Trabajadores migrantes en los Emiratos Árabes Unidos

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Trabajadores migrantes en los Emiratos Árabes Unidos describe los trabajadores extranjeros que se han mudado al Emiratos Árabes Unidos (EAU) por trabajo. Como resultado de la proximidad de los Emiratos Árabes Unidos al sur de Asia y una mejor economía y oportunidades laborales, la mayoría de los trabajadores extranjeros inmigrantes son de India, Nepal, Sri Lanka, Bangladesh, Filipinas y Pakistán.[1]

Descripción general [editar]

Véase también: Trabajadores migrantes en la región del Consejo de Cooperación del Golfo

En 2019, los Emiratos Árabes Unidos tenían el segundo mayor número de inmigrantes internacionales del mundo con *un 87.5%* con 8.6 millones de inmigrantes (de una población total de 9.8 millones).[2] Los trabajadores migrantes no ciudadanos representan el 90% de su fuerza laboral.[3][4][5]

Economía [editar]

El CCG la zona es el destino más popular para los inmigrantes laborales temporales en todo el mundo.[6] La economía de los EAU es uno de los mercados de consumo más grandes y de más rápido crecimiento del mundo. Sus recursos naturales lo convirtieron en uno de los más ricos del mundo (alto ingreso promedio) países. La economía se sustenta en las reservas de petróleo y gas que se encuentran entre las más grandes del mundo.[7] La inmigración de mano de obra, junto con los recursos naturales, alimentan los Emiratos Árabes Unidos economía que es el más grande mercado de consumo en Medio Oriente.[7]

Emiratización [editar]

emiratles recibe favoritismo en el empleo a través del Emiratización programa que obliga a las empresas por ley a limitar el número de trabajadores migrantes en una empresa. Esto se hace con el fin de establecer el mercado laboral y proteger los derechos de este grupo como minoría en su propio país. Al mismo tiempo, sin embargo, debido a los beneficios sociales del gobierno de los EAU, muchos emiratles se muestran reacios a aceptar empleos mal remunerados, especialmente aquellos en el sector privado, y los ciudadanos sólo representan el 0.34% de la fuerza laboral del sector privado;[8] sector privado los empleadores también suelen estar más inclinados a contratar trabajadores temporales en el extranjero, ya que son más baratos y pueden ser despedidos por diversas razones, por ejemplo, si se declaran en huelga.[9][10][11][12] La mayoría de los habitantes de los Emiratos Árabes Unidos también prefieren trabajos gubernamentales y buscan títulos universitarios para obtener puestos más altos.[13]

Permiso de trabajo de extranjero [editar]

Los Emiratos Árabes Unidos tienen visa de trabajo sistema de patrocinio expedir permisos de trabajo para extranjeros extranjeros que deseen migrar para trabajar a los Emiratos Árabes Unidos.[14] La mayoría de las visas están patrocinadas por instituciones y empresas. Una persona que desee ingresar a los Emiratos Árabes Unidos para trabajar primero debe obtener un permiso de trabajo del Ministerio de Recursos Humanos. El permiso de trabajo permite a su titular ingresar a los EAU para trabajar y es válido por dos meses a partir de la fecha de emisión. Después de que el empleado ingresa a los EAU por motivos de trabajo, la empresa o institución patrocinadora se las arregla para completar los requisitos de pruebas médicas, obtener una tarjeta de identificación de Emirates y una tarjeta de trabajo y sellar el permiso de residencia laboral en su pasaporte. El permiso de residencia laboral que figura en el pasaporte del empleado indica que su presencia legal para trabajar en el país la proporciona la empresa en la que trabaja. Luego de este proceso, el empleado puede patrocinar a sus familiares y traerlos al país. Según el artículo 1 del Decreto Ministerial Nº 766 de 2015, un empleado cuyo empleo fue despedido debido a la expiración de su contrato puede obtener un nuevo permiso de trabajo cuando desee incorporarse a un nuevo empleo. El empleado puede permanecer en los Emiratos Árabes Unidos con una visa de solicitante de empleo de 6 meses para encontrar un nuevo trabajo que legalizará su estatus de residencia para trabajar en el país por un período más largo. También se emite un nuevo permiso de trabajo si se determina que el empleador no ha cumplido con las obligaciones legales y contractuales, incluido, entre otros, el impago de salarios durante más de 60 días. Un trabajador podrá solicitar la rescisión de su contrato después de al menos 6 meses de empleo. Un trabajador cuyo empleador lo despidió injustamente tiene derecho a recibir un nuevo permiso de trabajo sin necesidad de cumplir seis meses.[15][16]

Ejemplo de contrato de trabajador extranjero de los EAU, página 1 de 2

Ejemplo de contrato de trabajador extranjero de los EAU, página 2 de 2

El derecho de residencia y permiso de trabajo de extranjeros está protegido por la Ley Federal Nº 6 de 1973 de los EAU sobre la entrada y residencia de extranjeros.[17] Según la ley de los EAU, un empleador no puede negar a un empleado con visa de trabajo el derecho a vacaciones anuales, salario remunerado regularmente, licencia de maternidad de 45 días, derecho a renunciar, gratificación por renuncia y un período de gracia de 30 días para encontrar un nuevo trabajo. La ley también prohíbe a un empleador confiscar el pasaporte de un empleado, obligarlo a pagar las tasas de su visa de residencia u obligarlo a trabajar más de 8 horas al día o 45 horas a la semana sin compensación. Un empleado que desee irse debe completar su período de notificación legal, que suele ser de 30 días o menos, antes de dejar su trabajo o correr el riesgo de que se le prohíba trabajar en los Emiratos Árabes Unidos por hasta un año.[18] Las viudas extranjeras o las mujeres divorciadas cuya presencia legal en el país fue patrocinada por el estatus laboral de su marido reciben una visa de 1 año para permanecer en el país sin necesidad de un permiso de trabajo o un patrocinador.[19] En agosto de 2019, la Autoridad Federal para la Identidad y la Ciudadanía emitió una nueva política de patrocinio familiar que permite a los residentes de los EAU patrocinar a dependientes en función de sus ingresos, no de sus puestos de trabajo.[20]

Los empleadores en los EAU deben iniciar y completar un proceso definido para patrocinar a trabajadores extranjeros, que incluye solicitar un permiso de trabajo, obtener aptitud médica y emitir una visa de residencia.[21]

Trabajo extranjero [editar]

Habilidad es una medida de la experiencia del trabajador y otros factores relacionados. Los Emiratos Árabes Unidos reciben muchos trabajos de diferentes nacionalidades y con diferentes niveles de habilidades: desde 1975 en adelante, los no emiratos han superado consistentemente el número de nacionales que residen dentro de los Emiratos (ver Tabla 1, a continuación). Los trabajadores indios, bangladeshes, nepaíes, de Sri Lanka y paquistaníes representan el 90 por ciento de la fuerza laboral.[22] El crecimiento demográfico en los Emiratos Árabes Unidos se encuentra entre los más altos del mundo, principalmente debido a la inmigración. En los empleos poco calificados y semicalificados, se emplea principalmente a trabajadores de Asia y la región MENA. En los sectores altamente cualificados trabajan expertos procedentes principalmente de América del Norte y Europa.[23] A finales de 2020, la mano de obra calificada más buscada proviene de Bienes Raíces, Contabilidad e Ingeniería.[24]

Tabla 1 - Población total y porcentaje de nacionales y no nacionales en los EAU[25] [esconder]

Año ♦	Población total ♦	Nacionales ♦	No nacionales ♦	% Nacionales ♦	% No Nacionales ♦
1975	557.887	201.544	356.343	36,13%	63,87%
1980	1.042.099	290.544	751.555	27,88%	72,12%
1985	1.379.303	396.114	983.189	28,72%	71,28%
1995	2.411.041	587.330	1.823.711	24,36%	75,64%
2005	4.106.427	825.495	3.280.932	20,10%	79,90%
2010	8.264.070	947.997	7.316.073	11,47%	88,53%
2016	9.121.176	1.153.576	7.967.600	12,66%	87,35%

Labor reforms [editar]

Reforms to abrogate the sponsorship system have been adopted in order to help prevent unfree labour that have emerged from the exploitation of the work visa sponsorship system. In January 2016, a ministerial decree, the first of its kind in Gulf Cooperation Council countries, was issued in order to protect low-paid migrant workers from becoming forced laborers. It has been criticized by the HRW for the lack of details and possibility of non-applicability to domestic workers.[26]

The DCT or Democracy Centre for Transparency released a report in April 2021 citing the discrimination faced by foreign workers and expatriates living in the United Arab Emirates. The conclusion is drawn not only based on the conditions faced by the foreign workers but also drawn on the contrast between the treatment of expatriates and Emirati citizens. The report focuses on the fact that despite the easing of the Kafala system in 2020 as part of labor reforms, some substantial gaps remain in the implementation and enforcement of the legal efforts introduced in exchange by the government. The social hierarchy in combination with the Kafala system and the exclusionary citizenship law has led to the non-UAE nationals facing racialization, discrimination on the basis of gender, wages, and obtaining promotions.[27][27]

Migrant workers in the UAE were seen working hard in the dangerous hot weather and humidity at the facilities that were being prepared for the COP28 climate conference, on two separate days in September 2023. FairSquare, human rights research and advocacy, obtained proof that more than a dozen migrant workers from Africa and Asia were working outside in temperatures hitting 42C in Dubai, despite a "midday ban". Experts noted that the leaving migrant workers to work in extreme heat for climate negotiations in unjust.[28]

UAE Domestic Workers Rights Bill [editar]

In June 2017, the UAE adopted a new bill to bring the country's labor law into consistency with the International Labour Organization's (ILO) Domestic Workers Convention, providing migrant domestic workers with the same labor protections as other workers in the UAE.[29] The bill requires employers to provide domestic workers with accommodation and food and provides them with 30 days of annual paid leave and daily rest of at least 12 hours. It also guarantee 15 days of paid sick leave, 15 days of unpaid sick leave, and compensation for work-related injuries or illnesses.[29] The bill sets out a weekly rest day but permits the employer to make the domestic worker forgo the rest day if paid.[30]

Human rights [editar]

See also: Treatment of South Asian labourers in the Gulf Cooperation Council region

Migrants, mostly of South Asian origin, constitute the majority of the UAE's workforce[31] and have reportedly been subject to a range of human rights abuses. Workers have sometimes arrived in debt to recruitment agents from home countries and upon arrival were made to sign a new contract in English or Arabic that pays them less than had originally been agreed, although this is illegal under UAE law.[32] Further to this, some categories of workers have had their passports withheld by their employer. This illegal practice is to stop workers leaving the country.[33] Although racial discrimination is prohibited by UAE law, there are some incidents where individuals have been ill-treated on the basis of their nationality or race by employers.[33]

- In September 2003 the government was criticised by Human Rights Watch for its inaction in addressing the discrimination against Asian workers in the Emirates.[34]
- In 2004, the United States Department of State has cited widespread instances of blue collar labour abuse in the general context of the United Arab Emirates.[35]
- The BBC reported in September 2004 that "local newspapers often carry stories of construction workers allegedly not being paid for months on end. They are not allowed to move jobs and if they leave the country to go home they will almost certainly lose the money they say they are owed. The names of the construction companies concerned are not published in the newspapers for fear of offending the often powerful individuals who own them."[36]
- In December 2005 the Indian consulate in Dubai submitted a report to the Government of India detailing labour problems faced by Indian expatriates in the emirate. The report highlighted delayed payment of wages, substitution of employment contracts, premature termination of services and excessive working hours as being some of the challenges faced by Indian workers in the city.[37] The consulate also reported that 109 Indian blue collar workers committed suicide in the UAE in 2006.[38]
- In March 2006, NPR reported that workers "typically live eight to a room, sending home a portion of their salary to their families, whom they don't see for years at a time." Others report that their salary has been withheld by pay back loans, making them little more than indentured servants.[39]
- In 2007,[40] the falling dollar meant workers were unable to service debts and the incidence of suicides among Indian workers had reportedly been on the increase.
- In January 2020, exploitative employers in UAE were reported to have been using tourists visas to hire Indian nationals, a scam that left several workers open to labor abuse. The visit visas were being preferred as they are quicker and cheaper than work permits.[41]
- In May 2021, various rights group claimed that Transguard Group (which boasts of being UAE's leading business solution's provider) is involved in abusing migrant workers. As per Business and Human Rights Resource Centre, several reports claim that the firm had confiscated passports, offered employees' salary below minimum wages, imposed forced contract changes and exercised other forms of abuse on migrant workers working on Expo 2020 project.[42]
- In July 2024, an Emirati court's verdict led to long prison terms for 57 Bangladeshi over protests in the UAE against their own country's government due to the unrest. Three of the defendants received life imprisonment, 53 were jailed for 10 years and one for 11 years. The defendants were to be deported after serving their sentences. The protests had no criminal intent as per the court-appointed defense lawyer. Amnesty International criticized the Emirates' harsh response to the protests, saying it indicated the country's priority on suppressing any form of dissent in the country.[43]

Neha Vora, Assistant Professor of Anthropology at Lafayette College, said the challenges faced by immigrants are not particular to the Gulf region but suggest "broader trends in contemporary global mobility and capitalism."[44]

Incident of domestic workers abuse [editar]

In October 2014, Human Rights Watch estimated that there were 146,000 female migrant domestic workers in the UAE whose work visa was sponsored by employers in the UAE. In an interview with 99 female domestic workers, HRW listed abuses claimed by their interviewees: most had their passports confiscated by their employers; in many cases, wages were not fully paid, overtime (up to 21 hours per day) was required, or food, living conditions or medical treatment was insufficient. 24 had been physically or sexually abused.[45] HRW criticized the UAE government for failing to adequately protect domestic workers from exploitation and abuse and made many recommendations to the UAE, including repeal or amendment of Federal Law No. 6 of 1973 on the Entry and Residence of Foreigners, so that domestic workers can decide on their own to change between employers without losing their immigration status.[46] The UAE introduced Ministerial Decree No. 766 of 2015, which allows a worker to terminate his contract without losing their immigration status if the employer has treated him or her unfairly and be issued a new work permit, or to request the contract to be terminated without losing immigration status and receive a new work permit after at least 6 months of employment provided they have found a new employer.[16]

The act of confiscating passports is illegal and against UAE law.[46]

The Guardian has shared interviews and documents describing the situation of women who search for job as domestic workers in the UAE. The report stated that these women are sold to household employers over online applications and social media platforms like Instagram, TikTok and Facebook. The women are marketed in an "exploitative" way, which experts say is similar to slavery. Women domestic workers in the UAE are detained and kept in poor accommodations by recruitment agencies, often facing abuse. It was also revealed that the domestic workers are paid monthly according to the race, where Black workers are paid less.[47]

COVID-19 pandemic [editar]

In 2020, migrant workers in Dubai were left jobless because of the COVID-19 pandemic. With visas expired and no salaries, many had to leave their accommodation and had no place of their own. Consequently, several migrant workers were forced to sleep outside. These workers were dismissed by their employers and also ran out of money to return home.[48]

On 16 November 2020, reports claimed that visas of 80 per cent of Filipino artists in Dubai were cancelled by their employers.[49]

See also [editar]

- Economy of the United Arab Emirates
- Expatriates in the United Arab Emirates
- Indians in the United Arab Emirates
- Pakistanis in the United Arab Emirates
- Slavery in the United Arab Emirates

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Categorías: Migrant workers | Economy of the United Arab Emirates | Racism in the United Arab Emirates

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