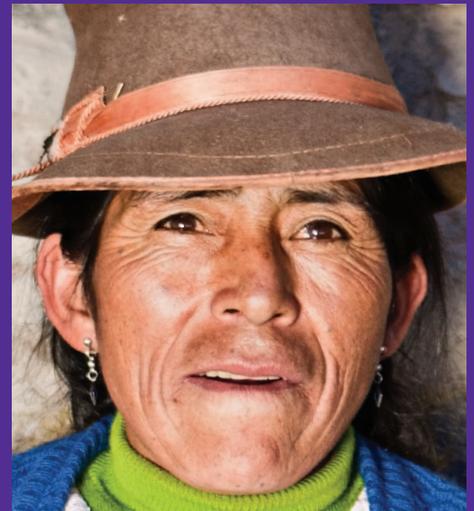


# THE TRANSFORMATION OF WORK: Challenges and Strategies



## Labor Movement Responses to International Labor Migration in Sri Lanka



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Samanthi J. Gunawardana,  
*Monash University, Australia*  
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## **Acronyms**

ACFFTU: All Ceylon Federation of Free Trade Unions  
ACTFORM: Action Network for Migrant Workers  
ALFEA: Association of Licensed Foreign Recruitment Agencies  
AMC: Asian Migrant Center  
ANNI: Asian Network of NGOs on National Institutions  
CBO: Community Based Organization  
CDC: Certificate of Discharge  
CHRD: Center for Human Rights and Development  
CMU: Ceylon Mercantile Union  
CWC: Ceylon Worker's Congress  
FOC: Flags of Convenience  
FTZ: Free Trade Zone  
FTZU: Free Trade Zone Workers Union  
HELVETAS: HELVETAS Swiss Intercooperation  
HRC: Human Rights Commission  
ICC: International Coordinating Committee on National Human Rights Institutions  
IDS: Institute for Development Studies  
IFIs: International Financial Institutions  
ILC: International Labor Conference  
ILO: International Labor Organization  
IMF: International Monetary Fund  
IOM: International Organization for Migration  
ITF: International Transport Workers' Federation  
ITUC: International Trade Union Confederation  
JSS: Jathika Sevaka Sangamaya  
JVP: Janatha Vimukthi Peramuna  
KTUF: Kuwait Trade Union Federation  
LJEWU: Lanka Jathika Estate Worker's Union  
LST: Law Society Trust  
LTTE: Liberation Tigers of Tamil Eelam  
MFL: Migrant Forum Lanka  
MoU: Memorandum of Understanding  
MSC: Migrant Services Center  
MUMW: National Union of Migrant Workers  
MWAs: Migrant Worker Associations  
NATURE: National Association for Trade Union Research and Education  
NED: National Endowment for Democracy  
NGO: Non-Government Organization  
NACLM: National Advisory Committee on Labor Migration  
NLMP: National Labor Migration Policy  
NTUF: National Trade Union Federation  
NUMW: National Union of Migrant Workers  
NUSS: National Union of Seafarers  
NWC: National Workers Congress  
SAP: Structural Adjustment Program  
SLBFE: Sri Lanka Bureau of Foreign Employment  
SLFEA: Sri Lankan Foreign Employment Agency  
SLFP: Sri Lanka Freedom Party

SLNSS: Sri Lanka Nidahas Sevaka Sangamaya  
UAE: United Arab Emirates  
UNP: United National Party  
USAID: UD Agency for International Aid  
WMC: Women and Media Collective

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## Introduction

A defining characteristic of contemporary global political economy is labor mobility across multiple spaces, economic sites and political modes of incorporation and control.<sup>1</sup> In particular, international temporary labor migration has become a mainstay of local livelihood generation policies in the Global South over the past 40 years, coinciding with major policy shifts in development discourse and policy prescriptions<sup>2</sup> by organizations such as the World Bank and the International Organization for Migration (IOM). Temporary migration is attractive for policy makers as migration addresses local unemployment while generating remittances. Yet, temporary labor migration is reliant on “accumulation by disenfranchisement”<sup>3</sup> of citizenship and worker rights; the extremities, everyday occurrences of exploitation, exclusion and violence against migrant workers are well documented in various accounts.<sup>4</sup>

Labor movements in labor-origin countries face the challenge of organizing, advocating for and representing temporary migrant workers leaving national borders, as much as trade unions in destination countries grapple with changing existing union models to be inclusive of migrant workers.<sup>5</sup> Non-governmental organizations (NGOs), women’s/human/migrant rights groups and migrant associations have emerged alongside trade unions, all embedded in broader networks to address migrant worker issues.<sup>6</sup> Moreover, migrant workers visibly engage in collective protest and action even in the most restricted circumstances.<sup>7</sup>

This report examines Sri Lankan union responses to Sri Lankans migrating on temporary labor contracts. Sri Lanka<sup>8</sup> has a long history of often-contested international labor migration through colonial history to the present day, across space and among different demographics.<sup>9</sup> Today, temporary migrant workers are lauded by the government as *rata viruwo* (migrant economic heroes). It is estimated 1.7 - 2 million Sri Lankans work abroad.<sup>10</sup> In 2012, Sri Lankan migrants generated remittances of US \$6.1 billion or 10% of GDP.<sup>11</sup> Remittance flows from the Middle East—the major destination for Sri Lankan workers—constituted up to 60% of all remittances in 2010.<sup>12</sup>

While migrant workers’ economic contribution is now recognized in public discourse,<sup>13</sup> labor rights continue to be routinely violated. Sri Lankan migrant workers are employed within a global employment system defined by a lack of representation, temporariness, and precariousness,<sup>14</sup> particularly as demand has been driven from the 1970s onwards by several countries in the Middle East with few labor rights, in low-paid precarious occupations such as domestic work or construction.

While Sri Lankan trade unions, feminist organizations and NGOs have engaged in consistent agitation for policy change, the labor movement has responded, in the words of anthropologist Michele Gamburd,<sup>15</sup> ‘anaemically’. Based on research conducted in 2004, she argued this response was shaped by the limited political freedoms in destination countries, which impacted organizing efforts in destination and origin countries. Indeed, the majority of Sri Lankans migrate to Middle Eastern countries,<sup>16</sup> where political freedoms are restricted.

This report takes up where Gamburd concluded. It takes a closer look at the labor movement’s response to migrant workers by highlighting past efforts and emerging, promising responses from civil society. In Part I, after providing a profile of migration and migrant workers, the question pursued is: *What is the political and economic context within which Sri Lankan unions have attempted to respond to migrant workers?* The second research question examined is: *What are the key governance and policy mechanisms that pertain to labor migration, and what role do unions play in this space?* In Part II, the report then shifts to the way the Sri Lankan labor movement responded to international migrant workers. The

key questions addressed in this second section are (a) *What is the process by which the labor movement becomes engaged with organizing migrant workers?* (b) *What factors account for a union federation or national union's willingness to organize migrant workers both in terms of organizing and bringing them into membership?* (c) *What type of activities do unions undertake when they become engaged?* (d) *How did various actors, including the Solidarity Center, play a role in shifting union thinking about migrant workers and shaping and supporting union engagement and activities?* In Part III, conclusions are offered.

This report is based on field interviews carried out in Sri Lanka with leaders of migrant worker unions, networks and other stakeholders over a two-week period in July 2013, along with desk research encompassing a review of reports, publications and other documents generated by organizations engaging in related work.<sup>17</sup> In addition, the author's past interviews conducted in 2005–06 are drawn upon to track changes over time, and include the views of now-deceased activists.<sup>18</sup>

## Part I: Context

### Migrant Worker Profile: Gendered Patterns of Labor Migration

In 2009, up to 790 migrant workers departed each month from Sri Lanka.<sup>19</sup> The majority of these workers are aged 25–39 years old,<sup>20</sup> have migrated on two- to three-year contracts, and are largely un-unionized. Most are repeat migrants, departing on one–three labor contracts in their lifetime.<sup>21</sup> In the late 1980s, women began to dominate migratory flows; however, the trend has begun to reverse, with men making up 51.67% of all migrants by 2011 (Figure 1).

**Figure 1. Gender Composition of Migrant Workers<sup>22</sup>**

Year	Male		Female		Total
	No.	%	No.	%	
1986	11,023	76.25	3,433	23.75	14,456
1987	10,647	75.37	3,480	24.63	14,127
1988	8,309	45.09	10,119	54.91	18,428
1989	8,680	35.11	16,044	64.89	24,724
1990	15,377	36.08	27,248	63.92	42,625
1991	21,423	32.97	43,560	67.03	64,983
1992	34,858	28.00	89,636	72.00	124,494♣
1993	32,269	25.00	96,807	75.00	129,076♣
1994	16,377	27.22	43,791	72.78	60,168
1995	46,021	26.68	126,468	73.32	172,489
1996	43,112	26.52	119,464	73.48	162,576
1997	37,552	24.99	112,731	75.01	150,283
1998	53,867	33.71	105,949	66.29	159,816
1999	63,720	35.45	116,015	64.55	179,735
2000	59,793	32.82	122,395	67.18	182,188
2001	59,807	32.50	124,200	67.50	184,007
2002	70,522	34.61	133,251	65.39	203,773
2003	74,508	35.51	135,338	64.49	209,846
2004	80,699	37.59	134,010	62.41	214,709
2005	93,896	40.60	137,394	59.40	231,290
2006	90,170	44.65	111,778	55.35	201,948
2007	103,476	47.37	114,983	52.63	218,459
2008	128,232	51.19	122,267	48.81	250,499
2009	119,381	48.31	127,745	51.69	247,126
2010	136,850	51.16	130,657	48.84	267,507
2011*	135,870	51.67	127,090	48.33	262,960

\*Provisional

Source:

Information Technology Division-SLBFE

♣ Airport Survey-SLBFE 1992-1993

Overall, however, figures are underreported, as they are based on the number of workers registered with the Sri Lankan Bureau of Foreign Employment (SLBFE); some workers migrate without formally registering, and irregular migration is unaccounted for.<sup>23</sup>

The majority of workers are from lower socio-economic areas, originating from the urban Gampaha (including Colombo) and rural Kurunegala Districts. Numbers are also increasing from Kandy, Kalutara, Puttalam, Galle, Batticaloa, Ampara and Kegalle.<sup>24</sup> The Middle East received 93 percent of all Sri Lankan temporary migrant workers, with the majority going to Saudi Arabia, Qatar, Kuwait, United Arab Emirates (UAE) and Jordan.<sup>25</sup>

Occupational categories people migrate under reflected the gendered segmentation of global labor markets for unskilled and semi-skilled labor. The SLBFE statistics are reported using the classifications of “professional, middle level, clerical, skilled, semi-skilled, and unskilled”, in addition to the separately reported “housemaid” category. Eighty-five percent of all women migrants were categorized as housemaids or domestic workers.<sup>26</sup> The total number of migrant domestic workers as a proportion of total migrants dropped from 60.1 percent in 1994, to 41 percent in 2011.<sup>27</sup> Women also migrated as factory workers, while men took up opportunities in construction, welding, driving and manufacturing, as well as dominating the small number of recorded professional and skilled level departures.<sup>28</sup> Both men and women migrated as hospitality workers to the Maldives.

While most migration studies focus on land-based migration, seafarers are a significant proportion of mobile Sri Lankan workers. There are 1.2 million seafarers worldwide,<sup>29</sup> the majority of whom are men. In Sri Lanka, seafarers are considered as skilled workers, having undergone training at one of the five Maritime Institutes around the country to obtain a Certificate of Discharge (CDC). While approximately 40,000 Sri Lankans hold a CDC, only 11–12,000 are active.<sup>30</sup>

As the statistics above demonstrate, Sri Lankan migrant workers are implicated in a broader, gendered global labor market. Whereas women find opportunities in the feminized global care sector (nanny, housekeeping, elder care), men find opportunities in traditionally masculinized jobs such as construction and seafaring.

These gendered opportunities have local repercussions that are also gendered as migration can affect gender roles. International migration highlights traditional household relations even while disrupting traditional household gender roles, and raising the bargaining power, status and decision-making authority of the migrant.<sup>31</sup> In Sri Lanka, at the Center of public discourse about international migration, is a moral anxiety and critique about women migrating alone.<sup>32</sup> On the one hand, regular reports of abuse, death and exploitation among migrant domestic workers in the local media have produced protective—at times paternalistic—narratives about women’s welfare. On the other hand, women’s perceived abandonment of families have generated critique about women’s role in Sri Lankan society, as reports emerge about the social costs of migration, such as alcoholism among spouses, abuse of children, and overall social decay. This critique centers on ideals about women’s role in households as mothers and wives.<sup>33</sup>

Notwithstanding the local cultural critique, Sri Lankan women’s migratory patterns reflect a broader prominent feature of globalization such as global householding (where the key dimensions of households such as caring, parenting, marriage, and elder care occur on a global scale) and social reproduction (the work that goes into maintaining households and their members).<sup>34</sup> As the discussion on the response of the local labor movement below demonstrates, it is impossible to separate households, gender and kinship relations in addressing migrant worker issues; often, the organization of workers into collectives and the

starting point of advocacy begin with household members acting as a proxy for overseas workers.

### **International Migration from Sri Lanka, Trade Union Responses and the Political Economy of Development**

This section contextualizes international migration against the “dual drama of militarization and [economic] liberalization”<sup>35</sup> in Sri Lanka since the introduction of export-oriented development policies in 1977. The period also represents a critical point of upsurge in demand from labor-receiving countries in the Middle East for temporary migrant labor from Sri Lanka and other countries in the region. The “push” factors propelling labor migration from Sri Lanka need to be understood within this context, alongside changes in the political landscape in response to two “Southern” insurrections of predominately Sinhalese youth in 1971 and the late 1980s, and the civil war between the Liberation Tigers of Tamil Eelam (LTTE) and the government of Sri Lanka from 1983–2009.

International migration in the immediate post-independence (1948) era was dominated by flows of permanent, professional skilled migrants to developed countries.<sup>36</sup> Symptomatic of classic “brain drain” flows, particularly in skilled professions, the government responded by instituting an exit permit system and restricting passports,<sup>37</sup> reflecting the protectionist import-substitution economic policies pursued at the time. While professionals continued to migrate, by the late 1970s, unskilled and semi-skilled workers experienced greater mobility as several countries in the Middle East experienced high rates of growth in the 1970s, driving demand for workers in domestic work and construction. Within Sri Lanka, import substitution led to low growth, economic stagnation and high unemployment (particularly among youth), prompting social unrest, and contributing to an insurrection by Sinhalese youth in the Janatha Vimukthi Peramuna (JVP) in 1971.<sup>38</sup>

A change in the Sri Lankan government in 1977 precipitated the implementation of economic liberalization policies. The policies pursued by the traditionally pro-capital United National Party (UNP) were consistent with export-oriented development policies originating from international financial institutions (IFIs) such as the World Bank and International Monetary Fund (IMF) at the time, which critiqued import substitution models of development and the interventionist role of governments. The universalist solutions presented by the IFIs included privatization, spending cuts, reduction of state control over subsidies, exchange rates, and redistributive taxation, with an emphasis on private property rights and free trade. Influenced by classical economic philosophy, these elements culminated in policies commonly referred to as neo-liberalism. For developing countries like Sri Lanka, neo-liberal policy conditioned development loans such as Structural Adjustment Programs (SAPs). The initial UNP driven reforms of 1977 laid the groundwork for meeting SAP loan conditions. Successive waves of economic reform followed under different political parties in power (no matter their political leanings) to the present day.

The impact of liberalization reforms was felt almost immediately in rural labor markets, where people began to migrate temporarily for employment purposes. For example, cottage industries such as the feminized handloom sector were wiped out post-1977, and young women began to migrate internally to the newly created free trade zones (FTZs). While women began to migrate internally in greater numbers, international migration to low skilled construction and small enterprise jobs in the Middle East was dominated by men.<sup>39</sup> Liberalization had resulted in the easing of foreign exchange controls and travel restrictions, including the elimination of the exit permit system.<sup>40</sup> Significantly, the period also saw the growth of private recruitment sector agents, key actors in procuring temporary migrant workers.

At the time of economic liberalization, Sri Lanka had a strong protective domestic labor law framework, and a vibrant labor movement had emerged out of anti-colonial struggles.<sup>41</sup> Yet post-liberalization, unions remained unresponsive to migrant workers, focusing instead on traditional sectors such as plantations, the public sector, and manufacturing, agitating against the compromise of local labor laws and privatization efforts driven by liberalization. Sri Lankan unions are classified as “political unions” reflecting broader South Asian patterns, whereby unions and political parties maintain close contacts; at times, the party may directly set up the union to capture a segment of the workforce/voting bloc<sup>42</sup>. This has limited union capacity to act as a social movement, bringing them within the ambit of state-centered strategies, particularly for unions aligned with the main political parties.<sup>43</sup> Unions nonetheless exerted significant labor power and at times acted autonomously of the parties; it is a testament to their strength that deeper labor law reforms have not been made.<sup>44</sup>

These inherited traditions alone do not explain why unions may not have responded to deepening migration flows; the imperatives of economic liberalization unfolded alongside a transformation in the Sri Lankan polity. Earlier, the JVP insurrection attempt in 1971 was followed by a brutal crackdown by the state. The emergence of a separatist Tamil nationalism eventually dominated by the LTTE further deepened authoritarian tendencies. Following decades of post-colonial structural discrimination, at times culminating in severe violence against the Tamil population, the LTTE launched an armed struggle in the late 1970s, including the use of terror tactics such as suicide bombings, for a separate homeland in the North-East.

A key outcome was rising state authoritarianism and decreasing space for political protest by civil society, including trade unions. The application of laws such as the Prevention of Terrorism Act (1979), introduced in response to early LTTE threats, occurred alongside the revival of the World War II-era Essential Services Act. The crushing of a 1980 general strike, involving 25 urban unions, was a significant turning point for the union movement. The government invoked the Essential Services Act to crack down on unions and active members, leading to the dismissal of approximately 40,356 public sector workers.<sup>45</sup> The space for political dissent contracted, just as globally, trade unions were challenged by globalization.<sup>46</sup>

In the late 1980s, a second violent JVP insurrection in the South led to the further use of Emergency Regulations, affecting the way trade unions could organize workers. State tactics included enforced disappearances, extra-judicial killings and the enactment of the Regulation for the Prevention of Subversive Political Activity, No 1 of 1990 Act that banned “all activities, political and otherwise, in places of work, educational institutions and premises of community residences of workers and students.”<sup>47</sup>

Overall during this period, trade unions were positioned weakly to respond to global migration, just as migration flows particularly of women workers, intensified (see Table 1). Not only were Sri Lankan unions structurally and politically weakened following economic liberalization,<sup>48</sup> they were critiqued for gendered prohibitive political party-tied leadership structures, devaluation of women’s work, and lack of gender sensitivity in addressing women workers’ issues. The anemia Michele Gamburd observed in relation to the union movement’s response to migrant workers may be a reflection of the overall neglect of women workers and patriarchal practices within the movement. At the same time, the vulnerability of the union movement during the 1980s and 1990s coincided with the feminization of labor migration as more women took up positions in the unskilled domestic worker category. The turning point when women began to migrate in greater numbers in the late 1980s coincides with the second JVP insurrection when union members were also targeted. As Terri Caraway<sup>49</sup> noted in her work on feminization of capital and labor-intensive workforces in South East Asia,

feminization often occurs at points when trade unions are weakened, removing traditional male-dominated union resistance.

Subsequently, the political space for trade unions never wholly opened up again, as the legacy of the 1970s and 1980s informed the approach taken towards trade unions, restricting—albeit not wholly eradicating, owing to party ties and associated populism—the legitimacy of union activism. With the election of the People's Alliance (PA) in 1994,<sup>50</sup> unions and workers had greater voice; for example, drafting the (never to be implemented) Worker's Charter, and passing an amendment to the Industrial Disputes Act for union recognition when 40 percent or more of workers wanted representation.

Following the brief tenure of the UNP between 2002–2004,<sup>51</sup> in 2005 the Sri Lanka Freedom Party (SLFP) coalition came to power. Pursuing a hard-line nationalist stance and an end to the conflict with the LTTE via a military solution, global anti-terror narratives (post 9/11) merged with local understanding of the separatist conflict. Activists and unionists were affected. For example, Biyanwila observed how in 2007, as the government was engaged in trade negotiations about the GSP Plus with the European Union, the party-independent Free Trade Zone Workers Union (FTZWU) launched a campaign to draw attention to labor rights. The General Secretary of the union, Anton Marcus, was subsequently accused of being unpatriotic, leading to harassment, intimidation and death threats.<sup>52</sup> Within FTZs employers began to label trade union activists as “terrorists”, as well as tightening surveillance within the zones. Today, as one activist confided to the author, “freedom of association exists so long as it doesn't push the boundaries. It [freedom of association] only exists within limits”.<sup>53</sup>

Against this backdrop, migration continues to be encouraged by successive governments. Migration had become an increasingly pursued livelihood option; as several authors have noted, “a safety valve for domestic unemployment”,<sup>54</sup> despite the creation of domestic employment opportunities such as export garment factories. Although total unemployment declined from its height in the 1970s, female unemployment and youth unemployment remained higher than male unemployment. Moreover, the share of informal employment grew during the 1990s, with up to 70 percent of workers situated in the precarious informal sector by 2007. Other noted factors pushing workers to migrate have been low real wages and underemployment.<sup>55</sup>

As a livelihood strategy, migration finds a strong articulation in Sri Lanka's 10-year development plan *Mahinda Chintana* (President Mahinda Rajapakse's Vision). In the 2005 version, migration opportunities for skilled workers were promised. In one version of the 2010 Vision, emphasis was placed on increasing *male* skilled employment in “nursing, nautical services, accountancy, IT, banking, and engineering.” Additional welfare measures, such as a provident fund and a housing scheme, were also promised. Nothing was mentioned about unskilled or low-wage workers; however, in a detailed version produced by the Treasury, several comments were made about protecting labor rights and the welfare of workers.<sup>56</sup> Today, migrant workers certainly receive more attention in policy, but are far from unionized.

### **Issues Faced by Sri Lankan Migrant Workers**

Migrant workers face precariousness at all stages of the migration process: pre-departure, in transit, during their contract, and their return and reintegration back into their communities. This is exacerbated by inadequately trained and often corrupt local and international officials who come into contact with migrant workers in distress.<sup>57</sup> In addition, migrant workers' lack of voting rights in both destination countries and in Sri Lanka removes their power as citizens.

Pre-departure, migrant workers face exploitation from informal subagents and unregulated middlemen who put workers in contact with agencies.<sup>58</sup> These agents charge excessive rates, promise non-existent jobs, or are involved in document forgery.<sup>59</sup> Workers have faced sexual abuse by agents, subagents, and airport officials.<sup>60</sup> Workers incur significant costs, such as unrealistic agency fees forcing indebtedness to banks or relatives, mortgaging of assets including land, or pawning jewelry.<sup>61</sup> Workers travelling to the Middle East are required to undergo medical testing, including HIV testing, which requires incurring travel costs and other fees.<sup>62</sup> Pre-departure training provided by state institutions is heavily promoted; however, some do not participate, reinforcing the lack of pre-departure knowledge about the destination country (including customs), working conditions and rights.<sup>63</sup>

During the labor contract, workers report “bait and switch” tactics—hired for non-existent jobs, channeled into different ones than what was contracted, or paid a lower salary than promised.<sup>64</sup> During the recent global economic crisis, migrant workers reported not receiving salaries, closures, and working longer hours.<sup>65</sup> In 2010, the majority of complaints from Sri Lankan migrant workers concerned breach of contract and non-payment of wages.<sup>66</sup>

Ninety-four percent of complaints (8,811 in total) received by the SLBFE in 2009 were registered by women domestic workers overseas. Domestic workers are particularly vulnerable as domestic work often falls outside of labor law in destination countries. The majority of domestic workers are “overworked, underpaid and unprotected”<sup>67</sup> and have faced issues of non-payment of wages, long hours (including being on call 24 hours a day), lack of freedom of movement, lack of communication, lack of adequate health care, physical and sexual abuse, unwanted pregnancy, non-repatriation at the end of the contract, being stranded, premature termination of contract, deprivation of food and water, breach of contract, confiscation of documents, and even death. Domestic migrant workers are also considered to be the most vulnerable to trafficking abroad.<sup>68</sup> The prevalent sponsorship system—known as *kafala*—in Middle Eastern countries sets the structural undertone for exploitation, as it promotes dependency on the individual agency and/or employer.<sup>69</sup> In some cases, workers attempting to leave such situations have ended up in detention centers or welfare camps for months on end.<sup>70</sup>

In terms of return, transportation home is often not provided or paid for as promised. Regarding reintegration, women have faced issues such as the breakdown of mother-child ties, failed marriage, and social stigma from society or debts owed to loan sharks.<sup>71</sup> The search for an ongoing sustainable livelihood also remains for men and women; the lack of viable options leading to another period of international migration.

Male migrant workers have experienced similar problems, but some conditions are specific to their occupation. Male seafarers, isolated at sea in a highly hierarchical environment, are susceptible to abuse and bullying. The poor condition of the vessel and a hostile environment tainted with racism also impact a seafarer’s experiences.<sup>72</sup> As with other migrant workers, seafarers may be promised one wage and paid another, or wages remain unpaid.<sup>73</sup> In another example, a recent Amnesty International report<sup>74</sup> highlighted the conditions of male migrant workers in the construction industry in Qatar. Alongside discriminatory attitudes, the same bait and switch tactics were found, pay was withheld, workers were retained on undocumented status, suffered extreme and unsafe/dangerous working conditions for long hours, and lived in poor housing.

### **Governance Mechanisms: Omitting Trade Unions?**

Table 1 summarizes the governance mechanisms that apply to labor migration from Sri Lanka. Their effectiveness determines the experience of workers, and the mechanisms are

often the site/target of lobbying by groups detailed in this report. Although global governance mechanisms recognize and often involve trade unions in consultations, *local mechanisms do not provide a space for unions or union representation of migrant workers*; trade unions are absent, other than as stakeholders in the formulation stage. Moreover, registering unions containing the word “migrant” in their title under local labor law has been met with resistance from Labor Department authorities deeming that migrants do not fall under the jurisdiction of local laws<sup>75</sup>.

**Table 1. Governance mechanisms**

Name	Category
<b>International Labor Organization (ILO) Conventions</b>	Voluntary universal standards, with strong link to human rights. Sri Lanka has ratified all eight core labor standards, including freedom of association and right to collective bargaining, but not those pertaining directly to migration. Sri Lanka has ratified some measures pertaining to maritime labor, but not the Maritime Labor Convention 2006.
<b>International Human Rights Conventions</b>	Universal rights, ethical and moral underpinning. Sri Lanka has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
<b>Local labor laws and other legislation</b>	The Sri Lankan Bureau of Foreign Employment Act 1985 & Amendments set up the Sri Lankan Bureau of Foreign Employment to oversee and manage temporary labor migration. Maritime labor is covered by: – the Merchant Shipping (Amendment) Act 1971 and amendments in 1988, 1974, 1975, 1976, 1980, 1990, 2010 – Licensing of Shipping Agents Act 1972 and amendments in 1981, 1982 – Shipping Agents (Licensing) Regulations 1991 and amendments in 1992, 1993, 1996, 2002, 2006
<b>Ethical codes of conduct</b>	Voluntary code of conduct for foreign employment agents. The Association of Licensed Foreign Recruitment Agencies (ALFEA; established under the SLBFE ACT) has produced one for members. More recently in December 2013, the SLBFE with technical assistance from the ILO produced and launched the “Code of Ethical Conduct”.
<b>Memorandum of Understanding and Bilateral Agreements Between States</b>	Voluntary, diplomacy-based agreements. Sri Lanka has signed several such agreements with labor-receiving countries for temporary migrant workers.
<b>Global regulations</b>	“Flags of Convenience” system: some states operate an “open registries” system for vessels, which enable maritime vessels to register with that country, and comply with their labor, safety, and ownership regulations, regardless of the vessel’s country of origin.
<b>Foreign Secretary’s Circular No. Cons/1, dated 25.9.1997 on “Implementation of rational and standard employment contract system for domestic and factory workers”</b>	The SLBFE is able to outline model labor contracts/minimum terms and conditions under the SLBE Act (1985). Under MoUs between the SLBFE and domestic worker recruiters in the Middle East, Singapore and Hong Kong, a labor contract must be signed by an employer and endorsed by the Sri Lankan Embassy prior to migration.
<b>SLBFE Conditions</b>	The SLBFE has issued minimum monthly wage standards for workers migrating as domestic workers. Minimum age requirements are stipulated separately for men and women. Women travelling to some countries must obtain a “no objection” certificate from their spouse.

In terms of global governance, Sri Lanka participates in multilateral bodies such as the ILO and UN. Sri Lanka has ratified all core ILO labor conventions; however, it has *not* ratified Convention 97 Migration for Employment Convention (Revised) 1949, Convention 143 Migrant Workers (Supplementary Provisions) Convention 1975, or Convention 181 Private Employment Agencies Convention 1997. Furthermore, it has not ratified the 2006 Maritime Labor Convention or Convention 189 (C189) on Decent Work for Domestic Workers. Sri Lanka also participates in several consultative frameworks, including the Colombo Process, Ministerial Consultations, the Abu Dhabi Dialogue, the South Asian Migration Commission and the Ramphal Commission on Migration and Development. These are all non-binding, focused on information sharing, best practice and capacity building.<sup>76</sup>

Migration is the responsibility of the Ministry of Foreign Employment Promotion and Welfare. The primary state body for overseeing migrant workers is the SLBFE. The SLBFE was first set up under the Sri Lanka Bureau of Foreign Employment Act No. 21 of 1985 (amended in 2009). Noted limitations of this Act include the lack of protective provisions for workers, the lack of gender-sensitivity, and inconsistency with the ratified 1996 International Convention on the Protection of All Migrant Workers and their Families.<sup>77</sup>

The SLBFE has the power to promote migration, regulate migration, see to welfare issues, and provide training, as well as regulate private sector employment agencies. It collects data and provides public information on labor migration. The SLBFE requires migrants to register with them when migrating, and deploys labor officers to the District level in-country, as well as attaches to Sri Lankan embassies abroad. When workers have issues, they can only seek redress through the SLBFE Act 1985; the SLBFE has organized mechanisms, including a conciliation forum to handle the complaints and grievances of workers, and to prosecute local agents (not the overseas employer).

The SLBFE uses its power to set minimum terms and conditions of employment. Following the example of the Philippines, Sri Lanka adopted a model employment contract to set benchmarks for labor standards. The model contract allows the origin country to set a minimum wage for workers going abroad<sup>78</sup>. The contracts set the minimum standards in pay, hours of work, pay, leave, and so on. However, there is no room for union or independent representation. As Section J of the model contract states: “All disputes arising from this employment contract shall initially be settled amicably through negotiations, with the participation of either a Sri Lankan Embassy representative or any representative of the Sri Lanka Bureau of Foreign Employment.”<sup>79</sup>

Although the SLBFE is the primary administrative body, in practice, several other institutions are involved. The Ministry of External Affairs is involved in destination countries without labor attaches in their diplomatic missions. Embassies play a crucial role in providing advisory services, advocacy, safe spaces and welfare centers.<sup>80</sup> Local police become involved in the pre-departure stage in cases of agency or broker fraud, as well as trafficking. The Sri Lankan Women’s Bureau and Women Development Officers often handle individual complaints by families or workers, while the National Committee on Women runs a Gender Complaints Unit that receives complaints by workers and families. The Legal Aid Commission of Sri Lanka receives complaints on non-payment or lower than agreed wages, as well as harassment on the job. At a local village level, the *Grama Niladari*<sup>81</sup> handles complaints and may also intervene in disputes.<sup>82</sup>

Private and state sector recruitment agents are subject to local informal governance mechanisms. The Sri Lankan Foreign Employment Agency (SLFEA), established in 1996, sits within the Ministry of External Affairs and handles recruitment for overseas employment mainly for youth. The Association of Licensed Foreign Recruitment Agencies (ALFEA),<sup>83</sup>

established under the SLBFE Act, overseas private recruitment agencies. While a code of conduct was developed for agencies in the 1980s, there is scant evidence of enforcement.<sup>84</sup> As a result, the ILO<sup>85</sup> provided assistance to develop a further code for licensed agencies, with the intention of moving the local industry to comply with ILO Multilateral Framework on Labor Migration, to standardize recruitment practices, encourage professionalism and promote accountability. The code, as with similar codes in the private sector, relies on self-regulation; the ALEA monitors and implements the code among its members, with the major penalty being the cancellation of the license.

Diplomacy, state-to-state and institution-to-institution relations are also important in overseeing migration. Bilateral agreements in the form of Memorandums of Understanding are a primary way for the state to exert influence within destination countries. Sri Lanka has entered into bilateral MoUs with Italy, Bahrain, Jordan, Libya, Qatar, UAE, Korea, Malaysia and, most recently, Saudi Arabia.<sup>86</sup> Most of the MoUs pertain to reducing irregular migration, training workers, permit systems, quotas, joint cooperation on technical matters, health insurance or travel expenses. The MoU with the UAE contains a clause that states if salaries are unpaid for three months, the worker can change employers without approval from the employer. The Qatar and Jordan agreements include a model contract detailing basic conditions of work. The Saudi Arabian agreement includes a clause stating sponsors can no longer hold employee passports, and domestic workers are not required to surrender their passports. However, MoUs are critiqued for being ineffective and underutilized.<sup>87</sup> As a former senior official of the SLBFE, Mr. Ruhunage, reflected: “They just become political documents between two countries, keeping them in a rack [shelf] symbolizing good relations between two countries.” Problems include ad-hoc review meetings between governments, lack of enforcement mechanisms, and a lack of policy revision.

In reviewing the various governance mechanisms above, trade unions are not mentioned within the codes of conduct, the SLBFE Act, nor any of the policies,<sup>88</sup> although freedom of association and collective bargaining are covered where international labor standards are mentioned. The new Code of Ethical Conduct for recruitment agents does not mention trade unions—for example, recognizing their status as representatives of workers—although one provision states licensed agents: “... must cooperate fully with the SLBFE and relevant parties in complaints settlement of migrant workers”<sup>89</sup> where conceivably, “relevant parties” may involve trade unions, although this is yet to be tested. In summary, although international conventions and human rights standards recognize the role of trade unions, local mechanisms do not provide a space for trade unions.

The governance mechanism for seafarers falls outside the above system, but similar mechanisms are used. Undoubtedly, the main global regulation that affects maritime labor is the Flags of Convenience (FOC) regime, which allows ship owners to seek out weak domestic regulatory systems, including bypassing local unions. Paradoxically, however, as will be discussed below, there is a strong global union movement campaign around FOC ships.<sup>90</sup>

Maritime labor is one of the few sectors that has its own ILO Convention, the Maritime Labor Convention 2006. Sri Lanka has not ratified this convention, although it has expressed a willingness to do so since 2009. Sri Lanka ratified Convention No. 108 on Seafarer’s Identity Documents in 1985, but has been slow to fix discrepancies in local law.

Local governance is overseen by the Director General’s Office of Merchant Shipping (DG), which sits under the Ministry of Ports, Highways and Shipping. All rules and regulations from training to promotion of Sri Lankan maritime labor, are concentrated in this office. Under the Merchant Shipping (Amendment) Act No. 36 of 1988, the Minister is granted

power to make changes on a wide variety of labor conditions. Significantly, agents are regulated under their own stand-alone laws, rather than a code of conduct as with other migrant workers. As with the omissions noted above, labor representation and collective bargaining are not explicitly mentioned and therefore protected within this Act.

However, there is precedent for union involvement in agreement making between crew and individual employers. The DG is responsible for the implementation of the various local acts and rules, implementation and participation of various international conventions ratified by Sri Lanka, and complying with international or regional standards, such as carrying out inspections, and investigating fatalities. The DG also acts as a mediator in case of disputes or welfare matters. Traditionally, seafarers and ship owners (or recruitment agents) signed the Sri Lankan Crew Agreement in the presence of a shipping officer from the DG office. In the absence of a local maritime union, an agreement involving an international union with the consent of the employer was recognized within this framework, provided the terms were better than that in the Crew Agreement. This precedent meant that when a seafarers union was formed in Sri Lanka (discussed below), it was relatively easy to find space and legitimacy in the governance mechanism for unions to represent seafarers.

### **Labor Migration Policy and Trade Unions**

As can be seen above, the Sri Lankan state plays a crucial ‘promotional and facilitative’ role in labor migration.<sup>91</sup> In recent years, government policy has focused on ensuring a ‘safe migration’ process for workers, congruent with trends in global governance work headed by the IOM.<sup>92</sup> Particular attention is paid to regularizing migration and ‘managed migration.’

Many of the recent developments in local governance, such as the Code of Ethical Conduct, have been driven by the 2008 National Labor Migration Policy (NLMP).<sup>93</sup> The policy was developed by the Ministry of Foreign Employment, Promotion and Welfare, with strong technical and financial assistance from the ILO, and additional financial contribution from the Swiss Agency for Development and Cooperation. A national tripartite committee and working groups were established to assist in the formulation the policy. The steering committee included two General Secretaries from the labor movement—the National Association for Trade Union Research and Education (NATURE) and Sri Lanka Nidhahas Sevaka Sangamaya (SLNSS)—as well as employment agency peak body representatives, and the Employers Federation of Ceylon. The working group members included NGOs such as the Women and Media Collective, Mother and Daughters of Lanka, International Movement Against all forms of Discrimination and Racism (IMDAR), Center for Policy Alternatives, as well as the SLBFE, the Labor Ministry, World Bank and IOM. Significantly, several of the groups profiled in this report below were also involved.

The overall aim of the NLMP is to “promote for all men and women to engage in migration for decent and productive employment in conditions of freedom, equity, security and human dignity.”<sup>94</sup> The policy explicitly acknowledges the risks and potential dangers workers face<sup>95</sup> and is divided into three sections: good governance, protection and empowerment of migrant workers and their families, and linking migration to development processes. Good governance outlines ways of regulating migration, including protecting human rights. A part of this is the establishment of an advisory committee on migration and an inter-ministerial coordinating committee. The regulatory role of the SLBFE is to be strengthened, agencies to be held to a code of conduct, and diplomatic mission personnel to be given more training and resources. More attention would be given to promoting skilled labor and upholding worker rights and entitlements. Under the second section targeting workers and families, the state will set up minimum requirements for migrants to be eligible to migrate, undertake education, and train and prepare migrant workers psychologically and professionally to ensure that

migrants are aware of their rights at the pre-departure stage. Again, diplomatic missions will be strengthened and a plan for benefits including insurance, pension and welfare will be developed. The third section gives attention to reintegration.

Like the local governance structures mentioned above, the NLMP does not provide an active role for trade unions in representing migrant workers, even though trade unions contributed to its formulation. Trade unions are given a direct role in reintegration programs, continuing and building upon the work unions, worker associations and NGOs have been completing independently (see next section): “The State shall ensure that the return and reintegration process takes place with full protection of rights and freedoms, upholding of human dignity with access to resource and opportunities. *The role of civil society, employers and trade unions in reintegration will be encouraged.*” [emphasis added].<sup>96</sup>

In 2010, the National Advisory Committee on Labor Migration (NACLM) was established. Chaired by the Minister for Foreign Employment Promotion and Welfare, NACLM provides a national-level forum for unions, NGOs and other actors, including employers, to influence policy making. While the focus is on providing non-binding advice, the consultation and information exchange process provides an important space for actors working on migrant worker issues. However, although unions are given a voice to influence policy, their role as direct representatives of workers in the employment relationship is not articulated.

In addition to the formal NLMP, the state has sought to recast migrant workers as valuable citizens and contributors to nation building, drawing a direct link between remittances and development. Migrant workers have become the heroes of the country; for example, the *Rata Viruwo* program of the SLBFE was introduced in 2011–2012 to promote worker dignity. As the Deputy General Manager of the SLBFE Mangala Randeniya stated, the aim was “to recognize this population as a dignified and reputed population because they were not recognized by the public to the level that we wanted. They were to a certain extent marginalized, and a kind of stigma was involved when the lady is migrating and coming back. They were not recognized [as the] the highest contributor to the national economy ... we wanted to have a social dialogue among the public, in the society.”

A part of this program was the formation of divisional level associations of migrant workers’ families to connect people, reduce isolation, endow recognition, and share positive experiences and best practices. The intent, according to Randeniya, is to ultimately use the associations as a base to nominate a worker or family member to the SLBFE Board, as per the NLMP.<sup>97</sup> Here again, however, trade unions are omitted.

Complementing shifting perceptions of migrant workers, a focus post-NLMP is shifting the profile of migration from unskilled to skilled workers, by reducing the number migrating as domestic workers. In September 2013, Randeniya<sup>98</sup> announced that domestic workers would be known as “domestic housekeeping assistants.” The qualifying age was set at 25 years, and workers would be given a 21-day residential training course.<sup>99</sup> Overall, the state is committed to reducing women workers migrating as housemaids “by at least 50% and we need to divert their career to another profession, like alternative vocational skills to be introduced for girls coming out from schools.”<sup>100</sup>

Another policy response has been to place bans via age restrictions or mothering status. In the past, women workers travelling to Saudi Arabia as domestic workers had to be at least 25 years old. To other Middle Eastern countries, the minimum age is 21–23, depending on the country. For men going into domestic work, the minimum age is 21. On March 7, 2007, the government banned mothers of children under the age of five from migrating overseas for work. On June 6, 2013, the Chairman of the SLBFE issued a circular declaring that clearing

certificates were needed for domestic workers going abroad. This clearance related to women's home and family situations, with clearance needed from a local government administrative official after receiving a no-objection certificate from their husbands or their relatives.<sup>101</sup> Subsequently, the Sri Lankan embassy in Oman stated they would only accept domestic workers with the no-objection certificate from their husbands or relatives.<sup>102</sup> A migrant woman worker challenged this rule in the Supreme Court with the assistance of civil society actors, the Lawyers Collective and YMCA. However, after filing a Fundamental Rights Petition, the Chief Justice ruled it was not gender discriminatory or in violation of human rights.<sup>103</sup>

In summary, trade unions have been given the space to provide policy input, but their traditional economic and representative roles are not incorporated into local policy. Notably, seafarers fall outside of the SLBFE system, which, as will be seen below, has impacted the nature of union responses. While the state has sought to recast all migrant workers from victims and stigmatized communities to empowered economic heroes, the programs are tied directly to development outcomes and remittances. Families and households are encouraged to form collective associations, with the ultimate aim of giving workers a seat in the SLBFE. Yet, these measures while welcome are not enough to address the labor issues faced by migrant workers—unions are not framed as direct participants in the employment relationship or migration process. Whether this is because of the dearth of unions directly representing migrant workers, simply an omission, or a direct strategy of exclusion is not established in this report. What is clear is that the state has targeted workers themselves to address worker exploitation, by generating avoidance strategies such as the bans and limitations on women workers, coupled with the use of diplomacy (often weak due to lack of bargaining power) and MoUs.

## **Part II: Labor Movement Responses**

### **Advocacy for International Migrant Workers**

Table 2 summarizes trade unions that currently advocate for, represent and/or organize international migrant workers in Sri Lanka

**Table 2. Trade unions and worker associations advocating for migrant workers**

Organization	Founding year	Local affiliations	Notable international and regional links	Migrant worker membership	Support and Funding
<b>Migrant Service Center</b>	1994	National Workers' Congress (NWC)  All Ceylon Federation of Free Trade Unions (ACFFTU)  Migrant Worker Associations	Solidarity Center Participation in several regional forums such as Asian Migrant Center (AMC), Migrant Forum Hong Kong, the Coordination of Action Research on AIDs	Indirect membership via Migrant Worker Associations <sup>104</sup> .	Solidarity Center (past)
<b>National Union of Migrant Workers</b>	2007	Independent	Solidarity Center	Unknown	Solidarity Center 2007–2013
<b>National Union of Seafarers</b>	2007	Independent	International Transport Workers' Federation (ITF)	7 000	Membership subscriptions, Technical support from ITF, ILO, FES, funding support from ITF Organizing and educational programs during early formation from the Solidarity Center
<b>Migrant Workers Front</b>	2011	The National Trade Union Federation (NTUF)  Lanka Jathika Estate Workers Union (LJEWU)  UNP  Migrant Forum Lanka.	International Trade Union Confederation (ITUC)  Building and Woodworker's International Solidarity Center	1 300 members, with 361 fully paid	Membership subscriptions Solidarity and technical support from the ILO, ITUC. Building and Woodworkers International. Funding and support from the Solidarity Center and project based funding from the ILO

There are two key peak bodies involved in addressing migrant worker issues. First is the National Workers Congress (NWC), a multi-sector politically non-aligned union formed in 1994. The NWC formed the All Ceylon Federation of Free Trade Unions (ACFFTU) and was an affiliate of the World Congress of Labor (WCL). While the NWC maintained its political neutrality, there are reports that a new leadership team inaugurated over the past few years

aligned itself with ultra-nationalist Sinhala Buddhist parties.<sup>105</sup> The NWC has been instrumental in migrant worker advocacy, representation and organizing via the establishment of the Migrant Service Center (MSC) and affiliated grassroots level Migrant Worker Associations (MWAs). The NWC extended NWC membership to migrant workers in the 1990s,<sup>106</sup> giving the MSC legal status under local industrial relations law. The purpose was to advocate for, lobby on behalf of, and meet the needs of migrant workers.

The second is the National Trade Union Federation (NTUF), which has claimed membership of 400,000 members.<sup>107</sup> Formed in 2003, two of its largest affiliate unions—the Jathika Sevaka Sangamaya (JSS) formed in 1959, and the Lanka Jathika Estate Workers Union (LJEWU)<sup>108</sup> formed in 1958—are both affiliated to the UNP. The NTUF joined the International Trade Union Confederation (ITUC) in 2007.<sup>109</sup>

The NTUF houses a nascent union, the Migrant Workers Front (MWF). Key personnel are drawn from the executive committee of the NTUF and LJEWU. In terms of the JSS, the ex-chief organizer of that union, Palitha Atukorale, is now engaged in organizing three unions involving migrant workers—internal FTZ migrant workers, the National Union of Seafarers (NUSS) and the National Union of Migrant Workers (NUMW).

The JSS and LJEWU were explicitly set up by UNP party members to counter SLFP unions and radical left affiliated unions. Their union mode can be characterized as a business model approach to unionism,<sup>110</sup> which traditionally focused on workplace economic rights. In addition, the leaders of both the LJEWU and the JSS were implicated in the anti-Tamil programs of the early 1980s, with members used to attack other members of the labor movement at the time; however, their power diminished by the late 1980s.<sup>111</sup>

Table 3 summarizes the alliances that have been strong advocates for migrant workers. It has been recognized that NGOs have played a vital role in advocating for workers and lobbying for change.<sup>112</sup> They have often been on the frontline in terms of providing support for women. For example, groups such as Women in Need (WIN) have responded to women and families in distress, and worked in conjunction with other women's groups on policy responses pertaining to women's rights.<sup>113</sup> In particular, women's groups have advocated and pressured for political and legal reform. For example, feminist activists released the Women's Manifesto prior to the 2001 election, calling for women to be granted voting rights in absentia. In May 2002, the new Women's Political Independent Party nominated three women who had been migrant workers to stand for local elections.<sup>114</sup>

A prominent actor with origins in the women's movement has been the Action Network for Migrant Workers (ACTFORM),<sup>115</sup> formed in 1999 to promote the rights of migrant workers, as well as advocate for them at the policy level. ACTFORM is made up of a network of various local groups, and is in turn embedded in regional and international networks. Run under the leadership and coordination of Violet Perera, ACTFORM's roots are found in the work of the Women and Media Collective (WMC), a prominent Colombo-based feminist organization.

**Table 3. Networks advocating for migrant workers**

Organization	Founding year	Local affiliations	International and regional links	Migrant worker membership	Support and funding
<b>The Action Network for Migrant Workers (ACTFORM)</b>	1999	Women and Media Collective  Several local grassroots NGOs, CBOs involved in migrant worker or women's rights.		Indirect membership through networks to grassroots organizations	Solidarity Center  Other
<b>Migrant Forum Lanka (MFL)</b>	2012	MFL is made up of several of organizations, with leadership from personnel in the NGOs Law & Society Trust, the Center for Human Rights & Development, MWF, and Community Development Services	Migrant Forum Asia  Solidarity Center  HELVETAS	Not a membership organization.	MFL is supported by the Solidarity Center, while individual affiliated organizations have their own sources of funding.

MFL is another emerging network comprising several actors, including the Law Society Trust (LST), Center for Human Rights and Development (CHRD), the Solidarity Center, the NTUF, Stand Up Movement, Welcome House and Saviya Foundation (Galle) among others. These groups are distinguished for their history of strong advocacy for human rights in various arenas, reflected in their advocacy through the MFL. For many of these non-union groups, labor rights have been lobbied for under the banner of human rights. MFL presents itself as “a network of Sri Lankan civil society organizations, activists, lawyers, researchers working for the promotion and protection of the rights of migrant workers and their families.”<sup>116</sup>

### **The Process of Engagement with Migrants and their Rights**

The processes of initial engagement with migrant worker issues converge from multiple paths for each group. These paths include: (a) expanding membership to non-traditional/unorganized sectors (b) responding to welfare needs based on media and other reports, (c) responding to workers on a one-on-one basis or via their families, (d) being approached from an external global union and (e) responding to developments in international labor standards. Importantly, these paths to engagement occurred under existing union structures, but often resulted in the setting up of satellite organizations.

A common impetus for engaging with migrant workers was addressing union decline and expanding membership to non-traditional workers/sectors, while responding to the welfare needs of migrant workers and their families. The MSC was established in 1994, with some assistance from the Solidarity Center. While the MSC was not officially registered as an independent trade union in and of itself, it had a separate constitution from the NWC. Eventually, representatives of the MWAs formed part of the General Committee of the NWC, with two returned migrant workers taking up positions to enable greater voice. The MSC was headed by a former director-general of the SLBFE, David Soysa. Prominent leaders included Gerald Lodwick and Anton Lodwick (leaders from the NWC). All three are now deceased.

During the early 1990s, the NWC looked to other unorganized workers such as FTZ workers and informal sector workers (three-wheel drivers, casual day laborers, local domestic workers and fisheries workers). Alternative forms of organizing were adopted by the NWC in spaces where unionization was discouraged by employers. In the FTZs, they had established the *Mithuru Sevana* (friendship houses), as a deliberate strategy. As Gerald Lodwick, the Deputy General Secretary of the NWC, reflected during an interview with the author in 2006, "... the reason we set up as a friendship house was the perception of employers of trade unions. We were concerned that they [the workers] would be harassed so it was part of our strategy."

This alternative satellite organization strategy was adopted in relation to international migrant workers by establishing Migrant Worker Associations (MWAs). In 1997, at the time of the International Conference on Migrant Women Workers, two such associations of migrant workers and their families existed. Initially, the intent of the MSC was to provide a safety net for workers before and after migration, in response to reports of abuse and exploitation of women workers at the time, while advocating for greater government and state protection of workers. Indeed, this ethos can be characterized as welfare (non-economic/non-union) oriented. The MSC was described by the NWC as the "*social arm* of the NWC to extend the TU activity coverage to potential migrants, migrants, and returned migrants" (emphasis added). As William Conklin, the country director for the Solidarity Center from 1997–2003 recalled: "Christian worker mentality was very much a part of why they were involved with migrant workers, it was very much a worker welfare approach as opposed to worker rights or worker organizing."<sup>117</sup>

However, the focus on unionization of workers was also articulated by the NWC early on. A National Forum on migrant workers was held in November 1994 by the NWC-MS, ACFFTU and ALFEA,<sup>118</sup> where the Prime Minister, Sirimavo Bandaranakaye, spoke about the exploitation of women workers pre-departure and during their contracts. At the end of the meeting, the NWC produced a set of recommendations demanding greater state responsibility for women migrants and their families, as well as intervention through funding, training of relevant officials, training for workers, bilateral agreements, and a contract of employment for domestic workers. However, the meeting also emphasized the "the role of trade unions in the *protection and welfare* of female migrant workers and agreed that women *migrant workers be better protected through unionization prior to migration*" (emphasis added).

At the meeting, it was also put forward that the Asian-American Free Labor Institute (AAFLI)—the precursor to the Solidarity Center—and the local ACFFTU would "sponsor programs that emerge from different fora engaged in *protection and welfare* of female migrant workers considered necessary" (emphasis added). At the same event, Tim Ryan, the country program director of AAFLI at the time, emphasized the economic contribution that women migrants made to the local economy, their victimization at all stages of the migration process, and the suffering of families. In sponsoring the forum, the AAFLI hoped to "focus attention on their plight" and encourage the participants to examine the social and economic issues while encouraging solutions, with the intention of developing a serious action plan to empower women workers. Greater emphasis began to be placed on advocacy as the MSC began to work in conjunction with other groups detailed below.

As can be seen above, the Solidarity Center's involvement with migrant workers in Sri Lanka can be traced to the early 1990s, with Sri Lanka becoming a pilot country for regional programs on migration. The Solidarity Center's approach was (and continues to be) influenced by observations from the Philippines, and evolved within the country office through internal discussions, key personnel who were heavily engaged,<sup>119</sup> coupled with an outreach and organizing outlook. Part of the motivation was to develop "model curricula that

could be used by other civil society organizations and possibly by government” to get the government to respond with greater levels of accountability for migration based development programs.<sup>120</sup> As Conklin reflected, the form of engagement that the Solidarity Center supported went beyond fostering union membership, to fostering class consciousness and “...the need to transfer into dues paying members or force change and to create a popular movement in some ways.”<sup>121</sup>

For other local unions, the focus has initially been on increasing membership and responding to an observed void in organizing. Palitha Atukorale is the current President of both the Seafarers Union and the National Union of Migrants. His experience with organizing migrant workers extends back to his time as the Chief Organizer for the JSS. When the author first met him in 2005, Athurola, like other members of the union movement, was grappling with the general challenge of organizing workers and with *retaining* membership in the context of raising rates of casualization, outsourcing and a growing informal sector. Atukorale was involved in organizing and advocating for internal migrant workers in FTZs through the JSS affiliated Progress Union,<sup>122</sup> but faced anti-union actions from employers in the zones. He suggested to the JSS leadership that “we should go to new sectors rather than sticking to traditional sectors,” and helped identify an organizing vacuum when it came to migrant workers. However, the JSS did not follow this suggestion.

In 2007, Atukorale became involved in organizing the NUMW with assistance from the Solidarity Center. His entry into organizing migrant workers came about owing to his personal proximity to migrant workers, via other official roles he held. As he explained, while retaining his role as Chief Organizer in the JSS, he was also:

... the Director of a state owned company called Jobsnet. The government established ... an employment exchange to register employees and find them employment. We started recruiting migrant workers also. Since I was a Director there, I had access to these workers, because they were enrolled from there. So since I had access to them, I spoke with them and recruited them [to the union].

In the same year, Atukorale helped form the NUSS. While older unions such as the Ceylon Mercantile Union (CMU) have attempted to organize and represent the interests of seafarers, the NUSS is unique in Sri Lanka. The impetus for starting the union came from a global union federation, the International Transport Workers’ Federation (ITF), which approached the JSS and Atukorale. While the NUMW floundered, the assistance of the ITF was vital in gaining momentum for NUSS. The ITF has become a prominent global union, setting global wage standards based on skill (rather than country of origin) through collective bargaining, which in turn is enforced through inspections and the threat of solidarity action, including strikes.<sup>123</sup> The ITF also engages in a vigorous campaign based on the FOC rule that most ships operate under. The rapid unionization of seafarers illustrates the success of this strategy.

The MWF process for engaging with migrant worker issues reflects several of the paths identified above—responding to need, international influence—as well as the need for a proactive working structure that can address migrant worker issues. The LJEWU, affiliated to the NTUF, had been working with migrant workers whenever an individual worker or their family approached the union for help. In particular, the LJEWU was approached by members of their traditional plantation sector constituency who were migrating internationally. The union had provided assistance to these workers, while providing awareness programs on rights and safe migration.

The turning point for establishing a separate migrant workers union came when Mr. K. Velayudam, the President of the NTUF and the General Secretary of the LJEWU, participated in C189 deliberations as a member of the Sri Lankan worker’s delegation to the

2011 International Labor Conference (ILC). As he reflected: “The turning point for me was the 2011 ILO meeting. Though it spoke only about the domestic workers, most of the migrant workers in our country are domestic workers. More than all other conventions, the domestic workers convention was picked up by everybody. Earlier, these NGOs, civil society, they were only talking about migrant workers when there was an issue.... The unions didn’t have any major concern about migrant workers or self-employed workers. Now they do. Because there is a large number of people, it has started becoming visible now...the visibility and importance was broadcasted [through the ILC meeting].” Velayudam also noted that this issue had come to the attention of the world: “... international governments, trade unions and employers are discussing this. So now as unions, we have started speaking out; we need to now organize and so on.”

He explained: “I came home and I thought I must start something in a structural way to help these deprived working people, migrants.” He felt that existing structures did not allow the union or other bodies to prominently take up urgent cases such as Rizana Nafeek’s<sup>124</sup> case, although public statements were written and disseminated on the internet, or letters written to leaders in labor-receiving countries. The idea was to get beyond these reactive isolated acts and to organize a union for all categories of migrant workers, including domestic and international migrant workers.

In addition to this meeting, interest in organizing migrant workers was reflective of an attitude shift in the way workers themselves—particularly women workers—are regarded. As Velayudam stated: “earlier their problems ... everything was looked by the community in a different way—these are bad women, the husbands are giving them license to work how they want—but attitudes are changing ... because of their earning capacity and money brought in.”

Examination of the two networks ACTFORM and MFL, as well as their associated Community Based Organizations (CBOs) and NGOs, reveals most became involved in migrant worker advocacy while engaging in *other* rights-based work;<sup>125</sup> however, like unions, they became involved after responding to requests for assistance from individual migrant workers. In turn, the network itself encouraged formation of grassroots organizations after contact with or involvement in, ACTFORM activities.

ACTFORM’s roots are found in the work of the WMC, a prominent Colombo-based feminist organization. WMC raised migrant workers’ issues at various forums with policy makers and NGOs, issued statements to the media, or wrote letters to state authorities.<sup>126</sup> By 1999, the WMC were responding to migrant worker issues via a complaints desk run by Violet Perera, who referred workers to the SLBFE and other relevant authorities.

Through their networks, which included trade unions and women’s groups such as Mothers and Daughters of Lanka, it was observed that there were several distinct level groups who only worked with migrant workers issues. As more and more issues came to light and escalated—prominent reports of murders, harassment or trafficking via subagents—Perera explains that “we were looking for a way to address the injustices and looked for a way for the NGOs to get together, for solidarity to strengthen ourselves and have more force.” With the assistance of the Solidarity Center in terms of funding and facilitating exchange, ACTFORM was formed in 1999. By 2003, 35 organizations came together in the network; at the time of the research, there were 25 groups in Halawatha, Puttalam, Kandy, Kegalle, Trincomalee, Hambantota, Horana, Kalutura and Mthugama. Of these groups, Perera reported that there were only 12 that presently ‘did the work.’ These were located in Kurunegala, Kegalle, Kandy, Gampaha, Halawatha, Puttalam, Badulla, Tangalle and Trincomalee.

The groups in these districts already existed at the time of the formation of ACTFORM—a distinct advantage—or were formed after, with support from the network. These organizations are grassroots organizations largely made up of returnee migrants, or standalone women’s groups who work especially with migrant worker issues. For example, Perera recounts that “... Kurunegala is a women’s organization. The Gampaha Shakti Saviya is a women’s group [who] work on lots of different issues, but especially migrant worker issues. Kegalle group is returnee migrants. They formed this group to get their entitlements. They are a workers’ group. Kantha Sevaka in Kegalle—lots of different issues. Kandy and Mathugama are returned women.” Perera explains that they are “women who went overseas and came back, developed and/or were successful. They have a strong leadership.” One such group with strong leadership is the Kurunegala Women’s Resource Center, which while a general women’s groups and not headed by returnee migrants, has been one of the most active in the group.<sup>127</sup> Based in a high out-migration area, the group was formed in 2005 after working with ACTFORM on migrant worker complaints from families or spouses, and intervening.

Migrant Forum Lanka (MFL) is a new network comprised of several NGO and CBO actors, including the LST, CHRD, the NTUF, Institute for Development Studies (IDS), Community Development Services (CDS), Stand Up Movement, Welcome House and Saviya Foundation (Galle). Other partners and funders include HELVITAS, CARITAS- SEDEC. For many of these non-union groups, labor rights have been lobbied for under the banner of human rights.

The LST has worked with migrant worker since the 2000s by analyzing laws, rights and writing research papers. Miyuru Gunasinghe, a senior researcher with the LST and a driving force behind MFL, attended a migration research course with prominent regional academics, and met the Director of the SLBFE there. After learning from him the issues and interest in starting a reintegration process, the LST was asked to review their project, which led to the LST’s continued interest in the issue. The CHRD evolved from an organization established in 1992 to look at the rights of political detainees. The name ‘Center for Human Rights and Development’ (CHRD) was adopted in 1997. Consisting of a network of human rights lawyers and activists from the grassroots to the UN level, the group has subsequently engaged with different themes, including migration. The group works closely with the HRC, as well as taking up cases, writing press releases, and attending international meetings to take up issues in different institutions right up to the UN level. The group began to focus on migrant workers after migrants or their families approached the lawyers in their network (who work on a pro bono basis) for support. The NGO CDS stands out from the other organizations for their focus on health and human rights. The group was initially formed in 1978 to deliver a World Bank funded project on family planning. After the decline of birth rates in 1988, CDS moved into reproductive health and commenced pioneering work on HIV/AIDs among vulnerable populations, work that continues today. However, it wasn’t until 2006 that the group began to explicitly work with migrant workers. The impetus was a 2005 regional consultation meeting on HIV education and action research, organized by the Coordination of Action Research on AIDs and Mobility (CARAM) Asia. Following this involvement, CDS began to focus on local vulnerable populations, beginning with women domestic workers and factory workers, as well as male migrant laborers.

The initial impetus to form MFL came from the Solidarity Center after several of the groups were invited to participate in a Solidarity Center workshop in the Maldives. Says Gunasinghe from the LST: “I realized how many Sri Lankan migrant workers were there [in the Maldives]. Much higher than recorded because most people who go to the Maldives go directly through family sources or friends, so the numbers which are recorded at the SLBFE is smaller. I was telling Sanjay<sup>128</sup> and Anushaya<sup>129</sup> we should do something. [Solidarity

Center]<sup>130</sup> proposed this, so we discussed how we wanted to do it and that we wanted to get human rights and labor standards.” They were joined by Solomon Francis from the CHRD.

### What They Do

The groups identified above engage in several activities summarized in Table 4. This is followed by a description of the activities that each of the groups undertook.

**Table 4. Summary of activities**

Activity	Organization
Capacity building of existing unions	Solidarity Center
Capacity building of associations	MSC, Solidarity Center, ACTFORM
Pre-departure training	MSC, ACTFORM members, NTUF, MWF
Research	Solidarity Center, MFL and associated members, ACTFORM and associated members
Education and awareness raising, including gender issues	Solidarity Center, MSC, MWF, NTUF, ACTFORM
Training, including gender issues	Solidarity Center, MSC, ACTFORM
Organizing migrant workers, and/or their families	MSC, NUSS, MWF, NUMW
Local advocacy, including policy change	Solidarity Center, MSC NUSS, NTUF, MWF, ACTFORM and associated members, MFL, MWF
Contributing to policy formulation, providing input into other state led forums,	NTUF, MSC, ACTFORM, Solidarity Center
Representation/acting on behalf of workers with local and foreign state authorities, agents and employers; representing interests in policy forums	MSC (and MWAs), NUSS, MWF
Channeling workers into formal grievance mechanisms	MSC, NUSS, MWF, ACTFORM, MWAs
Participating in alliances and networks including solidarity action, lobbying, exchanges, international campaigns and policy reform.	Solidarity Center, MSC, NUSS, MWF, NTUF, ACTFORM, MFL
Enter into MoUs with like organizations in labor-receiving countries	MWF NUMW
Collective bargaining, agreement making, monitoring and enforcing collective contracts	NUSS
Monitoring of processes	MFL, NUSS
Addressing and advocating for gender and women’s rights	Solidarity Center, MSC, MFW, ACTFORM
Reintegration programs	MSC, MWF, ACTFORM
Leading networks	Solidarity Center, ACTFORM, MFL
Facilitating networks and exchange cross-country/region	Solidarity Center, MFL
Public awareness (making statements to the media, awareness campaigns with the public)	NUSS, MSC, MWF, ACTFORM and associated members, MFL
Providing social security benefits to members	NUSS

Examining the commonalities among them, several of the groups, such as the MWF, MSC and ACTFORM utilize symbolic days, such as International Migrants Day or International Women’s Day to generate visibility for their activities, as well as the plight of migrant workers and campaigns such as the one around C189 (MWF, ACTFORM) or voting rights (MSC). Discursive strategies have been used to reorient workers from victims lacking in agency to workers who also have positive experiences to share about managing the migratory process (ACTFORM) as well as providing voice mechanisms (MSC). While it is not clear whether a direct link can be drawn between these actions and state responses, it is clear that the government has also engaged in discursively reorienting workers from victims, to

economic heroes. Information has been an ‘everyday’ resource that has been used effectively by almost all the groups discussed in this report. Through research, education, awareness raising and communicating via the media, information generation and sharing has been a major activity for the labor movement. Legal, human rights and procedural activism has also been an important resource. Not only have the groups discussed in this report channeled workers through existing SLBFE procedures such as the complaints, grievance and counselling mechanisms, they have used the Sri Lankan Constitution and international conventions (MSC, members of MFL) to pursue the rights of migrant workers. Given the heavy emphasis on human rights as well as labor rights, the organizations have also worked closely with the Sri Lankan HRC and National HRCs in destination countries. Locally, they have supported workers such as the recent attempt by a woman worker to challenge the no-objection certificate rule, by sending out protest letters. Examining these activities in terms of the direction of their activism, only the NUSS appealed directly to and engaged with employers. The rest appealed to and engaged in state and supra-state processes, at times by invitation (e.g., participation in national advisory committees or policy formulation forums).

Finally, the groups outlined here have mobilized global and local trade union and civil society links/solidarity. The groups discussed in this report engage with migrant worker issues in various geographical spaces. The grassroots represents the “bread and butter” level—organizations provide services, and attempt to organize workers into unions or associations. At the national level, they work within networks of like-minded organizations to advocate for change and make representations to the state. At the regional and global level, union and non-union actors are embedded in multiple networks—from South Asia Association for Regional Cooperation (SAARC) gatherings, to regional groups such as MFA, to CARAM Asia, to global unions such as ITF. They also take part in tripartite gatherings at the ILO. Yet, it is the grassroots work that remains vital—it is at this level of the village that workers first directly or indirectly through their families come into contact with the groups discussed here. As Manori Witharana, a program officer with the Solidarity Center from 2000–2012, observed: “If you work at the policy levels, yes you can work, but you really need to work at the grassroots level to make it work.... You can’t just go to a poor area and talk about human rights because they don’t have their basic rights not even food. Start with what they really want and give them what they want. Maybe skills development.” This is certainly a strategy that has been developed by several of the groups in this report—developing livelihood opportunities through reintegration programs, either with the state or NGOs such as HELVETAS Swiss Intercooperation. Reintegration and livelihoods is also being emphasized at a macro level, through the ILO’s funded programs.

What follows is an examination of how individual groups have engaged with migrant worker issues.

### *Migrant Service Center*

Supported by the Solidarity Center, the MSC worked with local and international NGOs, including the local Center for Women’s Research, the Dabindu Collective, the Women and Media Collective, the International Movement Against all Forms of Discrimination and Racism, and ACTFORM. They maintained strong ties to regional groups such as the Asian Migrant Center (AMC), Migrant Forum Hong Kong and the CARAM Asia.

The main strength of the MSC has been its network of MWAs in areas where migrants originated. In helping to organize the MWAs, the MSC actively went to villages in high migrant areas, and with the support of local government officials and other leaders of the village, formed associations. In the words of one of its key leaders, David Soysa, MWAs “provide services to migrants at the village level and spread a network of overseas links, it

maintains a telephone hotline to attend to migrant grievances on a daily basis and undertakes weekly radio broadcasts for migrant worker families in Sri Lanka in the two main National languages.<sup>131</sup> These associations became the Center for pre-departure training, information dissemination and awareness raising. A registry of dishonest employment brokers and employers is maintained.<sup>132</sup>

The MSC considered registering as a private company that would also act as a not-for profit recruitment company, which may nonetheless fit with the NWC's business orientation. In 2002, at a two-day conference at the Australian National University, David Soysa reported:

the MSC is a service organisation established by the Migrant Services Center Trust.... The possibility of the MSC registering as a recruitment agency, as an alternative to private profit making agencies, is being explored and will be more realistic in the future. From April 2003, the MSC will become a private company—named the MSC Foundation. The MSC has had discussions since the late 1990s with Cyprus about recruiting and sending workers directly to Cyprus. The migrant workers would become members of the relevant Cyprus trade unions and would be covered by them. The major occupations would be as bakers, nurses, etc. The stumbling block till now has been the lack of funds to provide a Sri Lankan trade unionist in Cyprus to assist with labor market integration, personal adjustment issues and any problems that arise.<sup>133</sup>

While workers are overseas, MWAs and the MSC handle complaints from workers and families, often liaising between migrants' families and SLBFE. The MSC works with Sri Lankan embassies on issues such as harassment and rape, while also helping workers retrieve unpaid wages.<sup>134</sup> Indeed, the MWC contends that they hear more complaints than the SLBFE as the existing structures are difficult to navigate and off putting. As such, the MSC also offers legal assistance to workers in local courts.<sup>135</sup> As an indicative figure, in 2011, the MSC received 10–20 complaints between June–July, by workers or their families. When these complaints are received at the village level, they are sent to the MSC and then channeled into the appropriate process.

In their outreach activities, the MSC have been inclusive of migrant worker families. As Gerald Lodwick, a former leader in the MSC explained during an interview in 2006: “We believe in developing the worker not in isolation but as a unit; our services also go to siblings, spouses of the workers.” Counselling and information was offered to families in making migration decisions, as well as providing small loans to set up businesses.<sup>136</sup> Skill and vocational development was also promoted.

Other than services, the MSC has provided voice and representation to members.<sup>137</sup> Utilizing Article 41 of the Migrant Workers Convention, a prominent campaign began in 2000 to demand voting rights for overseas workers in order to exert political pressure on the government to pressure labor receiving countries. This issue was taken up by UNP parliamentarian Ravi Karunaayake.<sup>138</sup> Additionally, 300 representatives of the MWAs endorsed 10 resolutions of actions on trade unions during International Migrant Worker's Day on the December 18, 1998.<sup>139</sup> Finally, the NWC signed a MoU with the Democratic Labor Federation in Cyprus in the 1990s (DEOK). The agreement was that DEOK would act as advocates for Sri Lankan workers in Cyprus, including upgrading employment contracts, reform of agencies, and information sharing.<sup>140</sup> In 2009, the NWC signed an agreement with the Kuwait Trade Union Federation (KTUF) in Kuwait.<sup>141</sup>

### *Migrant Workers Front*

The MWF can be regarded as an alternative model to the MWS in that it attempts to organize workers as union members rather than association members. Before departure or after returning, members register with the MWF, paying a one-time fee of Rs 1,200 (approximately US\$9-10), also payable in installments. The membership form requests

information about workers, their spouses, parents and children. Members are either returnee migrants or current migrants; many of the current migrants joined via their families. The membership fee is charged so as to create a sense of ownership and commitment among the workers. At the time of research, there were 1,300 members, with 361 paid memberships.

Members originate from rural areas as well as the plantation sector, having come to know about the MWF through various awareness programs and newspaper articles, as well as one off events such as celebrations for Migrant Worker's Day in rural areas. Their campaign for C189 (see below) created a lot of information about the group through electronic and print media. Importantly, the Front was able to use existing union linkages. As Velayudam explained: "... one of our sister organizations, Lanka Kathika Estate Union, has district branches so through them, our field staff approach the migrant workers—prospective migrant workers or returned workers—and they give them a brief introduction. Once they know of us, they come to us with cases." Currently, there are help desks in Kurunegala, Badulla and Talawakele.

Organizing has been difficult and a new experience for a traditional union that operated primarily in the formal sector. To Velayudam, notwithstanding the difficulties in registering the union itself, communicating the necessity of unions and building migrants' confidence in the union has been a big challenge. Membership is a key issue because of the resources it generates. As the General Secretary of the MFW Leela Dissanayake reported: "... we are a trade union not a NGO. We run via membership and we can't get a big membership from the people. So they ask, why join, what will we get? That is a big challenge...we can talk about rights. but we have limited funding." An additional challenge has been organizing workers from all over the country, and managing a spatially dispersed employment relationship. According to Velayudam: "They are from different places; their original employers are on one side. We are here. Their problems cannot be settled by trade unions alone. Government involvement is very much wanted. We can only work in between groups."

For members (and prospective members), activities begin with pre-departure and are extended to return. Education and awareness is a key focus in the pre-departure stage. Brochures on safe migration have been produced in Tamil and Sinhala, alongside other awareness training programs. At the time of the interviews, a booklet with all necessary reference materials for work abroad was being developed.

On a daily basis, the union looks at worker problems, deals with incoming calls and tries to channel workers to the correct authorities, including overseas ones. They receive between 10–20 complaints per month from those going overseas; a log of complaints is kept. The union writes representational letters on behalf of workers daily. Often, families act on behalf of the worker, seeing direct help from the MFW, meaning that the family of the migrant worker plays a pivotal role in seeking redress for migrant workers who are often unable to contact the union themselves, often travelling themselves from remote locations. For example, during this research, a 23-year-old man, his two brothers and sister-in-law from a small plantation-based community outside Kandy came to visit the Front's Colombo office, to seek assistance for their kin who was stranded in an employment agent's office in Saudi Arabia for the past month. In such a case, the Front's first tactic was to first speak directly to the agent. As Velayudam explained, the Front interacts with agents informally to "... get their assistance when a problem arises we have to talk to them. Sometimes they are very adamant and don't give it. So we have to shout at them and get it, shout at them and so on."

At other times, the MWF interacts directly with the SLBFE using the grievance mechanism. As Dissanayake explained: "We make calls, come to an agreement with Bureau. When you go to the bureau and speak as an individual, they say, no, no and send them away. As a trade

union we have more rights to speak. We have more strength and they have to make an agreement. There have been several opportunities like this ... there is strength as a trade union to take them up.”

Other than directly intervening in cases, the MWF also has several projects, programs and campaigns. The union recognizes and celebrates National Migrants Day, which is used to draw public attention to the issue. They produced a poster, distributed leaflets, and held educational activities to build awareness on C189. At the time of the interviews, research was being conducted on top destination countries—Saudi Arabia, Jordan, Kuwait—to produce a migrant worker handbook. A prominent campaign has been the petition campaign around C189. A prominent joint signature campaign (mentioned by several of the other groups mentioned here) aimed to collect 100,000 signatures, to hand to the Bureau to pass these new laws. In addition, they have written to the president and key ministries to recognize and protect workers.

Working with the ILO and several other groups, they held a special six-month program in Kurunegala on reintegrating returning migrant workers, and at the time of the interviews were negotiating with the SLBFE on developing livelihood development programs. Training was provided along with small loans to help returnees start a small business such as sewing, ice cream making, brick making, banana plantations and other self-employment activities. As a relatively new program at the time of research, it is not clear whether this has helped the retention of migrant workers in the union.

Another focus has been on the region encompassed by the SAARC and developing a common agreement on working conditions among origin countries. The intention is to bring it up with the South Asian Regional Trade Union Council.<sup>142</sup> As Velayudam explained:

... if Sri Lanka start demanding something,<sup>143</sup> Nepal send it on a cheaper thing, so if this competition is there, they will not agree to sign this. But what the government needs to understand is that the Middle-East countries they need these laborers, and they can only get them from the Asian countries. So now the Philippines, they demand [better conditions] and they get it.... So governments should try to develop a common thing.

In addition, there are several policy reforms that the MWF has been lobbying for outside the direct realm of working conditions and employer responses. Thus, the Front is lobbying the government on a pension scheme and social security assistance for migrant workers. A part of this process is also keeping records of returned migrants (not just departing migrants), which they also advocated. Another key area is voting rights. Velayudam reports that “We have made a presentation to the Election Commissioner and they have promised it will improve and they have already started working on it. We have been talking for the last one year.”

In addition to working independently, the MWF also works with several other actors. ITUC provides strong solidarity and technical support. Aside from the ITUC, they work with Building and Woodworker’s International (BWI) and the Solidarity Center. The ILO provides some technical support and financial assistance on a project basis. Locally, the MWF has participated in ACTFORM activities (see below) and is a strong member of MFL (see below).

With assistance from the ITUC and the ILO’s Bureau for Worker’s Activities (ACTRAV), the MWF were able to sign a MoU with Jordanian, Kuwait and Bahraini trade unions, creating a network of interested unions in the process. Within the network, the unions are able to talk about large collective problems and obtain advice from the unions if necessary.

However, the perception is that the MoU has been put to limited use owing to a lack of sustained exchange between the unions in the two countries.

### *Migrant Forum Lanka*

The MFL presents itself as “a network of Sri Lankan civil society organizations, activists, lawyers, researchers.”<sup>144</sup> Working as a united collective forum has given MFL members greater weight when dealing with the local government. Having trade unions and NGOs present collective unified aims provides a focal point for the government to respond to. MFL’s aims to:

- strengthen and coordinate efforts to strengthen laws and policies that incorporate migrant worker rights.
- monitor state migration processes and work with government to ensure rights are implemented
- build the capacity of members so they can be used as resource persons and encourage the government to work with civil society
- create a South Asia civil society network and platform on migrants to lobby governments.

Although a new group, the MFL has been active in 2013. Statements were released on International Women’s Day.<sup>145</sup> Campaigns include supporting ratification of C189 and incorporation of its principles into domestic law. A three-day workshop organized by MFA and MFL on C189 was held in Colombo in April 2013. The MFL has established links with and works with National HRCs in Sri Lanka and other countries. Links have been established with the Asian Network of NGOs on National Institutions (ANNI). ANNI held a parallel conference during the ICC coordinating committee of national institutions in Jordan. Other than making a presentation about the importance of HRCs playing more active roles in protecting rights of migrant workers, MFL members were able to engage with others in the Arab network. In March 2013, a submission was made to the UN Committee on Migrant Workers in Geneva. Five issues were highlighted: lack of visibility in state processes for drafting, formulating and amending laws and policies and lack of right to information relating to labor migration; lack of effective implementation of existing policies including reintegration issues; inefficiencies in the complaint receiving and conciliation mechanism of the SLBFE and; recently imposed limitations to women’s right to mobility and unregulated practices by recruitment agencies. In addition, 12 recommendations were made.<sup>146</sup>

Although groups like LST have not worked from a labor rights perspective before, as Gurusinghe from the MFL explained:

... through the MFL we are hoping to lobby for trade union activism on behalf of migrant workers ... if there are trade unions of returnee migrant workers, they can make a difference here. Trade unions have to have quite a say, more so than civil society, because the masses make a difference to this government. That is the voter base. Safety in numbers to some extent and there is power in the masses. Civil society organizations are diminishing, our space is vanishing in the space we can work. Whereas the working masses are growing as more and more people employed, so if they speak up for their own rights and others the government will be forced to listen.<sup>147</sup>

### *ACTFORM*

Preceding the networking activities of MFL, was the pioneering ACTFORM alliance, which now has a strong voice in policy discussions about migrant worker rights. Sri Lankan women’s groups have advocated and pressured for political and legal reform in the arena of

migrant worker rights. ACTFORM was formed to promote the rights of migrant workers, as well as advocate for them at the policy level.

One of ACTFORM's biggest strengths has been their network building in terms of incorporating various grassroots level groups and ensuring the inclusion of diverse actors. They include SLBFE representatives and other officials involved in the migration process.<sup>148</sup> At the district level, ACTFORM and partners work with government secretariats, local officials and police to educate and raise awareness about migrant rights, to develop their organizational responses. ACTFORM is invited to participate in national level advisory committees, including the NACLM; and Perera reports taking up issues with individual ministries. ACTFORM also worked with the MWF at the time of research, and in the past had worked with the NWC and the MSC. Regionally, ACTFORM has been a member of Migrant Forum Asia for the past 15 years (they are on the executive committee) and the International Migration Center in Geneva. ACTFORM has worked with Human Rights Watch and they are members of the International Domestic Worker Federation (IDWF).

In terms of activities, in the early 2000s, ACTFORM produced television programs on the subject of migrant workers, which were broadcast across the country. ACTFORM recognizes International Migrants' Day each year. At the village level, they deal with issues such as non-payment of wages, getting the bodies of deceased workers repatriated, and so on. In the early days, leadership training was provided for network members, including demanding rights and understanding the law. ACTFORM was on the advisory committee for the formulation of the NLMP.

Other activities included lobbying government to sign the domestic violence convention (along with other organizations) and C189. Lobbying involved campaigning, writing to politicians, speaking at national committees, along with awareness raising among migrant workers using training forums or producing handbooks and other publications, as well as targeting the public through posters and press conferences. Their handbook (in Sinhala and Tamil), printed with the assistance of the Solidarity Center, has been printed twice, and is given to the districts for distribution, the airport and training centers run by the state. ACTFORM also produced a diary for workers, which listed all the Sri Lankan diplomatic missions and international calling codes.

The other issue they work on is reorienting migration from its negative connotations. As Perera stated: "Everyone talks from negative side—all these problems, all these problems. This time we spoke on positives. I invited local representatives from all the districts and we also talked about how people positively managed family, husbands and so on."

Most recently, ACTFORM has been working with the government on reintegration programs. At the time of the research, they had formed five networks in five districts. They created network committees in Gampaha, Halawatha, Kurunegala, Kegalle, and Kandy. Perera explained that "... the committees consisted of representatives of government, NGOs, agencies, human rights organizations, police, the Women's Bureau, CBOs, SLBFE, and *grama sevaka*<sup>149</sup> office. Workers are also there. Unions are also there." Being a part of these networks allowed the group to educate and create awareness among officials such as police officers. Moreover, groups in the ACTFORM network helped select 63 returned migrants to access training conducted by the government. As Perera explained:

... the leaders from the committees were all brought together this past 25th of the month. We made one action plan— when to meet, what to do. Then for the committee people, we conducted a training of trainers, and then, training for local councils. Legal assistance is provided when needed through some of the new committees. We also talk to the agencies because in our committees we have the representatives from ALFEA, so it's easy.

### *National Union of Migrant Workers*

Finally, it is interesting to examine a case study of a group that considers itself ‘a failure’ in organizing migrant workers. The NUMW aimed to organize workers along similar lines as the MWF. A nominal fee was charged for membership and a membership card was issued. The NUMW, with the assistance of the Solidarity Center, then set about establishing ties with groups in destination countries. Palitha Atukorale explained that in the labor-receiving countries, “there are several organizations; some are registered as trade unions. In Jordan they call it the Trade Union Federation of Jordan, a registered trade union. In other countries you have similar organizations who look after the interests of workers and migrant workers. We established links with them and we signed a MoU with the Jordan Federation.” The idea was that workers would join the NUMW before leaving, and once in Jordan, the Jordanian federation would look after the interests of these workers. However, this proved to be ineffective in terms of sustaining a long-term and continuous relationship, and membership dwindled.

Other activities that the NUMW engaged in included working with local unions such as the NWC to issue public statements or on petition campaigns. Because of their connections to the Labor Ministry and embassies, they would also handle complaints, talk to workers in embassy safe houses and get their family members in touch with them. They also lobbied the SLBFE to assist workers to return. “In most cases, they don’t have money to get a ticket to come back to Sri Lanka. So we will keep pressing. If we hear someone is stranded in say Dubai, we will press the SLBFE to help them bring them back.”

Despite this activity, little traction was gained by this union. When asked to explain why, Atukorale believed that:

... if you compare with the seafarers, their union is far above in terms of service. Why? It is very difficult to service this sector.<sup>150</sup> They are very scattered. They are not organized and they go to countries—destination countries are the worst in the world—no laws, dictators.

### *Solidarity Center*

As a pilot country in Asia for programs on empowering migrant workers, the Solidarity Center was one of the earliest organizations in Sri Lanka to draw attention to international migrant worker issues, including trafficking. From the 1990s, the Center built up its activities from information gathering, research,<sup>151</sup> education, advocacy and capacity-building of its partners, to network building, facilitating cross-border solidarity, information sharing and coordination. When Wim Conklin, a former country director, arrived in Sri Lanka in mid-1997 he observed that regionally, rights based training and pre-departure orientation for workers—often the first organized response for almost all of the groups outlined here—was already underway. At the same time, the Center had tried to persuade the government to put resources towards the issue, but recalled they were “met by classist/gendered attitudes towards women domestic workers in embassies” which were often replicated in unions. As Conklin recalled, it was difficult to work with trade unions because of “older union people with these rigid ideas about what these ‘girls’ needed”.

As noted in several places in this report, the Solidarity Center had supported via technical assistance, funding of, and partnership with the MSC, MWAs, ACTFORM, NMWU and more recently, the MFL. Two key aims were in developing strong networks and migrant worker associations, and in doing so, bridging the grassroots and policy divide. As Manori Witharana, recalled, “We were like the intermediaries between the two, like a bridge.” The media was utilized to highlight migrant worker issues, although the media also independently took up these issues.<sup>152</sup> These activities were targeted not only towards their partners and

migrant workers, but often extended to all stakeholders, including government officials. In terms of capacity building of local organizations, a strong aspect of these activities included developing network links that were inclusive of government, regional and global institutions such as the ILO, or multi-stakeholder initiatives such as the Colombo Process. Such activities have been aimed at changing/reforming local policies and legislation such as the SLBFE Act, or initiating pressure to adopt ILO C189.

From 2002–2003, much of the Solidarity Center’s activities were focused on information gathering, education, advocacy and capacity building, while assisting partners to build networks of support including legal aid for workers. Safe migration, gender sensitization and preventing trafficking of vulnerable migrant workers were key aims. In 2002–2003, a pilot anti-trafficking program was initiated to help bring together labor groups and other stakeholders to help prevent trafficking and promote safe migration. They subsequently worked with UNIFEM on a project to prevent the trafficking of women, based on awareness raising among stakeholders in Sri Lanka.

Ultimately, the goal of these activities was to push through legal and policy change, including voting rights and worker rights for international migrant workers. Voting rights was a major policy/lobbying point for many of the groups working on the issues from the late 1990s onwards, and centered directly on human rights. Conklin<sup>153</sup> recalled: “One issue we tried to pick up and push at the Human Rights Commission was also voting rights for migrant workers ... [it] wasn’t just about voting per se, [it was about] support[ing] civil rights.”

A challenge for Solidarity Center partners lay in keeping in contact with workers or with family members during the duration of the worker’s employment overseas. Subsequently, the Solidarity Center began networking with and establishing relationships with workers’ groups in destination countries such as in Bahrain in the 2000s, and Qatar more recently. Between 2003 to 2005, the Solidarity Center conducted a project to identify partners in Gulf countries to help with data-gathering on worker problems and legal frameworks, with members of partner organizations in South Asia being sent to work with the groups in the Gulf countries. From 2006, a new focus emerged in groups and workers in destination countries. The Solidarity Center worked to strengthen connections between South Asian workers and their partner organizations, and groups in the Gulf countries such as Bahrain, Qatar, and the UAE. The aim was to build coalitions so that workers received support in destination countries. Notably, these attempts also targeted diaspora communities, to develop their capacity to assist migrant workers in distress.

During multi-stakeholder discussions to formulate the NLMP, the Solidarity Center produced a Shadow Report and submitted it to the NACLMP in 2009. The issues contained in the policy itself had been circulating since 2000–2001 when they were highlighted “in workshops, regular meetings with the SLBFE, the Labor Ministry ... whenever we had these meetings, we highlighted the importance of having a national migration policy”.<sup>154</sup>

In 2009, the Solidarity Center began to work with its partner organizations to address the reintegration of returning migrant workers. The Solidarity Center assisted the MSC to conduct a pilot program on skills development; reintegration programs have now become a targeted area of policy research and project execution for Solidarity Center partners, as well as the state.

The same year, the Solidarity Center in partnership with the KTUF began to facilitate the coming together of organizations in Asia and the Middle East; the KTUF hosted a delegation of five South Asian leaders (including Sri Lanka) to explore working conditions in the Middle East.

The Solidarity Center in Qatar facilitated the signing of a two-year memorandum of understanding (MoU) between the National Human Rights Committee in Qatar and the National Human Rights Commission of Sri Lanka. In the early 2000s, the Solidarity Center helped to gain the support of the Sri Lankan Human Rights Commission (HRC) to advocate for voting rights for migrant workers. The MoUs went further. Their purpose was to: advance workers' rights; build capacity of parties and institutions working on behalf of workers, to educate workers, employers, and other parties on worker's rights and other protections; facilitate partnerships with state institutions; and to help victims of human trafficking.

### **What impacts upon the willingness to engage with migrant worker issues and organize migrant workers?**

By examining the path that the groups took to engage with organizing migrant workers, several factors that impacted the unions' willingness to engage with migrant worker issues are evident. The factors discussed below should not be viewed in isolation; often it was a mix of a number of these factors that promoted engagement.

*Union density* was a primary motivation for individual organizers such as Atukorale. In the face of declining density and the reach of neoliberalism by the 1990s, some unions were beginning to look to new groups of workers to organize to maintain membership. However, wanting to increase membership was often mediated by the perceived ease with which organizing could occur through unions' or worker associations' often novel ways of organizing workers, with the support of groups such as the Solidarity Center. As Velayudam noted in reflecting on the lessons learned in organizing migrant workers: "It is a terrible task. For us [NTUF] it is a new experience. Making them [workers and families] understand ... for them to get their confidence in us, it is a big challenge." While for the NTUF and others operating in the plantation sector it meant working with those who had been exposed to trade unions as economic and political actors, migrant workers—particularly those outside the plantation and estate sector—were not. The difficulty in organizing workers was one of the reasons, for example, that Atukorale believed that the NUMW was a failure. The support offered via groups like the Solidarity Center for outreach activities therefore was important in reaching those workers.

*Realization of limitations/inherited traditions* of orthodox union definitions and approaches was another factor. For the MSC, the establishment of MWAs reflected both global trends in organizing migrant workers as well as being congruent with local welfare and social collective organizations dating back to colonial times.<sup>155</sup> The concept of the trade union for migrant workers was tempered by conceptualization of the relationship between trade unions, their members and local industrial laws. Reflecting on the success of the Self-Employed Women's Association (SEWA), a pioneer in organizing informal economy workers, Ela Bhatt stated that "When asked what the most difficult part of SEWA's journey has been, I can answer without hesitation: removing conceptual blocks. Some of our biggest battles have been over contesting set ideas and attitudes of officials, bureaucrats, experts and academics. Definitions are a major part of this battle."<sup>156</sup> This remains an unresolved battle in Sri Lanka as unions interviewed for this report stated the difficulty of getting officials in the Labor Department to recognize migrant workers within the Sri Lankan jurisdiction.

However, unions such as the NWC and NTUF were able to legitimize their migrant worker associations and trade unions by bringing them under existing union structures. These paths to engagement occurred under existing union structures, but often resulted in the setting up of satellite organizations. Relatedly, several interviewees in this report asserted the limitations of NGO-type organizations and the importance of forming trade unions, given their political power and legitimacy in the current political economy.<sup>157</sup>

A limitation that propelled the formation of the MWF was the realization that they did not have the capacity to take on significant cases with concrete outcomes. For example, there have been several highly publicized cases of women domestic workers being severely abused or killed. The most recent high profile case was that of the execution of Rizana Nafeek, a domestic worker in Saudi Arabia. Although the NTUF issued a strongly worded statement signed by several local and international actors,<sup>158</sup> Velayudam noted that “a turning point was like those types of cases, like Rizana’s, we could not take them on. We made statements on the internet and wrote to the President in those countries, but from the beginning when we were raising our voice, the government failed ... if she had been given proper legal assistance, she would have been saved.”

*Support* was a key factor in willingness to engage. Support came in various forms, from holding forums and opportunities for dialogue, to capacity building, funding and global links and solidarity. Groups such as HELVETAS and the ILO have provided capacity-building support, and/or funding for programs; for example, HELVETAS projects, targeting returned migrants, and working in partnership with groups in the MFL network. The MSC and ACTFORM have been supported by a number of the organizations to provide safe migration educational activities and more recently, reintegration programs. It should be noted that it is in this capacity that the Solidarity Center has been instrumental in providing technical assistance, capacity building, funding staff hires, and facilitating local and international exchange (see below). In the case of exchange, MFL was a direct result of local activists meeting at a Solidarity Center supported visit to the Maldives.

As funding is a major source of support for the groups discussed here, it is worth noting that lack of funding was identified as a crucial factor that slowed down or prevented further work.<sup>159</sup> Thus, organizations such as the Kegalle-based Women’s Resource Center, ACTFORM, and NUMW reported having their funding cut.<sup>160</sup> In the context of a global environment that has seen a steady decline in funding available,<sup>161</sup> this raises the question about the sustainability of such organizations. It was noted that in addition to possibly having greater legitimacy in the broader political economy, trade unions were perceived to be more viable because of membership subscriptions. The difficulty, of course, was in signing up members, as migrants were from communities in straitened economic circumstances.

Regardless of funding matters, key to all the groups outlined here was cross-border support. Whether this was in the form of support offered from like organizations within dialogue and discussion forums, the proactive support of international trade union federations, or solidarity linkages with unions in destination countries, cross-border support was important. For example, the Solidarity Center-facilitated opportunities for exchange led to the formation of new forums of cooperation, opening up possibilities for new forms of activism, such as focusing on creating a set of South Asian standards for the region (see below). The support of international trade unions in destination countries such as those in Jordan (see below) also opened up the scope of activities that unions could engage in.

Notable here is the solidarity and support of the ITF for the NUSS; indeed, as noted above the ITF was the catalyst for forming this union. The ITF has responded to the development and expansion of the FOC approach to vessel registration with the development of a global union strategy, including global wages,<sup>162</sup> precipitated by “global public and quasi-public and because of strong opportunities for industrial contention”.<sup>163</sup> As the FOC is at the heart of ITF strategies, Sri Lanka was targeted as a country “whose seafarers are particularly exploited or where no seafarers’ union exists, or where a limited amount of union development could make a big difference to the life of the seafarers.”<sup>164</sup>

Finally, it should be noted that *internal support* was also important—that is, having a leader who would champion the cause of migrant workers. This is clearly demonstrated in the case of the NTUF and the role played by Velayudam in instigating changing attitudes to migrant workers.

*Changing attitudes towards migrants, as valued not stigmatized* promoted emerging trade unions such as the MWF to engage with migrant workers. This is in some respect, a direct response to the strategies and campaigns of older groups such as ACTFORM and the MSC which, as outlined in the previous section, attempted to highlight migrant worker's contribution to the economy and society, as well as changing gendered attitudes toward migrant workers.

Migrant workers and migrant work was referred to by many of the activists and trade unions interviewed as a “sector” distinct from other sectors such as services, agriculture or manufacturing. This has been prompted by the visibility of migrant workers in numbers, and in terms of attention given at policy-making levels. As Gurusinge from the LST reflected:

Migrant workers or migration is not even considered a sector so perhaps civil society should distinguish between these different categories of workers. To emphasise these are a sector. I mean, coconut and rubber [exports] are considered different sectors but migration which brings in the highest foreign earnings is not considered a sector.

Finally, *changes in laws or international guidelines* also acted as a motivation for some to begin formally organizing migrant worker unions. While the NTUF had been working with unions for some time, responding on a needs-based basis, it was Velayudam's participation in the ILC discussions on C189 that promoted action. Indeed, the passage of C189 seemed to galvanize many of the groups discussed here, as their activities outlined above indicate. The changes raised awareness about new possibilities and approaches, providing a rights-based grounding to leverage from.

### **Part III: Conclusion**

This report has examined trade union responses to labor organizing of migrant workers in Sri Lanka. The first part of this report contextualized migration as a livelihood and development strategy within a broader project of economic liberalization. Analysis demonstrates that other than input in consultative processes in formulating policy, little or no space has been made for trade unions in migration governance and policy, limiting their ability to perform traditional trade union roles. Compounded with the difficulties of organizing workers leaving their borders, in contexts with little or no regulation, organizing remains a nascent enterprise in all but the maritime sector. In this respect, little has changed from Gamburd's 2004 observations, apart from the deepening engagement at the policy level. This is no small feat, given progressive policy such as the NLMP is dependent on reorienting attitudes toward workers, particularly women workers. Via prolonged engagement, the groups have been able to help shift the public discourse on migrants from stigmatized victimized women, to workers with rights in the global economy and local communities.

Policy input has been facilitated by tripartite forums, and this may be because the policies produced and endorsed by the SLBFE, such as those of the NLMP, fit with the “managed migration” agenda advanced by international institutions such the IOM. While drawing on important human rights discourse, some have criticized this agenda for ignoring labor and social rights. In the case of Sri Lanka, both the government and the organizations discussed above have spent a great deal of time investing in the pre-departure and reintegration stage of engagement with migrant workers. Education and training is offered pre-departure to allow

for safe migration, and for reintegration livelihood strategies in the reintegration stage. These are also the stages over which local unions and others have the greatest amount of control and oversight. Nonetheless, in recognizing migrants as workers, the NLMP does include provisions that highlight the need for protection and worker rights.

Encouragingly, what emerged from this research was that activists view unions as legitimate, viable, and sustainable organizations for improving the power and voice of migrant workers in Sri Lanka. Existing union structures have facilitated the formation of worker associations and trade unions that work side by side with other forms of civil society. When migrant worker unions could not be registered in their own right, parent unions encompassed them within their structures.

Given the contextual constraints outlined in Part I, what has emerged within Sri Lanka is a three-tiered system of organizing and collectivization (outside of the policy realm). At the grassroots level, associations of migrant workers, returnees and their families have been formed and sustained. Returned workers and their families make up the membership of many of the worker associations, highlighting the importance of households to migrant worker issues and the imperative of livelihood development in villages. Family members, including spouses and parents, intervene on behalf of workers, and seek redress for workers, often reporting violations and abuse. Families are also drawn into and are profoundly influenced by broader public discussion about women's roles in households; the government's migration policy reflects not only a desire to shift from unskilled to skilled migration but fundamental understandings of gender and gender roles. The recent bans on women migrating without consent from their families have been taken up by some of the women's groups mentioned in this report (e.g., WMC); the issue they believe, comes back to fundamental rights to livelihood and autonomy. These issues have not been explored in great depth, although it is clear that without household participation, organizing workers into collectives or advocating for them would be difficult. These actions feed into national level actions such as signature campaigns to ratify C189, or more recently, sending protest letters when the government passed a policy requiring women to obtain clearance certificates from their spouses.

The second tier of engagement is the regional level. Cross-border engagements, whether through visits to destination countries to meet officials, unions and workers, or via participation in workshops and seminars have led to the development of all-important collaborative links. The outcomes of these links are varied: MoUs between unions, for example, are an example of promising cross-border cooperation between activists; others have been inspired by developments in international labor standards, such as C189, to begin formally organizing and agitating for migrant worker rights; others have entered into talks with their South Asian counterparts about the possibility of setting regional wage rates to avoid deepening competitive exploitation.

The final tier is the international, and here it is worth noting the distinctiveness of the NUSS from the other unions presented in this report. The NUSS has been successful because it was able to be included in an already unionized sector with its own global governance system and strong sense of professional identity. Locally, there is a precedent for union involvement in agreement making between crew and individual employers. The question remains whether the lessons of a seafarer organization can be applied to more precarious, fragmented occupations such as domestic work.

## **Endnotes**

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<sup>2</sup> Nicola Phillips, "Migration as Development Strategy? The New Political Economy of Dispossession and Inequality in the Americas," *Review of International Political Economy* 16, no. 2 (2009): 231-259.

<sup>3</sup> Philip F. Kelly, "Labor, Movement: Migration, Mobility, and Geographies of Work," in *The New Companion to Economic Geography*, eds. Trevor Barnes, Jamie Peck J, and Eric Sheppard (Oxford: Wiley-Blackwell, 2012), 431-443.

<sup>4</sup> See for example, Grace Chang, *Disposable Domestic: Immigrant Women Workers in the Global Economy*. (Cambridge: South End Press, 2000); Bridget Anderson, "Migration, Immigration Controls and the Dashing of Precarious Workers." *Work, Employment & Society* 24, no. 2 (2010): 300-317; Stephanie Barrientos, Uma Kothari, and Nicola Phillips, "Dynamics of Unfree Labor in the Contemporary Global Economy." *The Journal of Development Studies* (2013): 1-5; "Swept Under the Rug: Abuses against Domestic Workers Around the World", Human Rights Watch, last modified July 2006

[http://hrw.org/campaigns/women/2006/domestic\\_workers/reports.htm](http://hrw.org/campaigns/women/2006/domestic_workers/reports.htm); Omer Aziz and Murtaza Hussain, "Qatar's Showcase of Shame" *New York Times* [USA], January 5, 2014, [http://www.nytimes.com/2014/01/06/opinion/qatars-showcase-of-shame.html?\\_r=0](http://www.nytimes.com/2014/01/06/opinion/qatars-showcase-of-shame.html?_r=0)

<sup>5</sup> See Ian Greer, Zinovijus Ciupijus, and Nathan Lillie. "The European Migrant Workers Union: Union Organizing through Labor Transnationalism" *European Journal of Industrial Relations* 19, no.5 (2013): 5-20, Jane Holgate, "Temporary Migrant Workers and Labor Organization" *Working USA* 14, no. 2 (2011): 191-19; Janice Ruth Fine, *Worker Centers: Organizing Communities at the Edge of the Dream* (Ithaca: Cornell University Press, 2006).

<sup>6</sup> See, for example, Michele Ford, "Migrant Labor NGOs and Trade Unions: A Partnership in Progress?" *Asian and Pacific Migration Journal* 15, no. 3 (2006): 299; Nicola Piper. "Temporary Economic Migration and Rights Activism: An Organizational Perspective." *Ethnic and Racial Studies* 33, no. 1 (2010): 108-125; Ian Fitzgerald, and Jane Hardy, "Thinking Outside the Box? Trade Union Organizing Strategies and Polish Migrant Workers in the United Kingdom." *British Journal of Industrial Relations* 48, no. 1 (2010): 131-150.

<sup>7</sup> Michele Ford and Nicola Piper, "Southern Sites of Female Agency: Informal Regimes and Female Migrant Labor Resistance in East and Southeast Asia," in *Everyday Politics of the World Economy*, eds. John M Hobson and Leonard Seabrooke (Cambridge: Cambridge University Press 2007): 63-80; Amrita Pande, "From 'Balcony Talk' and 'Practical Prayers' to Illegal Collectives Migrant Domestic Workers and Meso-Level Resistances in Lebanon," *Gender & Society* 26, no. 3 (2012): 382-40; Jenny Chan and Pun Ngai, "Suicide as Protest for the New Generation of Chinese Migrant Workers: Foxconn, Global Capital, and the State," *The Asia-Pacific Journal* 8, no. 37 (2010): 2-10; Reuters in Tel Aviv, "African Migrants Protest Against Israel's New Open-Ended Detention Laws," *The Guardian* [UK], January 6, 2014, accessed January 6, 2014, <http://www.theguardian.com/world/2014/jan/05/african-migrants-protest-israeli-detention-law>

<sup>8</sup> Sri Lanka has a complex ethnic and religious make up. Ethnicities include Sinhalese, Tamil, Indian-Tamil (identified with the estate/plantation sector), Moor or Muslim, and Burgher, with smaller populations of Malays and aboriginal Veddas. Religions include Buddhist, Hindu, Christian, and Islam. The main languages are Sinhala, Tamil, and English.

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<sup>9</sup> The most prominent case of was the integration of Tamil workers from Southern India into the British colonial plantation (tea, rubber, coconuts and spices) economy in the 19th century. Lacking in citizenship for much of the 19th and 20th centuries, their descendants now migrate domestically and internationally for employment. Tamils from Sri Lanka also migrated out of Sri Lanka to Malaysia in small numbers to work in British-owned rubber plantations. After independence from Great Britain in 1948, many ethnic groups migrated as skilled employees or students to various parts of the world. In the immediate post-independence era (post-1948), the government initiated several large-scale agricultural development projects that resulted in mass land redistribution and resettlement of entire villages across several ethnic and linguistic groups. Rising nationalism during this time compelled many in the Eurasian population (Burghers) to migrate and resettle overseas. With the advent of civil war in 1983, large populations of primarily Tamil people were displaced from their homes, and many fled to Southern India or migrated to Australia, the UK, United States and Canada, among other countries.

See Piyasiri Wickremasekara, "International Migration and Employment in the Post-Reform Economy", in *Economic and Social Development Under a Market Economy Regime in Sri Lanka, Buddhadasa Hewavitharana Felicitation Volume 2*, ed. Saman Kelegama and Dileni Gunewardena (Colombo: Vijitha Yapa Publications, 2012) 209

<sup>10</sup> G.M.V. Wishawanath Aponu, "Recent Trends in Labor Migration. Sri Lankan experience" *Asia Development Bank*, accessed October 5, 2013,

<http://www.adbi.org/files/2013.01.24.cpp.sess5.3.aponu.recent.trends.remittances.pdf>;

B. Skanthakumar\_(ed), *Rights, Remittances and Reintegration: Women Migrant Workers and Returnees in Sri Lanka* (Colombo: Law & Society Trust, 2011).

<sup>11</sup> Rasika Somarathna, "US10 Billion target for 2020. Expat remittances to hit \$7 billion mark", *Daily News* 5<sup>th</sup> November 2013, accessed November 6, 2013, <http://www.dailynews.lk/local/expat-remittances-hit-7-b-mark>. Note these figures do not include informal channels of remittance but captures monetary flows. Sri Lankan migrant worker remittances been noted for playing an important role in the trade balance current account, national savings and investments, helping families meet basic needs, allowing the purchase of productive assets including land, promoting small enterprise development, the purchase of consumer durables, and increasing expenditures on health and education.

<sup>12</sup> Ministry of Foreign Employment and Welfare, 2013, "Migration Profile. Sri Lanka", *Institute of Policy Studies*, 2013, [http://www.ips.lk/ips\\_migration/publication/migration\\_profile/migration\\_profile\\_ips.pdf](http://www.ips.lk/ips_migration/publication/migration_profile/migration_profile_ips.pdf)

<sup>13</sup> President Mahinda Rajapakse on local broadcast news Rupavahini, August 5<sup>th</sup> 2013, accessed October 5<sup>th</sup> 2013, <http://www.youtube.com/watch?v=3qtYWI9pTOI>

<sup>14</sup> Lina Abu-Habib, "The Use and Abuse of Female Domestic Workers from Sri Lanka in Lebanon." *Gender & Development* 6, no. 1 (1998): 52–56; Amrita Pande, "The Paper that You Have in Your Hand is My Freedom: Migrant Domestic Work and the Sponsorship (Kafala) System in Lebanon." *International Migration Review* 47, no. 2 (2013): 414–441.

<sup>15</sup> Michele R. Gamburd, "Advocating for Sri Lankan Migrant Workers: Obstacles and Challenges." *Critical Asian Studies* 41, no. 1 (2009): 61–88.

<sup>16</sup> The Kingdom of Bahrain , Kuwait, The Sultanate of Oman, Qatar , The Kingdom of Saudi Arabia and the United Arab Emirates.

<sup>17</sup> Interviews and data conducted with those working on internal migrant workers have been omitted in this report.

<sup>18</sup> Note the scope for further research among migrant workers themselves, as well as research in labor receiving countries

<sup>19</sup> Ministry of Foreign Employment and Welfare, "Migration Profile. Sri Lanka "

<sup>20</sup> Sri Lankan Bureau of Foreign Employment, "Age Group Basis", *Sri Lankan Bureau of Foreign Employment*, Accessed June 23 2013, <http://www.slbfe.lk/article.php?article=68>

<sup>21</sup> Parakrama A. Samarathunga, Roshini Jayaweera, and Nethmini Perera, *Impact of Migration and Remittances on Investment in Agriculture and Food Security in Sri Lanka* (Colombo: Institute of Policy Studies of Sri Lanka, 2012).

<sup>22</sup> Sri Lankan Bureau of Foreign Employment, "Different perspectives of Departure Details", *Sri Lankan Bureau of Foreign Employment*, accessed October 5, 2013, <http://www.slbfe.lk/downloads/stat/Overview.pdf>

<sup>23</sup> Piyasiri Wickremasekara, "International Migration and Employment in the Post-Reform Economy", 209

<sup>24</sup> Samarathunga, Jayaweera & Perera, 3

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- <sup>25</sup> Sri Lankan Bureau of Foreign Employment, "Country Basis", *Sri Lankan Bureau of Foreign Employment* accessed June 23 2013, <http://www.slbfe.lk/article.php?article=68>
- <sup>26</sup> Sri Lankan Bureau of Foreign Employment, "Different perspectives of Departure Details", *Sri Lankan Bureau of Foreign Employment* 6.
- <sup>27</sup> Ibid.
- <sup>28</sup> However, note that these workers do not have to register with the SLFBE.
- <sup>29</sup> International Labor Organization, "International Labor Standards on Seafarers", *International Labor Organization*, accessed October 5 2013, <http://www.ilo.org/global/standards/subjects-covered-by-international-labor-standards/seafarers/lang--en/index.htm>
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- <sup>33</sup> Gamburd, Michele Ruth. *The Kitchen Spoon's Handle: Transnationalism and Sri Lanka's Migrant Housemaids*. (Ithaca: Cornell University Press, 2000); Gamburd, Michele R. "Milk Teeth and Jet Planes: Kin Relations in Families of Sri Lanka's Transnational Domestic Servants." *City & Society* 20, no. 1 (2008): 5-31,
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- <sup>35</sup> Nelofer De Mel, *Militarizing Sri Lanka: Popular Culture, Memory and Narrative in the Armed Conflict*. (Los Angeles: SAGE Publications 2007) 35
- <sup>36</sup> Piyasiri Wickremasekara, "International Migration and Employment in the Post-Reform Economy, 207
- <sup>37</sup> Ibid.
- <sup>38</sup> Jayadeva Uyangoda, "Social Conflict, Radical Resistance and Projects of State Power in Southern Sri Lanka: the Case of the JVP", ed. Markus Mayer, Darini Rajasingham-Senanayake, Yuvi Thangarajah, *Building Local Capacities for Peace: Rethinking Conflict and Development in Sri Lanka* (India: MacMillan 2003): 37–64; Mick Moore, "Thoroughly Modern Revolutionaries: the JVP in Sri Lanka." *Modern Asian Studies* 27, no. 03 (1993): 593–642.
- <sup>39</sup> Piyasiri Wickremasekara, "International Migration and Employment in the Post-Reform Economy", 214
- <sup>40</sup> Ibid, 213
- <sup>41</sup> Kumari Jayawardena, *The Rise of the Labor Movement in Ceylon* (Durham, NC: Duke University Press, 1972); Robert Kearney *Trade Unions and Politics in Ceylon*, (Berkeley: University of California Press, 1971);
- <sup>42</sup> Ibid
- <sup>43</sup> Janaka S. Biyanwila, *The Labor Movement in the Global South: Trade Unions in Sri Lanka* (Milton Park, Abingdon, Oxon: Routledge, 2011), 54; Kumari Jayawardena, "The National Question and the Left Movement in Sri Lanka," *Comparative Studies of South Asia, Africa and the Middle East* 7, no. 1 and 2 (1987): 11-22;
- <sup>44</sup> Samanthi Gunawardana and Janaka Biyanwila, "Trade Unions in Sri Lanka: Beyond Party Politics" in *Trade Unions in Asia: Balancing Economic Competitiveness and Social Responsibility*, ed. John Benson and Ying Zhu (London: Routledge, 2008) 177–197,
- <sup>45</sup> Biyanwila, *The Labor Movement in the Global South: Trade Unions in Sri Lanka* 2011, 73.
- <sup>46</sup> Ibid, 70
- <sup>47</sup> Ibid, 75.
- <sup>48</sup> Janaka Biyanwila, *Terrorism, trade and trade unions: Worker struggles in the global South* accessed October 5, 2013, <http://www.tasa.org.au/conferences/conferencepapers09/papers/Biyanwila,%20Sumithra%20Janaka.pdf>
- <sup>49</sup> Teri L Caraway, *Assembling Women. The Feminisation of Global Manufacturing* (Ithaca: Cornell University Press, 2007).
- <sup>50</sup> In 1994, the People's Alliance (PA) made up of a coalition of the SLFP, the Lanka Sama Samaja Party (Trotskyist party) and 9 other smaller traditionally left leaning parties, led by President Chandrika Kumaratunga came to power. The PA was elected on a platform of transparent and democratic governance, as well as being pro-poor, promising to end the war and negotiate peace with the LTTE. Industrialization policy continued to stress the centrality of FTZs and industrial parks, and the government worked closely with the IMF and World Bank. Under Kumaratunga's leadership, the PA engaged in the privatization of airlines, telecommunications, plantations and ports, which was opposed by the trade union movement.

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<sup>51</sup> However, the government was divided, as President Kumaratunga representing the SLFP alliance was the executive head, while Wickremasinghe, representing rival party UNP, became Prime Minister and head of the legislature. The government was supported by a number of development agencies and donor governments, including the World Bank, Asian Development Bank, USAID, Japanese and European bilateral donors; Norway stepped in as mediators in the peace process between the government and LTTE. Entering into peace negotiations with the LTTE in September 2002, the government negotiated with the IMF in tandem, which required them to propose a Poverty Reduction Strategy Paper (PRSP), in consultation with key stakeholders such as civil society. The policy document “Regaining Sri Lanka” outlined their policies, with war and “poor economic management” seen as the reasons behind the high incidence of poverty (Wickramasinghe 2003). The two main objectives of the government were to bring peace and revitalise the economy, based on free market principles, with primacy given to private investment and increased foreign investment. The proposed reforms involved accelerating privatization, public–private partnerships, public service reform, strengthening property rights in land markets, building networks for job-seekers, refocusing tertiary education, reform of employment, greater international trade through the WTO multilateral process, and entering into new bilateral and regional trading agreements. In addition, labor laws were targeted for reform with 36 new pieces of legislation introduced into the Parliament.

<sup>52</sup> Biyanwila, Janaka *Terrorism, trade and trade unions: Worker struggles in the global South*

<sup>53</sup> Anonymous, interview with the author, July 2013.

<sup>54</sup> Piyasiri Wickremasekara, “International Migration and Employment in the Post-Reform Economy” 221

<sup>55</sup> Ibid 229.

<sup>56</sup> Samantha J Gunawardana, “Rural Sinhalese Women, Nationalism and Narratives of Development in Sri Lanka’s Post-War Political Economy,” eds. Juanita Elias and Samantha J. Gunawardana *The Global Political Economy of the Household in Asia* (UK and USA: Palgrave Macmillan 2013), 59.

<sup>57</sup> Swairee Rupasinghe, Interview with the author, July 2013

<sup>58</sup> Although the state encourages the registration of employment agencies, subagents are not registered. However, the testimony of research participants indicates that migrants utilise informal social networks such as known returned migrant workers as well as migrants abroad for information about jobs; women have been found to prefer informational channels because of the cost of using official agents, reinforcing vulnerabilities.

<sup>59</sup> Miyuru Gunasinghe and Anushaya Collure, interview with the author, July 2013.

<sup>60</sup> L.K Ruhunage, interview with the author 2013.

<sup>61</sup> All Sri Lanka Janasetha Sahana Foundation, *Investigative Research focusing on the Gaps in the Recruitment System, Areas of Vulnerability and the Role of Law Enforcement in Monitoring the Practices of Recruiters*, (Colombo: Solidarity Centre, 2009).

<sup>62</sup> Andrew Samuels, Interview with the author, July 2013

<sup>63</sup> All Sri Lanka Janasetha Sahana Foundation, *Investigative Research focusing on the Gaps in the Recruitment System, Areas of Vulnerability and the Role of Law Enforcement in Monitoring the Practices of Recruiters*, 5.

<sup>64</sup> Ibid.

<sup>65</sup> Ministry of Foreign Employment and Welfare, “Migration Profile. Sri Lanka” 12.

<sup>66</sup> Sri Lankan Bureau of Foreign Employment, “Complaints”, Accessed June 23, 2013, <http://www.slbfe.lk/article.php?article=68>

<sup>67</sup> Piyasiri Wickremasekara, “International Migration and Employment in the Post-Reform Economy” 15.

<sup>68</sup> United States Department of State, “What is Modern Slavery” accessed October 1 2013 <http://www.state.gov/j/tip/what/>

<sup>69</sup> Amrita Pande, “From ‘Balcony Talk’ and ‘Practical Prayers’ to Illegal Collectives Migrant Domestic Workers and Meso-Level Resistances in Lebanon.”

<sup>70</sup> Civil Society Collective for Economic, Social and Cultural Rights in Sri Lanka, “Sri Lanka: Implementation of the International Covenant on Economic, Social and Cultural Rights”, in *Status of Economic, Social and Cultural Rights in Sri Lanka*, ed. B Skanthakumar (Colombo: Law and Society Trust 2011) 23–24.

<sup>71</sup> Ibid; see also C Hewage, C Kumara and Jonathan Rigg, “Connecting and Disconnecting People and Places: Migrants, Migration, and the Household in Sri Lanka.”

<sup>72</sup> Palitha Atukorale, interview with the author July 2013.

<sup>73</sup> National Union of Seafarers Sri Lanka, “*The Sri Lankan Seafarer. The Internal News Bulletin of the National Union of Seafarers Sri Lanka*” January 2010 accessed September 10 2013,

[http://www.nusslanka.org/contact\\_nuss.php](http://www.nusslanka.org/contact_nuss.php)

<sup>74</sup> Amnesty International, *Qatar: End Corporate Exploitation of Migrant Construction Workers*, accessed November 17, 2013, <https://www.amnesty.org/en/news/qatar-end-corporate-exploitation-migrant-construction-workers-2013-11-17>

<sup>75</sup> K. Velayudam interview with the author July 2013; Menaha Kandaswamy interview with the author, July 2013

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<sup>76</sup> Alan Betts *Global Migration Governance –the emergence of a new debate* November 2010, accessed July 18, 2013, <http://www.imi.ox.ac.uk/pdfs/global-migration-governance-policy-brief>

<sup>77</sup> Piyasiri Wickremasekara, “International Migration and Employment in the Post-Reform Economy” 240.

<sup>78</sup> However, enforcement is not clearly set out and outcomes have not been assessed.

<sup>79</sup> Teresita Del Rosario, *Best Practices in Social Insurance for Migrant Workers. The case of Sri Lanka*, 2008, accessed July 23, 2013,

<http://www.pstalker.com/ilo/resources/ILO%20MGREU%20WP12%20-%20Social%20Insurance%20for%20Migrant%20Workers%20in%20Sri%20Lanka.pdf>,

<sup>80</sup> Staff were informally complicit with practices that promote bonded labor in labor-receiving countries with sponsorship systems. For example, in Jordan, state agents such as labor attaches rely on informal conciliation, keeping workers out of formal legal systems and accommodating policies are promoted instead of challenging local practices, so as not to jeopardize migration opportunities. See Elizabeth Frantz, “Jordan's Unfree Workforce: State-Sponsored Bonded Labor in the Arab Region.” *The Journal of Development Studies* ahead-of-print (2013): 1–16.

<sup>81</sup> Government appointed village level official.

<sup>82</sup> For extended discussion, see ILO Country Office for Sri Lanka and the Maldives, *Strengthening Grievance and Complaining Handling Mechanisms to Address Migrant Worker Grievances in Sri Lanka* (Geneva International Labor Organization 2013).

<sup>83</sup> ALFEA is represented on the Board of the SLBFE (workers, NGOs or trade unions are not). ALFEA often sits alongside on national level policy platforms or international tripartite meetings.

<sup>84</sup> Piyasiri Wickremasekara, “International Migration and Employment in the Post-Reform Economy” 239.

<sup>85</sup> The ILO has played a key role in providing technical advice, funding, conducting research, and helping to formulate policy. In 2013, the ILO began a project on implementing the National Labor Migration Policy. In phase 1 of the project, a review was undertaken of existing governance structures—the SLBFE Act 1985, new legislation for employment migration was proposed (2012) and opportunities/constraints identified in relation to ratifying Convention 97 the Migration for Employment Convention and Convention 143 Migrant Workers (Supplementary Provisions) Convention. Phase 2 (current at the time of writing) involves reviewing and enhancing improved governance, protection and empowerment of workers and their families. This includes reviewing existing recruitment practices, developing a Code of Ethical Conduct for Recruitment Agents, developing an Operational Manual for labor attachés, funding a Diploma of Migration Studies for state employees and labor attaches officers, developing new training guides for National Vocational Qualification (NVQ) level 3, and research and piloting of reintegration programs. Phase 3 involves assessing the Grievance Handling Mechanism available, and training conciliation officers employed by the SLBFE.

<sup>86</sup> Piyasiri Wickremasekara, “International Migration and Employment in the Post-Reform Economy” 239.

<sup>87</sup> Miyru Gunasinghe, interviewed by the author July 2013; L.K Ruhunage interviewed by the author July 2013

<sup>88</sup> The content of the MoUs were not made available.

<sup>89</sup> Sri Lankan Bureau of Foreign Employment, *Code of Ethical Conduct for Licenced Foreign Employment Agencies/Licensees* 2013, [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-colombo/documents/publication/wcms\\_233369.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-colombo/documents/publication/wcms_233369.pdf)

<sup>90</sup> Nathan Lillie, “Global Collective Bargaining on Flag of Convenience Shipping.” *British Journal of Industrial Relations* 42, no. 1 (2004): 47–67.

<sup>91</sup> Piyasiri Wickremasekara, “International Migration and Employment in the Post-Reform Economy” 238.

<sup>92</sup> Tanya Basok and Nicola Piper. “Management Versus Rights: Women’s Migration and Global Governance in Latin America and the Caribbean,” *Feminist Economics* 18, no. 2 (2012): 35–61.

<sup>93</sup> According to former official of the SLGEB Ruhunage there were two key turning points in the policy direction of the SLBFE. One the appointment of a Presidential Taskforce in 1987, and the second was the policy formulation of the National Labor Migration Policy in 2008.

<sup>94</sup> Ministry of Foreign Employment Promotion and Welfare, *National Labor Migration Policy for Sri Lanka* (International Labor Office, 2008) IV.

<sup>95</sup> Ibid 20

<sup>96</sup> Ibid 21

<sup>97</sup> In addition, the state also sponsors *Rata Viruwo* a televised global talent quest, lotteries, scholarships for children, a housing program for migrant families, and self-employment opportunities migrant families as well as a reintegration program for workers which includes working with trade unions and NGOs.

<sup>98</sup> “Call to Provide Higher Wages for Housemaids”, *Daily News* September 10, 2013, accessed September 21, 2013 <http://www.dailynews.lk/local/call-provide-higher-wages-housemaids>.,

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<sup>99</sup> Ibid. Randeniya asserted that Sri Lanka was not interested in sending more housemaids to countries such as Saudi Arabia, unless these countries produced a better salary package, with a pay increase to US\$240 and a guarantee of at least 8 hours of sleep per day.

<sup>100</sup> Ibid; Mangala Randeniya, interview with the author July 2013.

<sup>101</sup> “New Rules to Protect SL maids”, *Daily Mirror* accessed September 23, 2013, <http://www.dailymirror.lk/news/35880-new-rules-to-protect-sl-maids.html>

<sup>102</sup> Ibid

<sup>103</sup> Feizal Samath, “Migrant Worker Challenges Govt. on restrictive rule,” *The Sunday Times*, September 1, 2013, accessed October 2, 2013, <http://www.sundaytimes.lk/130901/business-times/migrant-worker-challenges-govt-over-restrictive-rule-59771.html>

<sup>104</sup> Unable to obtain current figures.

<sup>105</sup> It was reported to the author that at the time of research, an internal legal crisis had stymied some activities. Several attempts to interview MSC and NWC between July 2013 – January 2014 personnel were unsuccessful.

<sup>106</sup> David Soysa, “Overview of Migration Policies and Practices in South Asia”, Colombo: Migrant Services Centre in Nana Oishi *Women in Motion. Globalization, State Policies and Labor Migration in Asia* (Stanford California: Standford University Press 2005)

<sup>107</sup> *National Trade Union Federation*, accessed October 3<sup>rd</sup> 2013, [http://ntufsl.org/index.php?option=com\\_content&view=article&id=102&Itemid=507](http://ntufsl.org/index.php?option=com_content&view=article&id=102&Itemid=507)

<sup>108</sup> The LJEWU had an alliance with the CWC in the 1970s, allowing the UNP to expand its worker base.

<sup>109</sup> The trade unions making up the Federation are the LJEWU, JSS, the Public Service National Trade Union Federation, the Jathika Adyapana Sevaka Sangamaya, The National Estates Service Union, National Health Services General Employees Union, National Organization for Self Employed, and now, the Migrant Worker’s Front.

<sup>110</sup> Janaka S Biyanwila, *The Labor Movement in the Global South. Trade Unions in Sri Lanka*, 72.

<sup>111</sup> Ibid

<sup>112</sup> Shreen Saroor, “Advocating for the Voting Rights of Sri Lankan Migrant Workers.” *Asian and Pacific Migration Journal* 12, no. 1/2 (2003): 209–216.

<sup>113</sup> See for example, Siri Hettige, Evangeline Ekanayake, Ramani Jayasundere, Anula Rathnayake and Pushparani Figurado, *Understanding Psychosocial Issues Faced by Migrant Workers and their Families*, August 2012; Centre for Women’s Research *Shadow Report on the UN Convention on the Elimination of All Forms of Discrimination Against Women*, 2001

<sup>114</sup> Shreen Saroor, “Advocating for the Voting Rights of Sri Lankan Migrant Workers”, 214.

<sup>115</sup> At the time of research, ACTFORM was facing constraints because of the lack of current funding.

<sup>116</sup> Migrant Forum Lanka, “Submission to the UN Committee on Migrant Workers”, Accessed August 3 2013 [http://www2.ohchr.org/english/bodies/cmw/docs/ngos/CHRD\\_LST\\_SUM\\_WH\\_SriLanka18.pdf](http://www2.ohchr.org/english/bodies/cmw/docs/ngos/CHRD_LST_SUM_WH_SriLanka18.pdf)

<sup>117</sup> William Conklin, interview by Janice Fine, 2013.

<sup>118</sup> Migrant Services Centre, *Migrant Newsletter*, accessed November 23, 2013, <http://www.eureka.lk/migrant/>

<sup>119</sup> People like William Conklin, Tim Ryan and Manori Witharana, who have all subsequently moved on from the Solidarity Centre in Sri Lanka, were instrumental in pushing migrant worker issues.

<sup>120</sup> William Conklin, interview by Janice Fine, 2013.

<sup>121</sup> Ibid.

<sup>122</sup> Supported by the FES in the past, with a current membership of approximately 2500 members. The Solidarity Centre supported the Process Union, as part of its aim to assist FTZ workers, but cut its funding owing to a lack of results.

<sup>123</sup> Organizing workers in the Asia Pacific (India, Nepal, Sri Lanka, Thailand, Hong Kong, PNG, Indonesia, Malaysia, Tonga, Vanuatu and Myanmar) was a key priority for the ITF.

<sup>124</sup> For details about Rizana Nafeek, see *Rizana Nafeek Foundation*, accessed December 23 2013, <http://www.rizananafeekfoundation.org/rizananafeek/>

<sup>125</sup> The case of grassroots organizations is instructive. The *Siria Savi Kantha Sangidanayta* in Attanalalla Gampaha was set up in 1999 as a women’s organization to support and empower women from economically marginalised communities. Through their involvement in the MSC activities in 2003, the organization began to focus primarily on migrant women who made up the majority of its members. With 75 women in five villages, it aimed to support these women through education and awareness programs. The *Mahanuvava Sankramanika Seva Sangavidhana* in Kandy was set up in 2002 after the encouragement of the MSC, and is involved in networks,

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including ACTFORM. The *Kantha Sanramanika Sangvidanaya* was set up, also after encouragement from the MSC. This organization channels complaints to ACTFORM. The *Kantha Sankramanika Seva Sangvidanaya* in Rambukkana Kegalle was set up in 1998 to aid women's empowerment including migrant workers and receives complaints from migrants. It works with organizations such as ACTFORM to raise awareness on migrant worker rights as well as national policy. The Puttalam organization, the *Mihikantha Parisara Sanfidanaya* was set up in 1998 focusing on the environment but became involved with migrant worker issues after receiving complaints. The Suriya Women's Development Centre in Batticaloa was set up in 1991 to help displaced women (due to the conflict). Although not working directly with migrant workers, it is often approached for assistance.

<sup>126</sup> The WMC continues to engage in these activities.

<sup>127</sup> Focusing on migrant worker rights and political representation of women, the organization also focuses on other issues such as violence.

<sup>128</sup> From the Solidarity Centre

<sup>129</sup> From the Law and Society Trust.

<sup>130</sup> Note several interviewees still referred to the Solidarity Center as ACILS, the former name of the organization.

<sup>131</sup> David Soysa, "Overview of Migration Policies and Practices in South Asia."

<sup>132</sup> Solidarity Centre, *Sri Lanka: A Worker Centre Offers a Model for Aiding Migrant Workers* December 18 2012, accessed July 25, 2013, <http://www.solidaritycenter.org/content.asp?contentid=1567>

<sup>133</sup> "Objectives and Summary of Major Outcomes of the Conference", accessed December 15 2013, [http://apmrn.anu.edu.au/publications/fulldocwp\\_13.htm](http://apmrn.anu.edu.au/publications/fulldocwp_13.htm)

<sup>134</sup> Solidarity Centre, *Sri Lanka: A Worker Centre Offers a Model for Aiding Migrant Workers*.

<sup>135</sup> Ibid.

<sup>136</sup> David Soysa, "Overview of Migration Policies and Practices in South Asia."

<sup>137</sup> Attempts to unionize the associations were largely unsuccessful according to Manori Witharana (interviewed by the author in 2013).

<sup>138</sup> Shreen Saroor "Advocating for the voting rights of Sri Lankan migrant workers."

<sup>139</sup> David Soysa, "Overview of Migration Policies and Practices in South Asia," 26.

<sup>140</sup> Ibid

<sup>141</sup> Facilitated by the ILO, the MoUs were a culmination of two major meetings. See Labor Migration Branch, "Bilateral trade union agreements on migrant workers' rights between Sri Lanka and Bahrain, Kuwait and Jordan", *International Labor Organization*, last modified 31 October 2013 [http://www.ilo.org/dyn/migpractice/migmain.showPractice?p\\_lang=en&p\\_practice\\_id=32](http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=32)

<sup>142</sup> Made up of South Asian regional affiliates of the ITUC.

<sup>143</sup> That is, better conditions.

<sup>144</sup> Migrant Forum Lanka, Migrant Forum Lanka, 2013. "Submission to the UN Committee on Migrant Workers"

<sup>145</sup> Miyuru Gunasinghe and Anushaya Collure, interviewed by the author in 2013.

<sup>146</sup> Ibid.

<sup>147</sup> She went on to point out that most of the successful people's protests in the last couple of years have been led by unions not by civil society: "The FUTA protests, FTZ protests so I don't know how successful you can call the FTZ or fisherman's protest when one person dies. But they had to retract the policies as a result."

<sup>148</sup> Acknowledging problems still existed, Perera observed that "when we were working with the government we saw how improvements were made—training, ticket office, compared to other countries, skills development is good".

<sup>149</sup> Village level official

<sup>150</sup> Migrant workers in general.

<sup>151</sup> The Solidarity Centre had produced or commissioned several research reports either alone or with partners such as the Centre for Policy Alternatives, All Sri Lanka Janasetha Sahana Foundation and the Law and Trust Society.

<sup>152</sup> Journalists such as Feizal Samath have consistently reported on migrant worker issues; he was identified by several activists as a media ally.

<sup>153</sup> William Conklum, interview by Janice Fine, 2013.

<sup>154</sup> Manori Witharana, interview with the author 2013. However, voting rights, an issue which the Solidarity Centre and their partners have long advocated for, was not included in the finalised Policy.

<sup>155</sup> See Jude L Fernando, *The political economy of NGOs: state formation in Sri Lanka and Bangladesh* (Pluto Press), 2011.

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<sup>156</sup> E. Bhatt, "Looking back on Four Decades of Organizing. The Experience of SEWA"; in ed. Naila Kabeer, Ratna Sudarshan and Kristy Milward, *Organizing Women Workers in the Informal Economy. Beyond Weapons of the Weak*, (Croydon: Sed Books 2013) 278.

<sup>157</sup> See Jude L Fernando, *The political economy of NGOs: state formation in Sri Lanka and Bangladesh*

<sup>158</sup> National Trade Union Federation, *Statement on the Execution of Rizana Nafeek*, accessed October 2 2013, [http://ntufsl.org/index.php?option=com\\_content&view=article&id=222:statement-on-the-execution-of-rizana-nafeek&catid=84&Itemid=517](http://ntufsl.org/index.php?option=com_content&view=article&id=222:statement-on-the-execution-of-rizana-nafeek&catid=84&Itemid=517)

<sup>159</sup> This question is not unique to the area of migrant worker advocacy but central to discussions on global funding networks.

<sup>160</sup> Both the NUMW and ACFORM received support from the Solidarity Centre. Funds were cut, however, after reported non-satisfactory achievement of goals.

<sup>161</sup> Note that Sri Lanka has also been classified as a "middle income country" by the World Bank, meaning that activists report that several NGOs have retreated from the region, or indeed channelled their work into post-war reconstruction and reconciliation.

<sup>162</sup> Mark Anner, Ian Greer, Marco Hauptmeier, Nathan Lillie, and Nik Winchester. "The industrial determinants of transnational solidarity: Global interunion politics in three sectors." *European Journal of Industrial Relations* 12, no. 1 (2006): 7-27.

<sup>163</sup> *Ibid.*

<sup>164</sup> ITF Seafarers, *Unions at your Call?*, last modified in 2012, <http://www.itfseafarers.org/unions-service.cfm>



Solidarity Center, AFL-CIO  
888 Sixteenth Street, NW, Suite 400  
Washington, D.C. 20006  
202.974.8383  
[www.solidaritycenter.org](http://www.solidaritycenter.org)