

F. No. OI.11012/09/2011-EP-I
Government of India
Ministry of Overseas Indian Affairs
[Emigration Policy Division]

Akbar Bhawan, New Delhi,
Dated 29th July, 2011

Office Memorandum

Subject: Implementation of Model Employment Contract and Fixation of Reference Minimum Wages - regarding.

The Ministry of Overseas Indian Affairs (MOIA) is mandated with providing protection and welfare of the Indian workers overseas. Pursuant to this, several policy initiatives have been taken by the Ministry in the past.

2. Necessary instructions have been issued for making the attestation of employment document universal in all the Indian Missions for grant of emigration clearance by the offices of POEs vide this Ministry's OM of even number dated 29.07.2011

3. In line with this initiative, it has been decided that the Indian mission in the 17 ECR countries may develop one Model Employment Contract (MEC) each which will be a pre-requisite to the attestation of the employment documents made mandatory already. This MEC may be hosted by the Indian Mission on their website. The MEC should contain all the condition as mentioned in the Rule 15 (2) of the Emigration Rules, 1983, as amended from time to time in addition to any other condition that may be agreed upon and are not to the disadvantage of the worker. In no case there should be a deviation from the conditions that has been mentioned in the Emigration Rules. Specific clause should be added that (a) No deduction should be made from the dues of the employees; (b) the employee shall not be asked to deposit any sum not mentioned in the contract; (c) the dues of the employee shall not be withheld at any point of time and on any pretext, without the approval of the local authorities empowered to direct for doing so. The conditions mentioned in the Rule 15 (2) of the Emigration Rule, 1983, amended from time to time are:

- a. Period of employment / place of employment.
- b. Wages and other conditions of service.
- c. Free food or food allowance provision.
- d. Free accommodation.
- e. Provision in regard to disposal, or transportation to India, of dead body of the emigrants.
- f. Working hours, overtime allowance, other working conditions, leave and social security benefits as per local labour laws.
- g. To and fro air passage at the employers' cost and
- h. Mode of settlement of disputes.

Model Employment contract adopted by EOI, Abu Dhabi is enclosed herewith, as a specimen.

4. Fixation of reference wage for all categories of workers was also one of the recommendations of the 5th Annual Conference of the Heads of Missions. While implementing the universal attestation of documents as well as the MEC in all the Missions, it is felt that this would also require fixation of reference wages for all category of workers broadly domestic/unskilled, semi-skilled with training and semi-skilled without any training. Such reference wages may also require a mention in the MEC.

5. In view of the above, it has been decided that all the Indian Missions in 17 ECR countries may fix minimum wages for all the possible categories of workers which shall be a pre-condition for attestation of the documents. Such fixation of the reference wages may be done by Missions taking into account various factors such as prevailing wages in the host and neighbouring countries as well as UN index for cost of living. The list of the minimum wages may be reviewed and revised from time to time at least once in a year by the Mission which may be placed on the website of MOIA i.e. www.moia.gov.in as well as OWRC website i.e. www.owrc.in.

6. **The above decisions may be implemented by all concerned within 45 days of issue of this OM under intimation to this Ministry.**

7. This issues with the approval of Hon'ble Minister of Overseas Indian Affairs.

Yours faithfully,



(Anand Bardhan)

Director (Emigration Policy)

Tele: 011 26874241 / Fax: 011 24197983

E-mail: diremig@moia.nic.in

To

1. The Heads of Missions in the 17 ECR Countries
2. All the Protectors of Emigrants (POEs).

Copy for information and further necessary action to:

1. PGE, MOIA, Akbar Bhawan, New Delhi with a request to issue necessary instructions in this regard to all the POEs.
2. Joint Secretary (FS), MOIA, New Delhi.
3. Director (ES), MOIA, New Delhi.
4. CEO, ICOE, New Delhi.
5. Joint Secretary (Gulf), MEA, New Delhi.

6. Joint Secretary (PV), MEA, New Delhi.
7. Joint Secretary (Consular), MEA, New Delhi.
8. All the Counsellors (Community Affairs), / Overseas Indian Centres, MOIA, Abu Dhabi, Washington and Kuala Lumpur.
9. Bureau of Immigration, MHA, RK Puram, New Delhi.
10. Counsellor (Community Affairs), EOI, Abu Dhabi, UAE.
11. Budget Division, MOIA, New Delhi.
12. Deputy Secretary (Admn), MOIA, New Delhi.
13. Sr. PPS to Secretary, MOIA, Akbar Bhawan, New Delhi.
14. Under Secretary (ES-I) / Under Secretary (ES-II), MOIA, New Delhi.
15. OWRC Manager, MOIA, New Delhi.
16. MOIA, Website Manager.
17. Office Copy.