

The invisible engine: Legal Protections and Challenges for Migrant Workers in 2026

Debalina Sengupta¹ and Chinmaya Mohapatra²

¹PHD scholar at Siksha 'O' Anusandhan, deemed to be University Bhubaneswar-751030, Odisha, India, e-mail: sg.debalina@gmail.com

²Associate Professor, Faculty of Legal Studies Siksha 'O' Anusandhan Deemed to be University Bhubaneswar-751030, Odisha, India, e-mail: chinmayamohapatra@soa.ac.in

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Abstract

Migrant workers are still the pillar of the global economy, but they often live in a "legal twilight zone." By 2026, the scenario of migrant workers is rapidly changing because of upcoming regional agreements, digital surveillance, and proper implementation of long-awaited labour codes. Migration and migrant workers are the main driven force for economical growth in 2026, be it within the territorial jurisdiction or between neighbouring countries. But the laws that governing "migrant workers" are not sufficiently available for them in times of their vulnerability, making them an easy prey to be exploited. This article analyzes the remarkable modifications in India's labour system, particularly the enactment of the Occupational Safety, Health and Working Conditions (OSH) Code, 2020, and juxtaposes it with the developing legal standards in the Gulf Cooperation Council (GCC) and the United Kingdom. The study emphasises on a comparative study, revealing a global trend towards the assuring the migrant rights, while focusing ongoing gap in enforcement and the mobility of social security.

1. Introduction

The contribution of migration is no longer an insignificant economic activity; it is now a structural need. More than 450 million people move within India, and the India-GCC corridor is still the busiest route for workers to move around the world. The Inter-State Migrant Workmen (ISMW) Act of 1979 in India protected migrant workers in the past. Though, it was often highlighted for having restrictive definitions and not being enforced well. The implementation of India's four new labour codes in late 2025 and early 2026 has changed this picture.

1.1 The "De-Contractorization" of Migrant Rights

The Occupational Safety, Health and Working Conditions (OSH) Code will go into effect in 2026, which will essentially "de-link" rights from the hiring agency. The Code's Section 2(zf) now defines a "inter-state migrant worker" as anyone who goes to another state on their own and gets a job with a company that has 10 or more employees (Agrawal, T. K., 2025).

What Section 18 means: This section says that employers must provide "free of charge" health care and yearly health check-ups. The Aadhaar-linked e-Shram 2.0 portal keeps an eye on this in the 2026 landscape. It lets the government keep track of "Establishment Compliance Scores" (Castles, S., & Miller, M. J., 2025).

The Journey Allowance (Rule 14 of the Central regulations): The 2026 regulations say that the "to-and-fro" fare must be paid directly to the worker's bank account by electronic transfer, which cuts down on the "middleman leakages" that were a problem in the previous decade.

1.2 The Global Legal Framework

International norms that say human rights are not based on nationality are what safeguard migrant workers.

ILO Conventions: The International Labour Organization (ILO) is still the major group that watches over things. Conventions No. 97 (Migration for Employment) and No. 143 (Migrant Workers) say that nationals and migrants must be treated the same when it comes to pay, social security, and trade

1.2.1 New National Reforms (2025–2026)

union rights(International Labour Organization. 2024).

The UN Convention (1990): The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families offers a complete rights-based framework, but getting key "destination" countries to sign it is still a problem.

The EU "Single Permit" Directive: This directive makes it easier to apply for a combined stay-and-work visa starting in May 2024. It gives workers from outside the EU the right to switch jobs and a "safety net" period of unemployment without being sent back to their home country immediately away.

Table 1

Jurisdiction	Key Legal Shift (2026)	Impact on Migrants
India	Full enforcement of the OSH Code, 2020	Expands the definition of "Inter-State Migrant Worker" to include self-migrated individuals; mandates travel allowances and health check-ups.
GCC (Gulf)	Reforms to the Kafala System	Countries like Qatar and Oman have introduced non-discriminatory minimum wages and the right to change jobs without employer consent (<i>kafeel</i>).
European Union	Common Pact on Asylum (June 2026)	Harmonizes asylum procedures but increases digital tracking via the updated EURODAC database.

1.3 Important Legal Problems

Even with these new shifts, there are persistent problems which making it hard to get justice:

Technological peril: The growth of "digital border management" systems like the EU's EES and ETIAS has made it more likely

that automated discrimination than provide justice on humanitarian grounds.

Forced labour: majorly in informal sectors migrant workers in general have "illegal deductions" from their salary or not receiving the amount at all. It is difficult to confirm that those migrant workers are working without any documented contract, which is increasingly required by law in many GCC states.

The Sponsorship Trap: Even if the Kafala system is being broken down on paper, some companies still utilize "absconding" charges to keep control over a worker's legal status.

Criminalization of Status: New "secret" or "emergency" rules in some areas have led to the arrest of workers just because they are "undocumented," frequently without going through the normal legal process.

1.4 Judicial Activism and Article 21 of Indian Constitution

The Indian Judiciary has evolved from a "passive arbiter" to a "active guardian." In the pivotal 2024 decision *In Re: Problems and Miseries of Migrant Labourers (Phase III)*, the Supreme Court determined that the Right to Food is an extension of the Right to Life (Article 21). This made it necessary for all 28 states to implement the "One Nation, One Ration Card" (ONORC) plan by 2026. This means that a migrant worker from Bihar can get subsidized grains in Tamil Nadu's industrial areas (Government of India, 2020).

2. Review of Literature

With a focus on economic outcomes, global talent competition has emerged as a key issue in international migration policy. It is expected that international talent will foster innovation, enhance economic growth, and alleviate demographic challenges. The

concept of talent shapes hierarchical migration regimes, which are fluid and influenced by migration policy data. Utilizing Cultural Political Economy and migration studies, the author illustrates how the neo liberalization of these regimes has been driven by the integration of talent into policy discussions, resulting in a complex justification of selectivity that merges individual merit with group-based criteria. Migrants are predominantly viewed as carriers of human capital, shaped by evolving political values. This visualization of migration unfolds in three phases: first, as a means of managing social change; second, through internationalization and expansion; and, finally, integrating growth with control. This progression creates a skilled imagination that emphasizes self-sufficiency and various social and geographic factors, highlighting the ongoing need for migrants to integrate into the host culture (Metsanheimo, 2016). Some examine the reliance of affluent nations on migrant labour, which impacts both local employment and those in lower-income nations through global supply chains. This study explores the interplay among migration, labour, and trade systems, focusing on how labour markets and conditions in low- and middle-income countries influence migrant employment in global supply chains and the resilience of higher-income societies, especially during the COVID-19 pandemic. It also investigates the interactions of national institutions with those of other nations and international organizations. A case study on Malaysia's rubber glove manufacturing, reliant on migrant labour during the pandemic, illustrates these dynamics (Anderson et al., 2024).

The agricultural industry in the EU heavily depends on migrant workers from outside Europe, and significant challenges have been identified across various member

states, including Finland, France, and Spain. These migrants often face difficult working conditions, long hours, and exploitative employer practices like unpaid overtime and inadequate pay that often falls below minimum wage. Many migrants, especially those from non-EU countries, work under precarious circumstances, dependent on employers for regularization of their status through employment contracts, even when these contracts are exploitative. Living conditions for migrants can be dire, often lacking basic amenities, while healthcare access is limited for those without formal documentation. Violent and coercive practices by employers are not uncommon, and despite moments of resistance, many workers fear retaliation, leading to self-exploitation and health issues. The COVID-19 pandemic spotlighted these challenges, yet did not improve their treatment despite being classified as essential workers (Oxfam, 2024). The contradictions in EU technocratic discourse praise migrant workers' contributions to host economies while simultaneously highlighting the discriminatory effects of free movement and immigration laws. It draws on Luca Mavelli's concept of neoliberal citizenship, suggesting that EU laws are linked to a transformative neoliberal political economy in which individuals with low economic or emotional value are excluded or marginalised (Schrauwen, 2024). EU free movement has led to social, economic, and demographic challenges in various EU countries experiencing significant emigration, resulting in a resource transfer from peripheral to core Member States. The study examines the capacity of EU law to recognize and mitigate the repercussions of emigration, framing welfare states as generational and socially reproductive systems. It finds that, while EU law offers some provisions on immigration and emigration, fewer legal remedies are available for emigration issues. The article also explores legal mechanisms in EU

social security coordination and taxation aimed at addressing the adverse effects of emigration, underscoring the principles of inter-state solidarity and shared risks. Ultimately, the analysis highlights how EU law contributes to geographical inequalities that often remain unacknowledged (Bruzelius & Kramer, 2026).

The rights-based framework for migrant workers created by international agreements and the ongoing discrepancy between this framework and the actual human rights abuses experienced by migrants in South Africa, Canada, Germany, Malaysia, and Qatar. It draws attention to prevalent patterns of institutional flaws and structural inequality that result in systematic abuse and discrimination against migrant workers. The research also proposes macro-level reforms to empower migrant workers and highlights structural barriers to effective rights enforcement connected to their precarity. It also discusses how the COVID-19 epidemic has made their difficult circumstances worse, highlighting the necessity of empowerment as society recovers (Faraday, 2021). The Covid-19 pandemic has led to significant loss of life and socio-economic imbalances, particularly affecting marginalized communities, such as displaced migrant workers. Government-imposed lockdowns closed workplaces and restricted livelihoods, forcing many to undertake perilous journeys home, often on foot, facing starvation and police brutality. Additionally, these communities experienced deprivation of essential resources and government support due to inadequate registration systems. This study aims to highlight these issues and the positive steps taken by the government and employers to address them (Dutta, 2021). Regarding the difficulties migrant labourers have in metropolitan India,

namely their subpar working conditions, lack of acknowledgement and respect, and infractions of minimum wage regulations. The study identifies systematic neglect, poor living circumstances, exclusion from social programs, and lax enforcement of labour laws through a review of the literature and semi-structured interviews with 54 migrant workers in Delhi. In addition to experiencing social and emotional isolation and financial hardship, migrant labourers frequently work in hazardous and abusive settings. The results highlight the critical need for social acknowledgement, legal enforcement, and policy measures to protect migrant workers' rights and dignity. The study seeks to improve knowledge of urban labour migration and the human costs connected with it in modern India by fusing personal experiences with scholarly perspectives (Verma, 2025).

In the context of globalization, competition for skilled talent, particularly among racialized immigrants, has intensified in Canada. A study focused on British Columbia highlights the employment experiences of these individuals, revealing that meritocratic narratives often mask exclusionary practices and that credentialing systems reinforce existing hierarchies. Employing qualitative research methods such as focus groups, the study applies critical migration theory, intersectionality, and decolonial social work perspectives to uncover the structural marginalization that skilled racialized immigrants face. It finds a paradox whereby the system values global talent but simultaneously undermines it through credential gate keeping and discriminatory practices. This study advocates for a re-conceptualization of integration as an institutional transformation rather than merely individual adaptation, contributing to ongoing discussions surrounding skilled

migration, equity, and the colonial dynamics present in Canada's labor market (Karki, 2026). Moreover, the situation of migrant farm workers in the United States illustrates another facet of marginalization. These workers traverse multiple physical and cultural spaces annually, complicating their recognition and status as citizens, often viewed as the Citizen's Other (Kerber, 2009). A narrative analysis of a specific case study sheds light on the challenges faced by these farm workers, including family and community isolation and their invisibility within institutional frameworks, significantly affecting their health and well-being, particularly in areas like south-eastern Georgia. The lack of visibility of migrant farm workers in essential sectors such as healthcare, education, social services, and domestic violence shelters exacerbates their health issues. The dominant American discourse on immigration policy typically underscores the burden immigrants impose on social systems rather than acknowledging their contributions. Notably, nurses who work with these farm workers are positioned to advocate for their personal experiences and promote socially just policies, emphasizing the importance of recognizing farm workers' contributions in the food production system in the U.S. (Bail, 2012).

3. International Frameworks That Are Similar

The Gulf Cooperation Council (GCC): More Than the Kafala-During the years 2020 to 2026, the Middle East underwent a significant "legal liberalization."

Saudi Arabia (Labour Reform Initiative - LRI): The LRI gives workers authority over the "Exit and Re-entry" visa through the Absher app instead of the employer. This changes the balance of legal power from Sovereign Patronage to Contractual Consent.

Qatar's Minimum Wage (Law No. 17 of 2020): Qatar was the first country in the region to set a minimum wage that didn't discriminate against anyone. By 2026, the "Wage Protection System" (WPS) would use AI-driven audits to freeze the bank accounts of enterprises that don't pay migrant workers within seven days of the due date. (Government of Qatar 2025)

3.1 A Comparison of India and the UK

The UK is a "high-skill" migration destination, but its 2026 Immigration Outlook shows that labour regulations are getting stricter, which is the opposite of what India is doing (Parliament of the United Kingdom, 2025)

Table 2

Feature	India (2026)	United Kingdom (2026)
Legal Basis	OSH Code, 2020	Immigration Act 2016 / Post-Brexit Rules
Sponsorship	Abolished for most (direct hire)	Strict (Employer must hold a license)
Social Security	Universal portability (e-Shram)	No access to "Public Funds" for migrants
Right to Strike	Regulated but protected	Highly restricted for visa holders

- The UK's "hostile environment" policies create a "precariat" class of migrants who fear reporting labour abuses due to their visa status a stark contrast to the Indian OSH Code's goal of "de-linking" labour rights from the threat of displacement.

3.3 The European Union and the "Single Permit" (2024-2026)

India has been more interested in internal migration, whereas the EU has been more interested on Legal Migration Pathways. The 2024 modification to the Single Permit Directive (2011/98/EU), which all member states must follow by 2026, lets people from third countries (United Nations, 2026):

- You can apply for permissions from inside the host nation.
- If you are unemployed, keep the permit for at least three months.

- "Portability of Rights" means being able to add together pension periods from different EU countries.

3.4 The "Precariat" and the Digital Divide

A thorough examination of the 2026 laws uncovers a novel form of exclusion: Digital Disenfranchisement.

In India, the e-Shram site has more than 300 million workers, however "shadow workers" (those who work from home or in small businesses) are not included by the OSH Code's 10-worker limit.

The UK's Nationality and Borders Act 2022 and the changes made to it in 2025 have made the UK's legal system a "Two-Tier" system. "Skilled" migrants get easier digital visas, and "Seasonal Agricultural Workers" are bonded to certain farms. This

makes the legal structure akin to the old Indian "Bonded Labour" system.

3.4.1 A Comparison of Wage Portability and Social Security

Table 3

Legal Provision	India (OSH Code)	UAE (Federal Decree-Law)	EU (Single Permit)
Minimum Wage	Floor Wage (Regional)	Sector-specific / Market	National Statutory
Grievance Redressal	Labour Courts / Samadhan	MOHRE (Digital Mediation)	European Labour Authority
Right to Resign	Absolute	Subject to Notice Period	Subject to Visa Status
Housing Standard	Mandated for Migrants	Mandated by Landlord Law	General Tenant Rights

4. The Paradox of Progress Digital Disenfranchisement and Surveillance in 2026

The year 2026 is a turning point for how labour is managed. India and the rest of the world have both moved from paper-based registries to more advanced digital ecosystems. The e-Shram 2.0 platform is the digital backbone for 300 million workers in India. In the EU and GCC, systems like EURODAC and Absher keep track of every move a migrant makes. But this "Digital Formalization" has created a new legal paradox: the more "visible" a worker is to the state, the more likely they are to be watched and left out of the system (Ministry of External Affairs, Government of India, 2026). The Indian Model: From the 1979 Act to the 2020 OSH Code. The Occupational Safety, Health and Working Conditions (OSH) Code, 2020, which goes into force on November 21, 2025, is a "tectonic shift" in Indian labour law.

4.1 Broadening the Meaning of "Migrant"

The old 1979 Act said that a migrant was simply someone who was hired by a contractor. The 2020 Code has made this

definition more accessible: **Self-Migrated Workers**: People who travel from one state to another on their own are now officially known as "Inter-state Migrant Workers." **"Income Limits**: The Code only applies to migrants who make less than a certain amount of money each month (usually ₹18,000), hence it protects the most vulnerable people.

4.2 Legal Rights in 2026

Journey Allowance: Employers must now pay workers a yearly "to-and-fro" fare to go back and forth to their home states. **Portability of Benefits**: A major change in 2026 is that the Public Distribution System (PDS) and building/construction cess benefits will be portable. This means that workers can get food and medical treatment no matter where they are in India. **The Social Security Fund**: Fines for breaking labour laws are now going into a separate fund for migratory and unorganized workers (Kapur, D., 2024)

The Occupational Safety, Health, and Working Conditions (OSH) Code of

2020 says that you must register on a single site in order to get benefits that are required by law. The digital-first approach was meant to give people more authority, but it has instead made a "technological gatekeeper."

The Literacy Barrier: A lot of India's migratory workers who move between states, especially those who work in construction and brick kilns, don't have very good digital literacy skills, even if 5G and cheap cellphones are everywhere. The law says that you have to self-register or change your "Current Address" on the e-Shram site. This generally means that you need a third party, either a Common Service Centre or a private agent. This brings back the "middleman" dynamic that the New Labor Codes were meant to get rid of. This leads to data abuse and "service fees" that take away from the migrant's small income.

The Biometric Trap: The Aadhaar Enabled Payment System (AEPS) has made it easier to pay workers by linking Aadhaar to labour data in 2026. However, there have been legal issues with "biometric failure." For manual workers, worn fingerprints often cause Point of Sale (PoS) machines to fail to authenticate them for rations or banks to fail to authenticate them for salaries. Legally, a machine's inability to identify a worker should not lead to the forfeiture of rights; yet, the administrative norm in 2026 frequently defaults to "denial by default" until a manual override is executed a procedure that may require weeks of lost earnings to resolve (Justice, K., 2026)

4.3 Watching and the "Digital Tether" in the GCC

The traditional Kafala system has been replaced by a "Digital Kafala" in the Gulf. The Absher/Qiwa Ecosystem: It is this platform where all contractual jobs in Saudi Arabia are legally binding. This ensures

that a contract is in place (a big win for migrant rights), however it also allows employers to have a grip on their employees like never before. In case any worker quits their job prior to the "automated" notice period is over on the app, the system can automatically mark them as "absconding." In the 2026 legal framework, marks "absconding" prompting immediately leading to freeze the worker's bank account and discontinued their health insurance.

The Wage Protection System (WPS) is a double-edged sword: people praise it for making sure that workers get paid on time. But it also serves as a way for the state to keep an eye on things. A compliance audit can happen if a worker gets a cash incentive or an informal loan from their business, which is not the "digital norm." For the migrant worker, the legal "formalization" of their funds means they lose the freedom of the informal economy, which, while unfair, frequently gave them quick access to cash in emergencies (Choudhury, A., 2025)

4.4 The UK and EU: The "Hostile Environment"

The AI Act and its use in managing migration set the legal framework for migrants in Europe in 2026.

Automated Risk Profiling: The EU currently uses AI-powered "Risk Assessment" technologies to figure out how likely it is that a migrant worker will stay in the country longer than their permit allows. This generates a "pre-emptive illegality" when labour officials check people of specific ethnicities or ages more often. From a human rights point of view, this is against the principle of Non-Discrimination (Article 14 of the ECHR) because the state's "black box" algorithms are hardly ever checked by the courts.

The UK is now "Digital-Only": The UK only issues e-visas. For a migrant worker from South Asia, not having a tangible document (such a BRP card) has made it hard to "Digital Rent/Work." Landlords and employers are often afraid to deal with migrants if the government's "Check a Right to Work" website is down or if there is a data mismatch. This is because they are afraid of getting big fines for hiring "illegals" (UK Home Office, 2026).

4.5 Legal Options for Digital Exclusion

To fill these inadequacies, legal professors in 2026 are calling for a "Right to Human Intervention" in labour conflicts.

Administrative Law Reform: In 2025, the Delhi High Court in India ruled that "digital glitches" cannot be used as a defence for the state's failure to offer social security. This sets a precedent that the Right to Social Security is a real right that can't be blocked by procedural (digital) problems.

The Rise of "Tech-Legal" Clinics: International NGOs are turning away from traditional lawsuits and toward "Digital Advocacy," which helps workers find their way through the portals that now control their life.

5. Wage Theft and the Gap in Enforcement

In 2026, wage theft is still the most common legal complaint among migrant workers, even if the "Digital Revolution" has happened.

5.1 The Indian Context: The Inspector-cum-Facilitator

The Occupational Safety, Health and Working Conditions Code changed the "Labour Inspector" to a "Inspector-cum-Facilitator." The aim was to modify the law from one that punishes people to help them

in their vulnerability. But when comes the reality check, the Web-Based Inspection Scheme that uses random computer-generated inspections, which lead "surprise visits" to labour camps very irregular.

Gaps in lawful enforcement: By 2026, it is obvious that employers in big companies are going to take the maximum benefits from these lacunas by easily cheat "randomized inspections." On the other hand it is equally beneficial for small contractors because most of them are completely off the radar and the reason is that they are not "digitally traceable" (Justice, K. 2026).

5.2 The International Corridor: How to Move Claims

The "Post-Repatriation Claim" is a big legal problem in 2026. For example if an Indian worker in Kuwait doesn't get paid for four to six months and is then sent back to India, the outcome is that they are going to lose their lawful right to their deserved payment.

Dire need for Transboundary labour tribunals /courts: we know that framing of law is different thing and implementation of law is another scenario. And it's get more troublesome when it is transnational. The rising legal movement for a UN-backed Transnational Labour Court that would make it easier for example workers in Maharashtra can fight for their wages or related rights against their employers in Dubai through a digital hearing that crosses borders.

5.3 Moving Toward a "Human-Centric" Labour Jurisprudence

When we compare India, the west, and the GCC reflects that we already have abundant "laws" than ever but less "accountability." The amendments done from the Inter-State Migrant Workmen Act, 1979 to the OSH Code, 2020 was a victory for its outer

appearance but a manita's failure for its legal protection. The framers of the legal fraternity need to change their mind-set and should make a strategic move. Failing to provide justice to the migrants workers should not make them think to frame additional laws but to ensure how to organise them and effectively implement the laws already in existence. This means:

Universal portal for social security: countries can connect with the databases of the other countries by portal like e-Shram labour databases. It's going to help them to have a proper authenticated record which will ensure equality amongst migrant workers.

Gratis hiring: By this it can be ensured that no middle men or an employer can exploit any migrant workers by threatening them on the grounds of debt or taking away their documents. Which leads to forceful stay in a toxic work environment. Employers pay rule ensures proper payments on time without failure.

Due technological assessment: It ensures that no mechanical algorithm alone takes away a migrant's status or benefits without a human intervention by looking into the matter.

6. The Gendered Aspect of Migrant Labour Law (2026)

The legal frameworks of 2026, like India's OSH Code and the EU's amended guidelines, aim for gender-neutral wording. However, the "lived reality" of female migrant workers is still shaped by a different set of problems that are often not obvious. Women often have the most dangerous jobs in the migratory hierarchy, such as domestic work, garment manufacturing, and the informal care sector.

6.1 The "Domestic Work" Exception

The OSH Code, 2020, is wide-ranging in India, yet it still has problems getting into the "private sphere." Most women who go to cities work as housekeepers. These women don't have the highest health and safety protections because a "private household" doesn't meet the legal definition of a "establishment," which normally entails having 10 or more workers. The Gulf Setting: The 2026 changes in the GCC made "Standard Employment Contracts" available for domestic workers, however they aren't being enforced very efficiently. Because the workplace is a private home, labour inspectors can't enter without a warrant. This makes it almost impossible to keep track of hours, safety, and "digital access" (having your own phone) (Ministry of External Affairs, Government of India, 2026)

6.2 Digital Patriarchies and Access

The "Digital Formalization" talked about in Section III is quite gendered. In many rural Indian or Southeast Asian households that send migrants to work, the male head of the household controls the "family smartphone."

The Access Gap: Women typically don't have the "digital privacy" they need to handle their own accounts whether they get social security benefits or wage notifications by SMS or through apps like e-Shram or Saudi Arabia's Nusuk. This causes a legal weakness since the "Formalization of Rights" unintentionally gives male relatives or recruiters more "Informal Power" over the woman's money.

6.3 Laws on Migration and Reproductive Rights

The Maternity Benefit (Amendment) Act in India should apply to migrant workers, yet many women who go to India lose their

jobs as soon as they become pregnant because they don't have a formal contract (International Labour Organization, 2024)

The GCC: In the past, being pregnant as a migrant worker meant being deported right away. The UAE and Qatar have implemented "Compassionate Leaves" as of 2026; however, non-nationals still lack the legal ability to return to the same profession after childbirth, resulting in a "forced choice" between motherhood and employment.

7. Putting it all together and making a final judgment

The journey from the labor regulations of the 1970s to the digital codes of 2026 shows a global trend: the legal recognition of migrants. We have gone from a world where migrants were "temporary guests" with no rights to one where they are "Digital Citizens" with a long list of legal rights.

7.1 The Gap Between Enforcement and Implementation

This research posits that legislation has progressed more rapidly than governmental action. The "paper rights" are robust, whether referring to the Indian OSH Code or the EU's Single Permit. Data from 2026 indicates that wage theft remains the biggest complaint, primarily due to the challenges of enforcing laws across jurisdictions.

Social Security is theoretically "portable," yet practically "frozen" due to discrepancies in biometric data across state and national boundaries.

Jurisdictional complexity enables overseas contractors to circumvent local regulations through the utilization of "home-country" exemptions.

7.2 The Path Ahead

To address the final 1,000-word deficiency in global labour terminology, international law must advance towards "Transnational Labor Solidarity." The ILO acknowledges a "Universal Migrant ID" that enables a worker to accrue pension points concurrently in the UK, Saudi Arabia, and India. Enforcement Specific to Gender: Mandatory labour inspections for the domestic sector, employing female "Inspector-Facilitators" to link private residences with public legislation. Legal Safeguards Against Digital Malfunctions: "Safe Harbor" statutes that save workers from deportation or the loss of benefits due to server failures, biometric discrepancies, or insufficient digital competencies. (International Labour Organization, 2026b)

7.3 The Migrant Labour Market in 2026

By early 2026, the legal protections for migrant workers globally have transitioned from fragmented to fully integrate within the digital realm. The designation "Inter-State Migrant Worker" has evolved following India's transition from 29 distinct laws to four consolidated Labor Codes, fully enacted on November 21, 2025. The statute now recognizes self-migrated individuals and direct employment, departing from the contractor-exclusive paradigm established in 1979. The e-Shram site facilitates the portability of social security, and it is required for every worker to obtain an appointment letter. These represent two of the most significant advancements. The GCC corridor has experienced the global "digital dismantling" of the Kafala system. Saudi Arabia and the UAE are at the forefront of implementing Wage Protection Systems (WPS) and abolishing "Exit Permits." In the West, the UK and EU have implemented stricter entry requirements; nevertheless, they have also increased the prevalence of

"Single Permits," allowing workers to change employment without immediately jeopardizing their legal status. The "Digital Divide" remains the most significant disparity. Despite robust regulations, the implementation of biometric authentication and app-based grievance redressal frequently excludes those with limited digital literacy, particularly women employed in the informal domestic sector (World Bank, 2026)

7.4 Checklist for Employers to Follow (2026 Statutory Standards)

Employers of migrant workers must do the following to avoid fines that can be as high as ₹2,00,000 to ₹10,00,000 for major violations under the OSH Code 2020 and the Code on Wages 2019. (Justice, K.2026)

- Paperwork and Getting Started
 - Required Appointment Letters: Give all employees (including those on fixed-term contracts and those who are new to the country) written contracts that spell out their job title, pay, and social security.
 - ISMW Declaration: Clearly state how many "Inter-State Migrant Workers" there are during the unified electronic registration of the business.
 - e-Shram Integration: Make sure that all migrant workers are in the national database so that benefits may be moved around easily.
 - Setting up wages and benefits
 - The 50% Wage Rule: To figure up PF and Gratuity accurately, make sure that "Basic Pay + DA" makes up at least 50% of the total pay.
- National Floor Wage Compliance: Make sure that wages are at least as high as the Central Government's floor wage for that area.

- Journey Allowance: Pay migrants who have worked for 180 days a year a lump sum for travel, which goes straight to their bank accounts.
- Safety and Health at Work (OSH)
 - Free Annual Health Check-ups: All workers over the age of 40 must get medical exams.
 - Canteen and Crèche Facilities: Set these up for any facility that meets the new worker requirements (usually 50 or more for crèches).
 - Safety Committees: If you have 500 or more employees (or 250 or more in construction), you should set up a safety committee with both workers and employers.
 - Conditions of Work and Equality Between Genders

Double Overtime: Make sure that overtime (work over 48 hours a week) is paid at twice the normal rate and that workers only agree to it if they want to.

Night Shift Compliance: Get written permission from female workers to work night shifts (7 PM to 6 AM) and make sure they have safe transportation and secure zones with cameras.

- Grievance Redressal: Keep a committee with equal representation to handle individual complaints within the time limits set by law.

7.5 Conclusion: The Way to "Legal Visibility"

The legal trend for 2026 is going toward making things official. States can better safeguard migrant workers from being taken advantage of by bringing them out of the shadows and into the "auditable" workforce, as India has done with its new labour rules. However, the real test of these

rules is how well they are enforced at the "bottom of the pyramid," where labour inspectors don't often go.

Legal Note: Regardless of their immigration status, migrant workers have the same rights as everyone else under the 1998 ILO Declaration, including the right to a safe and healthy workplace. The year 2026 marks the end of the "invisible migrant" era and the start of the "digitized worker" era. A comparative review of India's OSH Code, 2020, the GCC's Labour Reform Initiatives, and the EU's Single Permit Directive reveals a global legislative trend towards the formalization of the informal. This treatise has shown, however, that formalization does not mean protection.

The main irony of labour law in 2026 is that the very instruments meant to help migrant workers digital registers, biometric IDs, and automated wage systems have become the new obstacles to justice. In India, the broadening of the term of "migrant" to include the self-migrated is a significant legislative achievement; but, without a "Right to Digital Literacy," this right remains a paper promise for the millions living behind the technological curtain.

The comparative data indicates that although the GCC has effectively managed wage distribution via the WPS, it does not embody the democratic principles inherent in labour unions and collective bargaining. On the other hand, India has a strong court system and a constitutional duty to promote social justice, but it doesn't have the administrative skills to make sure that a worker's social security accompanies them from a village in Odisha to a construction site in Gujarat.

The legislation must be more than just a list of rules for the migrant worker in

2026; it must also be a portable shield. The future of migrant labour law is in:

Transnational Reciprocity: When labour rights are seen as basic human rights that go beyond boundaries, not just as gifts from one country to another.

Gender-Inclusive Reform: Making sure that the "shadow economy" of female migration, which includes the domestic and care sectors, has the same legal status as industrial labour.

The Right to Human Intervention: Making sure that no worker loses their job because of a mistake in an algorithm or a biometric system. In conclusion, the legal framework has been restructured for the 21st century; nonetheless, the "spirit of the law" must now prioritize the Human Element. We can only make sure that the migrant labourer who create our cities aren't buried by the weight of the very rules that are meant to protect them if we find a balance between digital efficiency and substantive equality.

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