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**Migrant Labour In Focus: Law, Safety, And Human Dignity**

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**Abstract:**

Migration has become a defining feature of the modern labour market, driven by globalization, economic disparities, and the search for better livelihood opportunities. Migrant and interstate workers form the backbone of many economies, yet they remain among the most legally and socially vulnerable groups. They often build cities they cannot call their own and sustain economies that overlook their contributions, remaining the silent engines of progress with minimal legal protection.

This article examines the evolving legal frameworks governing the safety, occupational health, and human dignity of migrant labour from a comparative perspective. It explores international instruments such as the ILO Conventions, the UN Convention on the Rights of Migrant Workers (1990), and relevant regional mechanisms, alongside domestic frameworks in countries such as India, the United Kingdom, and the United States. The study highlights significant gaps between international commitments and national implementation, including weak enforcement, inadequate social security, unsafe working conditions, and limited access to justice.

The analysis underscores the intersection of human rights and labour law, emphasizing the need for a holistic approach that integrates physical safety, mental wellbeing, occupational health, and socio-economic security as interconnected components of human dignity. Drawing insights from comparative legal models, the article advocates policy reforms to harmonize labour protections across jurisdictions, ensure portability of benefits, and promote a rights-based approach to migration governance.

Ultimately, safeguarding migrant workers requires embedding human dignity at the core of labour governance, transforming these often-overlooked individuals into recognized and protected contributors to national and global development. The future of labour governance depends on inclusive, enforceable, and compassionate legal frameworks that view migrant workers not merely as temporary labourers but as integral partners in social and economic progress. Through such comprehensive,

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rights-based legal structures, the promise of safe, fair, and dignified work for all migrant labourers can be realized.

**Keywords:** Migrant Labour, Comparative Labour Law, Occupational Health and Safety, Human Dignity, International Legal Framework.

### **INTRODUCTION:**

Labour migration has emerged as one of the most significant socio-economic phenomena of the twenty-first century, reshaping national economies, labour markets, and legal systems across the globe<sup>2</sup>. Driven by structural inequalities, economic necessity, demographic imbalances, and globalization, migrant labour now constitutes an indispensable component of industrial growth, urban development, and service sectors worldwide<sup>3</sup>. From infrastructure and construction to manufacturing, agriculture, and domestic work, migrant workers sustain economies while remaining disproportionately exposed to legal invisibility, occupational hazards, and social exclusion<sup>4</sup>.

Despite their indispensable contribution, migrant and interstate workers continue to occupy a precarious position within existing labour governance frameworks<sup>5</sup>. They frequently operate at the margins of formal regulation, confronting unsafe working environments, inadequate access to healthcare, wage exploitation, and the denial of basic social security benefits<sup>6</sup>. Their vulnerability is exacerbated by factors such as contractual informality, language barriers, lack of documentation, and limited access to legal remedies<sup>7</sup>. In many jurisdictions, migrant labourers build cities they cannot inhabit securely and contribute to economic growth from which they remain structurally excluded<sup>8</sup>.

The legal regulation of migrant labour sits at the intersection of labour law, human rights law, and migration governance<sup>9</sup>. International legal instruments including conventions adopted by the International Labour Organization and the United

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<sup>2</sup> Stephen Castles & Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World* 1–5 (5th ed. 2014).

<sup>3</sup> Int'l Labour Org. (ILO), *ILO Global Estimates on International Migrant Workers* (2021).

<sup>4</sup> Bridget Anderson, *Migration, Immigration Controls and the Fashioning of Precarious Workers*, 24 **Work, Emp. & Soc'y** 300, 302–04 (2010).

<sup>5</sup> Judy Fudge, *The Precarious Migrant Status and Precarious Employment*, 34 **Comp. Lab. L. & Pol'y J.** 361, 365–68 (2013).

<sup>6</sup> Int'l Labour Org., *Decent Work for Migrant Workers*, Report IV, Int'l Lab. Conf., 92d Sess. (2004).

<sup>7</sup> U.N. Dep't of Econ. & Soc. Affs., *International Migration Report 2020* (2020).

<sup>8</sup> Amartya Sen, *Development as Freedom* 293–95 (1999).

<sup>9</sup> Virginia Mantouvalou, *Human Rights for Precarious Workers*, 34 **Indus. L.J.** 133, 136–38 (2012).

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Nations recognize the fundamental rights of migrant workers to equality, safety, and dignity at work<sup>10</sup>. However, the translation of these normative commitments into effective domestic protections remains uneven and fragmented. National legal frameworks often reflect a tension between economic reliance on migrant labour and restrictive regulatory approaches that prioritize control over protection<sup>11</sup>.

Occupational health and safety concerns occupy a central place in this discourse. Migrant workers are statistically more likely to be employed in hazardous industries, experience workplace injuries, and suffer from long-term physical and psychological harm. Yet, regulatory enforcement mechanisms frequently fail to account for their unique vulnerabilities. The denial of safe working conditions, coupled with limited access to grievance redressal mechanisms, directly undermines the concept of human dignity, which lies at the heart of constitutional and international labour jurisprudence<sup>12</sup>.

This article situates migrant labour within a comparative legal framework, examining how different jurisdictions respond to the challenges of safety, occupational health, and dignity. By analyzing international standards alongside domestic legal regimes in India, the United Kingdom, and the United States, the study reveals persistent gaps between legal recognition and lived realities<sup>13</sup>. It argues that fragmented and enforcement-deficient labour laws fail to address migrant workers' multidimensional vulnerabilities.

The article advances the proposition that human dignity must function as a foundational principle of labour governance rather than a peripheral concern<sup>14</sup>. A rights-based and holistic legal approach integrating occupational safety, mental wellbeing, social security, and access to justice is essential to transforming migrant labour from a condition of precarity into one of protected participation<sup>15</sup>. Embedding dignity within labour regulation is not merely a moral imperative but a legal necessity for achieving sustainable and inclusive economic development in an increasingly mobile global workforce.

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<sup>10</sup> Int'l Labour Org., Convention No. 97, *Migration for Employment Convention* (Revised), July 1, 1949, 120 U.N.T.S. 71;

<sup>11</sup> Bridget Anderson & Martin Ruhs, *Who Needs Migrant Workers?*, in **Who Needs Migrant Workers?** 15–18 (Oxford Univ. Press 2010).

<sup>12</sup> *Bandhua Mukti Morcha v. Union of India*, (1984) 3 S.C.C. 161 (India).

<sup>13</sup> *People's Union for Democratic Rights v. Union of India*, (1982) 3 S.C.C. 235 (India).

<sup>14</sup> *State of Punjab v. Mohinder Singh Chawla*, (1997) 2 S.C.C. 83 (India).

<sup>15</sup> Upendra Baxi, *Human Dignity, Constitutionalism, and Human Rights*, in **Human Rights in India** 41–44 (Oxford Univ. Press 2013).

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## **HISTORICAL BACKGROUND AND EVOLUTION OF MIGRANT LABOUR**

The phenomenon of labour migration is not a modern development but has deep historical roots linked to colonial expansion, industrialization, and economic restructuring.<sup>16</sup> During the nineteenth and early twentieth centuries, colonial administrations actively facilitated the movement of labour across territories to meet the demands of plantations, railways, mining, and infrastructure projects<sup>17</sup>. Indentured labour systems, particularly in British colonies, subjected migrant workers to harsh working conditions, restricted mobility, and limited legal protection, laying the foundation for structural vulnerabilities that persist in contemporary migrant labour regimes.

The post-Second World War period marked a significant transformation in international labour migration. Reconstruction efforts in Europe and industrial growth in North America led to the institutionalization of guest worker programs, notably in the United Kingdom, Germany, and the United States. While these programs addressed labour shortages, they often treated migrant workers as temporary economic inputs rather than rights-bearing individuals, reinforcing legal precarity and social exclusion. This period also witnessed the emergence of international labour standards aimed at regulating migration and protecting workers' rights.

The establishment of the International Labour Organization (ILO) played a pivotal role in shaping the normative framework for migrant labour protection. Early instruments such as the Migration for Employment Convention, 1949 (No. 97), and later the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), recognized equality of treatment, fair wages, and safe working conditions for migrant workers. However, limited ratification and weak enforcement mechanisms significantly diluted their practical impact.

In parallel, the evolution of human rights jurisprudence after 1948 expanded the conceptual understanding of labour protections. The Universal Declaration of Human Rights and subsequent international covenants articulated the right to work, just and favourable conditions of employment, and human dignity as universal entitlements. These principles were further reinforced by the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, which remains the most comprehensive international instrument addressing migrant labour rights. Despite its normative strength, the Convention's limited acceptance by major migrant-receiving states reflects persistent political resistance to binding obligations.

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<sup>16</sup> Stephen Castles & Mark J. Miller, *The Age of Migration 25–28* (5th ed. 2014).

<sup>17</sup> Hugh Tinker, *A New System of Slavery: The Export of Indian Labour Overseas 1830–1920* 12–15 (1974).

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Scholarly literature on migrant labour has extensively examined the intersection of migration, precarity, and labour market regulation. Castles and Miller conceptualize migration as a structural feature of globalization rather than a temporary phenomenon, emphasizing its long-term implications for legal systems. Anderson critiques immigration control regimes for actively producing “precarious workers” by restricting legal status and access to rights. Fudge further argues that migrant workers occupy a dual precarity stemming from both employment insecurity and immigration status which places them beyond the effective reach of labour law protections.

A significant body of literature highlights occupational health and safety as a critical area of concern. Studies consistently demonstrate that migrant workers are disproportionately concentrated in high-risk industries such as construction, agriculture, and manufacturing. The ILO has documented higher rates of workplace accidents, occupational diseases, and fatalities among migrant workers, attributing these trends to inadequate training, language barriers, and weak enforcement of safety regulations. Legal scholars argue that traditional occupational safety frameworks fail to account for the specific vulnerabilities associated with migrant status.

Indian scholarship and judicial discourse have increasingly engaged with migrant labour, particularly in the context of constitutional rights and social justice. Landmark judgments such as *People’s Union for Democratic Rights v. Union of India* and *Bandhua Mukti Morcha v. Union of India* expanded the scope of Article 21 to include humane working conditions and dignity of labour. The mass displacement of interstate migrant workers during the COVID-19 pandemic further exposed systemic deficiencies in labour regulation, social security portability, and access to justice. Contemporary Indian scholars emphasize the need for rights-based labour governance that integrates constitutional values with international standards. Comparative legal scholarship reveals divergent regulatory approaches across jurisdictions. While countries such as the United Kingdom and the United States possess advanced occupational safety regimes, migrant workers often remain excluded in practice due to enforcement gaps and immigration-related deterrents. Scholars argue that the absence of harmonized protections and portable social security mechanisms undermines the realization of human dignity in migrant labour governance.

Overall, the existing literature underscores a persistent disconnect between legal recognition and lived realities of migrant workers. While international and domestic frameworks increasingly acknowledge safety, health, and dignity, enforcement remains fragmented and inconsistent. This article builds upon existing scholarship by adopting a comparative, dignity-centered analysis, emphasizing the need for integrated legal frameworks that recognize migrant workers as essential contributors to social and economic development rather than disposable labour inputs.

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## **CONCEPT OF OCCUPATIONAL SAFETY AND HEALTH**

The concept of migrant labour occupies a critical position within contemporary labour jurisprudence, reflecting the movement of individuals across regional, national, or international boundaries for employment.<sup>18</sup> Migrant workers are often engaged in sectors characterized by informality, instability, and heightened occupational risk, such as construction, agriculture, manufacturing, and domestic work. Legal definitions of migrant labour vary across jurisdictions; however, international legal instruments broadly recognize migrant workers as persons engaged in remunerative activity in a state of which they are not nationals or habitual residents. Despite their economic indispensability, migrant labourers frequently remain excluded from comprehensive labour protections, rendering them structurally vulnerable to exploitation and unsafe working conditions.

Occupational safety and health constitute a foundational element of labour law and are integral to ensuring humane working conditions. Safety, in this context, extends beyond the prevention of physical injury to include protection from occupational diseases, mental stress, and hazardous work environments. Empirical studies consistently demonstrate that migrant workers face a disproportionate risk of workplace accidents and health hazards due to factors such as inadequate training, language barriers, lack of protective equipment, and weak regulatory enforcement. The concentration of migrant labour in informal and contract-based employment further undermines the effectiveness of safety regulations, as such sectors often operate beyond the reach of inspection and accountability mechanisms.

The principle of human dignity serves as the normative link connecting migrant labour and occupational safety within both constitutional and international legal frameworks. Human dignity is increasingly recognized as a core value underlying labour rights, encompassing the right to safe working conditions, fair remuneration, social security, and access to justice. Constitutional jurisprudence, particularly in India, has interpreted the right to life to include the right to live with dignity, thereby extending constitutional protection to humane conditions of work. International human rights law similarly affirms that degrading or unsafe working conditions constitute a violation of inherent human dignity. The denial of occupational safety to migrant workers, therefore, is not merely a regulatory failure but a fundamental human rights concern.

This conceptual framework underscores the inseparable relationship between migrant labour, safety, and human dignity. Labour laws that treat migrant workers as temporary or expendable economic resources fail to recognize their status as rights-bearing individuals. A holistic approach to labour governance one that integrates occupational safety, mental wellbeing, social security, and effective legal remedies is essential to transforming migrant labour from a condition of precarity

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<sup>18</sup> Stephen Castles & Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World* 29–31 (5th ed. 2014).

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into one of dignified participation in economic life. Embedding human dignity at the core of labour regulation provides a principled basis for evaluating existing legal frameworks and advancing reforms that ensure safe, fair, and humane working conditions for migrant workers across jurisdictions.

#### INTERNATIONAL LEGAL FRAMEWORK GOVERNING MIGRANT LABOUR

The international legal framework governing migrant labour has evolved gradually in response to the growing recognition that labour migration is a global phenomenon requiring coordinated regulatory standards. At the international level, migrant labour protection is situated at the intersection of labour law, human rights law, and international migration governance. International instruments seek to establish minimum standards of treatment, equality, and safety for migrant workers, while affirming the principle that economic contribution must be accompanied by legal and social protection.<sup>19</sup> Despite this normative evolution, the effectiveness of international regulation remains contingent upon state ratification, domestic incorporation, and enforcement.<sup>20</sup>

The International Labour Organization (ILO) has played a pioneering role in setting global labour standards for migrant workers. The ILO's foundational objective of promoting "decent work" encompasses migrant labour within its broader mandate of social justice and humane working conditions. Convention No. 97 on Migration for Employment (Revised), 1949, represents one of the earliest international instruments addressing migrant labour, emphasizing equality of treatment in respect of wages, working conditions, and social security. This was supplemented by Convention No. 143 of 1975, which focuses on combating abusive conditions of migration and promoting equality of opportunity and treatment for migrant workers. Although these conventions establish progressive standards, scholarly literature consistently notes their limited ratification and weak monitoring mechanisms, which significantly constrain their practical impact.

Beyond the ILO framework, the United Nations has contributed significantly to the human rights-based regulation of migrant labour. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted in 1990, represents the most comprehensive international instrument dedicated exclusively to migrant workers. The Convention affirms a broad spectrum of civil, political, economic, social, and cultural rights, including the right to safe and healthy working conditions, protection against exploitation, and

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<sup>19</sup> Virginia Mantouvalou, *Human Rights for Precarious Workers*, 34 *Indus. L.J.* 133, 136–38 (2012).

<sup>20</sup> Ryszard Cholewinski, *The Human and Labor Rights of Migrants: Visions of Equality* 52–55 (2009).

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access to justice. Importantly, it recognizes that undocumented migrant workers are also entitled to fundamental human rights, thereby reinforcing the principle of inherent human dignity. However, the Convention suffers from a significant legitimacy gap, as most major migrant-receiving states have declined to ratify it<sup>21</sup>.

In addition to specialized conventions, general international human rights instruments provide indirect yet crucial protection to migrant labour. The Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights recognize the right to just and favourable conditions of work, social security, and an adequate standard of living, all of which are applicable to migrant workers without discrimination. United Nations treaty bodies have repeatedly emphasized that states must ensure occupational safety, health, and dignity for all workers, irrespective of nationality or migration status. These interpretations reinforce the indivisibility of labour rights and human rights in the context of migrant labour governance.

Despite the existence of an extensive international normative framework, a persistent gap remains between international commitments and national implementation. Scholars identify enforcement deficits, lack of political will, and economic prioritization of flexible labour markets as key obstacles to effective protection. International law largely relies on soft enforcement mechanisms, such as reporting and monitoring, which limit accountability for violations affecting migrant workers. Consequently, while international legal instruments provide an essential moral and normative foundation, they must be complemented by robust domestic legislation and institutional mechanisms to translate principles of safety and human dignity into lived realities for migrant labourers.

### **DOMESTIC LEGAL FRAMEWORKS: A COMPARATIVE ANALYSIS**

Domestic legal systems constitute the primary site where the protection of migrant labour is either realized or denied. While international instruments articulate universal norms relating to equality, safety, and dignity, their effectiveness ultimately depends on how national legal frameworks internalize and enforce these standards. A comparative analysis of India, the United Kingdom, and the United States demonstrates that migrant labour regulation is shaped by distinct constitutional philosophies, labour market structures, and enforcement priorities, resulting in varied levels of protection and vulnerability.

In India, the legal protection of migrant labour is deeply rooted in constitutional guarantees of equality, dignity, and freedom from exploitation. Articles 14, 21, and

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<sup>21</sup> James A. Hathaway, *The Rights of Migrant Workers: The Failure of International Law*, 17 *Harv. Hum. Rts. J.* 1, 7–10 (2004).

23 of the Constitution collectively establish a normative framework that prohibits arbitrary discrimination, mandates humane conditions of work, and outlaws forced labour in all forms. Indian courts have consistently interpreted these provisions expansively, recognizing that the right to life under Article 21 includes the right to live with human dignity, safe working conditions, and access to basic welfare measures. This constitutional jurisprudence has been particularly significant in extending protection to migrant and contract labourers, who are often excluded from formal employment relationships.

At the statutory level, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 represents an early attempt to address the specific vulnerabilities of migrant workers by mandating registration, wage parity, displacement allowance, housing, medical facilities, and protective equipment. However, the Act has been widely criticized for weak enforcement and limited coverage, resulting in its marginal practical impact.<sup>22</sup> The enactment of the Occupational Safety, Health and Working Conditions Code, 2020 marks a shift toward consolidation and uniformity in labour regulation, extending safety and health standards across sectors and explicitly recognizing migrant workers as a protected category. Despite this legislative advancement, the persistence of informality, inadequate inspections, and limited access to grievance redressal mechanisms continue to undermine the realization of statutory protections.

In contrast, the United Kingdom does not adopt migrant-specific labour legislation but relies on a universalist regulatory model grounded in occupational safety and equality norms.<sup>23</sup> The Health and Safety at Work etc. Act 1974 imposes a comprehensive duty on employers to ensure the health, safety, and welfare of all workers, regardless of nationality or immigration status. This is reinforced by equality legislation that prohibits discrimination in employment and working conditions. While this framework formally ensures equal treatment, scholarly analysis highlights a structural disconnect between labour protection and immigration enforcement. Migrant workers, particularly those with precarious or irregular immigration status, often refrain from reporting safety violations due to fear of deportation or employer retaliation, thereby limiting the practical effectiveness of the legal framework.

The United States adopts a hybrid regulatory approach that combines general labour protections with sector-specific legislation for migrant workers. The Occupational

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<sup>22</sup> National Commission for Enterprises in the Unorganised Sector, *Report on Conditions of Work of Migrant Labour* (2007).

<sup>23</sup> Bridget Anderson, *Us and Them? The Dangerous Politics of Immigration Control* 94–97 (2013).

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Safety and Health Act of 1970 establishes minimum safety standards applicable to all workers, including migrants, and affirms that occupational safety is a fundamental workplace right. In addition, the Migrant and Seasonal Agricultural Worker Protection Act provides targeted safeguards addressing wages, housing, transportation, and working conditions in sectors with high concentrations of migrant labour. Judicial interpretation has clarified that labour protections extend to undocumented workers, emphasizing that workplace safety cannot be subordinated to immigration control. Nevertheless, enforcement remains fragmented, and migrant workers continue to face barriers such as employer intimidation, limited unionization, and restricted access to legal remedies.

A comparative assessment reveals that while the doctrinal foundations of migrant labour protection vary across jurisdictions, common implementation failures persist. India's rights-based constitutional approach is weakened by administrative incapacity and informality; the United Kingdom's universalist model is constrained by the chilling effect of immigration enforcement; and the United States' enforcement-driven system suffers from fragmentation and retaliation risks. Across all three jurisdictions, migrant workers remain disproportionately exposed to unsafe working conditions and exclusion from effective legal remedies. This comparative analysis underscores the necessity of domestic legal frameworks that not only recognize migrant workers' rights in principle but also ensure enforceability through institutional accountability, separation of labour regulation from immigration control, and a dignity-centered approach to labour governance.

## OCCUPATIONAL SAFETY AND HEALTH ISSUES OF MIGRANT LABOUR

Migrant labourers are disproportionately concentrated in sectors characterized by hazardous and precarious employment, such as construction, mining, agriculture, manufacturing, domestic work, and informal services. These occupations frequently involve exposure to unsafe machinery, toxic substances, extreme climatic conditions, excessive working hours, and physically demanding tasks<sup>24</sup>. The vulnerability of migrant workers is further intensified by inadequate safety training, language barriers, and limited awareness of occupational health standards, which significantly heighten the risk of workplace accidents and occupational diseases. In many cases, employers prioritize productivity over safety compliance, resulting in systemic neglect of essential protective measures, including personal protective equipment, safety audits, and statutory safety protocols<sup>25</sup>.

Workplace injuries and fatalities among migrant labourers remain disproportionately high across jurisdictions, reflecting entrenched inequalities

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<sup>24</sup> World Health Org. & Int'l Lab. Org., *Occupational Safety and Health in Public Health Emergencies* (2021).

<sup>25</sup> Guy Davidov, *The Enforcement Crisis in Labour Law*, 34 *Comp. Lab. L. & Pol'y J.* 1 (2012).

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within labour governance frameworks<sup>26</sup>. Migrant workers are often assigned the most dangerous tasks without formal contracts, insurance coverage, or access to social security, thereby restricting their entitlement to compensation and legal remedies in cases of injury or death. Fear of job termination, deportation, or employer retaliation discourages reporting of accidents, leading to widespread underreporting and invisibility of migrant worker injuries in official statistics<sup>27</sup>. Weak labour inspection mechanisms and ineffective enforcement further enable hazardous working conditions to persist, allowing employers to evade accountability for safety violations.

In addition to physical risks, migrant labourers face significant mental health and psychosocial challenges arising from exploitative work environments, job insecurity, social exclusion, and systemic discrimination. Factors such as prolonged separation from family, substandard living conditions, cultural and linguistic alienation, and uncertainty regarding legal status contribute to heightened levels of stress, anxiety, depression, and emotional distress. Despite their severe impact on human dignity and occupational wellbeing, mental health concerns remain largely unaddressed within traditional occupational safety and health frameworks, which continue to focus predominantly on physical injuries.

The occupational vulnerabilities of migrant labour are most pronounced within the informal sector, where regulatory oversight is minimal or entirely absent. Informal employment arrangements deny migrant workers access to minimum wages, regulated working hours, social security benefits, and enforceable occupational safety standards<sup>28</sup>. As a result, migrant labourers are frequently subjected to exploitative practices, including wage theft, unsafe housing, and hazardous working conditions without access to effective legal remedies<sup>29</sup>. The intersection of migration and informality creates a legal vacuum in which worker protection is systematically undermined, necessitating a comprehensive rights-based approach that recognizes safe and healthy working conditions as an integral component of human dignity<sup>30</sup>.

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<sup>26</sup> U.N. Special Rapporteur on the Human Rights of Migrants, *Report on Labour Exploitation of Migrants*, U.N. Doc. A/HRC/26/35 (2014).

<sup>27</sup> Janice R. Bellace, *Achieving Social Justice: The Nexus Between Migration and Labour Rights*, 36 *Comp. Lab. L. & Pol'y J.* 1 (2015).

<sup>28</sup> Kamala Sankaran, *Informality and Labour Regulation in India*, 50 *Indian J. Lab. Econ.* 251 (2007).

<sup>29</sup> U.N. Off. on Drugs & Crime, *The Role of Labour Exploitation in Human Trafficking* (2015).

<sup>30</sup> U.N. Comm. on Econ., Soc. & Cultural Rights, General Comment No. 23: *Right to Just and Favourable Conditions of Work*, U.N. Doc. E/C.12/GC/23 (2016).

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## HUMAN DIGNITY AND ACCESS TO JUSTICE

Human dignity constitutes the normative foundation of labour law and underpins the legal protection of migrant workers in domestic and international jurisprudence. Constitutional jurisprudence in India, for instance, interprets the right to life under Article 21 to include the right to live with dignity, encompassing safe working conditions, fair remuneration, and protection from exploitative practices. However, migrant workers face significant barriers to accessing justice, including limited knowledge of legal rights, language and cultural barriers, fear of employer retaliation, and the precariousness of immigration or contract status. Labour courts and tribunals serve as specialized forums for the adjudication of employment disputes, offering procedural mechanisms designed to expedite claims related to wages, working conditions, and occupational safety<sup>31</sup>. Nonetheless, procedural delays, limited geographic reach, and under-resourced institutions often restrict timely access, disproportionately affecting migrant workers in informal and remote sectors. Legal aid and grievance redressal mechanisms, including state-sponsored legal aid services, trade unions, and non-governmental organizations, play a pivotal role in bridging these gaps by providing free or low-cost representation, awareness campaigns, and mediation services. Effective access to justice is thus both a prerequisite and a manifestation of human dignity, transforming abstract legal protections into enforceable rights for migrant labourers.

## CONTEMPORARY CHALLENGES IN MIGRANT LABOUR GOVERNANCE

Migrant labour governance faces a complex array of contemporary challenges that exacerbate vulnerabilities and undermine the realization of human dignity. The informalization of labour remains one of the most pressing issues, as a substantial proportion of migrant workers are employed in unregulated or casual work arrangements, leaving them outside the ambit of statutory labour protections. The rise of contractual and platform-based work, facilitated by digital intermediaries and gig-economy models, introduces new forms of precarious employment where workers lack job security, benefits, or collective bargaining power. Portability of social security and welfare entitlements is another significant challenge, particularly for interstate and international migrants, whose contributions to social security schemes in one jurisdiction often do not transfer to another. Gender-based vulnerabilities persist as female migrant workers frequently encounter unequal pay, unsafe workplaces, sexual harassment, and limited access to maternity benefits or social support systems. Additionally, pandemics, natural disasters, and other emergencies expose systemic weaknesses in labour governance by disrupting employment, reducing income security, and creating conditions that heighten

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<sup>31</sup> S. Chandrasekharan, *Labour Courts and Tribunals in India: Efficacy and Challenges*, 46 *Indian J. Lab. Econ.* 215, 218–20 (2003).

occupational hazards and exploitation. Addressing these multifaceted challenges requires comprehensive policy reforms, including enforceable safety regulations, digital grievance redressal mechanisms, portable social security frameworks, gender-sensitive interventions, and proactive disaster preparedness measures. Only through such integrated approaches can legal frameworks ensure that migrant workers are not treated as expendable economic resources but as rights-bearing individuals whose dignity and well-being are protected.

### CRITICAL ANALYSIS AND RESEARCH FINDINGS

Despite the existence of a robust corpus of international and domestic laws, significant gaps remain between legal frameworks and their practical implementation for migrant workers. Enforcement mechanisms, including labour inspections, tribunals, and grievance redressal platforms, frequently fail due to under-resourcing, bureaucratic delays, corruption, and lack of coordination across jurisdictions. Migrant labourers, while economically indispensable, often occupy a paradoxical space of legal exclusion: they sustain vital sectors of the economy yet remain inadequately protected under formal law. These gaps exacerbate vulnerabilities, as workers are exposed to hazardous conditions, irregular wages, and limited access to justice. The research highlights that fragmented governance, overlapping authorities, and insufficient integration between labour law, social security, and migration policy undermine the realization of human dignity for migrant workers<sup>32</sup>. An integrated approach to labour governance, which aligns enforcement, welfare provision, and human rights, emerges as a critical necessity to address these persistent deficits.

### RECOMMENDATIONS AND POLICY SUGGESTIONS

To strengthen the protection of migrant labour, legal frameworks must harmonize international commitments with domestic law, ensuring that ILO conventions, UN human rights standards, and national statutes operate in a complementary manner. Enforcement of occupational safety and health standards should be systematically enhanced through frequent inspections, employer accountability, and accessible reporting mechanisms, particularly in informal and high-risk sectors. Portability of social security benefits across states and, where relevant, across national borders, is essential to prevent the marginalization of mobile workers. Policy frameworks should adopt a rights-based approach to migration governance, recognizing migrant labourers as rights-bearing individuals entitled to protection, representation, and social welfare. The state, civil society organizations, and trade unions must collaborate to create awareness, provide legal aid, and monitor compliance, thereby

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<sup>32</sup> Ryszard Cholewinski, *The Human and Labor Rights of Migrants: Visions of Equality* 52–55 (2009).

institutionalizing a culture of accountability and dignity in labour relations. Collectively, these measures can transform migrant labour governance from a reactive, fragmented system to a proactive, inclusive model that respects human rights and economic contribution equally.

## CONCLUSION

The study demonstrates that while legal protections for migrant labour exist in principle, implementation gaps, weak enforcement, and systemic vulnerabilities continue to compromise worker safety, social security, and human dignity. Migrant labour remains critical to national and global economies, yet paradoxically, its recognition within law and policy is often inadequate. Re-emphasizing human dignity as the core principle of labour governance is essential for crafting effective policies that balance economic dependency with legal protection. Looking forward, the future of migrant labour protection depends on comprehensive, integrated, and enforceable legal frameworks that harmonize domestic and international standards, strengthen occupational safety, ensure social security portability, and institutionalize rights-based governance. Such an inclusive approach will not only safeguard the well-being of migrant workers but also reinforce the ethical and economic foundations of labour markets, thereby fostering sustainable and dignified development.

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