

Thematic Briefs

Migration



Policy Responses to a Changing Labour Migration

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Policy Responses to a Changing Labour Migration

An overview of the policy response to the changing demography of Sri Lankan labour migrants

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1. Labour migration - Sri Lanka

Foreword

This thematic brief looks at the history of Sri Lankan labour emigration and changing labour migration trends. The brief also provides an overview of the various policies implemented and formulated for the purpose of protecting the nation's labour resources overseas, as well as some of the potential consequences of the proposed labour migration policies.

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The views and opinions expressed in this brief are those of the authors and do not necessarily reflect those of the Centre for Poverty Analysis.

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1. Introduction

Recent history of human society provides us with numerous instances where people in different parts of the world have resorted to migration, both temporary and permanent, as a way of improving their material and social conditions. The United Nations Platform for Action Committee (UNPAC) estimates that nearly one in every six people in the world – which accounts for approximately one billion people – are crossing national borders as migrant workers. Of this one billion, 72%, are believed to be women (UNPAC, 2011).

The movement of people from one area to another – if it isn't caused by some natural disaster – is usually the result of inadequate economic and social opportunities in the country of origin and perceived superior opportunities in the country of destination. However, as the Human Development Report 2009 highlights, there exists a dynamic interaction between individual decisions and the socio-economic context in which the decisions to migrate are taken. This is indicative that there is no singular or straightforward causal relationship that explains why people migrate overseas for employment, but rather there exist a host of reasons which culminate in the final migratory decision. While impoverishment and the need to support family provide women and men alike with a strong reason for migrating, poverty does not always contribute to the decisions or capability of women to migrate. Rather, it was found to be dependent on state and community settings, traditions, and family and individual circumstances (Caritas International, 2010). That being said, the history of almost three decades of war and the resultant poverty as a factor for motivating labour migration cannot be ignored and will be looked at to some extent in this brief.

A majority of the people migrating from Sri Lanka for the purpose of labour until 2009 have been females and even today they represent a significant proportion of the labour supply. According to the data provided in the Sri Lanka Bureau of Foreign Employment (SLBFE) Report (2011), of the 127,090 females who migrated overseas for labour, 84.83% are found to have migrated as domestic workers¹ primarily to the Middle East. Due to weak host country labour laws relating to conditions for granting of visas, these females belong to the most vulnerable and lowest income group of labour migrants in the Middle East. Over the years there have been reports of Sri Lankan labour migrant workers experiencing instances of breach of contract, physical and sexual violence and misunderstandings as a result of

¹ In the SLBFE report of 2011, this group is referred to as housemaids

language and cultural differences. Events such as these have resulted in the government of Sri Lanka taking steps to develop policies to ensure the safety of the migrant workers.

In order to better understand the context of Sri Lanka's labour emigration, this thematic brief first looks at the history of Sri Lankan labour emigration, the changing labour migration trends, the various types of abuse and adverse circumstances female labour migrants face while overseas and at home as a result of their decision to migrate. Finally, the brief explores the various policies implemented and formulated for the purpose of protecting the nation's labour resources when overseas. The thematic brief will also attempt to look at some of the potential consequences of the proposed labour migration policies. We recognise that migration as a concept is not limited to international migration, but for the purpose of this brief we intend to focus our attention on international labour emigration and the policies related to it.

Since the implementation of policy takes time to be formalised – from proposal stage to feedback and then revision of the proposals – before it is considered final; this thematic brief will draw on selected media reports in an attempt to capture the most recent developments with regard to labour migration policy changes.

2. History of External Migration in Sri Lanka

External migration for the purpose of labour is not a new phenomenon in Sri Lanka, for as a nation we have experienced varying forms of emigration over the years. The earliest recorded form of labour emigration can be dated back to the time of the British occupation, when Sri Lankan Tamils migrated to Malaysia, primarily to work in British-owned rubber plantations (IPS, 2008).

While the figures and trends of labour emigration are discussed in the next section, it must be noted that total net migration from Sri Lanka in recent years has been estimated to be between 1.5 – 2 million over approximately 20 years. This figure, according to Sriskandarajah (2002), is not considered particularly large as compared with global standards, but it is significant when compared to Sri Lanka's population size and the sustained nature of the migration. It is important that the recent migration flows are seen in the context of history to better understand the current migration trends.

While the civil conflict that lasted nearly 30 years was a contributory factor to emigration, the foundation for large scale migration is noted to have been laid even before the onset of the armed conflict, with Sri Lanka's educated and professional elite engaging in temporary emigration for education, mainly to Britain (Sriskandarajah, 2002). Relatively lax work-study rules at the time meant this group eventually found employment and subsequently, residency in the host country.

Emigration after independence in 1948 became significant for Sri Lanka due to the migration of a large number of professionals, resulting in brain drain for the country. Many of these professionals belonged to the Burgher² and Tamil ethnicities and their decision to migrate can be credited in part to policy changes at the time; such as the declaration of Sinhalese as the official national language (De Silva, 1981; Riberiro, 1999 in Bowatte, 2012). Many people of Burgher origin emigrated to Australia and New Zealand. The Department of Immigration and Emigration, Sri Lanka (DIE) estimates 423,503 persons having emigrated, but states that the purpose of migration is not known for certain (IPS, 2013, p 1). These individuals of Burgher descent might have migrated for employment or for permanent relocation, the records available at the time do not indicate a distinction. Those of Tamil origin were found to have migrated to a host of European and Western countries such as the United Kingdom, Germany, Norway, Switzerland, France and Canada.

By the late 1970's Sri Lanka's economy was riddled with an unemployment rate of around 20%. At the same time, the Middle Eastern, petroleum producing countries opened up their labour markets to foreign workers due to escalating oil revenues and labour shortages which created a demand for construction and other unskilled labour. This context together with the high unemployment rate within Sri Lanka provided Sri Lankans opportunities for contractual labour migration. Thus began Sri Lanka's wave of labour emigration to the Middle East. This wave of migration consisted primarily of males migrating for purposes of labour. It is further noted that foreign labour migration was encouraged by the government at the time, which saw the potential for easing its unemployment pressures and foreign exchange shortfalls (Sriskandarajah, 2002). "Regulations on travel and foreign exchange convertibility were relaxed to facilitate overseas work and remittances, while the devaluation of the rupee made foreign earnings more valuable relative to local earnings. These factors provided the initial impetus for the flow of labour migration to the Middle East that is now so crucial to Sri Lanka's development" (*ibid*, p 289). The second oil price hike in 1979 further enhanced employment opportunities available for Sri Lankan migrant

² Individuals of Dutch and Portuguese descent

workers as the rising living standards within the gulf region enhanced the demand for foreign workers.

The escalation of the ethnic conflict in the 1980s caused a rapid increase in the migration of Sri Lankan Tamils as refugees, irregular migrants, contract migrant workers, or permanent residents to India and to some Western countries. The migration of Sinhalese as refugees took place during 1987-1989 as a result of political violence in the south of Sri Lanka; but this was to a lesser degree (Karunaratne, 2008).

The 1990s saw a further increase in the levels of migration. Figures show total numbers of migrants increased in all manpower categories during the period 1991-1999; unskilled labour accounted for the highest percentage of migrants. During 2007, the total number of departures was recorded as being 217,306; a growth of 7.6% from departures in 2006 (De Silva and Perera, 2007 and Central Bank of Sri Lanka, 2007; in CEPA, 2009).

At present, the Middle East continues to dominate the foreign employment market, accounting for more than 90% of the departures; among the total proportion of female migrants, the majority – 89% - being employed as domestic workers. Within the Middle East, the Kingdom of Saudi Arabia, Qatar, Kuwait and the United Arab Emirates accounted for 80.6% of the total departures for foreign employment in 2010 (Central Bank of Sri Lanka, 2010). Apart from the oil exporting countries, the Maldives, Malaysia, Singapore, Hong Kong, United Kingdom, Mauritius, Romania and Australia are also becoming popular destinations for Sri Lankan labour migrants (Central Bank of Sri Lanka, 2010; Ruhunage, 2007).

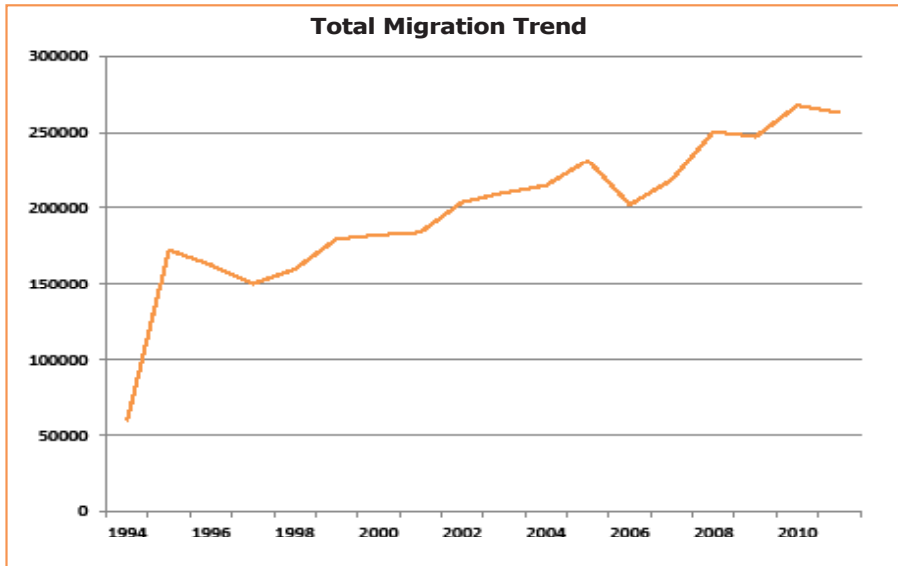
The vulnerabilities female labour migrants face as a result of protection gaps in host countries has led to an initiative to encourage more males to migrate instead. South Korea, Malaysia, Qatar, Oman and Maldives are countries where male migrant labour is most in demand; while Middle Eastern countries like Qatar attract middle-level employment, including mid-level professionals (Ruhunage, 2007).

The conflict, rising cost of living and worsening quality of life were reasons credited with pushing Sri Lankans to migrate to other countries and regions, where improved and safer living conditions on offer acted as the pull factors. Sri Lankans, presently leave the island for a host of different reasons, from holidays, education purposes, short and long term employment and permanent relocation.

3. Labour Migration Features and Trends

Today, Sri Lanka is a country characterised by high outward migration and as the figure below shows, the labour migration trend has continued to increase over the last two decades to the extent that Sri Lanka is considered a net exporter of labour. According to *Trading Economics*³ Sri Lanka has a net migration rate of (negative) -1.95; indicative that more people are leaving the country every year than entering it (*Trading Economics, 2013*). However, this number must be qualified, as it is not limited to those leaving for the purposes of labour. It must also be recognised that apart from out migration for the purposes of labour, quite a number of Sri Lankans also leave the country for educational purposes, holidays and permanent relocation. However, the emigration numbers/data is also understated in that it does not represent those who leave the country via irregular means, claiming safety and political asylum. While this brief focuses only on those who migrate internationally for short-term labour purposes, the existence of these other groups cannot be ignored and must be acknowledged.

Figure 1: Total Migration Trend



Source: *Annual Statistical Report of Foreign Employment 2009*, Sri Lanka Bureau of Foreign Employment, 2009.

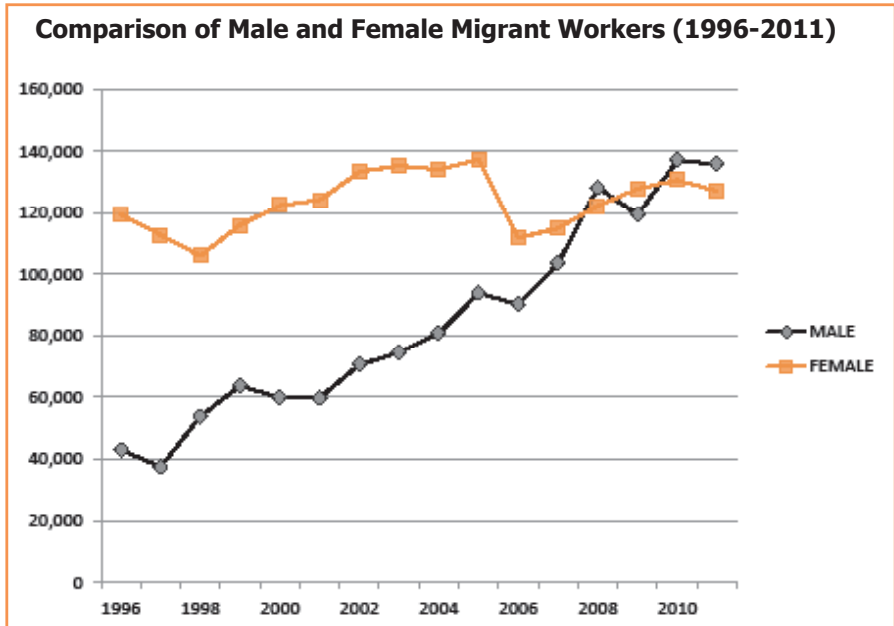
³ *Trading Economics* is an information portal which provides data for 232 countries based on official sources.

According to the *Annual Statistical Report of Foreign Employment (2009)*, it is estimated that the stock of Sri Lankan migrants abroad is approximately 1.7 million. However, data on migration related statistics in Sri Lanka is subject to qualifications, as not all labour migrants register with the SLBFE and therefore it must be assumed that this number is an underestimate and the actual number of those overseas for the purposes of employment is much higher. Further, it does not account for those who choose to migrate using unlicensed recruitment agencies or leave the country via irregular means. Despite these qualifications, it is interesting to observe, using the data collected by the SLBFE over the years, that there has been an almost 330%⁴ increase in the numbers of labour migration over a period of two decades.

In the early stages of labour migration (the late 1970's/early 1980's) the migration trend is found to be dominated by male skilled and construction labourers working in the gulf region in response to the demand created by oil wealth. By the late 1980's, however, the growth in numbers of Sri Lankan migrants was characterised by a feminisation of the migrant labour force with almost two-thirds of all departures being female, which corresponded to the increasing demand for domestic labour in the destination countries (Gunatilleke, 1991 in Sriskandarajah, 2002, p 293). Even though many of the females who migrated, engaged in unskilled or domestic labour, it is estimated that nearly three quarters of them had attended secondary school, while almost all of the remainder had completed primary education (*ibid*). This relatively higher level of education can be credited to Sri Lanka's free education system and it can also be attributed to the reason why Sri Lankan domestic workers were in demand.

⁴ $[(262960-60168)/(60168)] * 100 = 337.0429\%$
Calculated by author using data available via the SLBFE Annual Report 2011.
Period considered 1994-2011.

Figure 2: Comparison of Male and Female Migrant Workers (1996-2011)



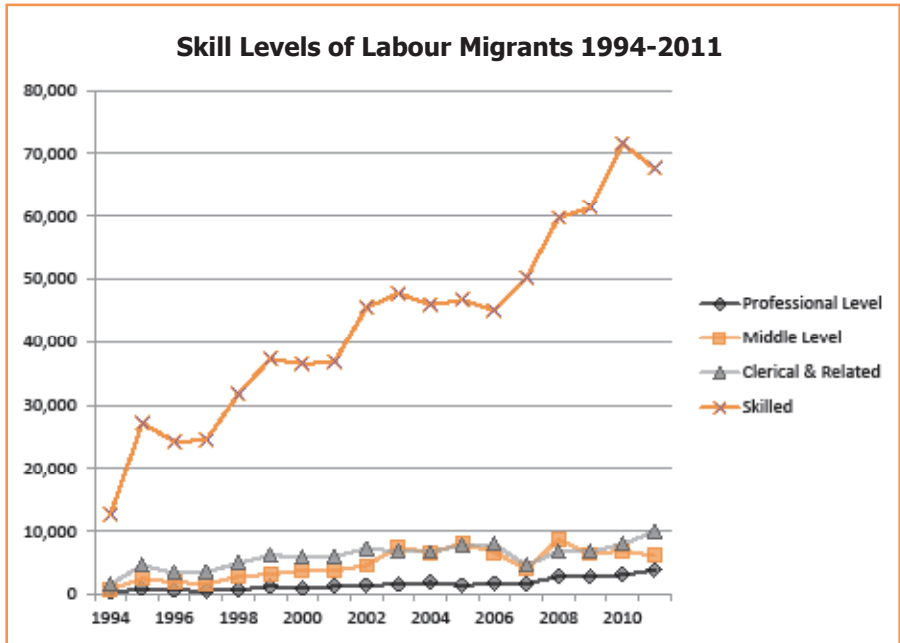
Source: *Annual Statistical Report of Foreign Employment 2011*, Sri Lanka Bureau of Foreign Employment, 2011.

The statistics available indicate that female participation rates in foreign labour employment first outnumbered males in the year 1988 and this trend was seen to continue and grow until the year 2007 when the number of male labour migrants is seen to outnumber the number of female migrants for the first time in nearly two decades (SLBFE, 2011, *Annual Statistical Report of Foreign Employment 2011*). Despite the number of males outnumbering the female labour migrants, the figure above indicates that the gap between the number of male and female labour migrants is not as wide as it was in the past. Figure 2 shows that after a significant drop in the numbers of female migrants in 2005, there has been a decrease in the growth rate of female migrants, which is accompanied by a relatively higher increase in the growth rate of male migrant workers. The reduction in the growth of female migrants for foreign employment has been credited to the “better availability of job opportunities in Sri Lanka and State interventions such as decisions to discourage mothers with children under the age of 5 from migrating” (IOM 2008 in IPS, 2013). There has also been an intervention by the government to encourage more skilled, male – labour migration: this

is because (female) domestic labour commands a relatively low income as compared to skilled labour and because it is usually unregulated, leaving female migrants vulnerable to exploitation in the host country.

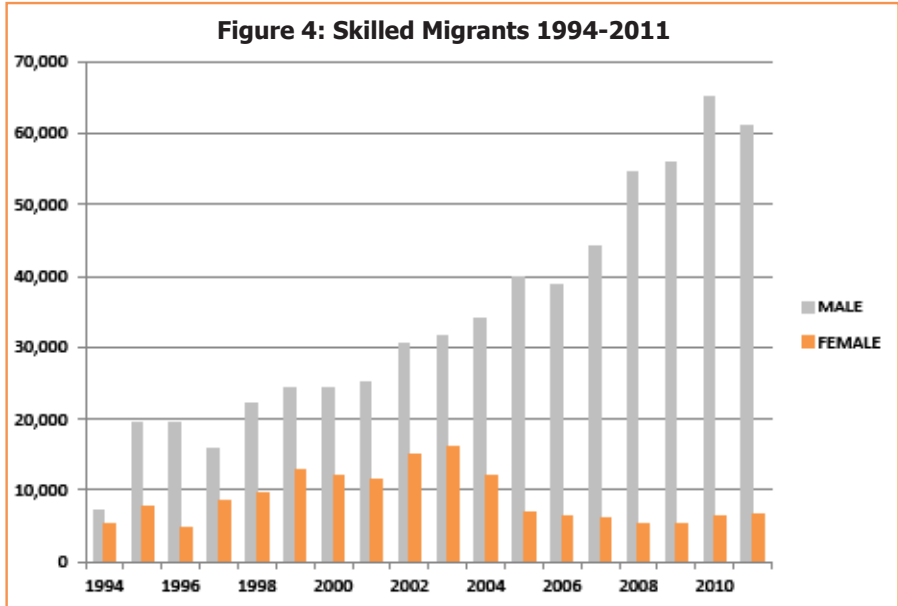
The interventions to increase the number of skilled labour migrants may appear to have taken effect (Figure 3) with the absolute numbers of those migrating in the higher skilled categories increasing over the years – especially in the skilled labour category. But, as depicted in Figure 4 below, the increase in the number of skilled migrants is dominated by males. Therefore, it would appear that the policy interventions to encourage more skilled male labour migration have been effective to some extent.

Figure 3: Skill Levels of Labour Migrants 1994-2011



Source: Annual Statistical Report of Foreign Employment 2011, Sri Lanka Bureau of Foreign Employment, 2011.

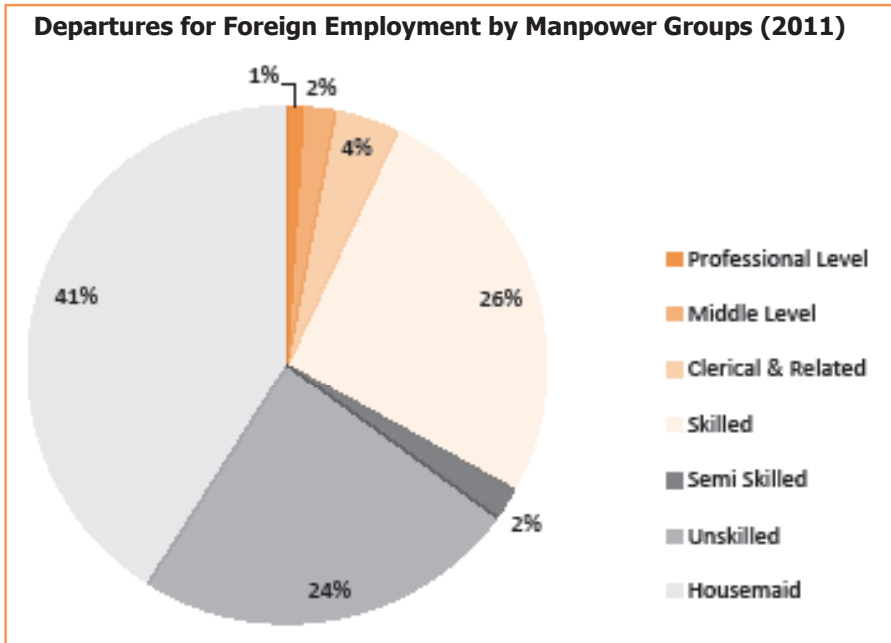
Figure 4: Skilled Migrants 1994-2011



Source: Annual Statistical Report of Foreign Employment 2011, Sri Lanka Bureau of Foreign Employment, 2011.

It can be observed from Figure 4 that there has been an upward trend in the number of labour migrants for the professional, middle, clerical and related skill categories. This is a positive indication that the interventions to encourage higher skilled labour migration are in fact taking effect. Since higher skilled jobs usually correspond with higher incomes and better working conditions, it is hoped that the trend will continue. However, it must be noted that although the number of individuals migrating for higher skilled employment has increased and shows an upward trend, as at 2011, the highest three skill categories – professional, middle-level and clerical and related – cumulatively only represented 7% of the total labour migrants. In comparison, domestic workers – categorised as housemaids by the SLBFE – represented 41% of the migrant labour population, the largest category of labour migrants. Therefore, the unskilled labour migrant category is cumulatively seen to account for 65% of total labour migrants, a clear majority (Figure 5).

Figure 5: Departures for Foreign Employment by Manpower Groups (2011)



Source: Annual Statistical Report of Foreign Employment 2011, Sri Lanka Bureau of Foreign Employment, 2011.

Policymakers are loath to entirely dissuade people from migrating overseas as foreign employment can be credited to some extent with helping to keep the local unemployment rates low (Central Bank of Sri Lanka, 2011/2012). While labour migration cannot be held solely responsible for the declining unemployment rate, with nearly 17% of the labour force migrating for employment, it must have contributed to some extent now as it did in the past. The local unemployment rate is seen to have declined since 1996, reaching its lowest ever rate of 4% as at 2012 (*ibid*). In addition, remittances as a result of foreign employment are one of the highest forms of foreign exchange Sri Lanka earns. At US \$6 billion it is higher than the revenue Sri Lanka receives from the export of garments or the export of goods and services, resulting in a positive contribution to the national balance of payment.

There have been many issues related to the welfare of labour migrants especially when the receiving country has been the gulf region/the Middle East,

doubly so for the women who migrate as domestic workers. There have been reports of mistreatment of these domestic workers: physical, psychological and sexual abuse; contractual violations such as non-payment of salary or individuals being made to engage in activities outside of the stipulated contract. Yet despite these sporadic reports of the adverse conditions faced by labour migrants in the host countries, the number of people migrating for lower- skilled jobs have not decreased over the years; rather it is still seen to represent the highest proportion of migrants (something policymakers are trying to reverse).

The next section will look at female migration in more detail and will go on to look at the potential implications of changing labour migration policies. As pointed out in the Human Development Report of 2009 (UNDP, p 3) "Migration is at best an avenue that complements broader local and national efforts to reduce poverty and improve human development". As such, when devising policies with regard to labour migration, local policymakers should strive to ensure that if they are to discourage less skilled migration, there should be a local long-term alternative available for those who would otherwise have migrated for employment overseas.

4. Female Migration

Men and women show differences in their migratory behaviours, face different opportunities and have to cope with different risks and challenges, such as vulnerability to human rights abuses, exploitation, discrimination and specific health risks (Caritas International 2012). In addition, a female's decision to migrate and the resultant consequences of the decision, needs to be taken into consideration. For it is often found to create a void in their homes as women contribute significantly to the local care economy, in a non-commercial/non-monetary form. Since women have constituted a significant proportion of the labour migrants over the years – and continue to do so – it is important to look at female labour migration in the areas of domestic workers in more detail. Despite the slower growth rate of female labour migrants in recent years, in 2011, females represented 48.3% of the total labour migrants and those who migrated as domestic workers represented 88% of this group (SLBFE, 2012).

The first phase of international migration of female domestic workers to Lebanon from Sri Lanka began in the 1970s following the oil boom in the Middle East. Since then, Sri Lankan women have been migrating to work in the Middle East and Lebanon as maids and nannies with the intention of supporting their children, husbands and extended families that remain

behind (Junreidini, 2006 in Smith, 2010). The income these women (and men) earn as labour migrants is quite significant, both personally and as a form of foreign exchange earnings for the economy.

As stated by Gamburd (2009, p 62), total remittances to Sri Lanka in 2005 stood at over one point nine billion US dollars (US\$ 1.9 billion) of which more than half originated from the Gulf region. By 2012, the total provisional workers' remittances to Sri Lanka was nearly six billion US dollars (US\$ 5.985 billion) (Central Bank of Sri Lanka, 2012)⁵. According to the UNFPA (IPS Migrant Profile, 2006, p 17), money earned by female migrants often go towards the consumption of food, clothes and the education of children, the provision of health care and the general improvement of the living standard of those left behind. It is also estimated that women support an average of five family members with the remittances earned through foreign employment. Thus, it is seen that female migrant domestic workers provide not only economic benefits but also the improvement of overall wellbeing of their families by enhancing education and health of their children.

4.1 Why migrate

The decision to migrate is rarely an individual choice; rather it is found to be a collective, social decision taken for the betterment of the whole family. Both push and pull factors contribute towards women making the decision to migrate as domestic workers. Among the push factors, the need to generate an income to support the family due to adverse/unfavourable economic conditions, lack of employment opportunities or the general low wage levels for women are considered to be some of the most important contributing factors. Constraints related to non-economic conditions such as a lack of social freedom, escaping an abusive marriage, domestic violence and the desire for equal opportunity and/or independence also contribute towards a woman's decision to migrate (Caritas International, 2010). Pull factors emanating from the host country often tend to be attractive wage rates, expected improved quality of life, freedom/or independence and the increasing demand for labour in destination countries. The pull factors, however, do not always translate into one's expectations, primarily due to limited information available to prospective migrants on what to expect when they arrive in the destination country with regards to working conditions, socio-cultural environment etc. In the past 5 to 10 years, the SLBFE has developed its training to address these shortcomings. However, whether the training caters to the needs of the migrants can be challenged. The limited

⁵ The remittances of six billion US dollars were equivalent to 8.2% of Sri Lanka's GDP, and 35% of the country's total foreign exchange earnings. *The Island* <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=81164>

information they do obtain is usually from their reference groups (those who have migrated on previous occasions) and unscrupulous recruiting agents; information obtained from these sources tend to be somewhat skewed so as not to express shame or regret and financial motivation respectively.

Many who choose to migrate for work, rarely own any assets and they have to take loans and/or sell whatever land and jewellery they do own to be able to afford the payments to the employment agencies and the SLBFE - money they can ill afford to waste. Therefore, the cheapest option is sought. If it costs less for the women to migrate, that is the option chosen. The high number of female migrants in the past can also be credited with the high opportunity cost of migration for men; instances where women are paid three months' salary prior to departure creates a temptation/incentive for migration as it is an immediate relief from the existing adverse economic situation for the family. Such a condition contradicts the theory that extreme impoverishment makes international migration difficult because of the economic costs involved (De Haan, A & Yqub, S. 2009). In such a context, women who find themselves in conditions of extreme poverty find labour migration an attractive option.

In Sri Lanka, unskilled/semi-skilled women have limited opportunities to maximise their labour. Domestic work is seen as one of the most obvious employment options for poor women with limited skills and low levels of education who seek paid work and to whom other avenues of employment are barred due to their socio economic or educational status (Amnesty International, 2007). Women with lower skill levels and who are able to join the labour force are engaged in low paid work in the plantation and garment sector (Wickremesinghe & Jayatilaka, 2006). The constraints of working in specific sectors, limits their ability to earn a sufficient income. Women found it easy to migrate as housemaids as the skills required were not specialised, required little or no training and allowed them to earn relatively higher wages than if they had been employed in the local labour market.

4.2 Issues related to migration of women as domestic workers

Due to its ability to ease the pressure on labour for sending governments to develop employment opportunities domestically and the remittances which indirectly benefit the economy in terms of development; governments of sending countries are often seen to encourage foreign labour migration (Jureidini, 2002). While some migrants have benefited from working as domestic aids/maids in foreign countries; massive protection gaps have exposed many others to a range of human rights abuses including labour

exploitation, violence, trafficking and even killings⁶ (Human Rights Watch, 2010a). As a consequence, it becomes necessary to question whether the economic benefits attained are worth the social costs incurred as a result of working overseas. These women leave their home countries with the intention of working towards a better life for themselves and their dependents; but numerous reports show that there are instances where the women find themselves in a situation reminiscent of the phrase 'out of the frying pan and into the fire'. Many female domestic workers are reported to have been exposed to human rights abuses including the denial of their rights to health, education, and an adequate standard of living and freedom of movement (Amnesty International, 2007). The jobs the women are offered are unstable, low paid and limit access to social services and expose them to high-risk, poor working conditions. These working conditions leave them vulnerable to discrimination, abuse, trafficking and prostitution (Caritas International, 2010).

One particular aspect of disempowerment these women face pertains to their living conditions in the host country. Most foreign domestic workers are found to live in their employers' residence as part of the visa regulations and as a result, are dependent on their employers not only for employment but also for housing. Research by Gamburd (2009, p 65), indicates that live-in housemaids have much less autonomy and freedom than women with part-time or live-out arrangements as employers feel free to call on their labour at any time of the day or night, thus blurring the line between 'workplace' and 'home'.

Most households in the Middle East employ foreign domestic help to perform tasks that are vital to the running of households; they cook, clean and take care of the children and elderly – chores most nationals are unwilling to do (Jureidini, 2004; Sabban, 2004 in Smith, 2010, p 381). Sri Lankan domestic workers - especially the women - are given a very low status in the labour receiving countries despite the high level of responsibility they bear in caring for the families abroad and their own families.

Domestic workers are usually excluded from labour laws that guarantee protections such as a weekly rest day, limits to hours of work, benefits and

⁶ "Exorbitant fees and commission, fraud and deceit prior to departure, breach or substitution of contract, withholding passport, non-payment of wages, stranded in the country of destination, trafficked across borders, as well as excessive working hours, restricted food and communication, and verbal, physical and sexual abuse, sometimes at horrendous levels in the workplace." (*Economic Review* October/November 2012: Female participation in the economy by Prof. Swarna Jayaweera)

worker compensation, as the care economy is rarely accounted for in labour laws/regulations. Chin (1997) identifies the patriarchal belief that housework is “unproductive” work as the reason why domestic services in most labour receiving countries remains unlegislated. Kuwaiti law makers reinforced this exclusion as recently as February 2010, when they passed a new labour law for the private sector that failed to cover domestic work (Human Rights Watch, 2010a).

Many of the women who migrate as maids are extremely dependent on the incomes they receive from working as maids, as they are usually the only source of income for their families back home. Since many borrow heavily to pay for their passage overseas, they feel obligated to continue working even under trying conditions. Therefore, despite the growing recognition of the problems faced by their predecessors, the number of women leaving to work overseas as domestic workers in Saudi Arabia continues to dominate the documented outflow of migrant workers (Silvery, 2004).

Since more than 90% of the Sri Lankan female migrant worker population is low skilled, they are the most vulnerable and are found to face more problems when working overseas than their higher-skilled counterparts: Sri Lankan skilled migrants. It is this context that has persuaded the government to initiate a number of strategies to discourage the migration of low-skilled female workers, particularly those belonging to the housemaid category (de Silva, 2010). The government has simultaneously engaged in a campaign to encourage more skilled males to migrate for labour. As a result, it is possible to observe an increase in the number of male migrants; a trend that is expected to continue in the future.

Despite the fact that foreign employment has and continues to generate substantial amounts of foreign exchange it is argued that foreign employment of females, especially mothers, also resulted in a social cost which far outweighs the benefits of economic gain. Moreover unskilled labour is poorly paid and has limited bargaining power in labour markets (SLBFE, 2011 *Annual Report*). This is one of the reasons as to why the SLBFE together with the ministry of foreign employment has developed a campaign to promote higher skilled migration and to limit women with children from migrating overseas. There were media reports of strategies/plans to prevent mothers with children under the age of 5 from migrating (as housemaids); this developed

as a response to the numerous reports of the social costs to children left behind without the care of their mothers. There were reports of children not attending school, ill health due to the proper food and nutrients not being provided, children being physically and sexually abused by inebriated fathers or other relatives who were meant to care for them. Sri Lanka as a nation cares deeply for the wellbeing of its future generation and while women are overseas looking after other peoples' homes and children, who is taking care of their own children? Should not there be a system to support men to take care of the children since the decision to migrate is a collective one? The media has also reported incidents of 'parental absence causing mental depression amongst children'. The report goes on to state that in the North Western province, over the past three years, there have been 1250 students/ young children found in this situation; it goes on to state that "children left to the care of grandparents fall victim to sexual harassment, incest or drug addiction" (*Daily Mirror*, 2012)⁷.

In instances such as this, many migrant parents probably wonder if it is worth amassing wealth if the cost is the wellbeing of their children. At the same time, it is also important to state that a parent migrating overseas for employment is not the only reason that children could be neglected and therefore restricting mothers from migrating should not be viewed as the only solution.

When the SLBFE initially proposed the policy which would prevent women who had children under the age of 5 from migrating, it was met with firm opposition as a human rights violation. This was later amended so that women with children who intended to migrate had to show proof that the child had a responsible guardian in the mother's absence. This would be carried out by making it compulsory for female workers to submit a report on their family background before leaving for overseas jobs (Mudugamuwa, 2013). If the prospective female migrant is a mother of underage children, the report is expected to indicate that the children will be looked after in her absence (*ibid*).

In response to these growing concerns with regard to the treatment of our labour migrants overseas, the government together with the SLBFE and the Ministry of Labour Relations and Manpower has

⁷<http://dailymirrorepaper.newspaperdirect.com/epaper/showarticle.aspx?article=b93bf808-082f-4870-aeba-869b7b064228&key=jXALuI5%2bsKXv%2ffH82OwlqA%3d%3d&issue=86102012072400000000001001>

proposed some suggestions to limit the number of females migrating for lower skilled work, while simultaneously encouraging more males to migrate. While the intention to protect Sri Lanka's female labour is commendable, it is necessary to explore the implications of such actions - for example, do the destination countries *need* male migrant workers? If women are restricted from migrating for labour, does Sri Lanka have work opportunities locally to absorb the female labour force that does not migrate? Besides attempting to stop/limit female migration, have alternatives been considered? The following section looks at the implications of some of the suggested policies.

5. Policy Implications

As stated earlier, international labour migration from Sri Lanka has been on the rise during the last three decades since the opening of temporary employment opportunities in the Gulf. Over the years, foreign employment has generated substantial inflows of remittances, acted as a safety valve for local unemployment and opened up overseas employment opportunities for many women who may not have been active in the local labour force, although engaged in low-paid occupations or been a part of the local care economy.

Despite the existence of administrative and legal regulations, laws and services, Sri Lanka continues to face a number of challenges in the field of foreign employment. The concentration of labour migration in low skilled categories dominated by female workers with issues related to protection, low remuneration resulting in low remittances, and the narrow range of destinations with a high dependence on the Gulf countries as the major destination remains a major challenge for the Government of Sri Lanka. In a bid to overcome these challenges - while recognising the importance of labour migration for the country - the International Labour Organisation (ILO) together with the Ministry of Labour Relations and Manpower has developed a national plan of action for decent work titled "Making Decent Work a National Reality – Sri Lanka Road Map" and the National Labour Migration Policy in 2009. These policy documents are intended to be part of a ten year plan which emphasises 'safe, skilled migration' as the basic strategy to guide overseas labour migration." Nearly 4 years on, the relevant departments/authorities appear to still be in the process of implementing some of the suggestions/recommendations found within the reports, while many of the most recent policy changes to

female labour migration have been fast tracked after the tragic death of Rizana Nafeek 2013.

From a local/ state/SLBFE perspective, it is a continuous challenge to attain the delicate balance between the promotion of overseas employment and protecting national workers abroad. Some of the initiatives examined below have been reported in the media but not all of them have been passed into law (at the time of writing) thus subject to change.

Due to numerous reports of vulnerabilities faced – primarily – by women migrant workers belonging to the unskilled categories such as domestic workers (or housemaids), the SLBFE has stated that they are in the process of introducing initiatives to reduce the number of women migrating for employment by 80-90% by 2020 (*Daily Mirror*, January 03, 2013; *Daily News*, January 14, 2013). If the SLBFE intends to discourage women migrating for employment to this extent, it is necessary that they – together with other government and non government bodies – ensure that there are sufficient alternate employment opportunities available locally.

Recognising that female labour migration cannot be stopped immediately or within a short period of time, the SLBFE is discouraging those seeking to go overseas as housemaids, while simultaneously launching programmes to upgrade the skill levels of female labour migrants to ensure they can find better employment opportunities in specialised vocations allowing them to demand/ attain higher salaries and ensure a higher level of protection through regularised contracts in the host country. From September 01, 2012, those who wish to migrate as 'housemaids' need to undergo a 21 day training and obtain National Vocational Qualifications (NVQ) level 3 certification, which allows them to be classified as 'domestic housekeeping assistants' (*Daily News*, 2012; Mudugamuwa, 2013). It is expected that this higher skill level – which is accredited via the certification – will allow these women to demand a higher minimum wage and better working conditions which will be included in their employment contracts. According to Foreign Employment Promotion and Welfare Minister Dilan Perera (in Mudugamuwa, 2013), the change in the job title (together with the NVQ level 3 certification) would result in an increase in the basic salary of domestic workers to Saudi Riyal 900. Minister Perera went on to state that enhanced salary was currently only applicable to jobs

in Saudi but would apply to all other countries by the 2014 (*ibid*). Whether this drive to improve the skill levels of the local female labour migrants corresponds with the demand in the destination country has not been examined in this brief, but it is something that should be kept in mind by all stakeholders. The improvement in skill levels for females considering migration for domestic work is intended to allow them to expand into areas such as the hospitality, healthcare and the sales industry.

In order to attain higher skills, it is necessary that those who want to migrate engage in a certain level of education and vocational training, which might not be affordable to all those who wish to migrate. It also takes time to obtain this training, time some people just cannot afford to spend on training when they could be getting paid for work. The <cost-benefit> opportunity cost of the time required for training versus the benefit of higher salaries and better protection, needs to be explained to those who are of this mindset; where if they go through the training they will be able to get jobs that require higher skills which in turn will result in higher wages and will eventually result in higher remittances to the dependents in the home country. It must be noted, however, that in the past the technical and vocational education facilities have been cited as being of poor standards and not uniformly maintained across training centres (ILO, 2009). If these conditions are not improved upon and standards not maintained, it will give Sri Lankan labour migrants limited bargaining power within the international labour market with regard to better working conditions or higher wages, as they will have paper qualifications but no actual improvement in skill.

While discouraging low skilled female labour migration, the SLBFE is simultaneously encouraging more male labour migrants in possession of higher skills to migrate in place of female migrants. Vocational training programmes and new destinations are promoted in a bid to limit the dependence on Middle Eastern Countries for foreign employment. However, vocational training centres that help with the provision of diverse skills and foreign employment services which would serve to inform potential migrants of alternative opportunities, tend to be concentrated within Colombo and other suburban districts (Ministry Of Labour Relations and Manpower, 2009). This has contributed to the unequal access to these services by those who reside in the peripheral districts. Therefore, access to these centres becomes more

difficult and costlier than accessing the housemaid training centres which have a wider presence across the island. If vocational training and alternate employment opportunities are to be encouraged, it is necessary for the SLBFE and related bodies to evaluate the demand for these alternatives and then provide the necessary training in these identified fields.

According to the Annual Report of the Central Bank of Sri Lanka (2012), Middle Eastern Countries continued to be the major market for Sri Lankan labour, accounting for 94.4% of the total migrants in 2012, of which female domestic workers represented the majority. In a bid to reduce the dependence on the Middle Eastern countries, policies are in place to encourage new destinations such as Seychelles, Cyprus, South Korea, Hong Kong and Singapore for labour migration (Somarathna, 2012; Bandara, 2013). The Seychelles, in particular appears to have opportunities for higher skilled migrants in several fields such as education, law, health, and the hospitality industry. However, the Annual Report of the Central Bank (2012) goes on to state that the number of departures for employment to countries outside the Middle East recorded a decline as compared to the previous year, "reflecting the continued high dependence on the Middle Eastern countries for foreign employment".

The Ministry of Foreign Employment Promotion and Welfare has also taken steps to discourage female migrants seeking employment by increasing the minimum age for migration. As per the new regulations that came into effect from May 2013, females who seek employment in Saudi Arabia should be a minimum of 25 years of age; while those seeking employment in other Middle Eastern Countries should be a minimum of 23 years and those who intend to work in Singapore, Hong Kong, Malaysia, Cyprus and other countries should be minimum 21 years. According to the government spokesperson Keheliya Rambukwella, the introduction of a higher minimum age is part of a strategy to gradually phase out female labour migration (Al Jazeera, 2013).

As can be observed, many of the policies are targeted at reducing/discouraging unskilled female labour migration. This is partly because they are most at risk, most vulnerable as domestic workers and also because in comparison to other skill levels, the amount of money

they earn individually is comparatively low as compared to those who migrate for higher skilled jobs. While the policies aimed at stopping or discouraging female labour migration are commendable, new innovative policies must be developed and implemented to protect the women who *do* make the decision to migrate for the purposes of labour. Embassies in labour receiving countries should be adequately staffed - in terms of personnel and skills - to address the grievances of labour migrants.

The SLBFE has a number of welfare initiatives to ensure minimum negative impacts for the migrant and his or her family. These initiatives include "Videsh Rakiya" an insurance scheme; interest subsidising housing loans and other loans in collaboration with the state banks; scholarships to children of migrant workers; a special unit of the SLBFE which is meant to provide for the needs of the children of the migrant workers and medical treatment facilities for migrant workers returning to Sri Lanka due to illness (Central Bank, 2012). Despite all these initiatives, it is apparent that the SLBFE is unable to mitigate all the social costs primarily due to the sheer scale of labour migrants. It is also possible that not all the migrants and their families are aware of the initiatives and opportunities available to them. Access and effectiveness of these programmes have been constrained due to a lack of local level presence, planning and co-ordination (Ministry Of Labour Relations and Manpower, 2009). To overcome these shortcomings, the SLBFE could consider working together with community based organisations and non-state actors and recruitment agencies which working on providing such services. This will ensure better coordination of the service provision to potential labour migrants and their families.

Further, if these initiatives are only available to migrants who have registered with the SLBFE, what about those who do not register with the SLBFE? If all the potential migrants were aware of initiatives such as the insurance scheme and the loan facilities, it is possible to argue that they could be encouraged to register with the SLBFE, thus ensuring that they have a better overall migration experience. Informed migration is therefore the key. If it is not possible to reach all the labour migrants, attempts must be made to inform those who enable labour migration; alternatively establish a labour migration service/information centre in every district and eventually every district division that has a history of labour migration. The information

provided should not just be about the process of migrating; the information should also inform potential migrants of their rights and entitlements when working in the destination country so as not to be taken advantage of.

It is also important to ensure that there are future policies in place for when the migrant wants to return after completing the short-term labour migration. The government should develop a programme to integrate these individuals back into the local labour market; otherwise they will have no opportunity to earn an income upon their return or to share the skills they gained while overseas. It is also necessary to provide migrants with training/information on how best to save their foreign earnings in a manner that will be beneficial to them in the long term. There have been numerous instances where remittances have been misused or poorly invested resulting in migrants returning to a condition of poverty, unemployment or casual low paid work, negating their hard work overseas (Jayaweera, 2012). It is especially important to encourage women who migrate as domestic workers to save or invest their earnings as they usually have no means of sustaining their livelihoods upon their return and as a result face a host of related problems. As a result, many women find they have little choice but to migrate once more to be able to support their dependents.

6. Conclusion

While all these policies and restrictions are commendable towards protecting the welfare of our female migrant labour, the Government of Sri Lanka should be cautious. Imposing regulation in the form of higher minimum wages, restrictions on the age and location to which women are allowed to migrate for work, could in fact be harmful to those who see labour migration as their only source of income. According to an article published in *The Business Mirror* (26 January 2013) a reduction in the number of Indonesians and Filipino domestic workers to Saudi has only resulted in Saudi Arabia turning to Ethiopia to obtain domestic workers for whom working in Saudi Arabia ensures a better income than in Ethiopia. Local policymakers should ensure that there are sufficient local alternatives available to would be domestic workers before limiting their opportunities. For if the Middle Eastern countries – upon which female labour migrants are most dependent – find it too much of a hassle to employ Sri Lankan labour, they will find

an alternative. Therefore, it is important to be careful when making a decision on behalf of the nearly 100,000 who choose to migrate as domestic workers each year.

As stated at the 5th World Social Forum on Migration (WSFM) in Manila in 2012, the most effective way to protect the labour migrants is to engage in collective socio-political action as opposed to individual action to ensure that within a country "there is a right to migrate while at the same time they have a right not to migrate" (Migrant Forum in Asia, 2012). It all comes down to choice.

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