

Rights of all Migrant Workers and Members of Their Families

Department of Manpower and Employment

March, 2022



Migrant workers are an essential component of Sri Lanka's economy, with remittances accounting for the country's foreign exchange income in the past (8% of GDP in 2020). In the last two decades, the number of migrants from Sri Lanka has increased tenfold. Present estimates indicate that over 2 million migrants are working abroad, with an annual outflow of around 200,000 people and 0.6 million workers are ready to go. Thus, foreign work has created significant remittance inflows throughout the years, alleviated local unemployment pressures, and offered job possibilities, particularly for youth and women.

According to the Central Bank of Sri Lanka (2020), domestic workers accounted for 30% of individuals registered with the Sri Lanka Bureau of Foreign Employment (SLBFE), 25.2% of unskilled employees, 1.5 % of semi-skilled labour, and 30.9 % of skilled work from 2019. Professional 4.9 %, Mid-level 2.8 %, and Clerical and Related 4.5% made up the balance of the non-Labour category.

Sri Lanka has established and implemented norms to manage labour migration based on international human rights and labour standards embodied in international agreements and local principles of good governance. It expresses a state's commitment to ensuring a labour migration process that adheres to sound governance principles and international instruments' rights and responsibilities in order to advance opportunities for all men and women to engage in migration for decent and productive employment in conditions of freedom, dignity, security, and equity. The policy paper was developed after thorough consultation with all interested parties, including key government ministries and agencies, employers' and workers' groups, migrant associations, civil society, and international organisations.

As a result of restrictive Sri Lanka's foreign employment policies, protection and prevention of female migrant domestic workers from exploitation and abuse, limit and discriminate against women's mobility. One such policy was passed in January 2011 to raise the minimum legal age of employment for female Sri Lankan migrant domestic workers from 18 to 21 years old in order to reduce the risk of abuse and harassment while working abroad.

A Family Background Report (FBR) was created to limit any harm to the members of the families who were left behind, particularly children under the age of five, and to prevent the mother from working overseas. This criterion also entails obtaining permission from their husbands, which we believe is an oppressive measure that prevents women from making independent decisions and working overseas. These regulations ignore the strong reasons that drive women to migrate, which include fleeing marital violence in some cases.

As a result, Sri Lankan women are forced to seek jobs and make a living abroad through shady means. There have been studies conducted in other nations with similar legislation that have clearly demonstrated similar results. According to reports from Migrant Forum in Asia (MFA) members and partners, due to the compelling economic need to make a living and provide resources for their families, women frequently resort to irregular channels to avoid such restrictive regulations, despite recognizing the hazards of doing so.

The bulk of migrant workers in Sri Lanka are low-skilled. Evidence shows that low-skilled workers are more vulnerable to human rights violations, such as labor rights, harassment, and abuse at work, than skilled workers and professionals, due to a variety of vulnerabilities caused

by a lack of adequate education and training, language skills, and the ability to conform to work demands. Therefore, the Sri Lankan government's efforts to deal with the demand side of the issue, since recruitment firms offer up to three months' income to the husband or household head in return for sending their spouses or even daughters to work overseas. Although the government plans to extend pre-departure trainings for potential migrant domestic workers from 21 to 40 days, it is to ensure that trainers are aware of the situation on the ground and adequately inform potential migrant domestic workers about their basic human rights, as well as protection and complaint mechanisms.

Efforts to conduct studies on absentee balloting systems in other countries and propose a suitable system for Sri Lankan migrant workers and they may be able to vote in the next five years. Given that migrant workers account for more than 10% of Sri Lanka's voting population, they should be empowered in order to participate in the democratic election of the country's duty-bearers. With their remittances, Sri Lankan migrant workers, known as Rata Viruwo (expat heroes or foreign employee heroes), contribute the most to the country's economic stability.

Migrant human rights defenders have been included in the policy-making and policy-review processes in Sri Lanka, and we guarantee that civil society space has not diminished.

SLBFE's regulatory framework involves ensuring that all people have access to and fair opportunities for skill development, therefore fostering skilled labor migration. The promotion of foreign job possibilities that protect migrant workers' rights will be prioritized.

Further, there is a mechanism in place for registering Sri Lankan groups, associations, or a database of focal individuals who can help distressed migrant workers, which may be beneficial in assisting more migrant workers. In terms of complaint processes for Sri Lankan migrant workers, particularly women migrant workers, the procedures are clear and are commonly recognized among Sri Lankan migrant workers, necessitating a full pre-departure orientation/training.

In terms of transparency and accountability, Sri Lanka launched a National Labour Migration Policy (NLMP) in 2008, it has been following-up action on the policy's implementation, monitoring, and evaluation since Sri Lanka's Second Periodic Review. Furthermore, the Sri Lanka Bureau of Foreign Employment (SLBFE), whose major purpose is to protect

migrant workers, has the representation from migrant rights organisations on its Board, whereas recruiters are. This demonstrates how there are sufficient meaningful and effective dialogues and partnerships with civil society organisations. However, there is a need to know what steps were taken to ensure that there was no conflict of interest between the development of the labor market, where the Ambassador's recruiting firm has a competitive edge over others, and the Mission's obligation to safeguard Sri Lankan migrant workers.

In addition to the above all matters, following the COVID-19 epidemic and its consequences, a significant number of migrants hoped to return home safely. The current situation has also prompted the government to approach migrant workers through a more humanitarian lens, with migrant workers' rights and well-being at the forefront, regardless of their status. Previously, all 67 Sri Lanka Missions/Posts were charged with the primary responsibility of ensuring the welfare of Sri Lankan citizens.

The COVID-19 epidemic has revealed a number of flaws that have long been linked to Sri Lanka's practice of foreign employment, which dates back to the 1970s. The projected 2 million migrant workers abroad, as well as the small number still registered with SLBFE at the time COVID-19 was formed, are a source of concern. It's thought that some people who reported before leaving the country may not have renewed their registration later. As COVID-19 struck, they were effective without a safety net.

To encourage migrant workers to continue to register, the social benefit schemes will be improved, such as better insurance coverage, compensation schemes, and benefits for those whose families remain in Sri Lanka, and reintegration projects, such as assisting returnees to wisely use their savings, particularly in setting up suitable start-ups etc.

According to social media posts and comments on stories about the problem of repatriation by the contending parties, this poses a difficulty not only to individuals who want to return and those who don't but also has a more considerable societal impact on families, including children of people employed overseas.

We recognize that practically all economies will continue to decline for some time before returning to their pre-COVID-19 growth track. Pay cuts, layoffs, recruiting freezes, and the use of additional AI-related technology to replace manpower needs, among other things,

will all be part of the 'New Normal.' To take advantage of the opportunities given by the post-COVID-19 environment and guarantee that the economy flourishes to its full potential, which is critical for addressing inequities in our society, we must work together - worldwide and regionally.

From a humanitarian standpoint, the Covid-19 crisis may have had the unintended consequence of assisting those on more troublesome aspects of our foreign employment processes, which made migrant workers more vulnerable and exploited, but who were unable to break free.

The current situation, however, has provided us with an opportunity to change that and do the walk. It has aided in the dismantling of silos and the improvement of intra-governmental coordination in dealing with migrant worker issues, both in Colombo and in the destination nations.

A bodes well for future collaboration efforts as an essential factor in our ability to thrive in this exceptional situation and execute as a team. We should now focus on further strengthening and establishing a robust protocol for a "whole-of-government" approach to foreign employment challenges and should use this opportunity to develop policies that would assist potential returns in leaving their fragile and insecure lives behind not to become exploited by remaining in their host countries.

Despite a decade of discussion and announcements about the significance of horizontal and vertical coordination among institutions involved in migration management for improved governance, ensuring a 'whole of Government' approach has remained a goal.

We believe that despite its immediate doom, the current situation has been eye-opening in many ways. It may assist solve structural, procedural, and human interface inconsistencies in Sri Lanka's labour migration and it is an opportunity for Sri Lanka to re-orient foreign employment in a post-COVID-19 world, sensitive to the ground realities in both Sri Lanka and migrant labor-receiving countries, so that Sri Lanka's future footprint of foreign employment, while likely smaller, is brighter and more sustainable.

We are confident that the State Institutions in Sri Lanka such as Ministry of Youth & Sports, Department of Manpower & Employment, Foreign Employment Bureau (SLBFE) and UN

organisation's such as the International Labour Organization (ILO) and the International Organization on Migration (IOM), are now paying attention tremendously.

Thus, we are putting more continuous efforts and collaboration with this organisation's to protect the Rights of all Migrant Workers and Members of Their Families.

References

1. Central Bank of Sri Lanka, Annual Report 2019 (Vol.1) pg 159
2. COVID-19: Live Situational Analysis Dashboard of Sri Lanka- Health Promotion Board of Sri Lanka, <https://hpb.health.gov.lk/covid19-dashboard/>
3. Retrieved from, <https://www.unescap.org/announcement/discussing-accelerating-transformation-asia-and-pacific-amidst-covid-19-outbreak>
4. Role of foreign employment in Sri Lanka's economic revival: Challenges and opportunities, Retrieved from <https://www.ft.lk/opinion/Role-of-foreign-employment-in-Sri-Lanka-s-economic-revival-Challenges-and-opportunities/14-702756>
5. Migrant Forum in Asia Statement to the 25th Session of the CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, retrieved from, https://tbinternet.ohchr.org/Treaties/CMW/Shared%20Documents/LKA/INT_CMW_NGO_LKA_25005_E.pdf