Executive Summary

Assessment of Existing Services for Skilled Migrant Workers: India Project Site

Dr S Irudaya Rajan
Centre for Development Studies
Trivandrum

26 July 2013
India Habitat Centre
New Delhi

Project funded by the European Union

Project implemented by the International Labour Organization
Background and Context

Migration of skilled workers has been on the rise and this process inextricably links developing countries such as India to the advanced economies of the world. Thousands of Indians have relocated to countries around the world for employment and an important segment of them have been skilled migrants, especially those in the healthcare sector. Historically, medical doctors and nurses have been on the move for several years (Meija, 1979; Khadria, 2002; 2010; OECD, 2010; Zachariah and Irudaya Rajan, 2012; Irudaya Rajan, 2011). These cross-border movements occur between nation states that have different laws, policies and approaches to the employment of migrant workers. Therefore the rights and welfare of migrant workers require particular attention from agencies of governance and advocacy.

In this context, the International Labour Organization (ILO) proposed a project on Promoting Decent Work across Borders: A Project for Migrant Health Professionals and Skilled Workers, to better understand schemes in line with the circular migration of health professionals, particularly nurses. It focuses activities on three Asian countries with significant outflows of health professionals—India, Philippines and Vietnam, and some research interventions in Europe.

Rationale and Objectives of the Research

The ILO has consistently engaged with nations to protect and advance the rights of migrant workers globally. Towards this end, it has developed policies and programmes to ‘promote decent work for all’. As part of the project’s objective to strengthen employment services for health professionals and skilled workers, ILO has identified a need to map out and assess existing services for skilled migrants with a special focus on health care professionals. This report presents findings of the current services and recommendations for building a rights-based framework for the management of skilled migration. The research objectives are as follows:

(i) Based on recent literature, to confirm the mapping of existing pre-orientation, pre-departure, and return services available to skilled migrants, and in particular to healthcare professionals migrants;

(ii) Assess the effectiveness of existing services to healthcare workers
(iii) Identify gaps in services that exist at present.

(iv) Provide recommendations to address identified needs and gaps in services for healthcare professionals.

**Research Methodology**

The project employs both primary and secondary data. Secondary data was derived through review of literature, websites and institutional records. Key Informants and migrant stakeholders formed the foundation for primary data. Face-to-face interviews and Focus Group Discussions were conducted with the help of semi-structured questionnaires. Information from twenty-nine key informants at the national and state level in the government ministries, departments and agencies, professional associations, recruitment agencies, unions and non-government agency was collected. A qualitative analysis of these responses was conducted, keeping in mind the need to highlight specific details that would be helpful in assessing the services provided by various government and non-government agencies.

The research was focused on the state of Kerala due to the high volume of out-migration from the state, including that of healthcare professionals and because some institutions were established and providing services to migrants in Kerala, even before the formation of the Ministry (MOIA).

**Summary and Findings**

(i) Initiatives to protect the interests of migrants exist in India from as early as the 19th century due to migration of indentured labour from the region that is currently the Republic of India since 1947, and have evolved over time.

(ii) Major thrust of focus in the Indian institutional frameworks on migration has been on unskilled migrants who form the majority of the Indian migrants. Programmes for skilled workers’ migration and specific programmes linking skilled personnel with international labour markets are only emerging in recent years.
(iii) There is no migration policy in India even though a new Ministry for Overseas Indian Affairs was established in 2004 to address the issues of migrants. MOIA has however signed 18 MOUs/BLAs with countries of destination, including social security agreements.

(iv) There is a lack of coordination of services by different government agencies. While the Ministry of Overseas Indian Affairs (MOIA) takes national level policy decisions on migrants, Indian missions under the Ministry of External Affairs (MEA) are responsible for the procedures involved in the countries of destination.

(v) Government initiatives at the central and state levels, to address the issues on skilled migrants, are in a nascent stage. There are hardly any services offered to skilled workers by the government or non-government agencies at the stages of pre-departure or return. Yet, government agencies remain the key service providers for migrants. At the state level there are two agencies in Kerala that conduct PDOS- Overseas Development and Employment Promotion Consultants Limited (ODEPC) within the Department of Labour in the state of Kerala and NORKA-Roots, the field agency of the Department of Non-Resident Keralites’ Affairs under the Government of Kerala.

(vi) Private Recruiting Agencies are important stakeholders in the migration process, but mechanisms for the regulation of migration process are fragile. There is an absence of stringent regulatory measures and benchmarks in the recruitment process.

(vii) Participation of private and non-government agencies in the migration of workers is important. Partnerships between government agencies and private consultants and non-government organisations exist at the state level to provide services to migrants in general. However, the services provided are very localised and piece meal.

(viii) There is a lack of data on migrants, particularly of skilled migrants, making it difficult to formulate policy or programmes.
Key Recommendations

Based on its findings, the project recommends certain measures to fill in the gaps in the existing services. Since most skilled migrants have expressed that they do not want ‘interference’ from the government, recommendations concentrate on bridging gaps for people to exercise their own agency without blocks and exploitation.

The recommendations have been divided into three categories: (1) Administrative (2) Programme related and (3) Policy related.

(1) Administrative Recommendations

i) Replicating and streamlining the services offered by decentralised state level agencies is an important step to bridge policy and programmes.

ii) A two-level structure of services for skilled migrants should be established: One level to fill the gap that exists in knowledge about rights in destination countries and at the second level, an agency specialised in skilled workers’ migration should be created since migration of skilled workers is poised to scale up in future. As an immediate solution, a specialized cell within MOIA for skilled migrants may be established.

iii) MHA, MEA through the Indian Missions, MOIA and MOLE need to coordinate their efforts better so that migrants are supported, specially at the destination country end.

iv) Recruitment Agencies should not be divided under various ministries but be placed under one ministry for ease of monitoring and for establishing a regulatory framework.

(2) Recommendations on Programmes

(i) Programmes for skilled workers’ migration and specific programmes linking skilled personnel with international labour markets needs to be done systematically and expanded to cover more countries.

(ii) Migrants should get supportive services to exercise free choice of movement. Information on scale and type of services available for different categories of migrants should therefore be publicised more widely.

(iii) Different institutions can address different aspects of the migration process. For eg, private recruiters and non-government organisations can work in partnership with the government for the provision of different services.
Unions can engage in providing information services to migrants and specially in establishing portability agreements with unions in destination countries.

RAAs need to be more competitive and provide more services to the migrants. RAAs should be specialised in the provision of services to specific categories of migrants as that will help them serve the needs and interests of those categories better.

Services for migrants should include national market information for returnees.

(3) Policy Recommendations

(i) India should develop a comprehensive policy on migration
(ii) In the Indian context, comprehensive legislations to protect the interests of the healthcare workers in both domestic and foreign markets are recommended
(iii) Programmes to reorient the returnee migrants within the workplace should be established.
(iv) As the bulk of the manpower migration is managed by Private Agencies, the Government should ratify Convention 181 and work for regulation of Private Recruitment Agencies.
(v) The government needs to negotiate social security agreements with other destination countries for the benefit of returnees.
(vi) Trade unions should be involved in framing of bilateral labour agreements and social protection agreements

Overall, while there appears to be some cognizance regarding the needs of skilled migrant workers from India, initiatives to address these needs is still to be rolled out by the state and its agencies. This document attempts to review existing services and provide a roadmap for improvement in policy and programmes aimed at migrant health professionals.