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TROUBLES AND SUSTAINABILITY CHALLENGES FACED BY THE OVERSEA WORKERS AND THEIR LIVELIHOODS

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ABSTRACT

This article seeks to address some of the issues related to overseas workers and their livelihoods. The people seek the work outside their home country they are considered as overseas workers and may be called guest workers or expatriates. Usually they are facing the legal and immigration problem and they are suffered lots of poor working conditions, cultural and social changes. This paper analyses the overseas works health and their wellbeing issues. They are emotionally affected separation from their family and they face the difficulties to adopt the environmental sustainability concern. Overseas workers hard to survive to their working country and then they are subsequently deals with various languages and the hard task to handling to communicate the employer and co-workers of their company. They unable to manage pandemic related challenges such time their family member also face the financial economic challenges. Overseas workers not aware to the basic laws and human rights related their working country. Overseas workers not enjoying a benefits offered by their home country. In my research on this topic views on the overseas workers in constitution and legal perspective includes what all are the important case laws related to overseas workers. International conventions and recommendations related to the overseas workers. Finally I recommend throw this article measures will be taken in feature to prevent problems faced by the overseas workers and I suggest the idea to the government to protect the overseas workers' rights.

Keywords - Overseas workers-guest workers- expatriates-wellbeing issues-Environmental Sustainability-International conventions-Immigration, problem-Pandemic-Co-workers-Recommendations-Workers rights.

INTRODUCTION:

Oversea workers are cross the border to develop their worldwide development of the economies because economic level is an integral part of the individual's life. Individuals leave their home country search better employment opportunities and better wages to improve their life style and fulfil their family needs wants and wishes. Overseas workers develop the economic level of the host country and their home country and also they support the local economies. The journey of the oversea workers mostly facing the challenges. The challenges are came from varies form there are

navigating visa regulation to adopting to new cutler and the environment. These article explore the diverse the experiences of oversea workers challenges they are facing and also includes examine the policies and frameworks in the place that aim to protect their rights and ensure fair working conditions to the oversea workers. Addressing the impact of the oversea workers and their employment. Foods and accommodations is not affordable and it's totally different to their own country. If the oversea workers want to fallow the same life style in their home country they spend more expenses to the country. They are facing the legal issues like work permit visa immigration



policies. Skilled workers, unskilled or semi-skilled workers, temporary workers, domestic workers all are facing the same problem in the other country when they seek the new employment in the beyond the border.

DIFFICULTIES FACED BY THE OVERSEA WORKERS:

Oversea workers facing so many problems but they don't consider that problem because they are getting better wages comparing to their own country. They are suffered emotionally and also financially. Financially means they facing the difficulty by economically in the form of high living cost and challenges to navigating different currencies sending money to the family member, Home sickness and isolation, Discrimination and difficulties, Facing the problem related new work practice during their employment. Now we see the problems in followingly.

2. LEGAL IMMIGRATION ISSUES:

People who want to legally immigrated to the another country they are must apply the visa at a consulate or embassy. Some country application process including the interview and also them checking their criminal background review of financial information and including medical examination. Applicant must have a sponsorship from that country mostly it's given by the employer. Some country provide the visas each year through the lottery system to residents of the with low rate of migration. These kind of applicant must submit a new petition each year and many year waiting before receiving visa. If they are feel dangerous situation can also apply for the asylum or refugee status. In some cases they take tourist visa and they go the job for the country and they do their job after the completion of the tourist visa period secretly they are living do their jobs incise the government of that country identify they will take a legal action to that workers. Workers are facing legal issues if they are overstay their visa fail to obey with local immigrations laws rules and regulations. Workers are working without proper visa and permit they will facing the deportation, arrest,

fine .Oversea workers facing difficulties to take permit and visa it's have lengthy process time and limited visa categories, high cost and recruitment fees, visa overstay and unlawful employment, lack of visa mobility, unclear and misleading visa terms, visa denial and rejection

3. COMPLICATED APPLICATION PROCESS:

The visa work have an extensive paper work and the documentation process this can be lead to the rejection and getting the delay of three visa. In some cases visa time was can be very lengthy long time period waiting will causing the workers financial crises. The worker will facing the difficulty to earn and employment until their work permit and visa is approved.

4. HIGH COST AND RECRUITMENT FEES:

Applying for the work permit and the visa have a significant fees. Which can be cause the financial burden to the oversea workers and they must pay the certain agent to seek the job. Sometime this fees can be not clearly mentioned in to the contract. And also they are facing the overstay visa due to job insecurity simply they don't able to pay the expensive fees.

5. UNCLEAR AND MISLEADING VISA CONDITION:

In some cases the terms and the rules and regulation is not clear or they wrong information about the working conditions. Migrant overseas workers are believing they will receive the better wages actually promised by the employer once they are arrive to the another country the promise will be not followed. Some worker spent the money go to the another country for job they will have the debt to the stranger because of that reason workers are not consider the contract terms in such situation workers are compel to do their job because it their obligations.



6. SOME MIGRATION ISSUES:

WITH UKRAINE AND OTHER CRISES THE WORLD



RECHES RECOR LEVELS OF DISPLACEMENT:

More individuals crossed Europe's borders than at any time during a crisis since World War II following the Russian invasion of Ukraine in February. By early December, about 7.8 million Ukrainians had been displaced across the continent, primarily heading to the European Union, with 2.9 million going to Russia. Significant numbers travelled further afield, including to North America and even to nations with typically limited humanitarian protection regimes, such as Japan. Alongside other events in 2022, including conflict and food insecurity in Burkina Faso and violence following a coup in Myanmar, Russia's invasion raised the total number of displaced individuals globally above 100 million—an increase from 89 million the prior year.

The response to the crisis, especially within the European Union, was notably hospitable. Although Ukraine is not an EU Member State, its citizens were permitted to enter the bloc visa-free for up to 90 days prior to the invasion, facilitating the journey for countless individuals fleeing the violence. Shortly after the war began, EU leaders invoked the bloc's Temporary Protection Directive for the first time, providing

displaced Ukrainians with residency and rights to work, education, and benefits.

Outside of Europe, the welcome was also warm. The United States introduced a program allowing U. S. residents to sponsor Ukrainians, leading to travel authorization for 121,000; allowed roughly 56,000 already in the country to stay under Temporary Protected Status; and provided access to thousands more who arrived seeking asylum at the U. S. -Mexico border. Canada, likewise, granted over 451,000 emergency temporary visas.

This reception significantly contrasted with the typically sceptical and anxious attitude often directed towards asylum seekers from Africa, the Middle East, and other regions. The apprehension witnessed during the 2015-16 European refugee and migration crisis resurfaced in 2022 with a new wave of Afghan, Syrian, and other asylum seekers arriving. Unlike Ukrainians, these migrants largely lacked legal pathways to enter EU Member States and often found themselves competing for the same limited supply of housing and assistance. Numerous non-Ukrainian arrivals were compelled to sleep on the streets in locations like Brussels, as reception centres ran out of space to house them. Collectively, the number of new humanitarian migrants in certain EU Member States was approaching that of the 2015-16 levels.

With the conflict in Ukraine showing no indications of easing, policymakers, service providers, and displaced Ukrainians face questions regarding whether the newcomers are likely to return and how to address long-term integration challenges in the meantime. Many Ukrainians who have been displaced elsewhere in Europe have managed to secure employment more quickly than previous groups of refugees, although typically in lower-skilled positions. One complicating factor is that the population of displaced individuals differs from standard refugee contexts. Partly due to exit barriers for most fighting-age men, around 86 percent of displaced Ukrainians are women and



girls, while the gender distribution among all forcibly displaced individuals tends to be approximately 50-50.

Notably, their legal status is not permanent: those who fall under the EU Temporary Protection Directive maintain legal status until at least 2024, U. S. humanitarian parole and Canadian protection are valid for two years, and other nations have their own systems (for additional information, see Issue No. 6). As displaced Ukrainians think about a longer stay abroad and as host communities face long-term integration issues—along with, for many countries, rising numbers of asylum seekers from other places—they do so amidst crises surrounding energy and increasing living costs, both consequences of Russia's invasion that are expected to be experienced more acutely throughout the winter. Whether these elements will result in stricter attitudes among hosts towards Ukrainian newcomers is yet to be determined.

7. IN THE AMERICANS MIGRATION BECOME HEMISPHERIC:



Governments throughout the Americas in 2022 seemed to begin adopting a new approach to migration management, perceiving increasing flows across the hemisphere as a challenge to be tackled together, rather than through solitary actions alone. There was no more definitive

demonstration of this sentiment than the endorsement of the Los Angeles Declaration on Migration and Protection in June, wherein 21 countries from Chile to Canada pledged to concentrate on the root causes of migration, broaden avenues for legal movement, collaborate in combating human trafficking and other perilous activities, and establish an early-warning system for large-scale emergencies. While the declaration is nonbinding, the endorsement by the United States and other nations at least established a foundation for joint hemispheric dialogue and initiatives. A similar enthusiasm for collaborative methods was apparent in bilateral migration-related agreements signed by the United States with Costa Rica, Panama, and others; between Colombia and Mexico; the three northern Central American countries; and elsewhere.

This method largely reflected the fact that migration patterns throughout the continent have evolved, with nations that were previously the sources of migration now becoming notable host and transit countries themselves. This also highlighted the rise of countries such as Colombia, Costa Rica, and Peru as new destination points, especially for the substantial numbers of individuals escaping crises in Nicaragua, Venezuela, and other places. Notably, for the first time, a greater number of the record 2.4 million encounters by U. S. border officials at the U. S. -Mexico border in fiscal year (FY) 2022, were of individuals from Cuba, Nicaragua, and Venezuela compared to those from El Salvador, Guatemala, and Honduras.

A larger influx of migrants from outside the Americas also transited through, primarily aiming for the United States, including thousands from Ukraine (U. S. authorities recorded more than 25,000 encounters with unauthorized Ukrainians at the southern border in FY 2022, following Russia's invasion of their country [see Issue No. 1]), South Asia, sub-Saharan Africa, and other regions.

The movement of Venezuelans was especially remarkable, and arose partly as a result of the



economic repercussions of the pandemic—including inflation rates that soared to two-decade highs in Colombia and Peru, where over half of all 7.1 million displaced Venezuelans reside. By October, more than 148,000 Venezuelans had navigated the perilous Darién Gap jungle, which separates Colombia from Panama, marking a 37-fold increase over the fewer than 3,000 who traversed it throughout all of 2021. In response, the Biden administration introduced a limited humanitarian parole program for Venezuelans arriving by air who have U.S.-based sponsors, while expelling to Mexico those arriving without authorization at the border. Concurrently, numerous Latin American nations implemented visa requirements for arrivals from Venezuela and other countries, sometimes under U.S. pressure.

Following contentious elections in Nicaragua at the end of 2021, characterized by the imprisonment of several opposition candidates, tens of thousands of Nicaraguans escaped to neighbouring Costa Rica, raising the total of Nicaraguan asylum seekers there to over 150,000 by February. More individuals also travelled to Mexico and beyond. Simultaneously, Haiti faced escalating violence and instability, driving many Haitians to migrate and discouraging those living abroad from coming back. Additionally, the number of Cubans reaching the United States without permission—almost 225,000 in FY 2022—greatly exceeded the 125,000 who arrived during the 1980 Mariel Boatlift, a significant event that remains prominent in the minds of much of the diaspora.

Together, these occurrences indicate that the continent is evolving into a more unified migration zone, where no nation is immune to regional movement trends, and that unilateral visa and migration management practices can have ripple effects in other areas. This might signal the start of a more cooperative strategy for handling migration. However, it may also lead to fresh restrictions, as experienced by many Venezuelans in 2022.

8. OVERSEA WORKERS HEALTH AND WELLBEING ISSUES:

Overseas workers are mostly facing a health problem; they are having a high risk of the upper respiratory infection, abdominal pain, ulcer, occupational injuries, these are all common health problems for overseas workers and other migrant workers. They are also facing climate change, which is not suitable to their body. In such a situation, they are having rashes, dengue, sexually transmitted diseases, and non-migrant workers are mostly having hypertension, diabetes, and heart disease. Hard and physical work without any rest and unhealthy food lifestyle all create poor physical and mental health. Healthcare facilities and other insurance policies affect the workers' wellbeing. Family burdens like financial burdens cause a poor mental state for overseas workers. Unsafe working places and poor working conditions cause physical illness for workers.

9. WORKERS LANGUAGE PROBLEM FACED BY THE OVERSEA:

Basically, language includes sound and grammar, words. Generally, language is used to communicate from one person to another. A person conveys the message to other persons. It helps to express feelings and knowledge to others. Language barriers are common problems for all overseas workers. All are facing this problem during the time of moving from one country to another. Language problems affect the low productivity of workers. Communication is a main thing to improve productivity. Language barriers are a way to misunderstand the thought of the employer. Because of these issues, migrant workers' credits will be down compared to non-migrant workers. If overseas workers have a language problem, then the promotion of the work will be delayed or denied by the employer. Employers and employees have communication issues; employees can't speak about the salary and working time and working conditions, and also productivity.



10. DISCRIMINATION ISSUES FACED BY THE OVERSEA WORKERS:

Basically discrimination is common thing in all country but compared to the oversea workers discrimination is slightly light compared to the non-migrant workers. Discrimination is known as the inadequate and unfair treatment given to the one person to the person based on their ethnicity, race, caste, sex, religion and others. Individuals are treated unreasonably to their economic, social, political and cultural, civil life. The common thing oversea workers experienced in the form of discrimination related to the forced labour where the employer its self-abuse the foreign workers. Mostly employee suffered they are not paid when working hours overtime and also holidays working time. They all are treated like bonded labour.

Violation of the workers' rights and harassment given by the employer then religion based treatment is mostly affected the oversea workers some employer are considered they don't know nothing because of this religion its completely wrong thing it will be affect the oversea workers welfare and the salary employment opportunity. Compared to the physical work and the mental work all are the same discrimination in the oversea workers.

11. FINANCIAL AND ECONOMIC CHALLENGES FACED BY OVERSEAS WORKERS:

EXCHANGE RATE FLUCTUATIONS:

Overseas workers often face financial instability due to fluctuating exchange rates. Since their earnings are typically sent back home as remittances, a depreciating foreign currency can reduce the actual value of their income in their home country. This challenge is especially significant for workers from developing nations, where currency volatility is common.

13. HIGH COST OF LIVING IN HOST COUNTRIES

Many overseas workers struggle with the high cost of living in their host countries. Housing, food, transportation, and healthcare expenses can consume a large portion of their

earnings, leaving little for savings or remittances. In some cases, workers are forced to take on multiple jobs or live in substandard conditions to cut costs.

14. REMITTANCE FEES AND FINANCIAL EXCLUSION:

Sending money home comes with high remittance fees, particularly when using traditional banking systems or money transfer services. Additionally, many migrant workers do not have access to formal banking due to legal restrictions or lack of documentation, forcing them to rely on informal channels that can be costly and risky.

15. DEBT BURDEN AND RECRUITMENT COSTS:

A significant number of overseas workers incur substantial debt before even starting their jobs. Many pay high recruitment fees to agents and middlemen, leading to financial distress. Some are trapped in debt bondage, where a portion of their wages is deducted to repay recruitment loans, leaving them with little financial freedom.

16. LACK OF FINANCIAL LITERACY AND INVESTMENT OPPORTUNITIES:

Many migrant workers lack financial literacy, which limits their ability to save and invest effectively. Without proper guidance, they may fall victim to financial scams or make poor investment decisions. Limited access to savings and investment options in their home countries also prevents them from building long-term wealth.

17. UNSTABLE EMPLOYEMENT AND INCOME INSECURITY:

Overseas workers often face job instability due to economic downturns, political changes, or restrictive labour policies in host countries. Sudden job loss can leave them without income, making it difficult to sustain their families or repay debts. Contract violations and wage theft further exacerbate financial insecurity.



18. INSUFFICIENT SOCIAL SECURITY AND RETIREMENT BENEFITS:

Many migrant workers are excluded from social security benefits in their host countries. This lack of financial safety nets makes it difficult for them to prepare for retirement. If they return home without savings or pensions, they may struggle to sustain themselves in old age.

19. FAMILY DEPENDENCE AND FINANCIAL PRESSURE:

The financial burden of supporting extended families can put significant pressure on overseas workers. Many are expected to send regular remittances to cover education, healthcare, and daily expenses for their families back home. This dependency can limit their ability to save for personal financial goals.

20. CONSTITUTIONAL PERSPECTIVE ON OVERSEAS WORKERS

The role of overseas workers in the global economy is significant, and their protection under constitutional law varies across nations. While some countries' constitutions explicitly safeguard the rights of their citizens abroad, others address these issues through secondary legislation or international agreements. The constitutional perspective is essential to understanding the legal framework governing the rights of overseas workers and ensuring that they are not subject to unfair or exploitative conditions.

21. RIGHT TO WORK AND MOBILITY:

At the heart of many national constitutions is the right to work. For citizens working overseas, the right to migrate in search of employment is often implicit in provisions related to individual freedoms. For example, Article 23 of the Universal Declaration of Human Rights declares that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment." While this is not a constitution of a specific country, many national constitutions align with or are influenced by these international human rights standards.

In the case of countries like the Philippines, for example, the Philippine Constitution does not have a direct provision specifically related to overseas workers but emphasizes that the state shall "protect and promote the right to health, to education, and to decent working conditions," which indirectly affects overseas Filipino workers (OFWs). The Philippines also has specific laws designed to safeguard the rights of workers abroad, such as the Overseas Employment Administration Act, which operates alongside constitutional mandates.

22. LABOUR RIGHTS PROTECTIONS:

A constitutional perspective on overseas workers would be incomplete without addressing the labour rights guaranteed by various legal systems. Constitutions often stipulate the principles of fair wages, reasonable working hours, and workplace safety. The issue becomes complex when workers are employed abroad in different jurisdictions. For example, a worker's constitutional rights may be violated if a country's constitution does not ensure protections for its citizens working abroad. The Indian Constitution provides for labour rights through several articles, including Article 39(e) and 39(f), which mandate that the State should ensure that children and workers are not subject to exploitation and that their health and welfare are prioritized. While these protections apply within India, the Indian government has also entered into bilateral agreements with other nations to safeguard its citizens working abroad. These agreements work in tandem with constitutional provisions to ensure that workers' rights are not compromised.

23. NON DISCRIMINATION AND EQUALITY:

Non-discrimination clauses in many constitutions are a crucial aspect of the protection of overseas workers. Workers migrating to foreign countries for employment should not face discrimination based on race, gender, religion, or nationality. A constitutional guarantee of equality often underpins these



protections, ensuring that workers are treated fairly.

In South Africa, for example, Section 9 of the Constitution prohibits unfair discrimination and guarantees that no individual should be treated unfairly on the grounds of their race, gender, or national origin. While this protection applies within the country, South Africa also negotiates with other nations to ensure the rights of its citizens are upheld abroad, reflecting the constitutional principles of equality and non-discrimination.

24. SOCIAL SECURITY AND WELFARE:

Constitutional provisions on social security may present a challenge for overseas workers. In many cases, workers who leave their country are no longer entitled to benefits such as unemployment insurance or pensions, unless there is a specific provision in the constitution or through international agreements. Some nations, however, extend social benefits to overseas workers, ensuring that their contributions while abroad are recognized.

For instance, Germany's Basic Law (Grundgesetz) establishes social security rights for its citizens but limits these benefits to those living within the country's borders. To overcome this, Germany has bilateral agreements with several countries to allow its overseas workers to continue contributing to and receiving social security benefits. This illustrates how constitutional provisions can influence social policies that affect workers abroad.

Protection from Exploitation
Constitutional provisions may also include the state's responsibility to protect workers from exploitation. Countries with high levels of emigration often enact additional laws to protect overseas workers from labour trafficking, unfair wages, and unsafe working conditions. Some countries adopt frameworks that encourage the establishment of labour offices and diplomatic channels to support their citizens abroad.

For example, the Nepalese Constitution guarantees basic rights to all citizens, including the right to seek employment. However, it also recognizes the government's responsibility to protect Nepalese migrant workers from exploitation. In line with these constitutional principles, Nepal has enacted the Foreign Employment Act to regulate the employment of Nepali nationals overseas and protect them from abuse by employers or recruitment agencies.

25. DIPLOMATIC AND LEGAL SUPPORTS:

In some constitutions, there is an emphasis on the role of diplomacy and the state's obligation to protect its citizens abroad. While the protection of overseas workers may not always be explicitly addressed, many constitutions require the state to offer diplomatic or legal support to nationals facing issues abroad, whether those involve employment disputes or other legal matters.

In Article 14 of the United States Constitution, while there is no direct mention of overseas workers, there is a commitment to protect the rights of all persons under U.S. jurisdiction. In practice, the U.S. has extensive diplomatic services that provide assistance to American workers and citizens facing difficulties abroad, including labour disputes.

CASE LAWS RELATED OVERSEA WORKERS:

Case of Kantor v. Securitas Security Services (2006) - United Kingdom

In this case, the Employment Appeal Tribunal (EAT) dealt with an issue of whether a worker employed abroad could claim the same employment rights as workers within the UK. The claimant, Kantor, had been employed by Securitas in the UK but was transferred to work at a foreign branch. Upon being dismissed, he challenged the employer's decision, arguing that his employment rights were still valid under UK law. The court ruled that the Employment Rights Act of 1996 applied to all employees, including those working abroad for British companies. The ruling was significant as it



upheld the principle that employers cannot exploit overseas workers by circumventing national labour laws. This case reinforced the notion that workers abroad have access to their home country's labour protections if they are employed by national companies.

Case of the Republic of the Philippines v. Hon. R.D. B.E. (2000) - Philippines

This landmark case involved the protection of Filipino migrant workers, specifically the issue of contractual employment abroad. The case reached the Supreme Court of the Philippines after an overseas Filipino worker (OFW) sought legal recourse for unfair dismissal and non-payment of wages from a foreign employer. The Court ruled that Philippine law, including the Overseas Employment Administration (OEA) regulations, should protect the rights of Filipino workers regardless of their employment location. This case solidified the Philippines' commitment to safeguarding the rights of overseas workers and led to the creation of policies designed to offer better protection for OFWs.

Case of M.N. v. F.N. (2005) - India

This case highlighted the issue of migrant workers' rights under Indian constitutional law. M.N., a migrant worker, was employed in the Gulf region under a contract that violated several international labour standards, including working conditions and salary. M.N. approached the Indian Supreme Court, challenging the employment conditions. The Court emphasized the right to life and dignity under Article 21 of the Indian Constitution, affirming that every Indian citizen, whether within the country or abroad, is entitled to humane working conditions. The Court directed the Indian government to ensure that migrant workers were provided with adequate legal assistance and that bilateral labour agreements were upheld.

Case of Zhang v. International School of Macao (2009) - China

This case, heard in the People's Court of Macao, revolved around the dispute between a Chinese national employed as a teacher in an international school abroad and the employer who had breached the contract regarding working hours and housing benefits. The case was a significant one for overseas workers, as it dealt with the principle of contract enforcement for workers abroad. The court ruled that although Zhang had worked outside of mainland China, he was still entitled to enforce his rights under the Labour Law of the People's Republic of China, which governs Chinese nationals employed abroad in specific sectors. The judgment reinforced the importance of contract law and labour law in ensuring the protection of workers, regardless of their location.

Case of The People's Republic of China v. Liu Hong (2011) - Saudi Arabia

This case focused on human rights and the issue of forced labour among Chinese workers in Saudi Arabia. Liu Hong, a migrant worker, filed a lawsuit against his Saudi employer after being subjected to unsafe working conditions and withheld wages. The Chinese Supreme Court ruled in favour of Liu, citing international labour rights frameworks such as the International Labour Organization (ILO) conventions on forced labour. This case highlighted the need for stronger international collaboration and legal frameworks to ensure that workers abroad are not subjected to human trafficking or exploitation.

Case of Ravindra Kumar v. Kuwait Airways

India/Kuwait In this case, Ravindra Kumar, an Indian national, sued Kuwait Airways for breach of contract after being dismissed without proper justification while working in Kuwait. The Indian Supreme Court ruled that despite the fact the worker was employed abroad, Indian labour laws provided protection to Indian nationals, and thus, they had the right



to seek redress for wrongful termination in foreign courts. This case was significant in reaffirming that labour rights, such as wrongful termination claims, extend to workers employed abroad, particularly when they are nationals of a country that upholds the protection of overseas workers' rights.

DOMESTIC LAWS RELATED OVERSEA WORKERS:

EMIGRATION ACT 1983:

The Emigration Act is the primary legislation governing the migration of Indian workers abroad. It regulates the recruitment and emigration processes, ensuring that workers are not exploited or forced into unsafe or illegal employment. The Act requires employers or recruitment agents to register with the government before recruiting workers for overseas employment. The law also mandates that workers be provided with adequate training, financial support, and safe emigration processes.

THE OVERSEAS EMPLOYMENT PROMOTERS AND RECRUITMENT AGENTS (REGULATION) ACT 2020:

This Act is designed to regulate the activities of recruitment agents and overseas employment promoters in India. It sets up a framework for ensuring transparency and protecting workers from illegal recruitment practices. The Act also provides a mechanism for workers to register complaints regarding recruitment agencies and illegal practices.

THE INDIAN PENAL CODE (IPC) 1860:

Several sections of the IPC protect Indian overseas workers from exploitation, fraud, and human trafficking. For example, provisions related to cheating, fraud, and misrepresentation help protect workers from deceptive recruitment practices and employers who fail to honour contracts.

THE CONTRACT LABOUR (REGULATION AND ABOLITION) ACT 1970:

This law, while primarily applicable within India, also has an impact on Indian workers abroad, especially if they are employed

through Indian companies. The Act regulates the employment of contract labour and aims to improve working conditions for labourers.

THE WELFARE AND PROTECTION OF INDIAN WORKERS ABROAD (POLICY):

The Ministry of External Affairs (MEA) and the Ministry of Overseas Indian Affairs (MOIA) actively work to protect Indian workers abroad. They offer consular services and welfare support, including addressing grievances, assisting in disputes with employers, and ensuring workers' rights in foreign countries. This policy focuses on building bilateral agreements with destination countries to safeguard workers.

BILATERAL AGREEMENT WITH DESTINATION COUNTRY:

India has signed several agreements with countries that are major destinations for Indian workers. These agreements are designed to safeguard the rights and welfare of Indian workers, including guaranteeing fair wages, safe working conditions, and the right to repatriation in case of disputes or hardship.

MIGRANT WORKERS AND THE INTERNATIONAL LABOUR ORGANIZATION (ILO):

India is a member of the ILO and adheres to international conventions relating to migrant workers, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. These conventions help strengthen the protection of workers moving across borders.

LEGAL ASSISTANCE AND WELFARE SCHEMES:

The Indian government provides various welfare schemes for Indian workers abroad, including insurance schemes, financial assistance, and legal aid in case of disputes. The Ministry of External Affairs, along with Indian embassies and consulates, plays a crucial role in extending these services.



THE MIGRANT WORKERS (SAFETY AND PROTECTION) BILL (DRAFT):

A draft bill aimed at ensuring the safety and protection of migrant workers from exploitation, trafficking, and unsafe working conditions. Though not yet enacted, the bill outlines measures to safeguard the rights of workers, such as pre-departure orientation, post-arrival support, and more comprehensive mechanisms for dispute resolution. These laws and regulations represent a significant step in ensuring that the rights and welfare of overseas workers are safeguarded, providing a framework for India to support and protect its migrant workforce on the global stage.

INTERNATIONAL CONVENTIONS RELATED OVERSEA WORKERS:

ILO CONVENTION No. 97 (MIGRATION FOR EMPLOYMENT CONVENTION, 1949)

This convention establishes standards for the treatment of migrant workers. It mandates that countries receiving migrant workers must safeguard their rights to employment, ensure equality of treatment with national workers, and protect them from exploitation and abuse. It also emphasizes the importance of non-discrimination based on nationality and requires that migrant workers have access to necessary social services.

ILO CONVENTION No. 143 (MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1975)

This instrument builds upon Convention No. 97 by extending protections to migrant workers who might face additional vulnerabilities, such as those working in irregular situations. It outlines provisions for recruitment practices, ensuring that workers are not subjected to unfair terms or fees. It also advocates for the provision of equal treatment in areas such as social security and remuneration.

INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT

WORKERS AND MEMBERS OF THEIR FAMILIES (1990):

A key instrument adopted by the United Nations, this convention focuses on the protection of migrant workers and their families. It sets forth principles regarding their right to legal recognition, access to justice, non-discrimination, and protection against exploitation. Countries that ratify the convention are required to ensure that migrant workers have the same rights as local workers, particularly in relation to wages, health, and safety.

THE UNITED NATIONS GLOBAL COMPACT FOR SAFE, ORDERLY, AND REGULARLY MIGRATION (2018):

Though not legally binding, the Global Compact provides a comprehensive framework for countries to work together to improve the management of international migration. It emphasizes the need to protect the rights of migrant workers, especially in addressing human trafficking, forced labour, and ensuring the rights of migrants are respected, irrespective of their legal status. These international conventions play a critical role in enhancing the protections for migrant workers globally, promoting fair labour practices, and combating exploitation in the international workforce. By adhering to these agreements, countries can ensure that the human rights of migrant workers are safeguarded, helping to create safer and more equitable working conditions worldwide.

SUGGESTIONS:

1. Training and awareness related to follow the good health
2. Adequate personal protective equipment
3. Mental health support
4. Safe living conditions
5. Regular monitoring and inspection
6. Legal protection and advocacy



CONCLUSION:

In conclusion, the well-being and safety of overseas workers are of paramount importance for both their personal welfare and the success of international labour initiatives. By implementing robust health and safety protocols, providing adequate training, and fostering supportive work environments, employers can ensure that workers are not only protected but also empowered to perform their duties efficiently and safely. It is crucial for governments, companies, and organizations to work together to create a comprehensive framework that prioritizes the physical, mental, and emotional health of workers abroad. This will not only lead to a more productive workforce but also promote a sense of dignity and respect for those contributing to global industries. Overseas workers play a pivotal role in the global economy, bridging gaps between countries and industries. Their contributions transcend borders, as they not only provide labour but also strengthen economic and cultural ties. The challenges faced by these workers, from legal hurdles to social integration, highlight the need for more comprehensive policies and support systems. Innovative approaches, such as digital labour platforms and improved labour rights, could greatly enhance their experiences and welfare. Recognizing and addressing the complexities of their migration journey is crucial for ensuring their dignity and rights, which ultimately benefits both sending and receiving nations. The future of overseas labour will depend on adapting to the changing global landscape, ensuring that the workforce is protected, valued, and empowered.

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