in mind that while the specific roles and responsibilities of individual stakeholders are important, an integrated approach that takes into account the intersectionality of the different kinds of vulnerabilities faced by migrants will be critical in ensuring that the responses are not constricted to narrow silos. A comprehensive and systemic approach that truly factors in the contribution of migrant workers to the development of the country and recognizes the centrality of their voice and agency will be fundamental to driving change that is both meaningful and sustainable.

8.2.1 Government of India

Bridge the evidence and enumeration gap on migration: In order to address the current gaps in macro- and micro-level data, it is necessary to form consensus on definitions, to conduct enumeration and evidence generation on the scale and nature of this movement, to document worker movement across prominent migration corridors, and to examine trends on occupational streams and demographic characteristics of migrant communities at the national, state and city levels. This process needs to be particularly sensitive to the vast heterogeneity and regional differences associated with this phenomenon, and must be sensitive to caste and gender. In addition to a separate survey on migration, it is necessary to implement the recommendation of the Working Group on Migration that the NSSO's periodic labour force surveys should cover information on whether a worker is a migrant and the details of their migration. Periodic data collection and synthesis and timely dissemination of macro and micro data must be ensured to facilitate informed policy decisions.

Fortify investments in rural development so that labour migration is safe, regular and an informed choice: Labour migration is often a survival strategy to cope with rural distress. Evidence reveals that the needs of the workers and their families are not fulfilled at the place of origin. Improving job opportunities with meaningful income returns constitutes one of the main challenges for India to reduce survival interstate migration.[106,107]

There is a dire need to fortify investments in rural development so that informed labour migration is one of the many choices of a potential migrant worker/household. The centrality of such a policy focus for reducing distress migration and promoting safe migration has been recognized by the National Commission on Rural Labour (NCRL), which recommended enhancement of rural livelihood options through securing land rights for socially marginalized groups, as well as investing in rural infrastructure, enterprises and agricultural employment. Rural economies need to be revived and revitalized with a focus on generating viable livelihood options and, in particular, the needs and aspirations of those in the lowest socio-economic brackets. This would provide potential migrants with a better opportunity for negotiation with a potential employer/contractor and would also serve as a fallback mechanism in case the person/household chooses to return.

Constitute an empowered nodal agency on internal migration within the Ministry of Labour and Employment (MoLE): A nodal agency should be set up at the federal level with the overarching function of ensuring the inclusion and welfare of migrants across various domains, including labour rights and welfare entitlements. The specific functions of this agency would

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include (i) ensuring systematic gathering of data on migration flows, so as to enable informed policy decisions, (ii) framing recommendations for key migrant-employing industries, with a special focus on vulnerable migrant streams, (iii) facilitating interstate coordination between prominent source and destination states and (iv) ensuring portability of various entitlements related to food supplies, health, early childcare and education. Appropriate fiscal allocations and transfers would need to be facilitated in order to ensure that migrants are able to access critical entitlements and public provisioning. A national helpline for migrant workers may also be set up, where workers can call in to register and seek resolution to violations of their rights and other grievances.

Implement the labour codes to ensure a favourable legal environment that fosters inclusion of migrant workers: The MoLE must take the lead in facilitating the implementation of the labour codes to ensure that the rights of migrant workers are protected. This facilitation should be approached in a coordinated manner through a whole-of-government approach with relevant ministries at the federal level and respective state governments. The implementation will also be effective through active social dialogue with the participation of trade unions and employers' organization and other relevant stakeholders. The expansion of the definition of the term "migrant worker" to cover all interstate migrants, including those workers who move voluntarily to another state for work, is a welcome step in this direction. Steps should also be taken to ensure that India becomes a signatory to major ILO conventions that have a bearing on the rights of internal migrant workers.

Strengthen labour administration: The MoLE should take the lead in ensuring that departments of labour at the state level are strengthened and equipped to address the issues of migrant workers. The staffing and budgetary allocations for labour departments should be enhanced significantly. This will help them perform the important role of regulatory oversight for ensuring compliance with important provisions in labour laws; undertake grievance redressal for migrant workers in the event of labour rights violations such as non-payment of wages or accident compensation; and strengthen inspections consisting of surprise checks and verifications. The resources allocated to labour departments should also have a special emphasis

on the capacity building, including for the use of new technology, and sensitization of their officials to better address the realities faced by migrant workers, which was also recommended by NCEUS.

Restructure industrial policy to provide special impetus to micro enterprises: Design specialized industrial support policies for micro enterprises, which are among the largest employers of vulnerable migrant workers. Policy formulation for the growth and revival of micro enterprises must be differentiated from that relating to small and medium-sized enterprises, with special incentives for registration and special support to ensure that they are able to meet a basic set of labour standards, including basic OSH infrastructure and minimum wages for employees. OSH training must be mandatorily provided to employers and workers in micro, small and medium-sized enterprises (MSMEs). Support towards inputs such as electricity and rent will also be helpful in ensuring that the sustainability of these units translates into decent employment outcomes for migrant workers.

Include migrants in India's urban policy formulation: The Ministry of Housing and Urban Affairs must take the lead in ensuring that the needs of migrant workers are purposefully included in the formulation of India's urban development policies and programmes. Programmes relating to urban public housing such as the PMAY, urban infrastructure such as water and sanitation through the Atal Mission for Rejuvenation and Urban Transformation (AMRUT) and urban livelihood programmes such as the National Urban Livelihood Mission (NULM) must necessarily factor in the large presence, needs and multi-pronged livelihood strategies of migrant workers in cities. The Working Group on Migration had suggested the formation of a separate fund under the PMAY, administered by the Ministry, for encouraging state and local bodies to take up the provisioning of basic formal services to all settlements, including migrant settlements, through upgradation of infrastructure. Adequate powers for decision-making and budgetary allocations must be devolved to urban local bodies (ULBs) in keeping with the spirit of the 74th Amendment of the Constitution, so that they are empowered to respond to the specific needs of the migrant communities. Urban planning should factor in the dynamic changes in cities owing to migration flows.

Foster social dialogue to formulate policies and programmes: Tripartite social dialogue should form the basis for the designing of policies and programmes for migrant workers in India. The NCEUS has suggested the formation of conciliation committees and dispute resolution councils at district and lower levels respectively to include unorganized workers, including migrant workers, in tripartite processes for resolving cases of labour rights violations; this recommendation must be implemented urgently by the MoLE. A whole-of-society approach that also draws from conversations with various other stakeholders, including CSOs and academia, and by also ensuring representation of women, will support the effective implementation of an effective policy design.

8.2.2 Sending regions (states and panchayati raj institutions)

Address rural distress at the centre of policy propositions: Addressing rural distress may include a variety of responses ranging from activation of the MGNREGS to significant investments in farm and non-farm sector enterprises to generate local employment. Such a policy priority has been outlined by the NNCRL, the SNCL and the NCEUS through extensive investment in employment generation, livelihood support and social protection for the most vulnerable rural groups, including Adivasis, Dalits and women. Reduction in rural distress is also profoundly tied to radical improvement in social infrastructure, particularly health, education, housing and nutrition that guarantees universal social security to rural households. Adequate investments in social infrastructure will change the quality of out-migration from outright distress to one driven by opportunity.

Map and prioritize high out-migration areas for targeted interventions: The states must map blocks and sub-blocks with high incidence of seasonal distress-driven migration. These may be marked as clusters that require special provisioning and programmatic attention. Such mapping can be used for designing and targeting specialized programmes for migrant workers and their dependent households. The data can also provide visibility to highly vulnerable groups such as migrant women or children and their migration patterns. This data can provide valuable input to the state for designing effective policies for out-migration regions. The focus of the panchayati raj institutions in these areas should be on creating

jobs and decent work in source areas, so that workers are not forced to migrate, but rather, migration is an informed choice.

Establish facilitation centres in high out-migration areas: On account of their frequent travel, return and relocation, migrant workers require structures that they can easily access in their migration corridors. Facilitation centres for migrant workers at source can be very useful in providing them with continuity of contact, regular information and counselling on issues they face on various fronts. Local governance institutions must take the lead in setting up these facilitation centres in partnership with trade unions and CSOs for registration, information on social security entitlements and safe migration, grievance redressal, health referrals and job counselling. Depending on available resources, facilitation centres may additionally take up provision of legal aid, settlement of wage disputes and mediation between workers and contractors/employers.

Invest in education, skills and vocational training/recognition: Focused and intensive interventions in the enrolment, retention and learning outcomes of children in the high out-migration areas is a long-term investment that can break the intergenerational transfer of poverty. Education and skilling can substantially alter the trajectory of migration from these areas. Understanding the range of destinations, occupations and markets specific to migration zones, it is advisable to consider high-impact skilling and vocational training programmes for youth at source areas. Such skilling/skills recognition can help migrants exit low-waged, low-skilled work by opening opportunities in markets and skills with potentially better returns. This must also include accessibility to entrepreneurial skilling and a chance at formal education.

Skilling and lifelong learning policies should be developed with a strong linkage with social protection and broader macroeconomic policies such as fiscal and industrial policies. Skilling has to necessarily include components of education on workers' rights and responsibilities in order to ensure that migrating youth have information and knowledge to act upon as they make their migration choices and the tools to seek legal recourse when needed. This must also include practical knowledge and measures to identify OSH risks and prevent work-related accidents

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and diseases. The prospect of skilling is most viable in the place of origin because of the time and resource availability among the youth. Skilling must also be followed up with facilitation for decent jobs and placement opportunities at destinations. COVID-19 has also unveiled that skills in new technology, including digital technology, can make a difference for workers in retaining their jobs. However, care should also be taken to ensure that girls and boys do not drop out of educational institutions to join skill trainings.

Provide easy access to financial products and services: For vast numbers of vulnerable migration-dependent households, a lack of formal credit and an absence of financial tools push them to highly exploitative debt arrangements with private moneylenders. Many areas also report a high prevalence of debt bondage, which results in more exploitative migration arrangements. It is in these areas and populations that financial inclusion needs to be scaled up, especially with a view to protecting the financial well-being of households in high out-migration areas. These services must also include opening of bank accounts, last-mile financial services, technology-enabled remittances, and financial literacy to prevent frauds and malpractices.

Enhance adaptation capabilities of migrant households and promote resilience: There need to be focused interventions in high out-migration areas to promote investment of income/remittances, in order to help migrant households to become more resilient and able to escape the poverty trap. It is also important to address the challenges faced by the family members who stay behind to secure access to entitlements such as the PDS, primary healthcare and work under MGNREGS.

Build coordination and linkages with receiving regions/institutions: High-level interstate coordination and linkages are required between the sending and receiving states to ensure that there is continuity of contact, support and services for interstate migrant workers. Dedicated desks set up by sending states in significant destination locations can provide immense support to migrants. Coordination can also provide much-needed information to enable portability between states.

8.2.3 Receiving regions (states and cities)

Ensure enumeration to enable migrants' access to social security in cities: LSGs in receiving states should undertake a systematic enumeration of the living settlements of migrant workers in urban areas. There is a vast heterogeneity in their living arrangements, which include rented rooms in city centres and industrial peripheries, open settlements, and worksite living arrangements on construction sites, inside factories, markets and small restaurants that are not likely to be covered under regular enumeration exercises. A purposeful enumeration can provide an important foundation, not only for recognizing the diverse needs of migrant workers, but also to ensure adequate allocations to the state and LSG welfare schemes.

Design migrant-inclusive urban governance for assured access to essential public services: ULBs should provide essential public services through a combination of strategies and depending on the needs of the migrant community, including housing, water, sanitation, food and healthcare. Mapping high in-migration areas in the state/district/ULBs is a first step towards this. Some important actions to design migrant-inclusive urban governance could also include the development of state-level welfare legislations through social dialogue, establishment of shelters, regulating living conditions on worksites and enforcing no-eviction policies for open-space dwellers. For migrant workers in construction and allied sectors, it would be important to take into consideration the recommendation of the Working Group on Migration to utilize the funds under the BOCW for provisioning of housing.

Large-scale rental housing that is affordable and accessible to migrant workers based on their livelihood patterns can be made available both through individual private provisioning as well as through publicly funded hostels, especially for women from marginalized groups. Other measures include ensuring appropriate incentives to ASHAs to reach out to migrant families, providing mobile health clinics and toilets, and offering services in languages that migrant workers understand. There must also be a special emphasis on sensitizing government authorities to address the stigmatization and alienation faced by migrant workers in urban centres.

Ensure migrant-inclusive legal redressal mechanisms: It is imperative that the institutions involved in legal redressal, including the police, labour departments and the judiciary, are migrant-inclusive and able to safeguard labour rights. Legal systems must acknowledge that even informal work arrangements are covered by labour legislations and ensure legal aid and justice for all citizens. In addition, first responders, especially the police and labour departments, must be sensitized to the regional and linguistic make-up of migrant communities to ensure that there is no hostility towards them.

Set up facilitation centres for migrant workers: Receiving states, in partnership with trade unions and CSOs, need to set up facilitation centres where workers can register themselves, post their grievances, be provided immediate counselling and support, and be referred to the appropriate authorities for correct information. While CSOs were among the first responders to the crisis faced by migrant workers as a result of the COVID-19 lockdown, it would be important for such facilitation centres to involve LSGs and state governments as well.

Focus on the gender-specific needs of migrant women: Gender-friendly access to public provisioning for food, fuel, health and sanitation will protect women from physical, mental and sexual harassment. Maternity benefits should be extended to informal sector workers within the ambit of the Code on Social Security. Efforts should be made to effectively implement provisions of the Sexual Harassment of Women at Workplace Act of 2013 for protecting the rights of women migrant workers in the informal sector. ULBs must also set up women's resource centres near informal settlements in migrant-dense clusters, so that women workers have a safe space to seek counselling and support for reporting cases of domestic violence or sexual harassment.

Undertake targeted interventions for disaster risk reduction (DRR) among migrant workers: The state and LSGs/ULBs should initiate DRR interventions and plan emergency responses keeping the vast number of urban-resident migrant workers in mind. These could include building the capacities of the state/district disaster management authority to respond to the vulnerabilities of migrant workers, mapping of migrant-dense areas, preparation of alerts in

languages that migrants can understand, and promoting safety and resilience.

Ensure continuation of education of children of migrant workers and prevent child labour: As suggested by the NCEUS and the Working Group on Migration, access to education and childcare must be linked to basic urban provisioning for migrant workers and integrated with the provisioning of housing facilities. The Working Group specifically calls for the establishment of residential facilities as well as, preferably, providing support to a caregiver chosen by the family, as is currently practised in some states.

Interstate collaborations are needed to ensure smooth transition of the children of migrant workers between the source and destination schools with instructional language continuity. Establishing functioning schools in the destination with a cadre of multilingual teachers who can assist in the transition from the mother tongue to the state language has also been recommended by the Working Group on Migration. As envisaged by the National Education Policy 2020, alternative education centres should be put in place in partnership with CSOs to ensure that no child is left behind. Concrete measures should also be taken to prevent children living in worksites with their parents from being absorbed into child labour.

8.2.4 Employers

Ensure access to basic provisioning for workers, as required by law: Employers with a large migrant workforce must ensure investment in basic housing and WASH infrastructure, and must implement safety standards at their worksites. This is already an integral part of key legislations such as the Building and Other Construction Workers Act and allows for dignified living for workers. In addition, this minimum standard must be upheld for all employees, regardless of work tenure, skill level and length of association with the employer.

Ensure decent work standards along the supply chains and build brand credibility: Employers should be transparent about practices along the value chain and share information about these practices with various stakeholders: customers, shareholders and the state. CSOs may be engaged as third-party auditors or implementing agencies to support the vendors, units and original equipment manufacturers to

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promote the welfare of migrant workers along the supply chains.

Move towards formalization along the supply chains*:* As a basic principle, employers/contractors must work towards the formalization of work contracts, including a thorough documentation of work hours, work standards, compensation calculation and digital payments, and must communicate all of this effectively to workers. In addition, all worksites must be duly registered with the relevant authorities with transparency about the nature of work, number of employees and operating standards. This would not only reduce legal disputes at the worksite, but also open up the possibility of PF, ESIC and other social security benefits for workers. Employer and business membership organizations (EBMOs) should adopt policies to discourage malpractices such as confining workers, deferring salary payments and retaining the original identity documents, and should penalize member organizations that tarnish the image of an industry by adopting such practices. The scope for direct recruitment from source areas may also be explored to avoid intermediaries who exploit workers.

Disclose labour practices to stakeholders to ensure ethical investing: Investors can play an important role in checking the labour malpractices of industry by withholding investment for violations of labour rights. This is not only beneficial to creating safe workspaces that ensure workers' well-being, it also communicates to consumers that brands are not willing to tolerate such supply chain malpractices.

Promote social dialogue ensuring representation of migrant workers: EBMOs can play a key role in ensuring that migrant workers are represented and engaged with through effective social dialogue mechanisms, given the low level of membership of migrant workers in trade unions.

Take responsibility for the most vulnerable of workers: Employers of domestic workers, home-based workers and footloose workers, irrespective of the duration of employment, should ensure that during the period of employment, their rights are realized and care is taken to enrol them in relevant welfare schemes that they can leverage at the destination region.

8.2.5 Trade unions

Mainstream organizing of migrant workers*:* There is a need to organize workers in the informal sector, including migrant workers, as this would empower them to undertake collective action, to gain recognition and to represent themselves effectively. Collective action would enable migrant workers to raise issues such as wage thefts, accidents, discrimination and exploitation at the workplace without fear and prejudice. Existing trade unions could enable and promote membership for migrant workers. It would also be beneficial for trade unions to consider reserving leadership and decision-making positions for migrant workers, with a special focus on gender-based inclusion. In addition to shop-floor mobilization, the unions could extend their membership to informal and unorganized workers, including those in the supply chains, contract workers and outsourced workers.

Leverage the experience of the ILO and build on existing labour collectives: The ILO has a model "Trade Union Agreement on Migrant Workers' Rights" in the context of international migration. Such a model agreement, contextualized to internal migration, could be a good starting point for expanding trade union membership to migrant workers while also outlining strategies for building capacities on collective bargaining.[108] Given their presence, both at source as well as at destination states, unions are best placed to collectivize and promote the welfare of migrant workers, including through skills development. As part of the agreement, unions may set up special information and facilitation centres that provide migration-related help at source and destination in a number of languages. In many cases, workers have formed city- and sector-specific associations and platforms, including for construction workers, domestic workers, waste and recycling workers, and street vendors. It is important to harness existing efforts that would help bring the concerns of these migrant workers into the mainstream unions.[109]

Promote OSH standards: The role of trade unions in the case of migrant workers can go beyond that of bargaining for better wages and work conditions. Migrants often work in hazardous occupations with enhanced risk of injury or death as well as consequences on long-term health and psychological well-being. Trade unions play a crucial role in helping workers

with negotiating safe and healthy working environments, including protection from violence and harassment; active participation in OSH committees and risk assessment; compensation claims in case of injury or disease; and the introduction of safety and health standards to protect against dangerous work processes, machines and materials.

Build awareness and tripartite platforms for bargaining: Unions could also actively engage in spreading awareness of migrants' positive contribution to society and the economy, and work towards minimizing their discrimination and stigmatization. Trade unions at both source and destination need to jointly work towards these objectives, engaging the government and employers in tripartite negotiations.[110] At the MSME level, these negotiations may also be convened in a bipartite manner. A member of a trade union should be able to leverage membership across states, with portable privileges.

8.2.6 Development aid agencies

Recognize internal labour migration as a priority for funding: Internal labour migration has so far not been a funding priority for donor organizations. The reactive approach to the issues faced by migrant workers during the COVID-19 lockdown reflected the lack of preparedness that is a combined outcome of poor research, limited information and minimal capacities of the stakeholders, which are in turn primarily due to a lack of prioritization and, therefore, funding. Hence, it is important to prioritize internal labour migration for funding, promote both research and programmes, and strengthen systems to promote migrant-inclusive development.

Incubate and nurture promising practices and support for trade unions and CSOs through seed funding, innovation grants and scaled-up support: In the absence of funding, there are only a few trade unions and CSOs with limited interventions in India focusing on the challenges faced by the migrant workers. There is an urgent need to build the capacities of CSOs and trade unions on the issue of internal migration in India to develop innovative solutions to improve the quality of life of migrant workers and families, and to scale up promising practices such as gender mainstreaming that can be adapted

across the states. Relevant trade unions and CSOs will immensely benefit from seed funding, innovation grants and scaled-up support of programmes that promote the welfare of migrant workers.

Focus more sharply on developed regions that are major migrant destinations: It is normal for donor organizations to prioritize regions that lag behind in human development for focused interventions. However, a majority of migrant workers move from regions with high out-migration to destinations in relatively developed regions within the country. Since the developed regions do not fall under the geographies that are funding priorities of donor organizations, trade unions and CSOs have limited resources and capacities to respond to the needs of migrant workers at these destinations. For example, both the theme of migration and South India are not donor priorities.[xi] This is despite the fact that southern Indian states that are demographically advanced have evolved as major destinations for migrant workers in the country.

8.2.7 Civil society organizations

Partner with government/LSGs to create demand and promote service delivery at a time, location and language that are convenient to migrant workers: The constraints of government systems to render migrant-friendly services can be effectively resolved through collaborative initiatives of the CSOs with the government/LSGs. Providing services at times, locations and in languages that are convenient to migrants can greatly enhance their access to healthcare, nutrition, housing, WASH and financial services, as well as to justice. The government/LSGs can unlock the available resources to be optimally utilized through such partnerships.

Forge source–destination partnerships for safe migration: While it might be operationally difficult for one CSO to be present at both source and destination, forging partnerships among CSOs in multiple diverse locations can promote safe migration programmes. This is particularly relevant in the case of migration corridors. Such partnerships can help diversify livelihood opportunities at the source areas, enhance skill training and recognition and ensure decent work

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[xi]   Post lockdown, many aid agencies have taken up internal migration as a priority for funding.

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opportunities at the destination areas, ensuring social protection of migrant workers.

Empower migrant workers through incubation of community-based organizations (CBOs): CSOs should support the strengthening of existing CBOs and the formation of new ones to work on migrant workers' rights at the grassroots and community levels. CSOs can play a key role in identifying and mentoring resourceful migrant workers. This can help better opportunities for their voices being heard, promoting financial inclusion, enhancing market linkages and empowering communities.

Sensitize the receiving community and address their concerns: CSOs can undertake sensitization about the positive contributions of migrants with key stakeholders, including political parties, government officials, the media and the residents' associations at destination regions.

8.2.8 UN organizations

Provide technical support to governments at the national and state levels to leverage and adapt verified and viable international practices: Governments, industries, trade unions and CSOs in India can benefit immensely from the lessons learned and the promising practices in promoting safe migration in other parts of the world. Many such practices and lessons may require adaptation to the Indian context. UN

organizations have the capacity and resources to provide technical support to the national and state governments to develop comprehensive plans to promote safe migration and inclusion of migrant workers and their families.

Create and foster platforms for knowledge management and solutions-based exchange in internal labour migration: Platforms bringing together different organizations to discuss internal migration need to be strengthened or established. Some platforms may need to be reactivated so as to provide an important opportunity for dialogue. Each UN organization could bring on board unique expertise so that a platform for knowledge management may be established to promote solutions-based exchange and micro and macro evidence that can better inform policies and programmes.

Ensure inter-agency coordination to maximize the impact of investments: Given the complementary mandates of different UN agencies, coordinated efforts can contribute towards evolving comprehensive and sustainable solutions for inclusion of migrant workers and their families. Each agency can identify and establish its own specific engagement plan with partners. However, this should ideally emanate from an inter-agency consensus, taking into consideration all their respective mandates and aiming for the achievement of the SDGs.

9. The way forward

The highly mobile nature of the migrant workforce means that a number of structures and institutions have to be involved in providing for this population. These structures will have to be embedded within the existing state machinery as well as in interstate mechanisms that link both the source and destination and the rights and requirements of migrant workers and members of their families. Such universal response systems will require strong political will, ownership and commitment at the central level while also ensuring dynamic coordination with states. This commitment and coordination should incorporate functions such as data collection, research, monitoring, facilitation and policy support. In light of this, there is also a need for legislation to be drawn from a robust set of labour standards and practical guidance.

The high out-migration rural regions of India present a combination of socio-economic development challenges that come together to trigger very distressing forms of migration. Conceptually, it is easier to identify high population density, agricultural distress and low per-capita incomes as the reasons for labour migration from these regions. However, these indicators do not necessarily highlight issues such as social exclusion and rural impoverishment and, in some cases, dysfunctionality of local governance systems and services. All of these need to be comprehensively addressed to improve outcomes for migrating populations and to have a lasting impact on rural prosperity, productivity and well-being. The creation of sustainable local employment, the protection of local wage markets and the provision of social security will be essential elements for rural development in high out-migration regions. In addition, ensuring the elimination of labour trafficking and reducing vulnerabilities to bonded-labour-like situations will contribute to the establishment of a fair migration-governance system, which will benefit migrant workers, their families, and sending and receiving communities alike.

10. Conclusion

Migrant workers contribute immensely to India's economic growth despite the fact that a majority of them are in the informal economy. This makes it imperative for the government and other concerned stakeholders to work in a concerted manner to develop a policy framework that recognizes the inclusion of internal migrant workers and delivers benefits and opportunities alike for them and members of their families. Universal and portable access to social protection, public provisioning in urban destinations and access to justice are all essential ingredients for a fundamental change in the conditions of migrant workers. There is also an urgent need to revitalize and strengthen tripartite processes and structures in industries and sectors that employ large numbers of migrant workers.

The COVID-19 pandemic, the lockdown and the consequent mass movement of migrant workers towards their homes have highlighted the need to bridge the existing gaps in India's labour and urban policies. Many months into the pandemic, migrant workers are still struggling to meet their fundamental needs. It is therefore of utmost importance and of urgent need to come together through a whole-of-government and whole-of-society approach for the betterment of migrant workers, who may otherwise continue to remain in the periphery long after the restrictions of the COVID-19 lockdown have been lifted. In the course of India's future, if we wish to truly "Build Back Better", we must pursue the more difficult yet transformative path of change to ensure decent work and social justice for migrant workers and members of their families.

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