



SRI LANKA

Migrants Gain Voice and Protections

SRI LANKA: A Political and Economic Snapshot



Sri Lanka is in the early years of recovering from a long and brutal civil war (1983–2009) between the ruling Buddhist Sinhalese and the primarily Hindu Tamil minority. During the conflict, which penetrated all areas of society, more than 70,000 people were killed and hundreds of thousands of Tamils were confined to refugee camps. Further hampering the once-prosperous nation, a 2004 tsunami killed more than 30,000 people and wreaked economic devastation.

Following the government victory over the Tamils, civil society began to mend. Yet the environment for economic growth and investment has not yet translated into economic success for ordinary Sri Lankans, especially for migrant workers, among the nation's most marginalized.

In fact, overall economic conditions have worsened. According to polling data compiled by Gallup, a majority of Sri Lankans (53 percent) said in 2011 that they experienced times in the past 12 months when they did not have enough money to buy food.

Sri Lankans increasingly are moving to urban areas in search of better opportunities, but unskilled internal migrants find few opportunities and urban poverty is endemic. It is estimated that half the population in the capital, Colombo, lives in informal settlements.

Facing grinding poverty and lack of jobs, millions of Sri Lankans—24 percent of the nation's workforce—are being driven from their homes and families to seek economic opportunities overseas. Nearly half of them are women. As low-wage workers, these women primarily take on domestic work in the Middle East. Generally they are placed with a single employer and live and work in their employers' homes.

By 2011, overseas migrant worker remittances became the largest contributor to Sri Lanka's foreign exchange and totaled almost as much as the country's entire annual export income, according to Sri Lanka's Ministry of Foreign Employment. The ministry expects remittances to total \$7 billion in 2013. Overseas migrant workers make up nearly a quarter of Sri Lanka's economically active population.



Among the Most Exploited

The UN Convention on the Rights of Migrants defines a migrant worker as a “person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national.”

Domestic workers, according to the International Labor Organization (ILO), perform work in or for a household or households. This work may include tasks such as cleaning the house, cooking, washing and ironing clothes, taking care of children, senior or sick members of a family, gardening, guarding the house, driving and taking care of household pets.

Migrants and domestic workers are two of the world’s most exploited groups of workers. As such, Sri Lankans who leave their country to support themselves and their families through domestic labor are far more likely than other workers to experience work-related abuse, even death. In 2010, the Sri Lankan government received reports of 313 deaths of migrant workers, including 18 suicides, along with thousands of incidences of harassment and sickness.

Throughout the developing world, unsafe migration and the lack of labor and other legal protections for immigrant workers make them easy targets for traffickers, primarily unscrupulous labor recruiters and employers. Immigrant workers are often explicitly excluded from the protection of labor and human rights legislation and are shut out of democratic processes, such as voting. Many countries also exclude domestic workers from labor laws partially or completely, denying them the basic protections that most other categories of workers can take for granted, such as a minimum wage or limits to hours of work. Such exclusion— together with discrimination and a profound devaluation of work associated with traditional, unpaid female roles—has led to a wide range of abuses against domestic workers around the world.

Recently, multilateral organizations and governments have begun to take steps to address the difficult issues surrounding migration and domestic work.

Representatives of 10 Asian states whose labor force was moving overseas for employment gathered in 2003 for the Ministerial Consultations for Asian Labor Sending Countries in Colombo. These nations—Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam—made recommendations for the effective management of overseas employment programs and agreed to regular follow-up meetings. However, participation by governments in the Colombo Process is voluntary, and its recommendations are not enforceable.

In 2011, ILO members—made up of government, worker and employer delegates from the 183 ILO member states—took a significant step to address the omission of domestic workers from basic job protections by adopting the “Decent Work for Domestic Workers” convention. It was the first ILO convention covering informal sector work and a historic move in defining domestic work as work. Sri Lanka is not among the countries that so far have ratified the convention.

However, the legal rights of domestic workers are still in an embryonic stage. Further, many labor and human rights activists have assessed the Colombo Process as focused on formalizing migration for government advantage, with



Left: **Winifred Victoria Fernando**, a former migrant domestic worker.
Right: **L.K. Ruhunage**, consultant at the Ministry of Foreign Employment Promotion and Employment.



little benefit for the workers involved. As a result, the worst forms of labor exploitation have yet to be comprehensively addressed.

Worker rights advocates, with their frontline experience, recognize that migrants will never improve their working conditions or access and engage in fundamental democratic processes through current migration models. As with temporary worker programs, these models are built around the concept of migrants as commodities to be traded. Despite the formalization of the migration process, migrant workers are not accepted as members of their host countries, essentially making their human and labor rights disposable.

The Challenges of Assisting Hundreds of Thousands of Migrant Workers

Traditionally, trade unions in Sri Lanka focused on and were successful in organizing workers on the tea estates and in the garment sector. However, over the past decade, many garment operations moved overseas, often chasing lower wages. At the same time, the number of domestic migrant workers has increased exponentially, and Sri Lankan trade unions are responding to their needs.

Unions seeking to assist migrant domestic workers face significant obstacles. First, it is nearly impossible to organize hundreds of thousands of workers who each have a separate employer overseas. Also, because migrant domestic workers are poorly paid, organizations cannot build self-sustaining migrant worker trade unions reliant on dues alone. Underlying the difficulty of uniting migrant domestic workers is the lack of a legal governmental framework.

For instance, says K. Velayudam of the Sri Lankan National Trade Union Federation (NTUF), although the nation's ministry develops policy on migrant workers, implementation is carried out through the Sri Lanka Bureau of Foreign Employment with no input from workers or other stakeholders. Migrant rights organizations say that as a result, the ministry's policy does not address workers' fundamental concerns. Another governmental body, the Sri Lanka National Labor Advisory Council (NLAC), includes representatives of employers, workers and the government, but migrants are not represented.

Despite these challenges, trade unions, in conjunction with migrant worker rights organizations, are making inroads in advocating for and assisting Sri Lankan migrant domestic workers and their families.

Other Partnerships

In 2011, the 400,000-member National Trade Union Federation (NTUF), which represents primarily rural Tamil women working on tea plantations, established the Migrant Workers Front (MWF). The MWF, a rights-based organization, actively reaches out to migrant workers throughout Sri Lanka and includes nearly 1,000 members, 175 of whom pay a small membership fee. The NTUF is affiliated with the International Trade Union Confederation (ITUC), a partnership the Solidarity Center encourages.

Sri Lanka's Progress Union established the National Union of Migrant Workers-Sri Lanka to represent workers in export-processing zones who are following their jobs overseas to factories in Jordan. The Progress Union is a partner of the Solidarity Center, which provides the union technical assistance as requested.

For instance, the Solidarity Center, with its partners in Sri Lanka, worked to achieve a memorandum of understanding between Sri Lanka and Qatar covering domestic workers. Signed in December 2012 by Sri Lanka's Human Rights Commission and the Qatar National Human Rights Committee, the memorandum provides greater protection for Sri Lankan migrants in Qatar.

Qatar is Sri Lanka's second largest labor destination country after Saudi Arabia, with 130,000 Sri Lankan workers. At the signing, the groups discussed the need for a single, common contract endorsed by government agencies in both countries and legal remedies for violations of workers' contracts in Qatar.

Labor's Partnership with Migrant Organizations Shapes Success

One of the most successful advocates and support systems for Sri Lankan migrant workers comes through a partnership between the National Workers Congress (NWC), an independent labor federation, and the Migrant Services Center (MSC). By affiliating with the NWC, the Migrant Services Center gained legal status along with the resources and networks inherent in an established trade union structure. Under the NWC umbrella, the Migrant Services Center both directly assists migrant workers and their families and champions structural change through the legislative and governmental processes.

The center's Migrant Worker Associations are key to fulfilling its mission. The associations, spread across eight districts, are

geographically located in areas from where the majority of workers emigrate. Training for outbound migrants in these villages includes providing them with information about social protections available in the destination country and also in Sri Lanka, which offers housing loans and scholastic assistance for their children. Rural residents may be unaware that they are eligible for these programs and likely need assistance in determining when and how to apply.

The MSC recognizes that informing migrants about possible problems they may encounter abroad is its biggest educational challenge. Such training is an essential supplement to the primarily skills-based training provided by the Sri Lanka Bureau of Foreign Employment.

Assistance for migrant workers continues after they leave Sri Lanka. The MSC monitors families with the aid of village-level

ENSHRINING PROTECTIONS FOR SRI LANKA'S MIGRANTS

At the urging of trade unions and human rights advocates, Sri Lanka has implemented a variety of measures designed to inform and protect workers who leave the country for jobs.

According to Sri Lankan laws and regulations, migrant domestic workers should be earning a family-supporting wage in a safe working environment. L.K. Ruhunage, former deputy general manager of the Sri Lanka Bureau of Foreign Employment, and now a consultant at the Ministry of Foreign Employment Promotion and Employment, says it is in the government's interest to assist migrant workers not the least because "the migrant community has now emerged as the major foreign exchange earners for the country."

Ruhunage said the government has implemented or strengthened safeguards for migrant workers in recent years. Among those actions, Sri Lanka:

- Created a new cabinet ministry in 2011, the Ministry of Foreign Employment Promotion and Welfare, which is charged with formulating foreign employment policies, regulating and supervising employment agencies and overseeing migrant workers' welfare.
- Developed the National Labor Migration Policy with the ILO. The first of its kind in South Asia, the policy is based in part on the welfare and protection of migrants and their families.
- Amended the Sri Lanka Bureau of Foreign Employment Act No. 21 of 1985 to more strongly control labor agency activities, help rein in exorbitant recruitment fees and manipulation of documents and register workers prior to departure.
- Signed six memoranda of agreement (MoUs) covering migrant worker deployments with Bahrain, Italy, Jordan, Libya, Qatar, South Korea and the United Arab Emirates, and expects to complete MoUs with Kuwait, Lebanon and Oman.
- Set minimum wage standards for migrant workers, depending on the country of destination.



association leaders. It provides emergency hotline services for migrant workers and their families and liaises between migrants' families and the Foreign Employment Bureau when an overseas domestic worker is trapped in an exploitative situation. According to an MSC staffer who manages an MSC hotline and frequently travels to rural areas to provide training, the most common requests they receive involve repatriation stemming from harassment, beatings or denial of basic needs.

The center also works with Sri Lankan embassies in destination countries. Together, they address problems like harassment, restrictions on communicating with families and rape cases. Also, "it is common for migrant workers not to get paid," says the MSC/NWC. "We help them get their pay."

Migrant workers are vulnerable to labor trafficking—the use of fraud or coercion to recruit, transport, buy and sell human beings into a life of sweatshop labor, domestic servitude, forced labor, debt bondage or other abusive situations. Labor brokers may coerce vulnerable workers into signing away wages to "pay" their travel expenses or exorbitant fees. Employers may force workers to give up their passports, toil inhumane hours or submit to abuse. The MSC maintains a registry of unscrupulous brokers and employers and connects with village representatives to help steer migrant workers away from illegal agencies that are not registered with the government.

Labor contracts also provide an opportunity for unscrupulous brokers to exploit migrant workers. The MSC/NWC explains

that a domestic worker may sign an initial contract for foreign employment only to find, upon arrival, that "they get another contract with different pay and work conditions. MSC is trying to get stakeholders together on contracts." The center's staff says the organization hears about many more violations of labor standards than does the Sri Lankan government because the nation's legal system makes it so difficult for workers to file complaints. MSC helps migrant workers file claims for unpaid wages and other labor abuses.

Faizal Samath, a Sri Lankan journalist involved with migrant worker issues, says that the Ministry of Foreign Employment, which works with the ILO, reports that fewer than 10 percent of female workers file complaints with the government. Based on his 20 years of experience in this area, Samath estimates that domestic worker exploitation is more than twice that estimate—perhaps between 25 percent and 34 percent of women migrant workers face abusive and dangerous work conditions.

"Returning domestic migrants are not filing because they don't get relief," he says. The center helps fill in that gap by offering access to legal assistance, including seeking redress from local courts. "We provide social support for women who have returned if they and their families are struggling in some way," says a staffer of the MSC/NWC.

The Sri Lankan government is formulating a private-sector pension program, one that does not include overseas migrant workers. A staffer for MSC/NWC says the center plans to "put pressure on government for migrant workers to be included."

20-HOUR WORK DAYS, 7 DAYS A WEEK

According to Sri Lanka's Migrant Service Center, the profile of a Sri Lankan migrant domestic worker is a married female with children.

Nalani Samarasinghe, 41, is among them. She moved to Qatar three times, for jobs ranging from 11 months to three years. Each time, she understood her contract agreement before leaving Sri Lanka, and each time when she arrived in Qatar, she says "nothing match(ed) the agreement." At her last job, she was expected to work between 5 a.m. and 1 a.m. daily with no holidays. In addition, the employer charged her rent and refused to let her return home for more than two years. Samarasinghe could not leave for a better job, she says, because Qatar prohibits it.

Jeewa Priyadarshani, 47, a first-time migrant domestic worker is headed for Israel on a two-year contract so she can support her three children. Like Samarasinghe, she did not want to leave her home. Both would prefer to stay in Sri Lanka, if only they could support themselves and their families there.

The Migrant Service Center interviewed Samarasinghe and Priyadarshani.

FIVE THINGS THAT WORKED

The success of the Migrant Service Center in becoming an invaluable resource for migrant workers is attributable to several strategies.

- **Seek mutually beneficial partnerships.** MSC partnered with an umbrella advocacy organization to expand its resources and broaden its outreach.
- **Go to where the workers are.** The center researched local, regional and national trafficking trends and demographics to determine where best to locate its field offices so migrant workers and their families could easily access staff and resources.
- **Take a holistic approach.** The center provides comprehensive support for migrants, beginning well before their departure through their return home.
- **Focus on education.** The center provides education and training to migrant workers and their families to help them avoid exploitation and informs migrant workers about their legal rights on the job both in their own country and in the destination countries.
- **Advocate at the national level.** The center develops policy recommendations and represents the interests of migrant workers at the national level by lobbying national and local government officials.

NEXT STEPS FOR THE MIGRANT SERVICES CENTER

- Systematize the labor contract process to ensure the local migrant associations keep a copy of each worker's contract on file.
- Launch a campaign urging the Sri Lankan government to ratify the ILO's "Decent Work for Domestic Workers" convention.
- Advocate for the right of migrant workers to exercise their democratic right to vote while overseas. In Sri Lanka, migrant workers and their dependents represent some 3 million voters in a population of about 20 million, a key constituency if such electoral power can be harnessed.
- Support mutual counter-trafficking initiatives between stakeholders in origin countries and destination countries.
- Begin working to build cross-border, regional and global alliances with other migrant worker rights organizations and with trade unions organizing migrant workers.

Recommendations for Migrant Worker Rights Organizations and Trade Unions

- Partner together to combine resources and build strong migrant worker coalitions.
- Push origin countries and destination countries to sign and enforce the ILO's "Decent Work for Domestic Workers" convention.
- Publicize the financial benefit migrant workers bring to their home countries through media and trainings, teaching workers they have leverage and power in civic society.
- Advocate for the legal right of migrant workers to form unions in their home country and in destination countries. Says Sri Lankan National Trade Union Federation President Velayadum, "Migrant workers don't understand their power. They don't know the contributions they make. They are scattered. If we can organize [them] they will gain more strength."
- Help draft and pass improved anti-trafficking and safe migration legislation in migrant workers' home and destination countries.
- Create standardized police reporting forms in the home country and host country so migrant workers can report wage theft or abuse.
- Create a system so that the labor contract is available in both a language the migrant worker understands and in the employer's language. The workers must be given copies of both contracts.
- Pressure the home and destination governments to enforce minimum wages and strictly regulate labor recruitment agencies so, for instance, they don't charge workers recruitment fees.
- Partner with unions in destination countries to show them they have a self interest in organizing migrant workers arriving in their countries and help them institutionalize this process.
- Methodically build cross-border, regional and global alliances with other migrant worker rights organizations and with trade unions organizing migrant workers.



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RESOURCES

The primary sources for this publication were first-person interviews conducted by the Solidarity Center. Notes on other sources can be found on the Solidarity Center web site, www.solidaritycenter.org

ABOUT THIS SERIES

Working people, regardless of country, want a government that is transparent, representative and accountable to its citizens—and which acts to better all citizens' economic circumstances. Around the world, labor unions and worker organizations play an important role in advocating for fundamental human rights, ensuring the voices and aspirations of workers are part of the national dialogue, and advancing policies that better serve civil society and promote equitable economic growth and humane development. *Catalysts for Change*, an ongoing series produced by the Solidarity Center with the support of the National Endowment for Democracy, features the working people, their unions and activists who are advancing worker rights and greater equity in their societies, often under trying circumstances. Their experience and efforts provide real, transferable lessons for others seeking to effect positive change.

The Solidarity Center's mission is to help build a global labor movement by strengthening the economic and political power of workers around the world through effective, independent and democratic unions.



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