Built by Injustice: South Asian Migrant Worker Exploitation at Places of Worship

Hindus for Human Rights

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Photo Credit: Seth Wenig/Associated Press

Introduction	2
Acknowledgments and Methodology	6
Highlighted Case Studies	8
Assessing How These Injustices Manifested and Persist	18
Recommended Actions	20
Conclusion	22
Endnotes	23
Citations	26

In April, 2021, New Jersey's Department of Labor and Workforce Development (NJDOL) issued a company-wide stop-work order to Cunha's Construction Inc. one of the contractor companies responsible for renovations at the BAPS Hindu temple in Robbinsville, New Jersey—on suspicion of violating labor laws at two of its work sites. (CITE). NJDOL's stop-work order, a civil lawsuit (CITE), and a New York Times article (CITE) detailed further allegations of labor and immigration law violations of South Asian migrants—many of them from Scheduled Castes and Schedules Tribes, also known as Dalit and Adivasi—working on temple renovations in the US. The allegations, while currently being litigated, caused a reaction among Hindu Americans, members of the South Asian diaspora, and labor activists, and prompted calls for examinations into potentially exploitive practices of migrant workers at places of worship more generally.

This report seeks to provide context for why exploitation of migrant workers may occur within South Asian communities of worship, and to propose solutions for entities and people empowered to safeguard workers' rights. This report researches allegations of labor exploitation and casteism within places of worship across nationalities (Indian and Sri Lankan) and religions (Hinduism and Sikhism). We provide recommended actions that federal, state and local governments, civil society organizations and labor unions, employers and leaders of places of worship, and faith community members can take to prevent future exploitation. While we wish to raise public awareness about this exploitation and provide recommendations to curb it, our goal is not to end this type of worker exchange; our conversations with labor activists have revealed that workers largely wish to continue this form of work, but desire proper wages, working conditions, and living quarters.

The South Asian Diaspora

The South Asian diaspora has grown significantly in recent decades, most notably in North America, Europe, and New Zealand. There are 4.2 million people of Indian origin residing in the US, with 54 percent of its population identifying as Hindu. In Canada, South Asians are the third largest ethnic group, with the country also seeing an increase of Canadians identifying with Islam, Hinduism, and Sikhism. In the United Kingdom (UK), the South Asian population grew from 4.4% to 6.9% between only 2001 to 2011, and in New Zealand, Indians constitute 5.1% of the country's population and the nation has seen a growth of religious minorities such as Hindus and Muslims.

As far back as 1917 in his paper *Castes in India: Their Mechanism, Genesis and Development*, Dr. B.R. Ambedkar, one of the most prominent Dalit leaders, predicted: "If Hindus migrate to other regions on earth, Indian caste would become a world problem." As the South Asian diaspora and the cultural and political presence that comes with it continues to grow, casteism has also become more prevalent in Hindu and non-Hindu South Asian diaspora communities.

Overview of Caste

Caste is a form of inequitable social stratification that places people into designated caste groups based on descent or ancestry and is hierarchal in nature. Caste is maintained through practices of domination, exclusion, endogamy, inequality, and discrimination in South Asia and South Asian communities globally, and it is not specific to Hindu communities, as we see similar dynamics in South Asian Sikh, Christian, and Muslim communities as well.

Caste primarily operates through the interrelated concepts of varna and jati. Varna, which was first articulated in ancient Hindu texts, is a four-fold classification of society into the classes known as Brahmins (priests), Kshatriyas (warriors), Vaishyas (merchants), and Shudras (laborers). Jati refers to the endogamous occupational group that one is born into, usually associated with a specific trade or occupation. Unlike the four varnas, there are thousands of different jatis, each of which are often regionally-specific and linked to a specific position within the varna hierarchy.

There are also groups who are excluded entirely from the varna hierarchy, namely Dalits (formerly known as "outcastes" or "untouchables") and Adivasis (Indigenous peoples of South Asia). In India today, Dalit castes are legally classified as Scheduled Castes, and Adivasi communities are classified as Scheduled Tribes. Dalits make up around 16% of India's population, and Adivasis comprise around 8%.

Page 4

Brahmins and other dominant castes have historically held disproportionate amounts of social, political, and economic power in South Asian communities in relation to caste-oppressed groups, despite making up a small minority of the broader population—in India today, Brahmins are estimated to make up around 5% of the population. In the US, a survey conducted by Equality Labs showed that 45% of Brahmin respondents attained postgraduate-level education, compared to 22% of respondents from Shudra castes.

Caste Discrimination and Labor Exploitation

Awareness of casteism in the US and other countries highlighted in this report has become more prevalent as Dalit and Adivasi activists speak out against discrimination and as instances of discrimination make their way into popular media.

A benchmark example of the intersection of caste discrimination and labor exploitation in the US occurred in 2001 in Berkeley, California, involving Lakireddy Bali Reddy. Reddy was a Berkeley-based landlord convicted of trafficking young Indian girls and women—a majority of whom were Dalit—for sex. The news sparked urgency among Bay Area labor rights activists to push for local advocacy and address issues of casteism and migrant discrimination, manifesting in, among other things, the creation of the Alliance of South Asians Taking Action. A more recent example occurred in 2020 when the California Department of Fair Employment and Housing sued the San Jose tech company Cisco Systems Inc. on the basis of caste discrimination. The lawsuit alleges that Cisco denied one of their Indian engineers a raise and promotion because of his Dalit background. Through these cases we see that casteism in the South Asian diaspora is an increasingly pertinent issue.

News of these allegations and others like it highlight the need for members of the South Asian diaspora, particularly members of communities of worship, to consider instances in which casteism and rights violations may be occurring in their communities and how they and other actors can take action to prevent and reconcile these injustices.

INTRODUCTION



ACKNOWLEDGEMENTS AND METHODOLOGY

Page 6

Acknowledgments

Shevani Khatri (shevani@hindusforhumanrights.org) from Hindus for Human Rights (HfHR) and Alexander Young (alexander.young@icdrintl.org) from the International Commission on Dalit Rights (ICDR) prepared this report. We benefited greatly from collaboration with activists, civil society organizations, legal professionals, communities of worship, and the media, among others. We appreciate the insight and experience they contributed to this report's findings and recommendations.

Methodology

This report leverages primary sources, including court documents, government documents, and interviews with legal professionals, advocates, and community leaders, and secondary sources, mainly media publications. Information gathered from these sources is cited and caveated as appropriate in the report. Due to sensitivities related to active legal cases and the time between the events and the writing of this report, we were unable to speak with some journalists, lawyers, and labor rights advocates with knowledge of cases highlighted in this report. Authors did make a concerted effort to contact leaders of the places of worship mentioned in this report, with some success; statements and perspectives of those we successfully contacted are incorporated in the report.

In our attempt to identify and assess cases of South Asian migrant worker violations at places of worship, we found examples at two Hindu temples and one Sikh temple in the UK, Canada, and New Zealand, respectively. We did not find cases that fit our research criteria involving other places of worship, such as churches and mosques. Public attention and transparency about the construction of places of worship are generally limited. While this report is written in light of recent allegations raised against certain US-based temples in 2021, we do not wish to conflate the injustices between places of worship; rather, in this report we attempt to identify common threads of migrant exploitation at places of worship in hopes of offering recommendations key actors can take to prevent and reconcile violations.

Following conclusion of the case brought against BAPS temples in the US, we expect to build onto this report with an analysis of the case's official findings.

ACKNOWLEDGEMENTS AND METHODOLOGY

Page 7

Information Gaps

In researching some cases, we struggled to obtain information about some religious communities' decision-making structures and financial management in regard to workers. Public records, interviews with subject matter experts, and outreach to communities of worship were insufficient in obtaining sufficient information to fully understand how these communities decided how to manage workers at the worksite, facilitated workers' travel from their home countries, and recruited workers from South Asia.

On the latter point, this report demonstrates a pattern of temples recruiting laborers from India. While it is not clear how each community of worship managed its recruitment process, in general manual labor workers are often recruited through informal networks in South Asia, making it difficult to assess and mitigate potential exploitation during the recruitment phase.

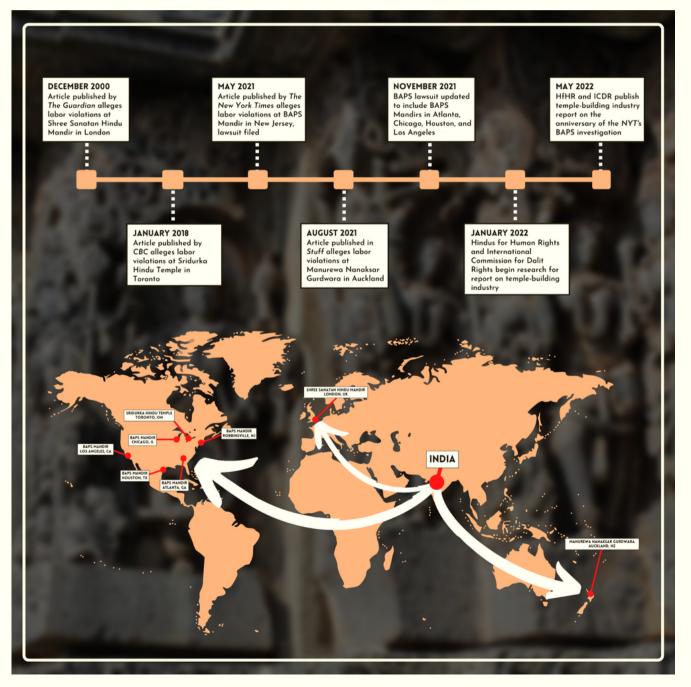
HIGHLIGHTED CASE STUDIES

Breakdown of Highlighted Cases

The three cases of migrant worker exploitation highlighted in this report demonstrate several common themes, namely instances or allegations of:

- Discrimination towards marginalized individuals and groups;
- Illegal wages;
- Overwork;
- Poor living conditions;

- Misuse of visas and other legal documents;
- Insufficient or false information given to workers;
- Intentional isolation of workers from local community;
- Threats of deportation.



Overview

According to our research, one of the earliest publicized cases of labor rights violations at a South Asian place of worship occurred in 1999 in London, UK. According to journalist Jeevan Vasagar, the case primarily involved temple worker Suresh Suthar and the Shree Sanatan Hindu Mandir, situated in a predominantly Gujarati neighborhood in Wemble³, North London. Mr. Suthar originally came from Rajasthan, where he worked as a stonemason in the province of Dungarpur. Along with 18 other stonemasons, Mr. Suthar was hired to work on what is now one of the most elaborate Hindu temples in the UK. The Shri Vallabh Nidhi UK charity raised funds to build the temple, and its subsidiary, Shrico Limited, primarily oversaw the temple's construction; Shrico Limited is currently still operating.

13

According to The Guardian newspaper at the time, Mr. Suthar and his comrades arrived in London in April 1999, where they were immediately subjected to inhumane living conditions, described by union campaigners as "cramped, prefabricated huts." Many of the workers reported

"Many of the workers reported that the Shrico directors stripped them of their passports, threatened them with deportation, and routinely shut off their electricity on the days when they were not working." that the Shrico directors stripped them of their passports, threatened them with deportation, and routinely shut off their electricity on the days when they were not working. In addition, the temple workers were grossly underpaid for their work compared to the wages they were promised on their work permits. They were initially promised between £160 to £190 (approx. \$202 USD to \$240 USD) per week; however, they only received £125 (approx. \$158 USD) each month for 6-day work weeks.¹⁵

Shrico did not act alone in their mistreatment of Mr. Suthar and his colleagues; former Home Office Minister Paul Boateng worked closely with Shrico and aided them in obtaining visas to bring the workers from India, according to an investigation conducted by the Observer newspaper. Mr. Boateng had close ties to the Hindu community in Wembley, and he routinely intervened when they needed help bypassing roadblocks with the Foreign Office regarding visas, according to the same investigation.¹⁶

The Union of Construction, Allied Trades, and Technicians (UCATT) worked closely with the temple workers to advocate for fairer wages. Ultimately, Shrico was forced to raise their salaries from around 30p (approx. 24¢) an hour to the guaranteed minimum of £3.70 (approx. \$2.94 USD). Additionally, to reconcile workers' lost wages, the temple workers received a payment of £110,000 (approx. \$8,7301 USD), on par with the going rate for stonemasons in Britain. We contacted the Shree Sanatan Hindu Mandir via email, asking if they would like to comment and we did not receive a response.

Analysis

There are two main takeaways from analyzing the Shree Sanatan Hindu Mandir case:

Multiple Parties Facilitated Exploitation

17

The temple and its subsidiaries were not the only parties involved in trafficking the workers; instead, they relied on a web of connections to facilitate the exploitation of Mr. Suthar and his comrades. Additionally, Boateng utilized his power as an elected official to bypass visa restrictions, and key leaders in this specific temple's community knowingly authorized temple construction without proper compensation to the stonemasons. While this is not to say that the entire temple community bears responsibility, a fundamental lack of transparency between community leaders and community members enabled this injustice.

Temple Workers were Given Reparations

Second, the Shree Sanatan Hindu Mandir significantly underpaid their workers and provided inhumane living standards highlights an alarming pattern of exploiting migrant workers, consistent with the rest of the cases in this report. However, unlike in other cases, temple workers, in this case, received reparations in the form of raised wages and back pay. This case is a positive reminder that governments ultimately hold the power to enforce labor rights. Therefore, governments must take notice of and understand the exploited vulnerabilities in their immigration and labor policies, and hand down adequate legal rulings upon learning of exploitation. The UK legal system succeeded in the latter but failed in avoiding the practice in the first place, a commonality we see in multiple cases highlighted in this report.

Overview

In 2017, four migrant workers came forward about their working and living conditions at Toronto's Sridurka Hindu Temple, where they were hired as religious workers to help renovate the Sri Lankan Tamil temple. In addition to claims of siphoned-off funds and long hours for which they were not paid overtime, workers cited crowded, unsafe, and unsanitary living conditions and inadequate food during the course of their time working on the temple.¹⁸

According to a claim workers filed the next year, despite the presence of written documentation compliant with local labor laws, the reality of workers' situation did not reflect the treatment alleged in the documentation. For example, workers signed contracts promising net payments of \$2530 CAD (approx. \$1951 USD) a month, but workers were ultimately only paid \$900 (approx. \$694 USD); upon receiving their paycheck each month, workers were required to deposit the full \$2530 in the bank, but withdrawals were dictated by the workers' overseer and \$900 a month was ultimately distributed to the workers.¹⁹ Further, workers regularly worked 60-70 hours a week, but formal logs indicated a regular 40-hour week each week.²⁰ The temple confirmed temporary workers had been brought to Canada to work on the temple, but claimed that "no overtime work was done" and that, according to employee satisfaction surveys, workers were "satisfied with the wages, working environment and residence facilities." ²¹

Workers cited "bed bugs, leaks and an unbearable stench" in their living quarters,²² as well as an insufficient amount of food given to them daily.²³ When workers requested more food, they said the chief priest threatened them with violence and used verbally abusive language, which the temple denies in a statement.²⁴ Workers also cited health issues, which were casually dismissed by temple leaders.²⁵

Similar to claims alleged against the New Zealand Manurewa Nanaksar Gurdwara highlighted later in this report, workers were not permitted to engage with the outside world. These conditions only became public ²⁶/_{when a} member of the temple's congregation became aware of the workers' conditions and contacted the Tamil Workers Network, a Canadian Advocacy Group. Workers lived with this treatment between April and September 2017, only to be sent home three weeks early shortly after speaking to the Tamil Workers Network. The workers met with the advocacy group, and also took on legal services with another local organization, Parkdale Community Legal Services, to file their claim in February 2018 with the Ontario Ministry of Labour (MoL) to contest the wages, time worked, and living space provided by the temple. ₂₇

We contacted the Sridurka Temple via email, asking if they would like to comment and Kris Sivapragasam, Administrator for the temple, stated: "Over the past 30 years, over hundred priests and skilled workers have come and returned back to their families and home country happily. The same was true for the skilled workers that have accused us of mistreatment. It is important to note that the skilled workers were ones who returned for a second contract after returning to India. We were shocked and hurt when these accusations were published in the CBC article. This has damaged our reputation and name as an organization." (CITE)

Analysis

Aside from assessing a miscalculation of \$2.80 CAD in public holiday pay, the MoL rejected each of the workers' claims of labor violations. Upon reviewing the MoL's decision, we found that the designated MoL officer reviewing the workers' claims relied heavily on paper-based evidence and assigned less importance to social dynamics between the workers and temple leaders. Similar to other cases in this report, workers in Toronto did not have social networks enabling them to understand and effectively advocate for their rights. One worker said in regards to confronting their inequitable pay and living conditions: "We didn't know what else to do. We didn't know anyone. This was our first time in the country." John No, one of the workers' legal representatives, noted that workers holding Temporary Foreign Worker visas are restricted to working with a single employer while in Canada: "Their ability to stay in Canada and make a living is completely dependent on that one employer. So if that one employer is treating them badly, whether in terms of working conditions or employment standards, they have very little real recourse because they can't leave that job."

Mr. No said it appeared the temple leaders knew how to hide things by enstitring compliant paper documentation existed, a pitfall that, according to Mr. No and Ram Selvarajah of the Tamil Workers Network, the MoL could have avoided had it incorporated a better understanding of the power dynamics of worker exploitation; many of the workers, including some of those who raised this claim, did not have sufficient English skills to read the English documentation they signed. As Mr. No stated, the workers were completely reliant on the temple leaders as their employer and it was integral to take into consideration the uneven power dynamics between the two groups. The temple leaders knew the workers were in a vulnerable position because of their³⁰ migrant status and lack of knowledge of Canadian labor laws.

Mr. Selvarajah said it was evident this scheme was going on for years, and that he has found similar exploitation is common at other places of worship, not just at the Sridurka temple; however, when claims are not properly understood and subsequently result in no reparations, it disincentivizes workers in the future to bring cases of exploitation to the government. "Workers in Toronto did not have social networks enabling them to understand and effectively advocate for their rights. One worker said in regards to confronting their inequitable pay and living conditions: "We didn't know what else to do. We didn't know anyone. This was our first time in the country."

Overview

In 2021, a New Zealand news outlet reported that the Manurewa Nanaksar Gurdwara, located in Auckland, was under investigation for charges of labor exploitation. Tarsem Singh, an Indian national, was brought to the New Zealand gurdwara to work as a Sikh priest; however, the gurdwara instead demanded unpaid labor from him.³¹Gurdwara officials allegedly forced Mr. Singh to perform temple maintenance work as a general handyman, which is not what he believed he agreed to when he signed his contract with the gurdwara. May Moncur, Mr. Singh's employment law advocate, claims that he went seven years without pay and was not allowed to leave the temple premises.³² At the time of publishing this report, the current status of Mr. Singh's case is that he now faces the threat of deportation after arriving in New Zealand on false documents, which the gurdwara is alleged to have created. No further updates have been provided to the public.

In our conversation with Ms. Moncur, she contends that this is not the first time she has dealt with a case of this matter. From 2015 to 2021, she has consulted with several Indian Sikh priests who have been exploited through their employment at various gurdwaras in New Zealand. Due to confidentiality limitations, Ms. Moncur could not provide further details about the

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previous cases she worked on; however, she assesses that this is a pattern of behavior within Auckland's gurdwara communities. Migrant workers, like Mr. Singh, are vulnerable to exploitation because of language barriers and unfamiliarity with New Zealand's legal system, a trend we have seen in other highlighted cases in this report. When these cases go to litigation, it is difficult for the workers to defend themselves because most of their testimony is through oral evidence and minimal paper documents. Employment law advocates assert that ruling courts often do not find the evidence substantial enough to win in favor of the workers.³⁴

We contacted the Manurewa Nanaksar Gurdwara via email, asking if they would like to comment and the temple's trust stated: "The trust has confirmed that no allegations of exploitation have been proven and are vehemently denied. [...] Further, the trust has said that they cannot comment about the specific matter as there are litigation proceedings on foot at present."

Analysis

While there are similarities between the Manurewa Nanaksar Gurdwara and Hindu temple cases, it is essential to note the differences and explain our reasoning for including this case in the report.

The critical difference is that caste did not play a role in exploiting Tarsem Singh —on the contrary, Ms. Moncur says that Mr. Singh's caste privilege allowed him the mobility to leave India and move to New Zealand for work. In our research of the Manurewa Nanaksar Gurdwara, we did not find any evidence of Dalit or Adivasi workers being exploited.

Mr. Singh's status as a migrant worker made it easier for the gurdwara to exploit his labor. Coupled with the fact that the gurdwara fabricated the legal documents he arrived on, Mr. Singh was forced into a situation where he held very little power.

RAJASTHAN SANDSTONE MINING INDUSTRY

In our research, we also found connections in labor issues between the US temple workers and Rajasthani stone carvers, illustrating a broader issue of labor exploitation and casteism in the temple building industry as a whole. The US is the fourth largest importer of Indian sandstone.

Page 16

According to an August 2020 report by the American Bar Association (ABA) about the sandstone mining industry in Rajasthan, India, approximately 90 percent of the country's sandstone is produced in the Indian state. ABA's research found that the industry is highly unregulated, which allows for human rights violations, including bonded labor, occupational health hazards, and exploitation of Dalit and Adivasi workers. The US is the fourth largest importer of Indian sandstone.

The ABA report extensively addresses the multiple rights issues in the Rajasthan sandstone mining industry, including on bonded labor of Dalit and Adivasis workers and their diagnosis of Silicosis. The National Commission on Rural Labor reports that bonded labor, a specific type of forced labor, is highly present in Rajasthan's stone quarries. Debt bondage is a contractual relationship between employee and employer, where the employee is forced to provide their labor as a form of debt repayment. The ABA finds that many workers are indebted to their employers to reduce labor costs at the quarry sites. This exploitative labor practice is further compounded by casteism.

The ABA reports that within the "Rajasthani mines, 95 percent of workers belong to Scheduled Caste and Scheduled Tribes." The employment of Dalit and Adivasi workers further perpetuates the intersection between labor exploitation and casteism in the temple building industry. Employers and overseers' embrace of the hierarchical structure of casteism produces a power imbalance between workers and their employers, which creates a significant barrier for Dalits and Adivasi workers to escape from the mines without paying their debts. The Rajasthani sandstone mining industry is also a hot spot for Silicosis, a fatal and incurable lung disease that afflicts many workers. Silicosis is contracted through inhaling bits of silica during the sandstone mining process. Roughly 56 percent of mining workers are affected by the disease which, once contracted, the disease dramatically reduces life expectancy. Moreover, the temple building industry actively perpetuates casteist violence by positioning caste-oppressed groups into inhuman and dangerous working conditions.

Page 17

ASSESSING HOW THESE INJUSTICES MANIFESTED AND PERSIST

Page 18

Our review of the presented cases has allowed us to analyze each independently and in parallel to better understand and assess the causes and loopholes that enable migrant worker exploitation. In this section, we discuss our findings.

Recruitment of Workers:

As was the case for multiple cases highlighted in this report, exploited workers were from marginalized groups within Indian society, suggesting that the undisclosed nature of the recruitment process provides an ongoing opportunity for exploitation. While caste was not explicitly named as a driver of exploitation in three of the four highlighted cases, casteism's prevalence in Indian and other South Asian communities suggests it probably played some role in workers' recruitment and subsequent exploitation. Vulnerable populations, including Scheduled Castes and Scheduled Tribes, are more susceptible to exploitation because they have less social and economic capital to avoid exploitation; in the cases highlighted in this report, workers were often unaware they were being recruited on false promises. Our limited insight into the methods and processes for which workers were chosen to travel for work in the highlighted cases demonstrates a need for increased transparency to prevent such exploitation of vulnerable individuals and groups.

Government Policy Enforcement:

Immigration officers often conduct interviews and require thorough documentation in the course of reviewing work visa applications. While significantly better than a simple rubber stamp, this immigration review process is still vulnerable to deceit and there is often no follow-up to ensure information and actions stated in applications are upheld. Once workers have arrived in the country of employment, governments are usually reactionary in their enforcement of laws and require exploited workers or their representatives to speak up for themselves, which both come at personal risk to them.

Worksite Management:

In each case discussed in this report, workers were not treated by their overseers as official employees or contractors in accordance with applicable labor laws. Of note, in some legal frameworks religious organizations are given exemptions in applying some labor laws, yielding a legal loophole easily exploitable by bad actors. In multiple cases in this report, workers were managed by a single

ASSESSING HOW THESE INJUSTICES MANIFESTED AND PERSIST

individual affiliated with the place of worship or company affiliated with construction. In our discussions with Mr. Selvarajah of the Tamil Workers Network, he noted that historically he has seen that organizations or companies administered by a group as opposed to a sole proprietor tend to be less likely to be accused of mistreatment of workers. Often by design, external entities—including members of the places of worship, governments, and civil society organizations—were unaware of workers' treatment and did not take action until reports of their treatment became more widely reported.

Workers' Awareness:

Our research and conversations with legal representatives and advocacy groups yielded an understanding that workers sometimes were not immediately aware they were being treated inequitably. Migrant workers are often not aware of relevant labor and health and safety laws in the countries in which they are working, let alone know how to safely and effectively raise their concerns. These factors account in-part for the delay or disinterest in raising their concerns across migrant worker exploitation.

Inadequate Legal Frameworks to Apply Justice:

While not true of every case raised in this report, legal representatives and advocates both described to us how legal administrators and government claims administrators tend to be partial to paper documentation. In the Auckland and Toronto cases, legal representatives noted how courts prioritized paper documentation over other forms of evidence and intangible power dynamics; as workers had either gone back to their homes or did not speak English to verify documentation, they were already weak in their case. Moreover, paper documentation is vulnerable to forgery. Based on these findings, we recommend the following actions for those entities, groups, and individuals we assess to hold the most influence over different aspects of this exploitative environment. We assess these recommendations to 1) Avoid these exploitative environments in the future and 2) Help reconcile damage that has been done.

To Communities of Worship:

- Require transparency from your place of worship regarding the treatment of visiting workers, including regarding their wages, time worked, and accommodations;
- If information about labor violations at your place of worship comes out, demand reparations and accountability from leadership.

To Employers, including Leaders of Places of Worship and Company Managers:

- Provide reparations and back pay to all workers who have been exploited;
- Employ or contract workers in compliance with local labor laws, without regard to workers' religion, social and economic status, migration status, or other identity-based categories;
- Decentralize management of visiting workers so that sole individuals do not dictate all decisions;
- Ensure freedom of movement for workers so they may leave worksite premises as they wish;
- Be transparent with the community about wages, hours, and accommodations for workers;
- Invite community organizations and members to engage with visiting workers so they may have a social network while they reside in the community.

To State and Local Governments:

- Engage civil society organizations and advocates to better understand signs of exploitation and close loopholes that enable these environments to exist;
- Promote awareness and integrate into permit application reviews and on-site inspections concern for caste discrimination and other common forms of exploitation among South Asian migrant workers;

• Conduct periodic inspections of places of worship hosting migrant workers to ensure relevant labor laws and health and safety laws are being followed, including engaging directly with workers;

Page 21

- Enact policies that enable government labor regulators to cease operations when workers' rights violations are documented;
- Create and mandate caste sensitivity training for government workers in order to improve their understanding of power dynamics and casteism.

To Federal Governments:

- Engage civil society organizations and advocates domestically and in South Asia to better understand signs of exploitation and close loopholes that enable these environments to exist during the recruitment of workers, immigration process, and at worksites;
- Promote awareness and integrate into immigration application reviews and on-site inspections concern for caste discrimination and other common forms of exploitation among South Asian migrant workers;
- Conduct periodic inspections of places of worship hosting visiting workers to ensure relevant immigration, labor, and health and safety laws are being followed, including engaging directly with workers;
- Provide sufficient South Asian language resources for the Department of Homeland Security and Department of State entities, especially for U.S. Citizenship Immigration Services and at Consulates in South Asia;
- Create and mandate caste sensitivity training for government workers in order to improve their understanding of power dynamics and casteism.

To Civil Society Organizations:

- Develop and implement orientation programs for migrant workers vulnerable to exploitation, including on applicable laws, available community resources, how to contact in cases of concern;
- Maintain means of communication and engagement with workers, leaders, and communities at places of worship;
- Connect workers with and integrate them into local labor unions, where possible.

CONCLUSION

The May 2021 discovery of workers' inhumane treatment at the BAPS temple in Robbinsville, NJ struck a chord with South Asian Americans, but also reminded the diaspora of the intersectionality of migrant workers and marginalized communities from South Asia, including victims of caste discrimination.

Page 22

This report highlighted three cases of inequity and inhumane treatment in places of worship in the UK, Canada, and New Zealand, shedding light on common themes seen between in each case, including the importance of powder dynamics between workers and their site managers, the critical impact of civil society intervention, and governments' reactionary enforcement mechanisms. Exposure of these themes yield the opportunity for leaders and communities of worship, governments, and civil society organizations to mitigate them.

In this report, we emphasize that casteism is often a central factor in South Asian labor rights issues, despite it not always being stated as such. It is important for actors, including community members and policymakers, to recognize the importance of caste and the uneven power dynamics it produces in the South Asian diaspora. We hope that this report galvanizes others to advocate for Dalits and Adivasis and to learn how casteism affects their own communities. Additionally, we hope this report serves as a guide for community members and leaders, organizations, and policymakers to effect change from where they are.

ENDNOTES

[1] Sumitra Badrinathan et al., "Social Realities of Indian Americans: Results From the 2020 Indian American Attitudes Survey" (Carnegie Endowment for International Peace, 2021),

 $https://carnegieendowment.org/files/Vaishnav_etal_IAASpt3_Final.pdf.$

[2] Statistics Canada. 2017. Canada [Country] and Canada [Country] (table). Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29, 2017. https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E (accessed May 4, 2022).

[3] Angela Potter-Collins and Rachel O'Brien, "2011 Census Analysis: Ethnicity and Religion of the Non-UK Born Population in England and Wales: 2011," Office for National Statistics, June 18, 2015, https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/2011c ensusanalysisethnicityandreligionofthenonukbornpopulationinenglandandwales/2015-06-

18#:~:text=In%202011%2C%207.5%20million%20people,African%2FCaribbean%2FBlack%20British.
[4] "2018 Census Ethnic Group Summaries: Indian Ethnic Group," Stats NZ (New Zealand

Government , 2018), https://www.stats.govt.nz/tools/2018-census-ethnic-group-summaries/indian. [5] B. R. Ambedkar (Indian Antiquary, 1917),

http://www.columbia.edu/itc/mealac/pritchett/00ambedkar/txt_ambedkar_castes.html.

[6] Maari Zwick-Maitreyi et al., "Caste in the United States. A Survey Of Caste Among South Asian Americans", pg 34, (Equality Labs, 2018),

https://static1.squarespace.com/static/58347d04bebafbb1e66df84c/t/603ae9f4cfad7f515281e9bf/16 14473732034/Caste_report_2018.pdf.; "Explanatory Notes to Equality Act 2010," Legislation.gov.uk (Queen's Printer of Acts of Parliament), accessed May 9, 2022,

https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/2/1/6.

[7] Maari Zwick-Maitreyi et al., pg 10, "Caste in the United States".

[8] Supriya Yelimeli, "Lakireddy Bali Reddy, Berkeley Landlord Convicted of Sex Trafficking, Dead at 84," Berkeleyside, November 17, 2021, https://www.berkeleyside.org/2021/11/12/lakireddy-bali-reddy-dead-berkeley.

[9] Yashica Dutt, "The Specter of Caste in Silicon Valley," The New York Times (The New York Times, July 14, 2020), https://www.nytimes.com/2020/07/14/opinion/caste-cisco-indian-americans-discrimination.html.

[10] Annie Correal, "Hindu Sect Accused of Using Forced Labor at More Temples across U.S.," The New York Times (The New York Times, November 10, 2021),

https://www.nytimes.com/2021/11/10/nyregion/baps-hindu-forced-labor.html.

 [11] "BAPS Global Network," BAPS, accessed May 4, 2022, https://www.baps.org/Global-Network.
 [12] Jeevan Vasagar, "They Came to Britain to Earn 30p an Hour. But They Will Return Home as Wealthy Men," The Guardian (Guardian News and Media, December 12, 2000),

https://www.theguardian.com/uk/2000/dec/12/jeevanvasagar.

[13] "Company Overview for Shrico Limited (03127355)," GOV.UK, accessed May 5, 2022, https://findand-update.company-information.service.gov.uk/company/03127355.

[14] Vasagar, "They Came to Britain"

[15] Vasagar, "They Came to Britain"

[16] Antony Barnett, "Boateng Implicated in Asian 'Slave Labour' Row," The Guardian (Guardian News and Media, December 3, 2000),

https://www.theguardian.com/uk/2000/dec/03/antonybarnett.theobserver.

[17] Vasagar, "They Came to Britain"

ENDNOTES

Page 24

[18] Chris Glover, "It's Slavery in the Modern World": Foreign Workers Say They Were Hungry, Abused at Toronto Temple," CBC News (CBC/ Radio Canada, January 17, 2018),

https://www.cbc.ca/news/canada/toronto/hindu-priest-abuse-allegations-1.4485863.; Reason for Decision. Employment Standards Act, 2000. Sridurka Hindu Temple #70201187-6 (Ontario Ministry of Labour February 9, 2018).

[19] Glover, "It's Slavery in the Modern World"; Reason for Decision

[20] Reason for Decision

[21] Glover, "It's Slavery in the Modern World"

[22] Reason for Decision

[23] Glover, "It's Slavery in the Modern World"

[24] Glover, "It's Slavery in the Modern World"

[25] Doe, John 1. Interview with Ram Selvarajah. 2017.

[26] Doe, John 4. Interview with Ram Selvarajah. 2017.

[27] Glover, "It's Slavery in the Modern World"

[28] Glover, "It's Slavery in the Modern World".; Young, Alexander, and Shevani Khatri. Interview with Mr. John No. Personal, March 16, 2022.

[29] No, John. Interview with Shevani Khatri and Alexander Young. March 16, 2022.

[30] Selvarajah, Ram. Interview with Shevani Khatri and Alexander Young. March 7, 2022.

[31] Steve Kilgallon, "Investigation as Migrants Complain about Treatment by Wealthy Temple,"

Stuff, August 3, 2021, https://www.stuff.co.nz/national/125912156/investigation-as-migrants-complain-about-treatment-by-wealthy-temple.

[32] Moncur, May. Interview with Shevani Khatri and Alexander Young. April 1, 2022.

[33] Kilgallon, "Investigation as Migrants Complain about Treatment by Wealthy Temple"

[34] Moncur, May. Interview with Shevani Khatri and Alexander Young. April 1, 2022.

[35] "NJDOL Issues Stop-Work Order Against Construction Contractor, Halting All Current and Future Work" Official Site of the State of New Jersey, April 30, 2021,

https://www.nj.gov/labor/lwdhome/press/2021/20210430_stopworkorder.shtml.

[36] Correal, "Hindu Sect Accused of Using Forced Labor"

[37] "United States District Court District of New Jersey. First Amended Collective and Class Action Complaint. Jury Trial Demanded. Case 3:21-cv-11048-AET-TJB," pg 3, October 23, 2021,

https://decaturlegal.com/wp-content/uploads/2021/11/0020-0-FirstAmendedComplaint.pdf.

[38]Case 3:21-cv-11048-AET-TJB, pg 6.

[39]Case 3:21-cv-11048-AET-TJB, pg 4.

[40] Case 3:21-cv-11048-AET-TJB, pg 53.

[41] Case 3:21-cv-11048-AET-TJB, pg 30.

[42] Case 3:21-cv-11048-AET-TJB, pg 3.

[43] Annie Correal, "Hindu Sect Accused of Using Forced Labor at More Temples across U.S.," The New York Times (The New York Times, November 10, 2021),

https://www.nytimes.com/2021/11/10/nyregion/baps-hindu-forced-labor.html.; Annie Correal, "Hindu Sect Is Accused of Using Forced Labor to Build N.J. Temple" The New York Times (The New York Times, May 11, 2021, Updated November 10, 2021),

https://www.nytimes.com/2021/05/11/nyregion/nj-hindu-temple-india-baps.html.

[44] Case 3:21-cv-11048-AET-TJB, pg 9.; Correal, "Hindu Sect Accused of Using Forced Labor at More Temples"

[45] "Tainted Stones: Bonded Labor and Child Labor in the India-U.S. Sandstone Supply Chain" (American Bar Association, August 2020), pg 1,

https://www.americanbar.org/content/dam/aba/administrative/human_rights/justice-defenders/tainted-stones-rajasthan-2020.pdf.

[46] Jibitesh Sahoo and Priyanka Jain, "The Caste Architecture of India's Temple-Building Industry," Migrantscape, January 26, 2019, https://migrantscape.wordpress.com/2019/01/22/thecaste-architecture-of-indias-temple-building-industry/.

[47] "Tainted Stones", pg l.

[48] "International Union of Bricklayers & Allied Craftworkers," International Union of Bricklayers & Allied Craftworkers, May 11, 2021, https://bacweb.org/press-release/unions-us-and-india-demand-justice-construction-workers-new-jersey.

[49] "International Union of Bricklayers & Allied Craftworkers"

[50] "Tainted Stones", pg 14.

[51] "Tainted Stones", pg 15.

[52] "Tainted Stones", pg 16.

[53] "Tainted Stones", pg 21.

[54] "Official Site of the State of New Jersey," Official Site of the State of New Jersey, April 30, 2021, https://www.nj.gov/labor/lwdhome/press/2021/20210430_stopworkorder.shtml.

Zwick-Maitreyi, Maari, Thenmozhi Soundararajan, Natasha Dar, Prathap Balakrishnan , and Ralph F. Beel. Rep. Caste in the United States. A Survey Of Caste Among South Asian Americans. Equality Labs, 2018. https://static1.squarespace.com/static/58347d04bebafbb1e66df84c/t/603ae9f4cfa d7f515281e 9bf/1614473732034/Caste_report_2018.pdf.

Page 26

"2018 Census Ethnic Group Summaries: Indian Ethnic Group." Stats NZ. New Zealand Government , 2018. https://www.stats.govt.nz/tools/2018-census-ethnicgroupsummaries/indian.

Ambedkar, B. R. "Castes in India: Their Mechanism, Genesis and Development ." Thesis, Indian Antiquary, 1917.

http://www.columbia.edu/itc/mealac/pritchett/00ambedkar/txt_ambedkar_caste s.html.

Badrinathan, Sumitra, Devesh Kapur, Jonathan Kay, and Milan Vaishnav. Rep. Social Realities of Indian Americans: Results From the 2020 Indian American Attitudes Survey. Carnegie Endowment for International Peace, 2021. https://carnegieendowment.org/files/Vaishnav_etal_IAASpt3_Final.pdf.

"BAPS Global Network." BAPS. Accessed May 4, 2022. https://www.baps.org/Global-Network.

Barnett, Antony. "Boateng Implicated in Asian 'Slave Labour' Row." The Guardian. Guardian News and Media, December 3, 2000. https://www.theguardian.com/uk/2000/dec/03/antonybarnett.theobserver.

"Company Overview for Shrico Limited (03127355)." GOV.UK. Accessed May 5, 2022. https://find-and-update.companyinformation.service.gov.uk/company/03127355.

Correal, Annie. "Hindu Sect Accused of Using Forced Labor at More Temples across U.S." The New York Times. The New York Times, November 10, 2021. https://www.nytimes.com/2021/11/10/nyregion/baps-hindu-forced-labor.html. Correal, Annie. "Hindu Sect Is Accused of Using Forced Labor to Build N.J. Temple" The New York Times. The New York Times, May 11, 2021, Updated November 10, 2021. https://www.nytimes.com/2021/05/11/nyregion/nj-hindutemple-india-baps.html.

Doe, John 1. Interview with Ram Selvarajah. 2017.

Doe, John 4. Interview with Ram Selvarajah. 2017.

Dutt, Yashica. "The Specter of Caste in Silicon Valley." The New York Times. The New York Times, July 14, 2020.

https://www.nytimes.com/2020/07/14/opinion/caste-cisco-indianamericansdiscrimination.html.

"Explanatory Notes to Equality Act 2010." Legislation.gov.uk. Queen's Printer of Acts of Parliament. Accessed May 9, 2022. https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/2/1/6.

Glover, Chris. "'It's Slavery in the Modern World': Foreign Workers Say They Were Hungry, Abused at Toronto Temple." CBC News. CBC/ Radio Canada, January 17, 2018. https://www.cbc.ca/news/canada/toronto/hindu-priest-abuse-allegations-1.4485863.

Kilgallon, Steve. "Investigation as Migrants Complain about Treatment by Wealthy Temple." Stuff, August 3, 2021.

https://www.stuff.co.nz/national/125912156/investigation-as-migrantscomplainabout-treatment-by-wealthy-temple.

Moncur, May. Interview with Shevani Khatri and Alexander Young. April 1, 2022.

"NJDOL Issues Stop-Work Order Against Construction Contractor, Halting All Current and Future Work." Official Site of the State of New Jersey, April 30, 2021. State of New Jersey.

https://www.nj.gov/labor/lwdhome/press/2021/20210430_stopworkorder.shtml.

No, John. Interview with Shevani Khatri and Alexander Young. March 16, 2022.

Potter-Collins, Angela, and Rachel O'Brien. "2011 Census Analysis: Ethnicity and Religion of the Non-UK Born Population in England and Wales: 2011." Office for National Statistics, June 18, 2015.

https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnici ty/articles/2011censusanalysisethnicityandreligionofthenonukbornpopulationinen glandandwales/2015-06-

18#:~:text=In%202011%2C%207.5%20million%20people,African%2FCaribbean%2FB lack%20British

"R-1 Nonimmigrant Religious Workers." U.S. Citizenship and Immigration Services, January 11, 2022. https://www.uscis.gov/working-in-the-unitedstates/temporary-workers/r-1- nonimmigrant-religious-workers.

Reason for Decision. Employment Standards Act, 2000. Sridurka Hindu Temple #70201187-6 (Ontario Ministry of Labour February 9, 2018).

Rep. Tainted Stones: Bonded Labor and Child Labor in the India-U.S. Sandstone Supply Chain. American Bar Association, August 2020. https://www.americanbar.org/content/dam/aba/administrative/human_rights/jus ticedefenders/tainted-stones-rajasthan-2020.pdf.

Sahoo, Jibitesh, and Priyanka Jain. "The Caste Architecture of India's Temple-Building Industry." Migrantscape, January 26, 2019. https://migrantscape.wordpress.com/2019/01/22/the-castearchitecture-of-indiastemple-building-industry/.

Selvarajah, Ram. Interview with Shevani Khatri and Alexander Young. March 7, 2022.

Statistics Canada. 2017. Canada [Country] and Canada [Country] (table). Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29, 2017. https://www12.statcan.gc.ca/censusrecensement/2016/dp-pd/prof/index.cfm?Lang=E (accessed May 4, 2022).

Page 29

"Unions in U.S. and India Demand Justice for Construction Workers in New Jersey." International Union of Bricklayers & Allied Craftworkers, May 11, 2021. https://bacweb.org/press-release/unions-us-and-india-demand-justiceconstruction-workersnew-jersey.

"United States District Court District of New Jersey. First Amended Collective and Class Action Complaint. Jury Trial Demanded. Case 3:21-cv-11048-AET-TJB," October 23, 2021. https://decaturlegal.com/wp-content/uploads/2021/11/0020-0-FirstAmendedComplaint.pdf.

Vasagar, Jeevan. "They Came to Britain to Earn 30p an Hour. But They Will Return Home as Wealthy Men." The Guardian. Guardian News and Media, December 12, 2000. https://www.theguardian.com/uk/2000/dec/12/jeevanvasagar.

Yelimeli, Supriya. "Lakireddy Bali Reddy, Berkeley Landlord Convicted of Sex Trafficking, Dead at 84." Berkeleyside, November 17, 2021. https://www.berkeleyside.org/2021/11/12/lakireddybali-reddy-dead-berkeley.