



*An Introduction to Labour Migration*

**A Resource Package for Training of  
Development Officers of the  
Foreign Employment Division**

**Ministry of Telecommunication,  
Foreign Employment & Sports**

**2019**



## Foreword

Over the last two decades there has been an increase in the number of people leaving Sri Lanka for overseas employment and it is estimated that nearly 1.6 million Sri Lankans are working abroad. According to the Sri Lanka Bureau of Foreign Employment, nearly 200,000 Sri Lankans migrate for foreign employment annually and their remittances are one of the main foreign exchange sources in Sri Lanka today.

Remittances from overseas employment account for about 8.2% of our GDP, which is their main source of income which helps to improve the socio-economic status of migrant workers. However, they and their families may have different needs and welfare issues ranging from stages of post departure, pre-departure, in service, and reintegration .

In order to cater to their diverse needs, the Ministry of Foreign Employment took steps to decentralized the services of the Ministry to the village level in 2012. About 1,100 Foreign Employment Development Officers were recruited by the Ministry for services under such village level and assigned to every Divisional Secretariat.

Development Officers affiliated to the Ministry of Foreign Employment provide multiple services to migrant workers: pre-departure guidance and information provision on safe labour migration; reintegration support; welfare services and submission of various reports including family background reports for female migrant workers, family development plans and child care plans.

Due to the important role played by foreign employment development officers in providing government services to thousands of migrant workers and their families located at the local level, the ministry is focusing on the need to provide these development officers with a comprehensive knowledge of labor migration and soft skills to perform their duties better. .

Therefore, it is timely intervention to develop this training manual which can be followed in all training programs for development officers affiliated to the Ministry of Foreign Employment.

The development of such a comprehensive manual is an extensive task which could not have taken place without the commitment and cooperation of several agencies, institutions and individuals.

Hence, the Ministry of Telecommunication, Foreign Employment and Sports records its gratitude for HELVETAS Swiss Inter- Cooperation - Sri Lanka, the SLBFE, Dr. Ramani Jayasundera and the International Labor Organization and all other contributors for their continued commitment to the preparation of this manual in collaboration with the Ministry.

We hope that the Foreign Employment Development Officers will make a significant contribution to the field of labor migration in Sri Lanka as this training guide and curriculum for development officers will guide the preparation of future training programs of the Ministry.

**Foreign Employment Division**

Ministry of Telecommunication, Foreign Employment and Sports

# MESSAGE FROM HELVETAS SWISS INTERCOOPERATION

Labour Migration has made a positive as well as negative impacts to Sri Lanka's socio-economic and cultural landscape. At present, there are over 1.6 million Sri Lankans are working abroad as migrant workers. Having considered the important role played by migrant workers, the Government of Sri Lanka has implemented several measures to protect the rights of migrant workers and their families in line with the National Labour Migration Policy approved by the Cabinet of Ministers in 2009.

In mid-2013, the then Ministry of Foreign Employment Promotion and Welfare recruited a cadre of 1000 Development Officers Foreign Employment (DOFEs) with the aim of providing efficient services to migrant workers and their families. These Development Officers were deployed in all 331 divisional secretariats in Sri Lanka where a minimum of 3 development officers were deployed in each division.

Following the recruitment of the above mentioned Development Officers, The Ministry of Foreign Employment and the Sri Lanka Bureau of Foreign Employment (SLBFE) has made several initiatives to conduct capacity building training programmes from time to time. In addition to these, Non-Governmental Organizations too have conducted training programmes for Development Officers at the district level to build their capacity on specific issues relating to labour migration. Against this background, The Ministry identified the need to build the capacity of Development Officers through a comprehensive national training programme. In line with this, HELVETAS Swiss Intercooperation facilitated the process of compiling a Training Resource Package under the Safe Labour Migration project funded by Swiss Agency for Development Cooperation (SDC).

The Training Resource Package has been compiled by an independent consultant through technical support from the Ministry of Foreign Employment, Sri Lanka Bureau of Foreign Employment, International Labour Organization (ILO) as well as through the knowledge and experiences of Partner Organizations of the Swiss Agency for Development Cooperation.

This Resource Package aims to develop the capacity of Development Officers Foreign Employment to provide efficient and effective services to migrant workers and their families. It provides information on the history of labour migration, national and international legal frameworks on labour migration, institutional and policy frameworks on labour migration and on the roles and responsibilities of Development Officers Foreign Employment.

Conducting training programmes based on this Resource Package will strengthen the capacity of Development Officers to function as the focal point guiding migrant workers and their families at the divisional level and will enhance the quality of services they provide to migrant workers and their families from pre-decision making to reintegration stages of migration.

HELVETAS Swiss Intercooperation hopes that this Training Resource Package will be institutionalized by the Ministry and be the basis for capacity building training programmes conducted for Development Officers recruited for the Ministry in future along with timely revisions to the package.

HELVETAS Swiss Intercooperation  
Sri Lanka

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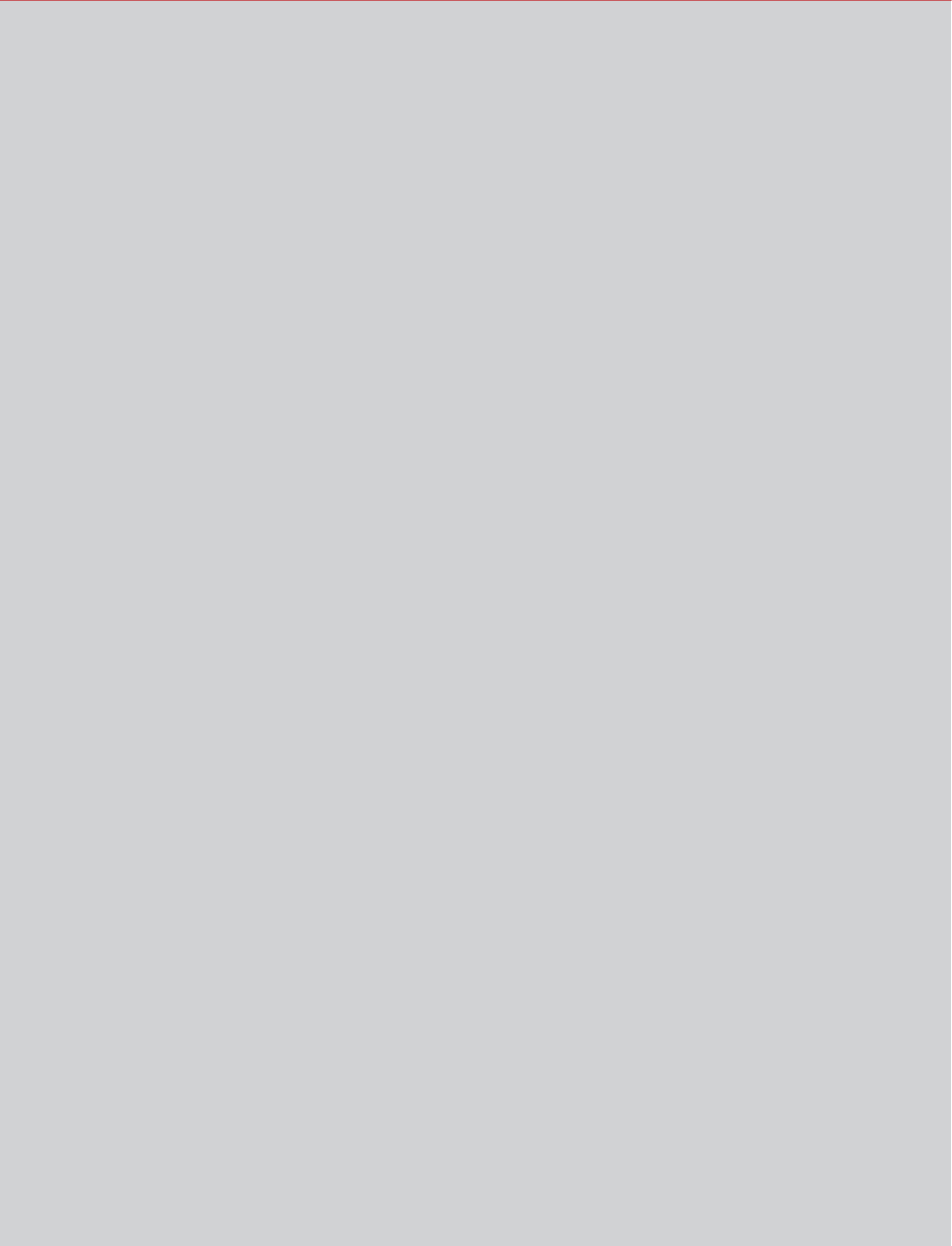


## **An Introduction to the Resource Package**

- This Resource Package accompanies the Manual for Training Development Officers of the Ministry of Foreign Employment.
- It is arranged according to the Modules and Sessions in the Manual.
- It provides information and knowledge material required to teach each Module and Session of the Manual. Some Modules are arranged with interactive sessions and discussions.
- A pen drive that contains materials for further information will be provided.

## **Instructions to Trainer/Facilitator**

- Please use this Resource Package as a guide to conduct the assigned session to you.
- Please be aware that you may avoid duplication of work with other trainers/facilitators when conducting your assigned session.
- Be sure to conduct the session within the time allocated to you and manage it well.
- Using the material provided, prepare your own slides, flipcharts and additional presentations for each session that you conduct.
- Ensure that all material you use in addition to the material in this Resource Package is provided to the participants to include in their own Resource Package. The Resource package is prepared to enable addition of more material (it is in a loose-leaf ring binder).



## Labour Migration in Sri Lanka

Migrant labour is Sri Lanka’s main contributor to the national economy. It is estimated around 1.6 million Sri Lankans work abroad and contribute most to Sri Lanka’s economy.

Sri Lanka recognizes the value of its out bound migrant labour population and there are diverse Institutional mechanisms and policy commitments in place to regulate and protect the migrant workers. This includes the Ministry of Foreign Employment (MFE), the Sri Lanka Bureau of Foreign Employment (SLBFE), and the National Labour Migration Policy adopted by the Govt. in 2009

According to the Annual Performance Reports - 2018 of the Ministry of Telecommunication, Foreign Employment and Sports) Sri Lankan migrant workers departed within the period concerned (01.01.2018 – 31.12.2018) was 211,461 out of which 129,774 (61.4%) was male and 81,687 (38.6%) was female. Further, departures of 64,940 for housemaids/domestic housekeeping assistant and similar jobs. The total number of departures has been decreased in the year 2018 when compared to the year 2017 (i.e. 211,990 in the year 2017 and 211,461 in the year 2018)

The majority of the workforce (88.38%) departed to the Kingdom of Saudi Arabia, Qatar, U.A.E, Kuwait, and Oman and around 79% of this female workforce is categorized as “housemaids” and “House Keeping Assistants”.

**Table 1 - Departures for Foreign Employment by Gender 1986 - 2018\***

Year	Male		Female		Total
	Number	%	Number	%	
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

Year	Male		Female		Total
	Number	%	Number	%	
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	136,307	51.84	126,654	48.16	262,961
2012	144,135	51.03	138,312	48.97	282,447
2013	175,185	59.75	118,033	40.25	293,218
2014	190,217	63.26	110,486	36.74	300,703
2015	172,788	65.59	90,655	34.41	263,443
2016	160,306	66.02	82,510	33.98	242,816
2017	139,271	65.64	72,891	34.36	212,162
2018*	129,774	61.37	81,687	38.63	211,461

\*Provisional Source: Information Technology Division-SLBFE

### Comparison of Departures for Foreign Employment-2017-2018

Category	2017	2018
Male	139,267	129,774
Female Domestic Workers)	55,881	64,940
Female Workers (excluding Female Domestic Workers	16842	16,747
Total Female	72,723	81,687
Total Departures (Male & Females)	211,990	211,461

(Source: Ministry of Telecommunication, Foreign Employment and Sports Annual Performance Reports - 2018)

The feminization of the migrant labour force and its changing trend is a unique character in Sri Lanka's migrant labour force. In the late 1990s 75 per cent of Sri Lanka's migrant labour force was women. By 2008, the number began to fall below 50

per cent due to policies and procedures that promoted male migration over female and skilled migration over low skilled work. This policy push increased the migration of males and saw a resultant decrease in female migration. Due to various measures undertaken by the Government of Sri Lanka, female migration fell due to several key reasons including:

- Increasing the minimum age of females leaving for domestic sector employment in 14.02.2011
- A refundable security deposit of US \$ 1000 by employer being made compulsory for direct recruitment of females for employment in Middle East as domestic workers with effect from 01.06.2012.
- National Vocational Qualification (NVQ) Level III qualification being made compulsory for employment as Domestic Housekeeping Assistants for Saudi Arabia and Singapore
- The requirement of a family background report (FBR) for all female migrant workers being made compulsory to ensure that migrating females do not leave behind children under five years old.

In terms of remittances from migrant workers, remittances were decreased by - 2.1% in 2018 compared with 2017. According to the Annual Report of the Central Bank of Sri Lanka, migrant worker remittances in 2017 was US \$ Mn. 7164 (Rs. Mn. 1091,972), while the figure for 2018 was recorded as US \$ Mn 7105 (Rs. Mn. 1,262,700). Recorded sources of foreign exchange earnings show that migrant workers in Middle East remitted Rs. 565,542 Million in 2017. It was 52% of all remittances.

**Major Sources of Foreign Exchange Earnings from Year 2017 & 2018**

Description	2017 (US \$ Mn)	2018 (US \$ Mn)	Growth %
Workers' Remittances	7164	7105	-2.1
Tourism	3925	4381	+ 11.6

Table 3 (Source: Central Bank of Sri Lanka Report, 2018)

Workers Remittances 2000- 2018

Year	Remittances	
	Rs. Million	US \$ Million
2000	87697	1160
2001	103,180	1155
2002	123,183	1287
2003	136,475	1414
2004	158,291	1564
2005	195,256	1918
2006	224,663	2161
2007	276,728	2502
2008	316,091	2918
2009	382,818	3330
2010	465,166	4116
2011	569,103	5145
2012	763,980	5985
2013	827,689	6407
2014	916,367	7018
2015	948,957	6980
2016	1054,489	7242
2017	1091,972	7164
2018	1,262,700	7015

Table 4 Central Bank of Sri Lanka \* provisional

### Positive and negative impact of labour migration on the Sri Lankan society

Labour migration has been a continued source of employment to Sri Lanka labour force and a significant proportion of the Sri Lankan labour force is working abroad. This has contributed to reducing the unemployment rate of the country and also their remittances strengthen the economy with a significant contribution to the GDP. It is also contributed to the improvement of living conditions and livelihoods of Sri Lankans, increasing income of the poor especially those in rural areas. Increased remittances have induced the health and education of children of the Migrant workers.

However there are both benefits and adverse impacts of labour migration . several problems encountered by the migrants in foreign countries due to lack of protection and welfare for workers , especially to female domestic workers and low skilled migrant workers . There are numerous instances where these workers have been physically abused and not properly paid for their services. In addition, social and psychological costs associated with migration such as serious dislocation of family life and caring for children and parents left behind.

*Some of the positive and negative impacts are given below:*

POSITIVE	NEGATIVE
<ul style="list-style-type: none"> <li>■ Increased foreign exchange earnings</li> <li>■ Increased family income</li> <li>■ Increased savings and investments</li> <li>■ Source of employment for women and men</li> <li>■ Better lives for children</li> <li>■ Better education and health for family members</li> <li>■ Increase in wealth and material comforts</li> <li>■ Building Houses</li> <li>■ Increasing involvement in decision making</li> </ul>	<ul style="list-style-type: none"> <li>■ Family Disruption</li> <li>■ Loss of recognition</li> <li>■ Neglect of children</li> <li>■ Behavioral changes of children left behind</li> <li>■ Abuse and harassment at the workplace</li> </ul>

Case studies on pages 68-76 in TRANSFORMING LIVES Listening to Sri Lankan Returnee Women Migrant Workers First Print 2013 © Women and Media Collective ISBN 978-955-1770-11-2 Compiled Sepali Kottegoda, Ramani Jayasundere, Sumika Perera, and Padma Atapattu.

## International Commitments on Labour Migration

### **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990**

The United Nations has also adopted an international instrument on migrant workers, underscoring the importance of this segment of workers and the international consequences of migration. This instrument, the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (adopted in 1990) is the only international instrument dealing with the migrant workers Sri Lanka has ratified, and as the Convention has become operational since 1996, Sri Lanka is under an obligation to implement it by making necessary legislative and regulatory changes in compliance with it.

The Convention constitutes a comprehensive international treaty regarding the protection of migrant workers' rights. It emphasizes the connection between migration and human rights, which is increasingly becoming a crucial policy topic worldwide. The Convention aims at protecting migrant workers and members of their families; its existence sets a moral standard, and serves as a guide and stimulus for the promotion of migrant rights in each country.

The primary objective of the Convention is to foster respect for migrants' human rights. Migrants are not only workers; they are also human beings. The Convention does not create new rights for migrants but aims at guaranteeing equality of treatment, and the same working conditions, including in case of temporary work, for migrants and nationals. The Convention innovates because it relies on the fundamental notion that all migrants should have access to a minimum degree of protection. The Convention recognizes that legal migrants have the legitimacy to claim more rights than undocumented migrants, but it stresses that undocumented migrants must see their fundamental human rights being respected, like all human beings.

In the meantime, the Convention proposes that actions be taken to eradicate clandestine movements, notably through the fight against misleading information inciting people to migrate irregularly, and through sanctions against traffickers and employers of undocumented migrants.

Article 7 of this Convention protects the rights of migrant workers and their families regardless of "sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth, or other status".

### **Migration for Employment Convention (Revised), 1949 (No. 97)**

Migration for Employment Convention (Revised), 1949 (No.97) is an International Labour Organization Convention for workers. It was established in 1949 and came into force on 22 Jan 1952. It adopts certain proposals with regard to the revision of the Migration for Employment Convention 1939.



Sri Lanka has not ratified this Convention.

The main objectives of the Convention are to enable members of the International Labour Organization for which this Convention is in force to ensure the following:

- a) Information on national policies, law and regulations relating to emigration and immigration.
- b) Information on special provisions concerning migration for employment and the conditions of work and livelihood of migrants for employment.
- c) Information concerning general agreement and special arrangements on these questions concluded by the Member.

The convention was followed up by Migrant Workers (Supplementary Provisions) Convention, 1975 and United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### **Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143)**

Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143) came into force on 9 December 1978. It is aimed to protect “the interests of workers when employed in countries other than their own” and all signatories commit to respect the basic human rights of all migrant workers.

Sri Lanka has not ratified this Convention.

The Convention encourages member countries to systematically seek to determine whether there are illegally employed migrant workers on its territory and whether they depart from, pass through or arrive in its territory any movements of migrants for employment in which the migrants are subjected during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations.

The Convention enables countries to (a) suppress clandestine movements of migrants for employment and illegal employment of migrants, and (b) against the organizers of illicit or clandestine movements of migrants for employment departing from, passing through or arriving in its territory, and against those who employ workers who have immigrated in illegal conditions, in order to prevent and to eliminate the abuses. It enables member countries to take measures at the national and the international level, for systematic contact and exchange of information on the subject with other States, in consultation with representative organizations of employers and workers

### **Domestic Workers Convention, 2011 (No. 189)**

The Convention on Domestic Workers, formally the Convention concerning Decent Work for Domestic Workers is a Convention setting labour standards for domestic

workers. It is the 189th ILO convention and was adopted during the 100th session of the International Labour Organization. It entered into force on 5 September 2013.

Sri Lanka has not ratified this Convention.

The main rights given to domestic workers as decent work are daily and weekly (at least 24 h) rest hours, entitlement to minimum wage and to choose the place where they live and spend their leave. Ratifying states, parties should also take protective measures against violence and should enforce a minimum age which is consistent with the minimum age at other types of employment. Workers furthermore have a right to a clear (preferably written) communication of employment conditions which should in case of international recruitment be communicated prior to immigration. They are furthermore not required to reside at the house where they work, or to stay at the house during their leave.

The Convention was put to vote on 16 June 2011 by a vote at the ILO conference in Geneva. As ILO is a tripartite organization, for every country the government, employers and workers' representatives are entitled to vote. The Convention was adopted with 396 votes in favour and 16 against.

## The Convention on the Elimination of all forms of Discrimination against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

Sri Lanka ratified CEDAW in 1981.

The Convention defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The Convention provides the basis for realizing equality between women and men through ensuring women’s equal access to, and equal opportunities in, political and public life -- including the right to vote and to stand for election -- as well as education, health and employment. States’ parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.

The Convention is the only human rights treaty which affirms the reproductive rights of women, and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women’s rights to acquire, change or retain their nationality and the nationality of their children. States’ parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

### United Nation Convention on Rights of the Child (UNCRC)

The United Nations Convention on the Rights of the Child is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of maturity is attained earlier under national legislation.

Nations that ratify this Convention are bound to it by international law. Compliance is monitored by the UN Committee on the Rights of the Child, which is composed of members from countries around the world. Governments of countries that have ratified the Convention are required to report to, and appear before, the United Nations Committee on the Rights of the Child periodically to be examined on their progress with regards to the advancement of the implementation of the Convention and the status of child rights in their country.

The Convention on the Rights of the Child was the first instrument to incorporate the complete range of international human rights— including civil, cultural, economic, political and social rights as well as aspects of humanitarian law.

The articles of the Convention may be grouped into four categories of rights and a set of guiding principles. Additional provisions of the Convention (articles 43 to 54) discuss implementation measures for the Convention, explaining how governments and international organizations like UNICEF will work to ensure children are protected in their rights.

**Guiding principles** : The guiding principles of the Convention include non-discrimination, adherence to the best interests of the child, the right to life, survival and development, and the right to participate. They represent the underlying requirements for any and all rights to be realized.

**Survival and development rights** : These are rights to the resources, skills and contributions necessary for the survival and full development of the child. They include rights to adequate food, shelter, clean water, formal education, primary health care, leisure and recreation, cultural activities and information about their rights. These rights require not only the existence of the means to fulfil the rights but also access to them. Specific articles address the needs of child refugees, children with disabilities and children of minority or indigenous groups.

**Protection rights** : These rights include protection from all forms of child abuse, neglect, exploitation and cruelty, including the right to special protection in times of war and protection from abuse in the criminal justice system.

**Participation rights** : Children are entitled to the freedom to express opinions and to have a say in matters affecting their social, economic, religious, cultural and political life. Participation rights include the right to express opinions and be heard, the right to information and freedom of association. Engaging these rights as they mature helps children bring about the realization of all their rights and prepares them for an active role in society.

The equality and interconnection of rights are stressed in the Convention. In addition to governments' obligations, children and parents are responsible for respecting the rights of others—particularly each other. Children's understanding of rights will vary depending on age and parents in particular should tailor the issues they discuss, the way in which they answer questions and discipline methods to the age and maturity of the individual child.

The UN General Assembly adopted the Convention and opened it for signature on 20 November 1989 (the 30th anniversary of its Declaration of the Rights of the Child). It came into force on 2 September 1990, after it was ratified by the required number of nations. Sri Lanka ratified the UNCRC in 1991

*For Full text of Conventions – refer web links*

*[www.un.org](http://www.un.org),*

*[www.humanrights.ch](http://www.humanrights.ch)*

*Un convention UNCRC - [www.unicef.org](http://www.unicef.org)*

*ILO conventions-[www.ilo.org/dyn/normlex](http://www.ilo.org/dyn/normlex)*

### The National Labour Migration Policy for Sri Lanka

The National Labour Migration Policy for Sri Lanka is developed by the Ministry of Foreign Employment Promotion and Welfare at the time. Its aim is to articulate the State Policy regarding Sri Lankan citizens engaged in employment in other countries and to recognize the significant contribution of all Sri Lankan migrant workers to the national economy through foreign exchange remittances and other mechanisms.

The policy has the goals of:

- Developing a long-term vision for the role of labour migration in the economy
- Enhancing the benefits of labour migration on the economy, society, the migrant workers and their families, minimizing its negative impacts
- Working towards the fulfillment and protection of all human and labour rights of migrant workers.

The National Labour Migration Policy comprises three main sections

1. The first Section is on **Governance and Regulation of migration**, that recognize good governance as vital to regulating the labour migration process. (Executive Summary-National Labour Migration Policy).
2. The second Section focused on **protection and empowerment of migrant workers and their families** in all three stages of the migration process.
3. The third Section looked at **linking migration and development**, in recognition of the contribution of labour migration to employment, economic growth, development and the generation of income.

The first section on governance recognizes good governance as vital to regulating the labour migration process. Good governance is accepted as essential to effective institutions and regulations. This section upholds the ultimate responsibility to protect human rights, promote participation and achieve equitable social and economic outcomes and recognizes that participation, transparency and accountability as key elements of good governance. The section focuses on four key areas; the institutional framework, the legislative framework, the regulatory framework and the social dialogue and consultative framework.

The policy highlights that the Ministry sets the institutional framework in place and this framework is complemented by other key institutions. The policy provides for the setting up of an Advisory Committee on Labour Migration and an Inter-Ministerial Coordinating Committee to review existing labour migration processes and facilitate collaboration where necessary. The policy deals with the SLBFE, adopting of clear guidelines for recruitment, and the regulations and monitoring of the recruitment process and the role and capacities of the diplomatic missions.

The section on the legislative framework primarily focuses on bringing national legislation in line with existing national and international laws and obligations on

migration. The policy proposes the review of the existing legislation (SLBFE Act) and bringing in amendments to fill gaps. The sections recognize the obligations cast upon the country by ratifying the International Convention on the Protection of All Migrant Workers and their Families and the need to ratify other international conventions pertaining to migrant workers.

The regulatory framework focuses on the SLBFE as the main implementing agency under the Ministry and its role in ensuring accessible and equitable opportunities for skill development to all citizens thereby promoting skilled labour migration.

The second section of the policy pertains to the protection and empowerment of migrant workers and their families. In the policy, the State, having the primary responsibility for the protection of migrant workers and their families, undertakes to protect and empower migrant workers and their families in all three stages of the migration process. These stages are pre-departure (from decision-making to training to preparation for migration), in-service (workers in employment and families left behind) and return and reintegration (with consideration for reintegration, acceptance and appreciation).

In protection and empowerment, the State undertakes to set minimum requirements for the profile of migrant workers to ensure their welfare and protection, develop an environment within which potential migrant workers can make informed and considered decisions to migrate for work, further minimize irregular and abusive recruitment processes, and offer significant measures to prepare and train migrant workers psychologically and professionally. This includes psychological and public health advice and support.

The policy highlights the role of diplomatic missions in receiving or host countries to ensure protection of migrant workers including safe repatriation for all workers in need. The policy also takes cognizance of return and reintegration issues in order that it takes place with full protection of rights and freedoms.

Expanding its role to ensure protection and empowerment of migrant workers, the State takes on an extended responsibility towards protection and welfare of children of migrant workers aiming at working with the judicial system as the upper guardian of all children.

The third section of the policy relates to the linking of development and migration processes. This section foresees implications in a future timeframe of five to ten years and attempts to address issues that have broader implications for the development of the country, its economy and its people. The policy accepts that return migrants and transnational migrants contribute to investments, transfer of technology and skills, human capital formation, enhancement of social capital, promotion of trade and business links and good governance.

The important policy statement in this section is that Sri Lanka does not see overseas employment as a strategy for sustainable economic growth and national

development in the long run. But the State recognizes the significant contributions of labour migration towards development and commits itself to creating decent work opportunities at home and promoting equitable distribution of wealth and the benefits of development.

For these purposes, the policy accepts that new overseas markets which provide better working conditions and uphold the rights of workers and opportunities must be explored and promoted. For this, the policy sets out action plans to carry out labour market surveys, market analyses and market promotion plans in foreign countries to ascertain the emerging opportunities and new demands.

The policy accepts the current gap in the lack of comprehensive information on the migrant labour force and migrant labour. The policy identifies the need for comprehensive information and database on labour migration as well as studies and regular monitoring, which reliably inform about the profiles and numbers of migrant workers, are means by which to achieve a better fit between development, labour migration, protection and good governance. The policy provides for the setting up of a specific institution for migrant studies to research, study and highlight issues as well as find solutions to migratory problems of Sri Lankans and enhance the promotion of gainful employment abroad.

The Policy is implemented by the Line Ministry of Foreign Employment. The Ministry convenes an Advisory Committee on Labour Migration represented by all key stakeholders including government, civil society organizations working on Labour migration, trade unions, and Private sector, Licensed recruitment agents and academia for monitoring of the implementation of this policy.

Considering the recent changes in the global and local context and national commitment to international conventions, regional processes, the Sustainable Development Goals and Global Compact of Migration, Ministry of Telecommunication, Foreign Employment and Sports has taken the lead in updating the NLMP 2008 and formulating a National Action Plan on Migration for Employment to meet the national vision of: “A globally competent labour force engaged in decent and productive work that ensures their rights, freedoms, dignity and effective contributions to development’

(Source: Executive summary of the National labour Migration Policy for Sri Lanka.)

*Ref: Full text of National Labour Migration Policy*



## Sri Lankan Laws and Regulations pertaining to labour migration

### 1. The Constitutional provisions on the Right to Employment

The following provisions of the Constitution of Sri Lanka accepts the right of men and women to work and also accepts the right to freedom of movement (out of Sri Lanka) of men and women.

#### The Fundamental Right to work

- Recognizing the right to work, the Constitution in *Article 14(1)(g)* guarantees the freedom for any citizen to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise.

#### The Fundamental Right to freedom of movement

- The Constitution in *Article 14(1)(h)* guarantees the freedom for any citizen of movement

### 2. Sri Lanka Bureau of Foreign Employment Act no 21 of 1985

The SLBFE was established by the Sri Lanka Bureau of Foreign Employment Act No. 21 of 1985 and the provisions of this Act apply to the recruitment of Sri Lankans for Employment outside Sri Lanka by private sector undertaking or a public corporation.

- (a) to promote and develop employment opportunities outside Sri Lanka, for Sri Lankans
- (b) to assist and support foreign employment agencies in their growth and development
- (c) to undertake measures to develop overseas markets for skills available in Sri Lanka
- (d) to assist licensees in the negotiation of terms and conditions of employment with agencies abroad;
- (e) to regulate the business of foreign employment agencies and recruit Sri Lankans for employment outside Sri Lanka
- (f) to issue licenses to foreign employment agencies for conducting the business of recruitment for employment outside Sri Lanka and to determine the terms and conditions of such licenses
- (g) to set standards for and to negotiate contracts of employment;
- (h) to enter into agreements with relevant foreign authorities, employers and employment agencies. in -order to formalize recruitment agreements;

- (i) to formulate and implement a model contract of employment which ensures fair wages and standards of employment;
- (j) to examine the authenticity of documentation issued to Sri Lankan recruits going abroad for employment;
- (k) to undertake research and studies into employment opportunities outside Sri Lanka, for Sri Lankans;
- (l) to establish and maintain an Information Data Bank to monitor the flow of Sri Lankans for employment outside Sri Lanka and their return after such employment;
- (m) to undertake the welfare and protection of Sri Lankans employed outside Sri Lanka;
- (n) to establish a Workers' Welfare Fund;
- (o) to undertake in collaboration with licensees, the training and orientation of Sri Lankan recruits going abroad for employment;
- (p) to provide assistance to Sri Lankan recruits - going abroad for employment;
- (q) to receive donations and contributions from Sri Lankans employed outside Sri Lanka and use such donations and contributions for the rehabilitation, guidance and counseling of, and the provision of information and assistance to, the families of such- Sri Lankans
- (r) to undertake investments on behalf of Sri Lankan employed outside Sri Lanka
- (s) to undertake programmes for the rehabilitation of Sri Lankans who return to Sri Lanka after employment outside Sri Lanka.

**The above objectives can be categorized under three main areas.**

- Regulation /Licensing
- Welfare and protection of migrant workers and their family members
- Promotion of foreign employment.

### **3. Family Background Report (FBR)**

A Family Background Report (FBR) is an administrative necessity before females are permitted to be employed abroad. Under it, no mother having children less than five years of age, is approved for foreign employment. Initially, the FBR aimed at ensuring informed decision making focusing primarily on the care and protection of children of female domestic workers.

However with the subsequent Circulars issued by the Secretary of the Line Ministry, it is compulsory to all females migrating for foreign employment except the following categories.

1. Females over 45 years of age
2. Female returnees with a re-entry visa
3. Female returnees (registered with the SLBFE prior departure) who re-migrate within six months of period from her return to Sri Lanka.

The followings are the Circulars issued by the Line Ministry of Foreign Employment regarding the Family Background Report.(FBR)

1. **In July 2013**, the then ministry of Foreign Employment Promotion and Welfare issued two circulars, the first to Licensed foreign employment agents followed by a circular to Divisional Secretaries pertaining to the employment of women as domestic workers in overseas. The circulars effected January 2014 instructed that a Family Background Report (FBR) be completed by all women seeking overseas employment in the **domestic sector**.
2. **Circular issued on 06.03 2014** by the Secretary/ Ministry of Foreign Employment amended the previous circular excluding the requirement of the certification from the Family health Officer about the age of a child and guardianship of a child.
3. **Circular issued on 20.02.2015**, introduced the mandatory requirement of the FBR for all female workers and introduced the need of the certification of the Estate Superintendent for estate sector females , and prevented migrating of females who have disabled children .
4. **Circular issued on 16.01.2017**, amended the previous circular on the maximum age limit of female migrant worker as 45 years and excluded the following requirements
  - Need of Husband's approval /signature
  - Signature of the Grama Seva Niladhari
  - Signature of Estate superintendent
  - Certification of family health Officer to ensure the age and health status of a child
  - Prevention of migration for females having disabled children
5. **Instructions issued on 22.12.2017 :**
  - Extend the validity period of a FBR to 9 months
  - Established a committee consists of the relevant officers at the Divisional Secretary's office to take decision on issuing of the FBR.
  - Established an appeal committee at the Ministry to consider appeals related to FBR .

### Forums on Labour Migration

#### Global Forum on Migration and Development (GFMD)

The Global Forum on Migration and Development (GFMD) is a voluntary, informal, non-binding and government-led process open to all States Members and Observers of the United Nations and select observer organizations. It was created upon the proposal of the UN Secretary-General at the September 2006 General Assembly High Level Dialogue on International Migration and Development.

Its main purpose is to address, in a transparent manner, the multidimensional aspects, opportunities and challenges related to international migration and its inter-linkages with development, to bring together government expertise from all regions, to enhance dialogue and cooperation and partnership and to foster practical and action-oriented outcomes at the national, regional and global levels.

The objectives of the GFMD are:

- To provide a venue for policy-makers and high-level policy practitioners to informally discuss relevant policies and practical challenges and opportunities of the migration-development nexus, and engage with other stakeholders, including non-governmental organizations, experts and migrant organizations to foster practical and action-oriented outcomes at national, bilateral and international level.
- To exchange good practices and experiences, which can be adapted in other circumstances, in order to maximize the development benefits of migration and migration flows;
- To identify information, policy, and institutional gaps necessary to foster synergies and greater policy coherence at national, regional, and international levels between the migration and development policy areas;
- To establish partnerships and cooperation between countries, and between countries and other stakeholders, such as international organizations, diaspora, migrants, academia etc. on migration and development;
- To structure the international priorities and agenda on migration and development.

The Forum meets every year for an inter-active and practice-oriented dialogue. It is attended by high-level and senior government policy-makers, Sri Lanka also participated at this forum since it's inception. A Report of proceedings is prepared at the end of each Forum.

*For more information - <https://gfmd.org>*

## Colombo Process

The Colombo Process is a Regional Consultative Process on the management of overseas employment and contractual labour for countries of origins in Asia. It is a member state-driven, non-binding and informal forum to facilitate dialogue and cooperation on issues of common interest and concern relating to labour mobility.

The Colombo Process was established in 2003 and it was named as the Colombo Process since its first meeting was held in Colombo. Colombo Process was initiated in response to calls from several Asian labour sending countries who increasingly recognized the need for optimizing the benefits of organized labour migration whilst protecting their migrants from exploitative practices in recruitment and employment.

The current membership of the Colombo Process consists of 12 Member States and 8 Observer Countries.

The 12 member countries are; Afghanistan, Bangladesh, China, Cambodia, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam.

Under the leadership of the Chairing country, the Member States regularly meet for Senior Officials Meetings and Ministerial Meetings to advance their commitments to the four principal objectives and thematic areas.. The Member States also implement programmes and projects both at the national and regional levels in partnership with IOM, UN agencies, development partners and countries of destination in pursuit of the thematic priorities.

The aim of the Colombo Process is to provide a forum for Asian labour sending countries to:

- Share experiences, lessons learned and best practices on overseas employment
- Consult on issues faced by overseas workers, labour sending and receiving states, and propose practical solutions for the wellbeing of overseas workers
- Optimize development benefits from organized overseas employment and enhance dialogue with countries of destination
- Review and monitor the implementation of recommendations and identify further steps for action

from its inception, the Colombo Process has evolved around the following thematic areas

- Protection and provision of services to migrant workers - In particular, protecting migrant workers from abusive practices in recruitment and employment, and providing appropriate services to them in terms of pre-departure information, orientation and welfare provisions.
- Optimizing benefits of organized labour migration - This includes the development of new overseas employment markets, increasing remittance

flows through formal channels and enhancing the development impact of remittances.

- Capacity building, data collection and inter-state cooperation - This includes institutional capacity building and information exchange to meet labour migration challenges, increasing cooperation with destination countries in terms of protection of migrant workers and access to labour markets, and enhancing cooperation among countries of origin.

Currently, the Colombo Process addresses following five thematic priority areas and also incorporating four crosscutting themes into these priority areas:

Thematic Priority Areas:

- Skills and Qualification Recognition Processes
- Fostering Ethical Recruitment Practices
- Pre-departure Orientation and Empowerment
- Promote Cheaper, Faster and Safer Transfer of Remittances
- Labour Market Analysis

Crosscutting Themes:

- Migrant Health
- Operationalization of the Migration-related Elements of the SDGs
- Promotion of equality for women migrant workers
- Consular Support for Migrant Workers

*For more information - [www.colomboprocess.org](http://www.colomboprocess.org)*

### **Abu Dhabi Dialogue**

The Abu Dhabi Dialogue, a state-led regional consultative process established in 2008 as a forum for dialogue and cooperation between Asian countries of labour origin and destination, aims to enable safe, orderly and regular labour migration in one of the world's largest temporary labour migration corridors.

This voluntary and non-binding inter-government consultative process, engaging seven (7) Asian countries of labour destination: Bahrain, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia, and UAE; and eleven countries of origin: Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam.

Regular observers include the IOM, ILO, the private sector, and civil society. The permanent secretariat is provided by the United Arab Emirates, and the current chair is Sri Lanka.

In 2008, the United Arab Emirates had taken the groundbreaking step of hosting an inaugural Ministerial Consultation in Abu Dhabi of Asian destination countries with the 18 (eighteen) member countries on the theme “*Contractual Labour Mobility in Asia: Key Partnerships for Development between Countries of Origin and Destination.*”

The Abu Dhabi Dialogue constituted a milestone in regional cooperation on contractual labour mobility and works to pilot, implement and adopt regional solutions to some of the key challenges relating to labour migration through constructive and open engagement, generating new programmes, initiatives and policies to improve positive outcomes for migrant workers in both, origin and destination countries.

The following three pillars of effective governance guide the design of programmes initiated by the ADD.

1. Ensuring protection of migrant workers
2. Empowering workers to fulfil their goals and aspirations
3. Affording workers, the opportunity to benefit equitably from the outcomes of temporary labour migration.

Based on these principles, four programmes were designed and during the recent Ministerial Consultation held in Colombo in January 2017, the following guidelines were adopted for a collaborative agenda during the two-year cycle:

1. An alternative model of Labour Recruitment
2. Skilling, Skill Certification and Mutual recognition of skills
3. Comprehensive Information and Orientation Programme (CIOP)
4. Technology in the governance of labour migration

For more information - <http://abudhabidialogue.org.ae>

### **Global Consultation on Migration Health**

The 2010 Global Consultation on Migrant Health was convened as a result of the 2008 World Health Assembly Resolution on the Health of Migrants, which asks Member States to take action on migrant-sensitive health policies and practices and directs WHO to promote migrant health on the international agenda, in collaboration with other relevant organizations and sectors.

In response to the renewed international attention to the topic, IOM, WHO and the Government of Sri Lanka jointly organized and held the 2nd Global Consultation on Migrant Health in 2017 to offer Member States and partners a meaningful platform for multi-sectoral dialogue and political commitment to enhance the health of migrants.

#### **Objectives of the Global Consultation**

1. To share lessons learned, good practices and research in addressing the health needs of migrants, and to identify gaps, opportunities and new challenges;

2. To reach consensus on key policy strategies to reach a unified agenda across regions on the health of migrants, reconciling acute large-scale displacement, as well as long-term economic and disparity-driven structural migration, and to pave the way towards a possible roadmap of key benchmarks;
3. To engage multi-sectoral partners at policy level for a sustained international dialogue and an enabling policy environment for change.

### The 2030 Agenda for Sustainable Development Sustainable Development Goals (SDGs)

The 2030 Agenda for Sustainable Development is the first international development framework to include and recognise migration as a dimension of development. The 2030 Agenda includes 17 targets and 15 of the targets links with migration, recognizing the close relationship between migration and development.

The challenges addressed by SDGs contain following important targets directly related to migration acknowledging the specific vulnerabilities migrants face.

- **Goal 10** on reducing inequalities
- **Target 10.7** on facilitating orderly, safe regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.
- **Goal 5** on Gender equality and women and girls' empowerment.
- **Goal 8** on growth and decent work. *"promote sustained, inclusive and sustainable economic growth, full and productive employment and Decent work for all"*.
- **Goal 16** on peaceful, inclusive societies and access to justice for all.
- **Goal 17** on global partnership on sustainable development which includes improving data.

### Global Compact for Migration (GCM) 2018

The UN's landmark Global Compact for Migration (GCM) agreed in December of 2018 seeks to ensure that all aspects of international migration are dealt with by countries in a safe and orderly way.

GCM aims to leverage the potential of migration for the achievement of all Sustainable Development Goals and adopted a cooperative framework comprised of 23 objectives and appropriate actions to achieve safe, orderly and regular migration along the migration cycle. It fosters cooperation between States as no State will be able to resolve the challenges posed by migration alone.



**GCM Objectives:**

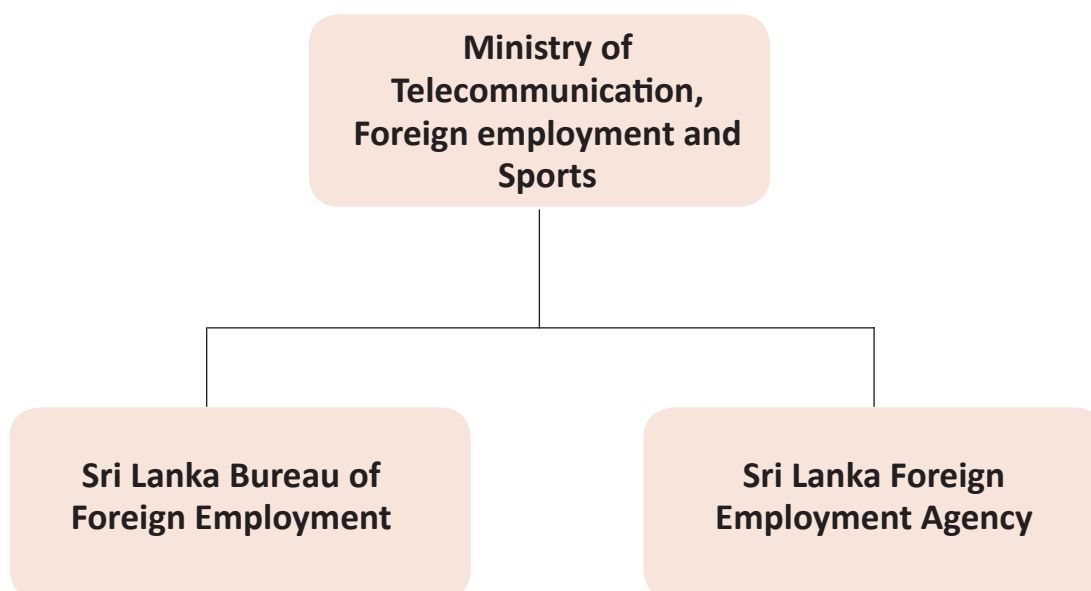
- (1) Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
- (2) Minimize the adverse drivers and structural factors that compel people to leave their country of origin
- (3) Provide accurate and timely information at all stages of migration
- (4) Ensure that all migrants have proof of legal identity and adequate documentation
- (5) Enhance availability and flexibility of pathways for regular migration
- (6) Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
- (7) Address and reduce vulnerabilities in migration
- (8) Save lives and establish coordinated international efforts on missing migrants
- (9) Strengthen the transnational response to smuggling of migrants
- (10) Prevent, combat and eradicate trafficking in persons in the context of international migration
- (11) Manage borders in an integrated, secure and coordinated manner
- (12) Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral
- (13) Use migration detention only as a measure of last resort and work towards alternatives
- (14) Enhance consular protection, assistance and cooperation throughout the migration cycle
- (15) Provide access to basic services for migrants
- (16) Empower migrants and societies to realize full inclusion and social cohesion
- (17) Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
- (18) Invest in skills development and facilitate mutual recognition of skills, qualifications and competences
- (19) Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries

- (20) Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants
- (21) Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration
- (22) Establish mechanisms for the portability of social security entitlements and earned benefits
- (23) Strengthen international cooperation and global partnerships for safe, orderly and regular migration

### Institutional Landscape for labour Migration- Sri Lanka

National Level	Line Agencies	<ol style="list-style-type: none"> <li>1. Ministry of Telecommunication, Foreign Employment &amp; Sports</li> <li>2. Sri Lanka Bureau of Foreign Employment (SLBFE)</li> <li>3. Sri Lanka Foreign Employment Agency</li> </ol>
	Other Related Government Agencies	<ol style="list-style-type: none"> <li>1. Ministry of Foreign Affairs</li> <li>2. Destination Countries' Diplomatic Missions in Sri Lanka.</li> <li>3. Dept. of Immigration and Emigration</li> <li>4. Dept. of Census and Statistics</li> <li>5. Ministry of Skills Development &amp; Vocational Training</li> <li>6. Ministry of Women &amp; Children Affairs</li> <li>7. Ministry of Labour and Trade Union Relations.</li> <li>8. Ministry of Health</li> <li>9. Ministry of Education</li> <li>10. Ministry of Justice &amp; Prison Reforms</li> <li>11. Ministry of Social Services</li> <li>12. Ministry of Finance</li> <li>13. Central Bank of Sri Lanka</li> <li>14. State Banks</li> <li>15. Legal Support Structures and Legal Aid Commission</li> </ol>
	Private Sector	<ol style="list-style-type: none"> <li>1. Licensed Foreign Employment Agencies</li> <li>2. Associations of Licensed Foreign Employment Agents</li> <li>3. Private Sector training providers</li> </ol>
Sub-National Level	Provincial, District, Divisional Level Government Agencies	<ol style="list-style-type: none"> <li>1. SLBFE Provincial Office</li> <li>2. SLBFE District Level Office</li> <li>3. Divisional Secretary's Office (SDO, WDO, EDO, CPRO Desks)</li> <li>4. Foreign Employment Development Officers Desk in District Secretary's office and Divisional Secretary's Office</li> <li>5. VTA/RPL Centres (Vocational training / Recognition of prior learning Centers)</li> <li>6. Community Mediation Boards</li> <li>7. Grama Niladhari Office</li> </ol>
	Provincial, District, Divisional Level Other Organizations	<ol style="list-style-type: none"> <li>1. Civil Society Organizations and Migrant Worker Groups</li> <li>2. NGOs</li> <li>3. project partners at district level</li> <li>4. Trade Unions</li> </ol>
International Level		<ol style="list-style-type: none"> <li>1. Relevant Authorities in Destination Countries</li> <li>2. Recruitment Agents/Corporate Sector Recruiters/Sponsors</li> <li>3. Sri Lankan Diplomatic Missions in Destination countries</li> <li>4. International Organizations working on migration</li> <li>5. Trade Unions/NGOs Working on labour migration</li> <li>6. Overseas Sri Lankans' Associations</li> <li>7. Structures on regional processes on labour migration</li> <li>8. UN structures on global frameworks and compacts on migration</li> </ol>

## Session 1: Line Ministry of Foreign Employment & Institutions under the purview of the Ministry



### 1. Ministry of Foreign Employment

Realizing the important contribution made by migrant workers to the National Economy a separate Ministry for Foreign Employment was established for the first time in Sri Lanka in 2007, Though it was amalgamated with the Ministry of External Affairs in 2010, a few months later this Ministry was re-established namely as Ministry of Foreign Employment Promotion & Welfare. The Ministry of Foreign Employment Promotion and Welfare has been re-named as the Ministry of Foreign Employment in 2015. At present, the Ministry of Foreign Employment was amalgamated with the Ministry of Telecommunication and Sports (in 2018).

Sri Lanka Bureau of Foreign Employment (SLBFE) and Sri Lanka Foreign Employment Agency (SLFEA) are institutions come under the purview of the line Ministry of Foreign Employment.

#### Vision of the Ministry

**Facilitating for making Sri Lanka the regional leader for supplying skilled human resources for the global employment market**

#### Mission of the Ministry

**To formulate, direct and evaluate appropriate policies, programmes and project to fulfill the aspiration of all stakeholders by promoting competent human resource for foreign employment opportunities and quality of life of families of migrant workers.**

### Key Functional areas of the Foreign Employment

1. Formulation, monitoring and evaluation of policies, programmes and projects, with regard to the subject of foreign employment and those subjects that come under the purview of Institutions. (Sri Lanka Bureau of Foreign Employment & Sri Lanka Foreign Employment Agency)
2. Provide solutions to employment related issues of migrant workers and promote their welfare.
3. Introduction of new regulations to ensure the protection of migrant workers and their family members.
4. Matters relating to all other subjects assigned to Institutions under the purview of the Ministry.
5. Supervision of the Institutions comes under the purview of the Ministry.

Development Officers has been appointed by the Ministry of Foreign Employment to each District Secretariat and Divisional Secretariat (DS) office of the country. They have to provide better services to the families of migrant workers and engage with the mandatory exercise to promote safe, planned and family friendly migration.

### The following Services can be obtained from the Development Officers attached to Divisional Secretariats Island-Wide under the Ministry of Foreign Employment.

- Necessary information and updated data pertaining to all migrant workers resident in the area under his/her purview and the place of their residence
- recommending the family background report which has been made compulsory for all prospective female migrant workers.
- Implementing “Shramika Surekuma Programme” providing Services to migrant workers in the area.
- Facilitating the Sri Lanka Bureau of Foreign Employment in implementing welfare programmes and services to the returnees to the island.
- Providing information to Migrant workers, returnees and family members of the migrant workers on activities connected with pre- departure/ self-employment, care planning and welfare services.

*For more details visit the Ministry website at <http://www.foreignemploymin.gov.lk> and Ministry of Telecommunication, Foreign Employment and Sports Annual Performance Report – 2018*

### 2. Sri Lanka Bureau of Foreign Employment (SLBFE)

The Sri Lanka Bureau of Foreign Employment (SLBFE), the foremost organization looking after the welfare aspects of Sri Lanka's migrant workers and their families was established in 1985 under the Act No. 21 and amended by Act No. 4 of 1994 and Act No.56 of 2009, the primary legislation that deals with foreign employment. SLBFE is the semi- government, self-financed institution governed by the Board of Directors and receives its power, duties and obligations from the SLBFE Act no 21/1985.

From the outset, the SLBFE was under the purview of the Ministry of Labour and in 2007 ,it was come to the newly created Ministry of Foreign Employment Promotion & Welfare (known as the Ministry of Foreign Employment from 2015 onwards) and was given tasks that include regulating the foreign employment industry, formulation of laws and regulations and implementation of policies and promotion programs related to foreign employment.

Section 15 of the SLBFE Act describes 19 objectives of the Bureau and they are under the following major categories. (Pl refer Module 4 for details of the 19 objectives)

#### The key objectives of the SLBFE

- Regulate the recruitment process for foreign employment.
- Look after the welfare and Well-being of migrant workers and their families.
- Provide better employment opportunities for Sri Lankans through its employment promotion programmes.

#### The Key functions of SLBFE

- Issue licenses to foreign employment agencies for recruiting Sri Lankans for employment outside Sri Lanka.
- Approve job orders submitted by local licensed foreign employment agencies.
- Approve advertisements for job promotional activities on electronic and printed media.
- Register Sri Lankan employees prior to departure.
- Settle disputes of Sri Lankan employees with the assistance of local licensed foreign employment agencies, foreign employment agencies abroad and labour sections of Sri Lankan Diplomatic Missions.
- Implement programmes for the protection and welfare of Sri Lankans employed outside Sri Lanka and their family members.
- Promote more employment opportunities for Sri Lankans outside Sri Lanka.
- Assist prospective Sri Lankan employees through various programmes.

Under the decentralization of the SLBFE functions, there are provincial offices, training centers, Sahana Piyesa located near to International Airports in Sri Lanka and 24 hour operated complaint receiving center. In addition, special operational centers are operated at the International Airports in Sri Lanka to monitor the departures for foreign employment. Established labour welfare Section in 16 Diplomatic Missions in major destination countries to provide services to migrant workers and for foreign recruitment agents/companies/employers in recruiting Sri Lankans.

*For more details visit the SLBFE website at <http://www.slbfe.lk>*

*Also see the SLBFE Citizen Charter <http://www.slbfe.lk/file.php?FID=11>*

### **3. Sri Lanka Foreign Employment Agency (SLFEA)**

The Sri Lanka Foreign Employment Agency (SLFEA), a State-owned recruitment agency incorporated in 1996, as a subsidiary of the Sri Lanka Bureau of Foreign Employment and it is under the purview of the Ministry of Foreign Employment.

#### **Objectives of the SLFEA**

- To carry on the business of a foreign employment agency as envisaged by the Sri Lanka Bureau of Foreign Employment Act No.21 of 1985
- To offer, provide or procure employment in Sri Lanka and other countries to professionals, administrators, technical and mechanical personnel skilled, semi-skilled and unskilled workers, domestic and hotel employees, teachers, service men and all other categories.
- To act as agents, advisers, representatives and consultants to individuals, institutions and organizations engaged in manpower supply, trade, insurance, commerce or industry and to enter into agreements, contracts and memorandum of understanding for the procurement and supply of such services.
- To undertake orientation and training to upgrade the skills of available personnel to satisfy the employment demands.

### **4. Other Key Institutions /Stakeholders related to Sri Lanka Labour Migration.**

#### **The Ministry of Foreign Affairs**

The Ministry of Foreign Affairs was formally established in 1948, coordinates and carries out the foreign policy of the Government of Sri Lanka. Its Mission is “The promotion, projection and protection of Sri Lanka’s national interests internationally, in accordance with the foreign policy of the Government and to advise the Government on international developments which affect Sri Lanka”

The Ministry of Foreign Affairs consists of the Ministry headquarters in Colombo and the Diplomatic missions abroad and seeks to ensure the welfare of expatriate Sri Lankans through the Sri Lankan Diplomatic Missions, Consulates and Honorary Consulates abroad. Out of the 13 Divisions of the Ministry at present, Consular Affairs Division is mostly related to foreign employment sector.

### **The Consular Affairs Division**

The Consular Division of the Ministry of Foreign Affairs has set up a system whereby the families of Sri Lankan migrant workers, who have been registered/unregistered with the Sri Lanka Bureau of Foreign Employment, could be traced.

The key functions are as follows.

- Attestation of certificates and documents
- Assist Sri Lankan migrant workers to obtain compensation/ unpaid wages/social insurance benefits
- Assist in repatriation of human remains of Sri Lankan nationals
- Repatriation of stranded Sri Lankans in overseas and resolve their issues.

In the face of labour migration related issues, broadly falling into the above categories, The Consular Affairs Division and Sri Lanka Missions take remedial action in collaboration with the Ministry of Foreign Employment and the SLBFE.

The first Regional Consular Office of the Ministry of Foreign Affairs, opened in Jaffna in 2017 and later at another regional consular office in Matara, to bring the services to door steps of the people living in these provinces.

Consular Affairs Division has decentralized the document attestation process at Divisional Secretariats. The Document Authentication Section provides attestation of documents through Electronic Documents Attestation System (e-DAS), using the innovative digital technology which enabled all Sri Lanka Missions abroad and regional consular offices to upload and download documents to and from the Consular Affairs Division in Colombo much faster.

*For more details visit the Ministry website at <http://www.mfa.gov.lk/>*

### **Sri Lanka Diplomatic Missions**

Consular assistance for the Overseas Sri Lankans including migrant workers is provided by the Diplomatic Mission overseas in addition to their functions of trade promotional activities, improving diplomatic relations with the host countries.

Currently 16 labour welfare sections has been established at the Sri Lanka Diplomatic Missions in 14 destination countries in concurrence with the Ministry of Foreign Affairs in order to ensure the security, protection and welfare of Sri Lankan nationals employed overseas.



*For more details visit [http://www.ilo.org/dyn/migpractice/docs/73/document\[1\].pdf](http://www.ilo.org/dyn/migpractice/docs/73/document[1].pdf) - Pages 13-25 of the Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Labour Receiving Countries (2013) Ministry of Foreign Employment Promotion and Welfare*

## **The Department of Immigration and Emigration**

In accordance with the provisions of Immigrants and Emigrants Act No 20 of 1948, the Department of Immigration and Emigration has the vested power to control entry and regularize the entry and exit of persons, and provide citizenship services, while safeguarding the nation's security and social order, and promoting economic development.

The powers, duties and functions of the Department

- Issuing of passports for Sri Lankans and related matters
- Issuing of visas for foreigners and related matters
- Granting Sri Lankan citizenship
- Border Control

*For more details visit the website at <http://www.immigration.gov.lk>*

## **Licensed Foreign Employment Agents. (LFEA)**

Private foreign employment agencies play the dominant role in the recruitment industry in Sri Lanka since their greater involvement in matching workers with prospective employers in the destination countries. Hence recruitment agencies have emerged as an important stakeholder in the field of labour migration.

Since the establishment of SLBFE in 1985, the number of licensed foreign employment agencies began to gradually increase and at present amounts to 1,006 agencies. Apart from increasing numbers, legal provisions were expanded to regulate recruitment agencies through the SLBFE Act No. 21/ 1985 and its subsequent amendments.

According to the SLBFE sources more than 54 per cent of licensed foreign employment agencies are located in Colombo district and nearly 16 per cent in Kurunegala district.

However, SLBFE statistics for the period of 2014-2017 shows a decreasing trend of the involvement of licensed recruitment agents in deploying workers. At present only 56 per cent of the total recruitment for foreign employment is handled by licensed Foreign Employment agents while the rest being mainly through direct or personal contacts.

These license foreign employment Agencies are within the formal system with controls to recruit workers based on job orders placed by employers in destination countries. However, there is a network of unregistered, recruitment intermediaries, working

largely at village level who are an irregular and informal, yet key link in the labour migration recruitment process in the country. Due to the lack of data and absence of documentation on these recruitment intermediaries, they cannot be prosecuted for migration related offences.

Therefore, Government takes stern actions and measures to minimize the illegal and unethical recruitment practices in the recruitment industry and plans to regularize the recruitment intermediaries amending the SLBFE Act to maximize the benefits of safe and fair recruitment processes for migrant workers.

### **The Code of Ethical Conduct for Sri Lankan licensed recruitment agents**

The Code of Ethical Conduct developed in 2013 for Sri Lankan licensed recruitment agents which is considered non-binding, soft law. With the findings of the recent Studies on implementation of the Code of Ethical Conduct and the level of compliance by the Licensed recruitment agents, SLBFE has taken further steps to strengthen the implementation of the Code of Ethical Conduct, by developing a Standard Operational Procedure (SOP) for the Codes of Ethical Conduct in effective implementation and a Training curriculum for training of Recruitment agents and the staff, as well as the Monitoring and evaluation system for continuous measurement/ improvement of the recruitment sector. The SLBFE has taken these efforts to professionalize the recruitment sector and plans to initiate incentives and system of rewarding recruitment agents for good performance.

*For more information see the Code of Ethical Conduct for Licensed Foreign Employment Agencies/Licensees (ILO 2013)*

*Recruitment Practices of Employment Agencies Recruiting Migrant Workers. A review aimed at improving recruitment regulations and drafting recruitment guidelines (ILO 2013)*

## **An introduction to gender, ethnicity, geographical diversity, child protection, disability, religious diversity**

### **What is social diversity?**

Social diversity is all of the ways that people within a single culture are set apart from each other. Elements of social diversity can include sex, age, ethnicity, religion, language, abilities, age etc. Understanding and respecting diversity is important to accept the differences and the unique characters among people and the fundamental fact that everyone should be treated equally. Thus, sensitivity to diversity is an essentially important quality in every person, more in people who are providing services and interacting with communities as these communities are collections of diverse people.

**One key element of diversity that is common to all societies is gender.**

### **GENDER**

- Sex is a fact of human biology; gender is not.
- Gender refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men.
- Sex relates to the biological makeup of a human being and biological and physical conditions lead to the determination of male and female sex.
- Gender refers to the social attributes, opportunities and relationships that are socially constructed and are learned through socialization processes. They are context/ time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.

### **Equality between women and men (gender equality)**

- • Gender equality refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female.
- • Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration recognizing the diversity of different groups of women and men. Gender equality is not a "women's issue"

but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.

### **Some guidelines to being sensitive:**

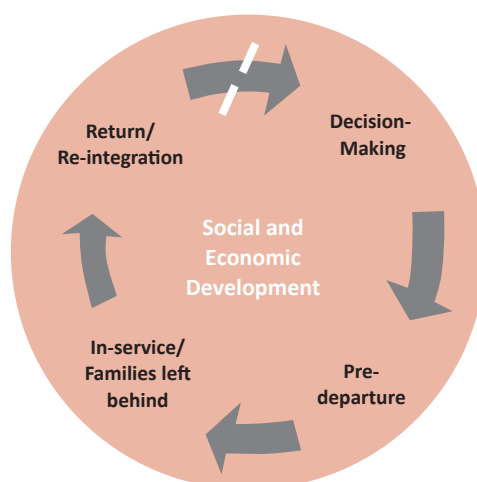
1. Realize that you have the responsibility to be a role model. Be aware of the diversity in the society you work in. Understand the diversity and the challenges it poses to people in the community.
2. Educate yourself that focus on diverse groups about which you have limited knowledge.
3. Refrain from treating people differently. Do not make stereotypical comments. Avoid jokes and stray comments that are targeted to different groups – based on sex, ethnicity, religion, age etc. Confront others if they do so.
4. Ensure you are respectful to diversity when doing projects and making presentations.
5. Provide services for all groups of people irrespective of who or what they are.

### **On promoting gender equality:**

- Understanding what it means to be gender sensitive and be trained on how to be gender sensitive.
- Learn what it means to mainstream gender in all your work.
- Be careful to avoid sexist language or graphics in published materials.
- Ensure equal participation of women and men in all activities – not only in numbers but in active participation including at decision making level.
- Look out for the needs and interest of women and men separately and ensure these needs and interests are addressed.
- Work to promote gender equality.

## Key Knowledge on the Stages of the Labour Migration Process

### The stages of labour migration



1. The Decision-Making Stage:

This is the first stage when a person starts to consider migrating for employment. It is at this stage that information regarding migrant employment is vital, and such a person would have access to safe migration information. It is at this stage where a person weighs the pros and cons of migrant employment and decides whether to migrate or not

2. The Pre-Departure Stage:

This is the time prior to departure when a potential worker gets ready to depart from her or his home country for employment abroad. This stage includes preparing documentation including travel documents, registering and signing contracts, training where necessary, preparing the spouse, and children for his or her absence.

3. The In- Service Stage:

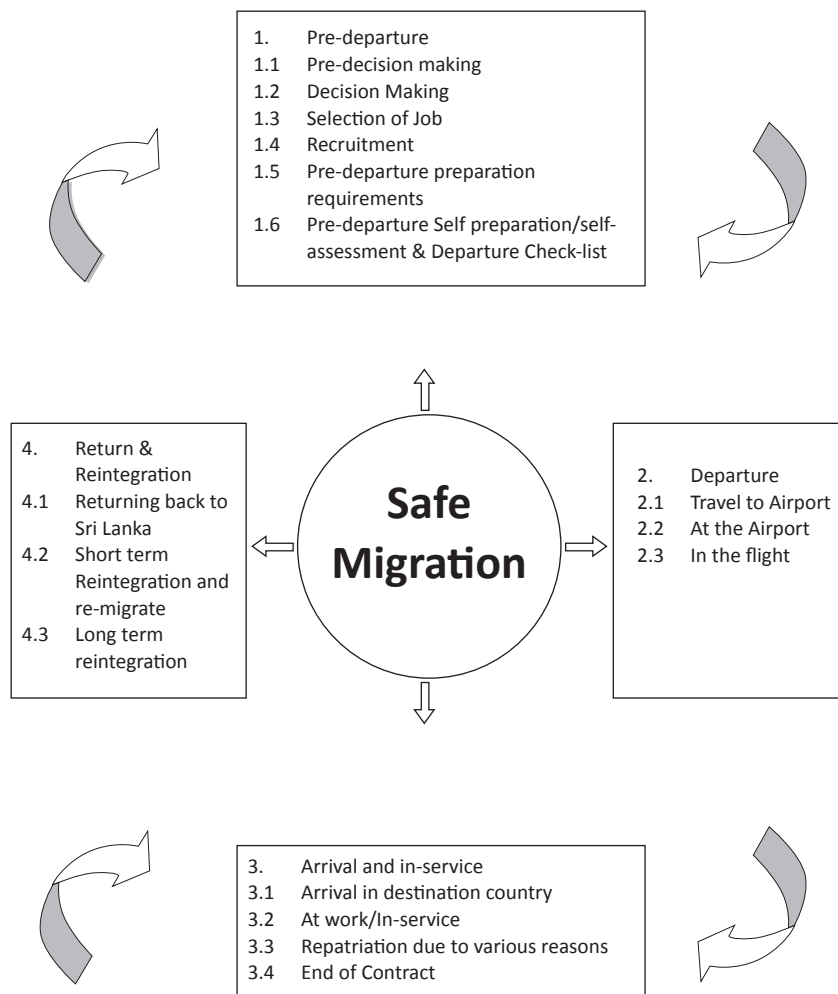
This is after the worker leaves the home and is in transit and then her tenure at the workplace. And until she returns to the island.

4. The Return and Reintegration Stage:

This starts when the worker decides firmly to return home. The return can be voluntary or involuntary. It also can be in the normal course of work when the contract is over or due to a sudden reason like an accident, or situation at home. Return can also mean due to death.

Reintegration is where a worker who has returned fits back into her or his life that was left behind for employment. This includes getting back together with the spouse and children, the extended family, the community and as well as employment or being involved in productive work back home.

## Steps of Safe Labour Migration



*More Information: Safe Labour Migration Guide*

## Decision making on Labour Migration

- **Pre-decision Making Considerations (Key considerations before the decision-making process):**
  - Do I clearly understand my reason for seeking overseas employment?
  - Does my family understand the objectives of seeking overseas employment?
  - Have I explored all options for employment within the country?
  - Can I stay away from my family for a 2 years period?
  - Do I have infants or children under 5 years old who need my care?
  - Who will care for them in my absence?
  - Can my family members manage to be away from me for 2 years?
  - Can my family members manage day to day activities without my support?
  - Can my family members manage the finances without my support?
  - Can my children (over 5 years) continue their school work effectively without my support?
  - Is the safety, nutrition and health of my children secure without my presence?
  - Will I get the required support of my immediate and extended family members?
  - Will the elderly family members be able to manage without me, if not what is the available alternative for their care?

### **Whom should I discuss with and consult before taking a decision to migrate for employment?**

Spouse – Husband or Wife, Children, Parents/elderly, Extended family members; sisters and brothers and neighbours etc. to discuss their concerns and seek advice and support.

Service providers - Development Officer of the Ministry of Foreign Employment, Grama Niladari, Midwife, Principle of Children's school, religious or spiritual leaders: to understand the various services provided by them and seek their support towards my family while I am out of the country.

- Doctor - to assess physical and mental stability for employment.
- SLBFE - for guidance on types of jobs available, recruitment process, services provided in areas of training and pre-departure preparation, reintegration.

**Do I have the ability and required skills and competencies to work in the job I am seeking?**

**Am I eligible to seek foreign employment?**

Age limit, children's age, and medical requirements

■ **Decision Making:**

- By taking a decision to go overseas on my own:
  - Positives: maybe getting away from a difficult/abusive home environment, increase my earning power and financial contribution towards the family.
  - Negatives: will not receive the support of my husband/wife and parents to look after the children, the household, manage finances etc.
- It will be helpful to take a decision for overseas employment after discussing with immediate family members as their emotional and physical support will give you strength and courage
- Decisions should be taken after discussing with extended family members as their support is also required
- Discuss and decide with the family about who will handle the finances, how it will be managed and how much you will be saving monthly towards your goals.

**Pre-departure**

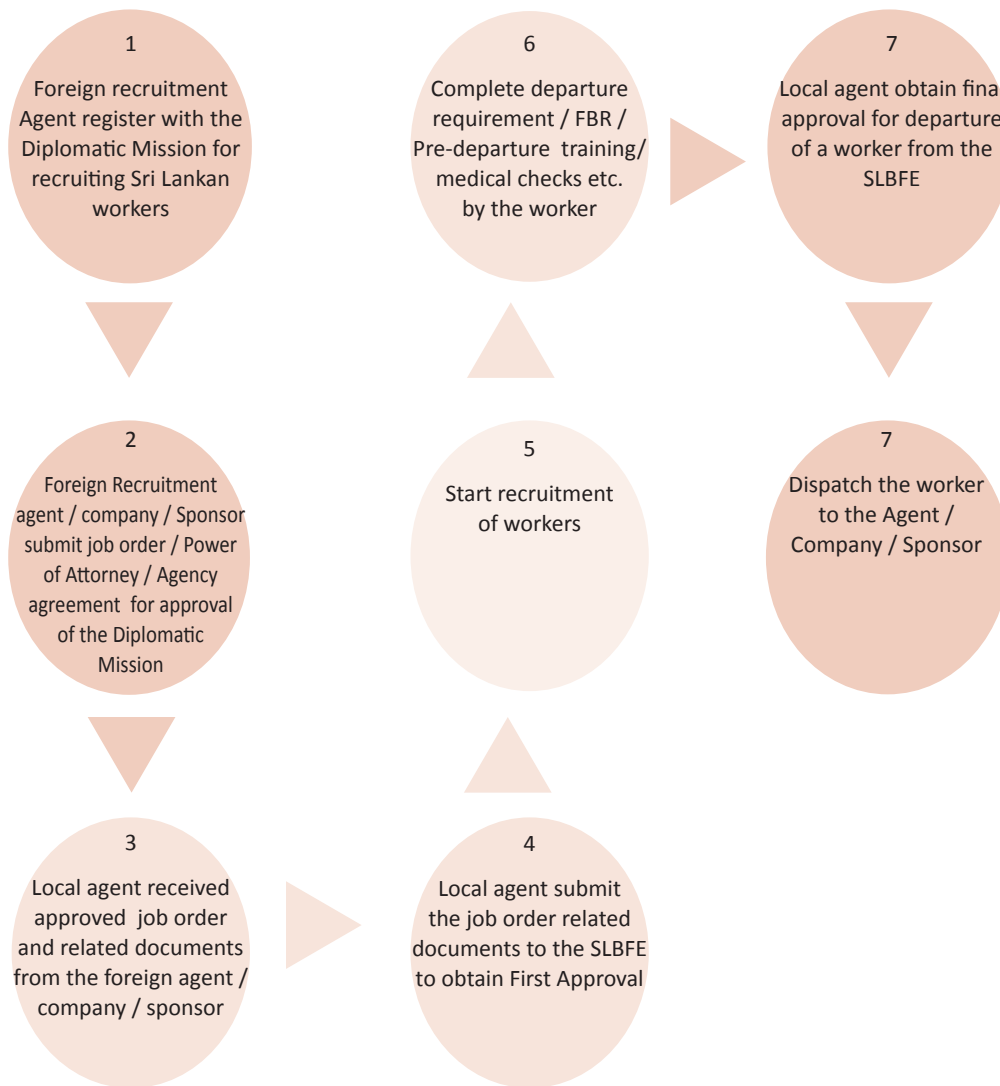
- Purpose of migration to be clearly established (e.g.: to purchase assets, children's education, and livelihood start-up capital).
- Have a clear reintegration plan after discussing with the family, the authorities and service providers.
- Consulting returnees to gather information on their experiences and get their advice.

**Selection of Job**

- Obtaining information from SLBFE about types of available jobs to respective countries.
- Job to be selected based on skills, competencies and willingness to do a particular job type.
- Job to be selected based on experience if available.
- Physical fitness based on medical certification..



### A Step by Step Guide to Recruitment for Foreign Employment



**The current process of recruitment for foreign employment consists of the following key steps:**

- Foreign recruitment agents/ companies/ employers in destination countries who intend to recruit Sri Lankan workers should be registered with the Sri Lanka Diplomatic Mission in the destination country to get an approval to work with licensed foreign employment agents in Sri Lanka.
- Registered recruitment agents/ companies/employers in destination countries are allowed to work with Licensed Foreign Employment Agents in Sri Lanka to recruit Sri Lankan workers.
- All the documents related to recruiting Sri Lankan workers such as job orders, Power of Attorney, Agency Agreement and individual service contracts for

Sri Lankan workers should be submitted by the foreign recruitment agent/ company/ employer to the Diplomatic Mission for approval.

- Upon clearance of the Sri Lanka diplomatic Mission in the destination country, Job order and other relevant documents are transferred to SLBFE through online platform.
- Sri Lanka Licensed foreign Employment Agent obtain “first approval” from the SLBFE for the job order, advertisement and chargeable fees.
- Start Selection process of persons for employment by the Licensed Foreign Employment Agents in Sri Lanka.
- After fulfilling documentary requirement, signing of employment contracts with selected prospective migrant workers /arrange to refer for pre-departure training.
- Obtain “final approval” from the SLBFE for departure after verifying all required documents and placed an endorsement of security stamp on the passport of the worker with enrolment to the complementary insurance coverage and welfare package
- Send the worker to the destination country.

### **How to find information on foreign job opportunities?**

- Through the SLBFE information desks
- Through a licensed foreign employment agency
- Through the SLBFE about the job openings from Government to Government Agreements. Information can be obtained through SLBFE hotlines/ web-site and provincial offices.

### **Welfare programmes/ services provided by the SLBFE for migrant workers and their family members ?**

The SLBFE has a social Development and Welfare Division to plan and implement welfare programmes for the betterment of migrant workers and their family members.

**Current Welfare programmes for Migrant Workers and their Families.**

- Scholarship programme for migrant worker children
- School equipment for children of migrant workers
- Awareness programme for the school children of migrant workers on protection and development
- Drug and alcohol prevention program for migrant worker families.
- Subsidized loans for migrant workers to meet pre-departure costs, build houses and self-employment
- Insurance scheme (life, Health and repatriation cost) by SLBFE
- Shramika Surekuma Program (A program to uplift living standards of migrant workers and their families)
- WWF special relief package for returnees due to various issues and compensation for death, not covered under SLBFE insurance.
- Health Camps
- Housing for disabled migrant workers.
- Providing special provisions for migrant families when natural disaster damaged their houses and property.
- Relief activities for returnees at Sahana Piyasa
- Repatriation stranded workers under the Insurance and WWF
- Dispatching human remains
- Attend hospitals and jails and provide relief for Sri Lankans who are hospitalized and who are given jail terms and in detention camps.
- Labour disputes settlements -Conciliation
- Providing pre-departure training and orientation in subsidized cost.
- Identify vulnerable children of migrant workers through development officers (DOs) and provide necessary protection.
- Link with organizations/institutions that deal with financial literacy at district level, and seek their support to work further.
- Awareness programmes to identify migrant workers for self-employment and provide necessary assistance
- Programmes to support financial assistance for ongoing self-employment programmes for returnees and their families.
- Identify and refer the returnees and their families for the counselling on various issues, including human trafficking.

### **Socio-cultural aspects in major countries of destination & Laws and practices in countries of destination**

The objective of this session is to provide concise information on the key Labour Receiving Countries to strengthen the knowledge and awareness among the relevant Development officers of the Ministry of Foreign Employment. (These laws and regulations are subjected to the changes according to the destination country requirements.)

#### **Kingdom of Saudi Arabia (KSA)**

Riyadh is the Capital city of the KSA and according to the time difference Sri Lanka is 2 ½ hours ahead of Saudi Arabia. Official language is Arabic and the currency is Saudi Riyal.

Approximately 1,62,000 Sri Lankan Migrant Workers are currently working in the Kingdom of Saudi Arabia (2018). Sri Lanka Diplomatic Mission is located in Riyadh and the Consul General office is in Jeddah.

- Labour Laws applicable to the Migrant Workers in KSA
  1. Saudi Labour Law (Saudi Labour Law comprises of Royal Decree No. M/51 dated 27.09.2005, amendments - Royal Decree No. M/24 dated 24.03.2013, Royal Decree No. M/46 dated 25.03.2015)
  2. The Kingdom's employment legislative framework
  3. Islamic Sharia Law
  4. Regulations of the Ministry of Labour
- Labour Laws Applicable to the Domestic Workers
  1. Regulated under decision No.310 of 1434
  2. The Law covers various areas of domestic employment.

Labour Laws address various matters including terms and conditions of employment of Migrant workers and they must have a work permit and a residency card (iqama) in order to work in Saudi Arabia.

#### **State of Kuwait**

Kuwait is officially known as the State of Kuwait is an Arab country at the north eastern edge of the Arabian Peninsula. The country has 17,820 Square Kilometers of land and with a population of 4.25 million in 2019 which includes over one million Kuwaitis and more than two million expatriates. Capital city is the Kuwait City and the time difference between Sri Lanka is 2 ½ hours ahead of Kuwait. Official language is Arabic and the Currency is Kuwait Dinar (KWD).

Three main legal Codes governed labour conditions in Kuwait. Labour law for Government Employees, Labour law in Oil sector and Private sector Labor law. Kuwait adopted a new law in June (Ministerial decree No 68 of 2015) giving domestic workers labour rights and has the most effective law among GCC countries.

According to the statistics in 2018, there were 110,000 Sri Lankan migrant workers and out of that 65,000 domestic workers, and 20,000 non- domestic workers and around 15,000 undocumented Sri Lankan workers.

### **State of Qatar**

Doha is the Capital city and Time difference between Sri Lanka is 2½ hours, ahead of Qatar. Official Language is Arabic and the Currency is Qatari Riyal (QAR).

Labour matters relating to migrant domestic workers are governed by a new law, the Law No 15 enacted in August 2017.

### **The Sultanate of Oman**

Muscat is the Capital city and Oman has the 309,500 sq. Km area and time difference between Sri Lanka is 1 ½ hours ahead of Oman. Official Language is Arabic Language and the Currency is Omani Riyal (OMR)

The Oman Labour Law 2003 (Royal Decree No.35) which provides the central framework for labour relations and It applies to all Omani or expatriate employers and employees, public and private establishments, organizations and their subsidiaries, which practice their activities in the Sultanate of Oman excluding the Domestic sector.

In 2018, there were 21,294 Sri Lankan migrant workers and out of that 15,478 were female workers and 5816 were males.

### **United Arab Emirates**

Capital city is Abu Dhabi and the Time Difference between Sri Lanka is 1 ½ hours ahead of UAE. Official Language is Arabic and the Currency is United Arab Emirates Dirham (AED).

Sri Lanka Diplomatic Mission is located in Abu Dhabi and the Consul General office is in Dubai.

Labour matters in the UAE related to migrant domestic workers are governed by Federal Law No. 10 of 2017, Domestic Labour Law. Following that the matters of domestic workers came under the purview of Ministry of Human Resources and Emiratization (MoHRE).

### **Kingdom of Bahrain**

Manama is the capital city of Bahrain and the Time difference between Sri Lanka is 2 ½ hours ahead of Bahrain. Official Language is Arabic and the Currency is Bahraini dinar (BHD).

In October, 2017 Bahrain government introduced introduce a new comprehensive contract for domestic workers, which lays down the duties and responsibilities of the worker, the employer and the recruitment agency.

### Lebanese republic

Beirut is the capital city and the Time difference between Sri Lanka is 2 ½ hours ahead of Lebanon Official Language is Arabic Language and the Currency is Lebanese Pound (LBP) / Lebanese Lira.

Population of the country is 6 million and the Area covers 10,452 sq. km (4,036 sq. miles).

Major language is Arabic (official), and French.

Lebanese Code of labour (1946) is in practice but excludes domestic workers from protection guaranteed under the Lebanese labour law. In 2009, the Lebanese Ministry of Labor, in co-operation with the Office of the High Commissioner for Human Rights and the ILO, created a standard contract for all migrant workers.

### Hashemite Kingdom of Jordan

The Hashemite Kingdom of Jordan is home to 10 million people. Capital city is Amman and the Time difference between Sri Lanka is 2 ½ hours ahead of Jordan. Official Language is Arabic and the Currency is Jordanian Dinar (JOD).

The number of migrant workers in Jordan is estimated to be 1.2 million and number of Sri Lankan migrant workers in Jordan is estimated to be 15,000 and number of those with work permits is 10,000.

Labour law in Jordan

The general legal framework governing the labour affairs of Jordanian and foreign workers consists of the Jordanian law No 8 of 1996 (the Labour Code) and its amendments. The provisions of the Law apply to all employees and employers in Jordan as defined by article complemented by regulations, instructions and decisions issued in accordance with its provisions.

### Sharia law

The legal system of most GCC countries is based on Sharia law. This vast compendium of rules regulates all matters of devotional life, marriage and inheritance, criminal offenses, commerce and personal conduct.

### Kafala or sponsorship system

governs the immigration and legal residence of the migrant workers primarily in Gulf countries. Under this system, the employer/sponsor has the authority to control migrant worker's ability to leave or change employment or leave the country. It is a system of control and a way for governments to delegate oversight and responsibility for migrant workers to private citizens or companies.

*Further details: HELVETAS Country Specific Information Manual*

## Role of Sri Lankan Diplomatic Missions in destination countries in safe labour migration

Sri Lanka's Diplomatic Missions play a vital role in safeguarding the rights of Sri Lankans employed outside the country. In countries that employ a large number of Sri Lankans, primarily in low skilled categories of labour, these Missions are expected to provide myriad services including addressing migrant worker grievances. The Sri Lanka National Labour Migration Policy recognizes Sri Lankan Diplomatic Missions in labour receiving countries as the most trustworthy place for migrant workers to seek assistance during their work in a foreign country.

At present, Ministry of Foreign Employment and the SLBFE established Labour Welfare section in Sri Lanka Diplomatic Missions of 16 destination countries, namely Abu Dhabi, Dubai, Bahrain, Oman, Kuwait, Jeddah, Riyadh, Lebanon, Jordan, Cyprus, Israel, South Korea, Malaysia, Singapore, Maldives and Qatar with the purpose of safeguarding the rights and ensuring the protection of Sri Lankan workers. The Labour Welfare officials appointed to these Missions are mandated to look after the interest of the Sri Lankan migrant workers. All the expenses for the services for registered migrant workers, Administrative cost of the Labour sections are borne by the SLBFE – Overseas Workers Welfare Fund.

To ensure the safe recruitment to safe guard the Sri Lankan migrant workers, SLBFE has introduced the following measures, implement through the Labour Section of the Diplomatic Mission.

1. All foreign recruitment parties who intend to recruit Sri Lankan workers should be registered with Sri Lanka Diplomatic Mission in the Destination country. Mission issues a License on renewal basis to recruit Sri Lankan Workers.
2. Job orders/employment contracts and other related to documents for recruitment of Sri Lankan workers should be authenticated by the Diplomatic Mission.
3. Cancellation of the License/ Blacklisting could be done against the errant recruitment agents to eliminate mal-practices in recruitment process.

### **The Services provided by the labour Sections of the Sri Lanka Diplomatic Missions in destination countries are as follows.**

1. Handling of grievances/ complaints of migrant workers/Dispute settlements between employer and Migrant workers.
2. Managing safe houses for distressed female workers.
3. Repatriation of workers
4. Ensure a safe recruitment process for protecting the rights of Sri Lankan migrant workers

5. Conducting welfare programmes/ functions for Sri Lankan workers
6. Promotion of employment opportunities for Sri Lankan workers.

In this context, the Labour Welfare Officer of a Diplomatic Mission in a labour receiving country must engage in rather sensitive and responsible work related to migrant workers, who are more vulnerable to abuses and exploitation or otherwise in need of official assistance to overcome the variety of difficulties they may confront in a foreign country.

The “Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Labour Receiving Countries” has been prepared by the SLBFE and the Ministry of Foreign Employment sets out the standard guidelines and procedures for the Labour Welfare officers to ensure effective service delivery to Sri Lankan migrant workers through the diplomatic missions.

*Ref: Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Destination Countries (2013)*



### Issues in Return and Re-integration

The migrant worker who returns to the country has had a few years of absence from her or his family, community, society and country. Moreover, she/he returns with experience and exposure to another culture and environment which may have an impact on the thinking, behaviour and attitudes of the migrant worker. The reintegration programme also needs to take into account the multitude of social issues from the perspectives of a spouse, children, family and community. To avoid possible slowdown of the reintegration process and for positive image building of migrant workers it is necessary to empower families and society. A Gender sensitive approach and special attention to those migrants who experienced exploitation / abuse/trafficking is key in the social reintegration programmes.

### Some issues in return and reintegration

<i>Social aspects</i>	<i>Economic aspects</i>
<ul style="list-style-type: none"> <li>■ Reintegration within the family structure;</li> <li>■ Reintegrating with the Community;</li> <li>■ Opportunities and challenges for social reintegration.</li> </ul>	<ul style="list-style-type: none"> <li>■ Economic Reintegration;</li> <li>■ Opportunities and challenges for economic reintegration;</li> <li>■ Opportunities and Challenges for financially Sustainable Reintegration.</li> </ul>

### “Sahana Piyesa - SLBFE Welfare services Center Provides services to return migrant workers .

1. Assisting and providing facilities to stranded migrant workers who return from overseas.  
(Food, accommodation, bus fare, instructions regarding processing of claims, medical assistance, guidance for SLBFE training and future registration with the SLBFE.
2. Handling special cases such as sick passengers referred by the Sri Lanka Diplomatic Missions in Destination countries.
3. Following up the conditions of the hospitalized passengers by visiting them and providing them with basic needs and provide their medicine on request by the hospital authorities.
4. Handling the cases of pregnant returnees.
5. Handling death cases with Health authorities at the airport.
6. Receiving insurance claims, complaints from the returnees and forwarding to the SLBFE Head office for necessary action.
7. Providing shelter to arriving female migrant workers until the NOKs receive them.

8. Providing shelter to departing female passengers who could not board the flight due to various reasons, facing flight delays or they are early to their flights

### Key studies:

- *Refer: Reintegration with Home Community: Perspectives of Returnee Migrant Workers in Sri Lanka, ILO (2013)*
- *Refer: Understanding psychosocial issues faced by Migrant Workers and Their Families, Ministry of Foreign Employment Promotion and Welfare and SDC (2012)*
- *Refer: Transforming lives: The story of returning migrant workers, Women and Media Collective (2013)*

## Sub policy and National Action Plan on Return and Reintegration of Migrant Workers Sri Lanka

The National Labour Migration Policy (2008) has outlined the state response to return and reintegration as: “The State shall duly recognize the contribution made by migrant workers and facilitate their return and reintegration with opportunities for skill transfer, productive employment, and conflict-free social integration”. The policy has further stated that “The State shall develop and implement a comprehensive return and reintegration plan for migrant workers”.

Following on this policy direction, the Sub policy and National Action Plan is developed under the leadership of the Ministry of Foreign Employment as the key focal Ministry and launched in December 2015 by the Ministry of Foreign Employment.

### Five components of the reintegration plan.

Item No	Component	Objective
1	Social Re-integration	Dignified and safe return of migrant workers and their effective re-integration into a secure and responsive family and community
2	Economic Re-integration	Migrant workers are supported to acquire certified and employable skills, develop entrepreneurship and engage in employment and sustainable livelihood.
3	Physical and psychological well-being of returnees and their family members.	Ensure physical and Mental health of migrant workers and their family members in all stages of the migrant cycle.
4	Mobilization and empowerment of migrant workers through rights awareness	Support and empower migrant workers through rights awareness.
5	Effective management of return and re-integration process.	Ensure effective return and re-integration phase of labour migration through multi-stakeholder participation.

*Refer: Sub policy and National Action Plan on Return and Reintegration of Migrant Workers Sri Lanka*

## **Role of DO-FE in implementing the Sub Policy and National Action Plan on Return and Re-integration of Migration workers - Sri Lanka (Group work)**

Most of the duties assigned to the Development officer (Foreign Employment) by the Ministry of Foreign Employment are mainly focused on returnees, children and other family members of the migrant workers.

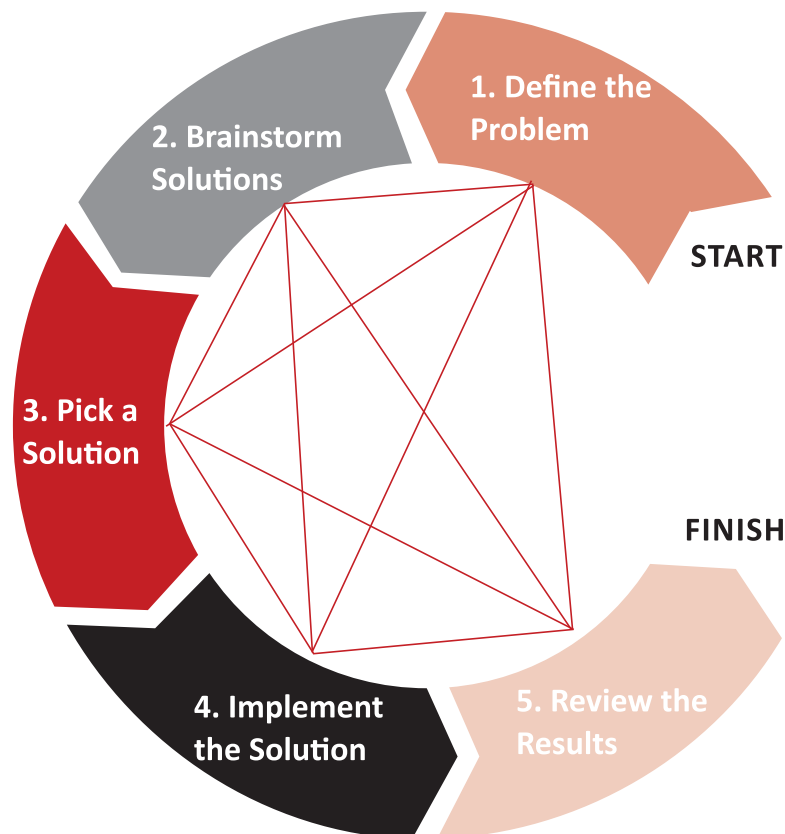
Refer (Module 12)

*Refer : Reintegration Sub Policy and Action Plan*

*Duty list of DO-FE*

## Problem solving and complaint handling mechanisms at the SLBFE

Common steps to solving a problem:



### Local Services for Migrant worker related complaint management

#### The SLBFE Conciliation Division -

The SLBFE has a separate division for conciliation of foreign employment disputes and it consists of authorized conciliation officers to conduct inquiries and make decisions. The conciliation officers have been armed with necessary facilities. The sections 43 and 44 of the SLBFE Act no 21/1985 have given power to the SLBFE to summon the parties concerned and to conduct inquiries on the complaints and grant redresses. The SLBFE takes legal actions against errant parties if efforts for mutual settlements are failed.

Apart from this division in the Head Office, the officers attached to the regional offices accept the complaints and register them in the web based online complaint management system. The complaints of all migrant workers irrespective of their source of finding employment are registered for settlements.

Details that should be submitted when complaint is made are the workers' Passport Number and the National Identity Card Number.

**The Conciliation Division states that requests or complaints should be made under the following specific situations but also in any situation where the worker or his/her family feels they need assistance:**

- Violation or breach of terms and conditions of employment
- Contract substitution by Local agency
- Non-receipt of wages
- Harassment
- Lack of communication
- Other issues

**Places to lodge complaints:**

- Head office of the Sri Lanka Bureau of foreign employment
- All Regional office & all District Office (Closed to the worker's residence)

**The SLBFE Complaint Management System: (CMS)**

The SLBFE has a fully automated web-based Complaint Management System (CMS) in respect of grievances related to foreign employment. The aggrieved parties can lodge their complaints to the SLBFE Head Office or to any decentralized regional offices

**Consular Affairs Division- Ministry of Foreign Affairs**

The Consular Division of the Ministry of Foreign Affairs also handles complaints of Sri Lankan migrant workers not registered with the SLBFE and the complaints of Sri Lankan migrant workers with regard to the workers who are imprisoned or in the custody of the Police and matters related to deaths.

**Overseas Services for Migrant worker related complaint management:**

The SLBFE maintains close relationship with the Labour Section in Sri Lanka Diplomatic Missions overseas through the web-based Complaint Management System (CMS) and the direct communication with labour Section staff to find early settlements for employment related disputes. Migrant workers can also directly visit/contact the Sri Lanka Diplomatic Missions and lodge their complaints for settlements. The Missions take actions according to the prevailing labour laws of those countries and keep close official relationships with the authorities there in finding speedy settlements for such complaints

### Some other mechanisms on grievance redressal

Development Officer appointed by the Ministry of Foreign Employment to District and Divisional Secretariat	Ministry of Women’s Affairs and Child Development	Sri Lanka Police	The Human Rights Commission
<p>The Development Officer (Migration) is the key contact person at the Divisional Secretariat on migration related matters.</p> <p>The Development Officer (Migration) supports the dissemination of safe migration information and follow-up of reintegration of returnee migrants at the local level.</p> <p>One of the main tasks of the Development Officer (Migration) is recommending the Family Background Report to female domestic workers.</p>	<p>The Ministry of Women’s Affairs has a Gender Complaints Desk where women migrant workers can take their complaints of violence against them.</p> <p>Within its mandate, the Department of Probation and Childcare where complaints of neglect and abuse of children and be taken.</p>	<p>Any issues of cheating prior to departure, labour trafficking, any complaints against sub agents forged passports and other documents, domestic disputes and issues with children can be taken to the Police.</p>	<p>The Human Rights Commission has Migrant Issues within the purview of the Director, Monitoring and Review of the Human Rights Commission of Sri Lanka.</p> <p>Any complaints can be taken to the Focal Point.</p>

**Module 9: Session 1  
(Group Work)****Significance of labour migration****Impact of remittances on the national economy: Valuing the contribution of migrant workers**

Migrant labour is Sri Lanka's main contributor to the national economy. Migrant workers contribute more than 8 per cent to the GDP annually. These workers contributed approximately 7105 Million US Dollars in 2018 representing significant contribution of the country's total foreign exchange earnings. Migrant employment also generates employment and brings down the rate of unemployment in the country. Migrant workers benefit in numerous ways by engaging in migrant labour

**Some points that groups can come up with are as follows:**

- Individual level:
  1. Personal development of the worker
  2. Better skilled worker
  3. Better at decision making
- Family level:
  1. Family income increased
  2. Children are better educated
  3. Material benefits increased
  4. More appreciation by family
- Community level:
  1. Community respects the worker
  2. Family is recognized as a family that has benefitted in terms of material development and development of children
  3. Family better able to contribute to community work
- National level:
  1. Increased income for country
  2. Workers and families recognized as heroes that contribute to the economic development of the country



## **Health issues faced by migrant workers at all stages**

Migration is a significant feature of Sri Lankan society and economy in terms of the numbers involved and the beneficial contribution to the country. Sri Lanka recognizes that access to health is a right and one that is critical for human development. Health is a vital asset for migrants and their families throughout the migration cycle. Thus, the negative health outcomes of migration have an effect on the individual migrant, cause social and economic burden on sending and host communities, and have repercussions for families left behind and the wider community.

Some key issues of the health aspects of labour migration are:

- Inadequate health Assessment and procedure for prospective migrant workers before departure
- Compulsory health tests required to be done by migrant workers prior to departure are carried out according to the guidelines of receiving countries and these standards are in place for private health institutions to perform these health tests but there is no proper monitoring mechanism to review these processes.
- Current pre-departure health assessment procedures do not comprehensively address the management of diseases, the required referrals for further investigations and management of non-communicable diseases.
- Evidence shows that a proportion of migrant workers suffer from non-communicable diseases such as hypertension and diabetes. Hence the importance of detecting these non-communicable diseases at the time of the pre-departure health assessment and ensuring their management during the period of employment must be included in the health test and the pre-departure health assessment.
- Inadequate insurance cover for migrant workers is a major constraint while they are in service abroad.
- Some migrant workers enter countries of employment without a proper health assessment at the pre-departure stage. This category of worker is more vulnerable to health problems, as they are excluded from national health care systems of the destination countries.
- Gaps in the system of pre-departure health assessments place the additional burden of on sponsors or potential employers in destination although they are required to pay all costs involved in obtaining the services of a physically and mentally healthy migrant worker.
- Migrant workers face adverse health situations due to the lack of information and awareness on health aspects.
- A major cause of morbidity and mortality among migrant workers are accidents

including injuries sustained by them at their workplaces primarily due to the lack of knowledge, lack of preparation for the work at hand, lack of focus on occupational safety issues, as well as negligence on their part.

- Health related issues resulting from gender-based violence faced by migrant workers, particularly female workers in low skilled work and employed in domestic environments.
- The minimal focus on primary health care needs and issues of returnee migrant workers. Although the mental and physical health care needs of traumatized returnee workers are identified, and necessary services including medical services, psychiatric services and counselling are provided, there is a need to integrate health issues into the reintegration process.
- Urgent need to examine and respond to the mental and physical health needs of family members left behind. (spouse, caregivers and children) Psychosocial issues faced by family members of migrant workers left behind include the prevalence of common mental disorders and behavioral conduct and emotional disorders.
- Vulnerable children of migrant workers need to be cared for on a regular basis through a coordinating mechanism between school/education authorities and authorities responsible for migrant care.

## The National Migration Health Policy

The Sri Lanka National Migration Health Policy was developed in 2013 by the Ministry of Health in recognition and promotion of the right to health for internal, in bound and out bound migrants and their families left behind in Sri Lanka. The Policy stems from Sri Lanka's overall vision for the protection of rights of all migrant populations, as part of the country's vision for development, and the World Health Assembly Resolution on "Health of Migrants" adopted in 2008. The Sri Lanka National Migration Health Policy aims to engage all relevant sectors and agencies that are responsible to ensure the health of migrants throughout the migration cycle.

The Vision of the National Migration Health Policy is to safeguard the health of all categories of migrants throughout the migration cycle to contribute to the development goals of the country.

The Mission of the National Migration Health Policy is to implement it through a coordinated multi-sectoral, multi-agency approach leading to the enhancement of the benefits of out bound, internal and in bound migration on the economy and society by promoting the beneficial aspects of migration and minimizing the negative health impacts, integrating migrant health care into development, public health care and social welfare goals of Sri Lanka, and working towards the realization and protection of human rights in the process of migration.

*Ref: Sri Lanka National Migration Health Policy*

## Understanding the Migrant Worker

### ■ Identifying and understanding distress:

As people helpers (befrienders and mobilizers), we are surrounded with people in need, and we must choose which ones we can and should give our time to. This course prepares you to assist prospective, current and returning migrant workers and their families. However not every migrant worker is in distress and needs assistance. It is important to be able to identify people who are in distress (even in our daily lives) so we can respond to them in helpful ways.

### ■ Identifying indicators of wellbeing:

Wellbeing (yaha pavathme) is a word we use to describe how well a person is doing and feeling overall, in his/ her life. How well he/she is able to cope, how happy or sad, satisfied or not, how successfully or not, how healthily or not he/she is living and working. By observing the person and talking to him/her we can make an initial assessment of a person's state of wellbeing. Here are some guiding questions. (These questions are not meant to be directly asked from the person, but we use them to observe and make a note for ourselves before we plan on how we will approach and support a person)

1. **Appearance:** does the person look, relaxed and happy? Does he/she smile genuinely? Does he/she have worried looks, creases on the forehead, sadness in eyes, mouth turned up or down, shoulders drooping or straight? Is she/he neat and clean and showing signs of caring well for self?
2. **Body movements:** Is he/she relaxed and at ease? Does he/she seem agitated? Anxious movement of limbs, restless movements. Is there any evidence of pain or discomfort difficulty in moving breathing or any other evidence of illness? Any visible injuries to take note of?
3. **Communication:** Is she/he stable and seems confident, or seems unsure uneasy and diffident? Is speech clear or unclear, is there confusion? What sort of emotion does he/she show in speech? Is it the same emotion as he/she shows in appearance?
4. **Relationships:** Has the person got the ability to relate well to people? Does he/she have good relationships with family and friends?
5. **Coping with stress:** is the person able to deal with his/her issues generally or is the person feeling very helpless and unable to cope. Is he/she unable to find solutions, unable to eat or sleep because of problems, having constant health issues (headaches, pains, sick often) due to problems? Is he/she having relationship problems or tensions and fights with those who are close to him/her?

6. **Functionality:** how well is the person able to do his/her daily work both at home and at work? Is he/she able to work effectively? are others satisfied with his/her work?
7. **Does he she appears generally happy and satisfied with life and work?**

These questions will help you figure out if a person is in distress and help you to talk to the person about the causes of this before you plan out how to assist the person.

### Introduction to communication skills: essential attitudes and supportive communication skills for befrienders and mobilizers

#### Essential attitudes when working with people:

A Befriender/Mobilizer does not approach any one as an expert, but as a friend who is equal but perhaps with a little more knowledge about safe migration and some training. Our goal is to support and walk beside a Migrant worker in difficulty helping her/him to get what is needed to regain wellbeing. We who are helpers do not see ourselves as saviors but as supporters.

- We approach the person with respect and protect the person's dignity.
- We see the value and worth of the person we are seeking to help and reflect this worth back, (tell the person clearly how important they are) Accept the person just as the person apart to how ever different they are to us.
- We watch out for all the possible strengths and resources a person has and draw attention to these, drawing them out of the person so he /she will use them.
- We consciously reject the common practice of judging condemning, blaming or making the person feel bad in any way. We do not use shame, blame and humiliation as a way of getting the person to change or improve but use respect, reason and creative communication.
- We do not impose our views, ideas or beliefs and try to help the person evaluate his/her own thinking, decisions and strategies and their consequences, and decide for themselves. This is to make the person stronger and not dependent on us.
- We spot weaknesses, gaps, risk factors and dangers and do not cause the person to become overwhelmed or feel hopeless by them, but take each one and see how we can help the person address them systematically and specifically.
- We do not see this helping relationship as one through which we demonstrate our skills and gain a sense of importance, though to feel proud and satisfied, is natural and good. The focus of our work is the person in need and getting help for him/her and not satisfying ourselves.

#### Basics in one on one (individual) communication:

##### ■ Starting a conversation

When you know of someone in the village who is planning to go overseas for work, or someone who has returned and is in distress, seek an opportunity to engage with the person in a conversation about this. If you are not close enough to this person to go yourself, you may get someone to introduce you.

You can introduce yourself as someone who has some experience/training in Migration. Sometimes your conversation may come very naturally as some people speak easily. If it isn't easy you can consider some of the following:

- Prospective migrants may sometimes feel that others will judge them harshly for their decision or that others may try to persuade them not to go and they may be reluctant to talk. Approach them with an opening line that you understand why they are considering leaving.

*"These are very difficult days I can understand your decision..."*

*"So many are considering leaving. So you are also planning to go?"*

*"What made you first decide to go?" "Who is helping you with your plans?" "Have you got the support of your family?"*

*"This must be difficult for you..."*

- Once they feel comfortable with you they will be more likely to talk. Some may have a concern about confidentiality (or if what they tell you, will be shared with others by you) Clearly communicate to them that you respect their confidentiality.

*"Sometimes people in the village discuss others' problems with everybody and then problems get compounded. I want you to feel safe and know that whatever you tell me will be strictly between me and you". "I will give you my word that what you tell me will not be shared with anyone"*

You will be discussing some difficult cases with your Mobilizer/ supervisor at your weekly supervision. Before you do so you need to tell the person you are helping about this, and make sure she/he is comfortable with it

*If you are ok I will share it with my supervisor to get better advice, but if you are not I will not share this even with her.*

### Reluctance to speak

If she /he is not comfortable with you sharing details with your mobilize/supervisor, you can discuss the case in a way that the confidentiality is maintained without mentioning names and exact details. With people who are reluctant to talk to you, you may discuss neutral topics (which are not about Migration first) until you feel the person is comfortable and then ask a question about Migration to see if she/he is ready to talk to you about it. You may need to assure them a few times and discuss your own experiences or stories you have heard as a starter to a conversation till they become comfortable. You may even be able to discuss all you want to say by using examples and stories you have heard.

- Take care to protect the confidentiality of the people whose stories you are using. Telling a story as a teaching tool is different to telling a story for entertainment.

- Use only stories that are relevant and necessary and not stories that are merely sensational shocking and frightening. Focus on the points you want to make and do not be distracted by the graphic sensational details.
- If you use examples as a way of communicating make sure you use both good examples as well as negative ones.
- When relating stories, make sure you try to get the person engaged in the conversation and draw them in, asking what they think or how they would advise or what they would have done in a situation. This may help them to start speaking freely.

### **Listening skills:**

A good helper and communicator listens very well. He/she uses Active listening, which means he/she shows the speaker that he/she is listening by showing clear interest and maintaining engagement with the speaker. Genuinely listen to the person and think about what he/she is saying. Do not think about what you are going to say while he/she is talking to you. These are some tools in active listening:

Maintaining eye contact, nodding, making sounds of agreement or of hearing, repeating, rephrasing, asking questions (for clarifying, probing, for insight development, etc.) reflecting.

### **Engagement and speaking skills:**

When you speak to someone you are trying to support

- Speak clearly, slower than normal if necessary allowing the person to absorb what you are saying,
- Watch the person to see if his/her face shows that what you are saying is understood.
- Clarify by asking if what you are saying is understood, repeat yourself in other words if you feel you are not getting through.
- Only say what is necessarily. Do not speak unnecessarily or in long sentences.
- Use simple language. Use examples, but stick to the point of an example and do not allow yourself or your listener to become side tracked by the story.
- Never use a helping relationship to speak about your own experiences for your own satisfaction, unless your own experience is directly and clearly relevant. Even if you do, make sure you say only what is necessary for this person to learn from and move on.
- Be aware of silences. They can be useful. You do not need to fill every silence with words, as they are useful times of reflection. A silence can be a time you observe the person. Be comfortable with silence and learn to use it.



- When a person you are helping becomes tearful or cries, resist saying, “don’t cry” and realize that crying is a normal natural way of releasing tension, and is probably good for the person. Reflect the person’s feelings back to them “you seem to be very upset by this. Yes, it is an upsetting thing. “Those who say “don’t cry” often do so because it is uncomfortable to them and hard to manage the tears of another. Allow for time to cry but do not let tears be a tool or weapon for avoiding the issues and making needed change.
- When a person gets very upset or angry or shows a lot of any emotion, use the same principle: allow for the expression, acknowledge the feelings verbally, but after a while try to move the person beyond the emotion to thoughtful action.

### **Parameters and boundaries of support:**

Do not make promises you cannot keep, or create wrong expectations of you in the person you are helping. Always do what you say you will do.

Knowing and working within limits of your role as a befriender /mobilizer and capability as someone who is not a professional but who has some training is very important. Do not attempt to solve all the problems a person has. Your role is to figure out with the person the best ways to find solutions, the best people to go to, and the best course of action to follow. Keeping your role and its limits in mind is extremely important.

### Introduction to Befriending: Being a Befriender - forming a helping relationship - a symbolic structure

- The structure of a supportive relationship:

Becoming a person who gives support to those in need around you can be viewed as a house. There are many parts to a house which have different but important and interconnected functions. Being a helper and doing so in a systematic, organised way is like building this house. It needs to be constructed systematically effectively and strongly. This house called the supportive relationship, which you will build with the people who need your services will have the following parts. It has a foundation of good rapport, the door way of support, windows of information, and connection, walls of problem-solving skills and, a roof of plan of action.

#### 1. The foundation of a strong rapport (communication):

Developing a genuine rapport with a person in distress is the foundation of our effort to help. It is our relationship which is the vehicle to transform the person and bring him/her to a stronger position. Often in our lives the strongest influences have been people, not programs, therapies, strategies, or events.

#### 2. The door way of support:

Offering support to the person in distress requires relating and supporting skills which include the following.

- 2.1 **Empathy:** feeling with a person. (Rather than for) Seeing with his or her other eyes or being in his /her shoes. This is not feeling sorry for the person but trying to appreciate what it must be like for that person. Seeing things from the person's perspective.
- 2.2 **Listening:** receiving what is said, listening to more than the words, but to the silences and what they mean, listening also to body language facial expressions, listening for the significance of words (as they mean to the speaker) and not just the spoken word. Repeating back to the person in your words what you think he/she is saying to demonstrate that you have heard.
- 2.3 **Positive regard:** viewing the person in a positive way, affirming the good you see in the person, seeing the best and the strongest things about a person will help the person to feel comfortable with you, and open to and not as a weak or wrong person.

#### 3. The walls of problem solving:

An important part of the supportive relationship is exploring and analyzing the person's problem both yourself and at some point with the person him/herself.

- 3.1 Analyzing the problem: What kind of problem is this? Is there any immediate danger? When it started, how long has it been going on, what caused it, what sustains it or feeds it. Who is affected by it, who is crucial to the solution? Who are the people who can resolve this?
- 3.2 looking at all the different options: for solutions, choosing the best most practical and possible solution under the circumstance.
- 3.3 What steps need to be taken?

#### 4. **The Windows of information and networking:**

Giving correct information is crucial to supporting a person. This is like having a window in your house, from which you can see outside.

Knowing what must be done, how and by whom and where seems quite simple but it is one of the most important ways of preventing problems and also of getting out of them. Most people get in to difficulties because they do not have the right knowledge or information about something. Providing people with the right (accurate) information alone is one of the most effective ways of supporting a person in any situation and of making a person feel strong and confident. The more we know about something the surer we feel and the more effectively we can function.

Another window in your house of support is the window of providing connections and contacts. Helping someone find the right person or right professional who can help them, taking them to the right place, introducing them to people who can give them what they need is also a very important aspect of supporting people. This is also called networking or linking up people with each other who can be a support to each other.

#### 5. **The roof of a plan of action:**

Your house of support can have all the aspects listed above but it wouldn't be complete without a roof. Having an overall plan of action for the person you are going to help is important. It is like knowing where you want to go and mapping out the road you will take. We don't use road maps much, but we do plan our journeys, where we will start, which bus stand we will go, which bus we will take, and where we change buses etc. It is the same with helping someone. Having a clear plan about what you want to do with and for the person is essential if you are to reach your goals.

- Planning an intervention:
  1. How can I build a good rapport with this person? What are the things that will help me to connect with her/him better?
  2. How can I clearly show/ demonstrate support (empathy, show I am listening and have heard and how can I show positive regard?)

3. Have I helped the person to analyse the problem and what do we learn from this?
4. What are the kinds of information this person needs? Where can I get them from? Who else would be useful to this person? How can I connect them up?
5. What are the other needs, risk factors you see in the persons situation?
6. What are the resources and strengths?
7. What are the steps in order of priority this person needs to take?

■ Keeping Supervision Records:

This list is only for your guidance to help you have a fruitful and helpful session of supervision with your supervisee/befriender. You do not need to limit yourself to this list alone, but need to complete all areas mentioned here.

- Name of Supervisor /Mobilizer:
- Name of Supervisee/Befriender:
- Date of supervision: -----

Area of interest	Your question	Yes	No	Comments observations
Details of the case	Has your Supervisee got all needed details			
Understanding of the issues	How well has she /he understood the case			
Analysis of problem	How well has she/he analyzed the problems			
Strengths and resources	Has she /he identified the strength and resources			
Weaknesses dangers, risks	Has he/she identified dangers weaknesses risks			
Options and suggestions	Are his/her options and suggestions adequate			
Information and contacts	Has she/he given sufficient information and contacts			
Communication with the client	How is the quality of his/ her communication with the client			
How this case affects supervisee	Is he/she aware of how this case makes her feel? How comfortable is she managing this case?			

- What recommendations have you given him/her .....
- .....
- .....

Signature of Supervisor ..... Signature supervisee .....

## The roles and responsibilities of a DO-FE

### Duties of the DO-FE

1. Recommendation of the family background reports and related matters
2. Implementing Shramika Surekuma programme including the following activities
  - a. Aware migrant workers' families on registration with the Shramika Surekuma Programme.
  - b. Issuing a registration number to all registered families and preparing of a social profile for each family.
  - c. Preparing and implementing family development plan for identified families needed special intervention.
  - d. Preparing and implementing Care Plan for identified, most vulnerable children
  - e. Follow-up and supervise those identified families getting assistance of the other field level officers and civil society organizations working in the area.
3. Preparing and maintain a updated database of migrant workers and their families.
4. Assist to implement the following programmes conducted by the Sri Lanka Bureau of Foreign Employment.
  - a) Welfare/ educational/ livelihood development programmes for families of the Migrant workers and their children.
  - b) Re-integration programmes for return migrant workers.
5. Conduct awareness programmes welfare for migrant workers, family members and the community on foreign employment promotion, child care and welfare.\*

*\*Source: duty list issued on 04/09/2019 by the Ministry of telecommunication, Foreign Employment and Sports.*

### Shramika Surekuma Programme.

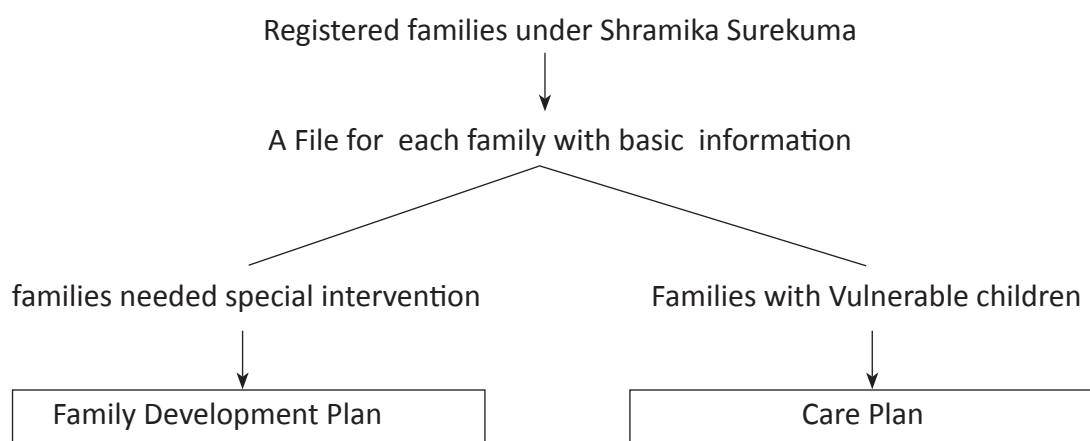
Family Development of migrant community is the main concern of development officers who are assigned to the Divisional Secretariat under this Ministry . One of the important aspects of your job is to implement the “ Shramika Surekuma” program for this purpose.

First of all, Development Officer has to register Families of the migrant workers in the Division , under the Shramika Surekuma programme. It is compulsory for the

Development Officers to maintain a file for each of the families registered under this programme.

**Following basic information should be included in the file:**

- Personal details of the migrant worker
- Detailed information about all family members of the migrant worker
- Social report including other related data of the family
- “Family Development Plan” according to the necessity.



### The Family Development Plan

The main objectives of a worker leaving for foreign employment are improving children’s education / health / nutrition, building houses or completing work, improving economic status and getting out of debt etc.

Identifying the underlying causes / objectives of the migrant worker leaving for foreign employment and assist the migrant worker and her/his family members to achieve that objective is the responsibility of the development officer. Furthermore, upon returning home it is needed to re-integrate him / her to the family and the society in more productive and positive manner.

Directing the family members of migrant worker /provide guidance to those who need/ provide necessary support / facilities/ referral to other services are also the responsibility of the DO\_FE for achieving these objectives and it is important to prepare the Family development plan including a time plan .

It is a collective of activities, agreed and prepared by both parties to achieve the above objectives.

### **Mapping of Services**

In general, there are a number of officers assigned to Divisional Secretariats under various Ministries to work in fields related to family development. It is important for development officers to realize that the services provided by these officers as well as the civil society organizations and community support in the area have the potential to make these family development plan a reality.

There are trained Paralegals , non-lawyers who provide support to resolve disputes and problems having some knowledge of the law and procedure regarding migrant workers and the migration process and working to serve the community. A Paralegal is someone who is willing to serve the community to help migrant workers and their families to resolve problems and to access information and services.

DO-FE has to identified such services available within her/his area to seek assistance in implementing programmes for migrant workers and their families

## Understanding Vulnerability

- Supporting migrants with specific vulnerabilities:

Migration can be a very positive and a good experience. Therefore, so many people have gone and continue to go. It can change people's lives for the better if properly planned for and carried out with the necessary safe guards. However, many people still suffer various psychological impacts related to Migration. We will look at some of the most common of them and see how we can help them manage these psychological impacts and even grow through them.

### 1. Separation and Loss

Separation from loved ones in one form or another is the single highest stressor among all factors causing stress in human beings. Whatever the cause, separation brings a range of difficult emotions that we all find extremely hard to deal with because being with people we love and belong to gives us some of the most profound and important things we need for our wellbeing: Our identity, sense of belonging, sense of safety, security, familiarity, comfort, acceptance and love; all come from the significant people in our lives. Leaving them is distressing for everyone. When a migrant chooses to leave for employment he/she is often making a choice to be separated to support these same people he/she loves.

Many of the migrant workers you may meet or those planning to go, will be experiencing separation from home and loved ones for the first time: these may be useful ways of coping you can discuss with them:

- Recognising the impact separation can have, not denying or down playing it. Making plans to compensate –before it begins to affect you and those you love.
- Planning with loved ones a system of keeping in touch and planning the regularity of contact, especially with children and spouses. This is of high importance if relationships are to be sustained.
- Making sure loved ones back home have support systems in place, so you don't get distressed over your family's pain on top of your own pain.
- Finding support systems, friends, activities, involvements, religious observances, reading material that will help when you feel lonely and sad.
- Investing money in keeping regular contact as far as possible with loved ones.
- Developing cognitive strategies for coping. (thinking practically and realistically about why you came, and why you need to be where you are, reminding yourself of your goals and your future dreams. Learning



to speak to yourself words of strength and encouragement to get through difficult moments.)

- Taking time to express feelings and not repressing them, but also not getting carried away by the feelings of loss and loneliness but moving on to work and life.
- Engaging more fully and wholeheartedly in work and in your present reality so you don't give yourself too much time to dwell on what you don't have (now) and rather work towards what you can have (in the future).

## 2. Cultural confusion

Before departure it is important to think about the fact that you will be going to a totally new culture which thinks and acts, dresses and speaks differently to what you have always been used to. This is the culture you will need to work and live in and being open to accepting this culture and learning to fit in is crucial to your own happiness and wellbeing. Those who resist these may have a lot more unhappiness and distress than those who open themselves up to understanding and accepting the culture.

- Understanding an accepting a culture doesn't mean you lose your own culture and become someone else. It merely means you respect the new culture and pay close attention to it, but remain who you are, adjusting when necessary.
- Asking questions about key cultural aspects like what is important to people of your host culture, how they relate to each other, how they relate to you, their religious beliefs, their eating habits, dress, social life, how they raise their children, how sexuality and relationships are viewed, how women and men are viewed are all important parts of this culture.
- Aspects of the culture of your host country are going to be very different to those of your home country. If you ignore or stay ignorant of the host culture you will be less happy and less adjusted. If you stay alert and interested, observing, asking, and stay sensitive to culture, you may even begin to really appreciate and enjoy the new culture and grow in your skills of relating, being flexible and culturally knowledgeable. This will make you a happy and well-adjusted person.

## 3. Varied types of abuse

Leaving home and going alone to a new country and doing so for work can open people up to a variety of abuses such as being cheated, to lied to, being denied basic standards in living, (adequate food, water, time to rest, secure place to sleep, privacy, opportunity to communicate with friends and family) being given wrong information, being denied help when needed, verbal

abuse, physical abuse sexual abuse. The best way to deal with abuse is to prevent it. To prevent abuse, you need to know the following:

- You are a special and worthwhile person, and no one has the right to abuse you in any way, take advantage of you, and harm you or cause you distress. If you know your worth and treat yourself with respect, others will also treat you with respect.
- It is also important for you to know your rights and the right procedures and practices for safe migration, so you will not be an easy target for people who cheat, lie and, misuse and abuse human beings.
- You are going to do a legitimate job and earn money for a very special cause- your family and your country. The country benefits greatly by the money you earn and send back to it. No one has the right to treat you badly be they Sri Lankan or foreign agents, Sri Lankan or foreign officials, your employer, other Sri Lankans or any one. Nobody has the right to abuse you in any way.
- Abuse can happen if you allow it to happen. Your reaction plays a part in preventing and stopping abuse, though it is NOT YOUR FAULT that you are abused. Even if a person makes a mistake that person does not deserve abuse. Mistakes can be corrected without bad or shameful treatment. So never excuse someone for abusing you and never accept it saying it's your fault and you deserve it. If you make a mistake with your employers, quickly apologise and make amendments, put it right, and try not to make mistakes in the future. However, you do not need to accept abuse or inhuman treatment.
- You need to clearly verbally state that you do not wish to be spoken to or treated badly. You do not need to shout or become aggressive but need to speak clearly, calmly and firmly and reject the bad treatment and ask for it to be stopped immediately. This is called assertive communication.
- If abuse continues after your efforts to speak against it or discuss the situation, then you need to quickly go to authorities who can help you. There are local authorities in your host country and also Sri Lankan authorities. If even the authorities abuse you, stay calm, make a note of it and try contacting your family and other organisations that can help.

#### 4. Lack of family support

Some migrant workers' families are negatively impacted because of their decision to leave and some migrants do not receive family support to leave. This can make migration the experience a difficult one. It is especially essential to have family support if you are leaving children behind.

- Discussing with family and trying to get support before you make the decision to go with, helps you to be relaxed and happy while you are out knowing your family is taken care of.
- If your family cannot or will not support you, try to find alternative friends or extended family or neighbours. (you will need to remember the dangers involved in leaving your children in the care of others apart from yourself)
- Some migrant workers find a good supportive “family” in the host country and create a community for themselves. This may include other Sri Lankan migrants or even members of the host country. (It is useful to remember not to compromise your values for the sake of this friendship and support, and make friends with people who respect you and do not take advantage of your loneliness)

#### **5. Unreasonable guilt and blame**

Shame and blame are commonly used in our culture and women in particular often feel guilty about things we do not need to feel guilty about. You may blame yourself for leaving your children and family, for having problems or returning with problems, women even blame themselves when abused or cheated. Unnecessary blame and shame make you unhappy, feeling like wrong doers when you have in fact have done a great thing in sacrificing so much for your families. Question people’s accusations of you and your own feelings of wrong doing. Try to learn and grow from situations and do not permit unnecessary shame and blame to drag you down.

### Case Management

It focuses on the use of case management methodology in child protection, particularly in the protection of children of migrant worker families.

Case Management is a process of assisting the child and / or his / her family directly or in any way by providing needed services with a view to making a positive and lasting difference in responding to child safety issues.

This is an interconnected process that covers designing, implementing, monitoring and monitoring the services provided to resolve the issue until the child is at least getting out of danger and the situation is fully resolved.

#### The importance of case management

- Case management is important in identifying the specific and specific service that is to be provided by a set of direct and indirect services provided in a variety of ways, and to ensure that all officers involved in the process are accountable for it.
- The Case Management Approach is an opportunity to engage the child and family members in a more in-depth look at the economic, social, cultural and structural issues that adversely affect them.
- To create a creative environment for the delivery of services to the customers in a cost effective manner without duplicating the programs / services provided in the field.

#### Case Management Process

The basic steps in the case management process are as follows.

##### (1.) Identify and register the risks

In the case of migrant worker families, this identification and registration can be obtained by obtaining basic information of registered families under the “Shramika Surekuma” program. It is important to focus on individual risk, family risk, and social risk.

##### (2.) Assessment

###### 2. 1 Preliminary Assessment

This basic assessment can be done in the analysis of basic information as mentioned above, and a thorough assessment should be conducted for children identified as needing intervention. If there are exceptional circumstances where the Foreign Employment Development Officer is not able to intervene according to the nature of the problem / problem, such information should be forwarded to an officer such as Child Rights Promotion Officer, Child Protection Officer and Probation Officer.

## 2.2 Detailed Assessment

Conducts a detailed assessment of events identified during the initial assessment phase to ensure that they can intervene for the event. It is possible to use a variety of assessment tools.

### (3) Prepare a care plan

This is done in consultation with the parties involved. The care plan is prepared after a lengthy discussion through a case conference.

A case manager can arrange a family meeting to obtain consent for the preparation of this care plan.

#### Family meeting

A meeting with the child, parents / guardians, and the case manager to prepare their own personal care plan for the identified child / child.

#### Case conference

Case Management and assigned Officers will discuss the progress of the ongoing meeting, various responses and collective decisions regarding complex cases at a specific time interval and family members should not participate.

In complex cases, multidisciplinary interventions can be made to involve professionals in a different fields in order to make formal decisions for the best interests of the child.

The case manager should keep a record of the negotiations / decisions made.

Case management should take into account the views of the child and the family before reaching final conclusions on the plans being implemented.

This is a multi-faceted intervention involving professionals from a variety of fields.

### (4) Implementation of the Care Plan

### (5) Follow-up and review

### (6) Completion of the event

For this purpose, a Case Manager is appointed and he / she must respect and follow the basic principles of Case Management.

#### Case Manager

A case manager can be defined as the relevant officer who is fully responsible for coordinating interventions from all service providers, ensuring that the entire case is managed in accordance with accepted policies and procedures in line with the child's best interests.

### Case Management Policies

Whenever possible, focus on adhering to at least the following principles.

- Confirm the self-esteem, importance, and personality of every child.
- Recognize the right to access services without discrimination and neglect of any kind.
- Ensure that children and families are positively empowered to find solutions to their problems using their own resources / talents / abilities.
- Ensure active involvement of the child and family in all stages of the Case management process.
- Protect the confidentiality of information exposed during the Case management process.
- Service providers must work impartially and independently throughout the Case management process.
- Service providers must maintain their code of conduct when interacting with children and family. Also, be sure to provide maximum service within the professional limits.

### Assessment of family / child

#### Assessment

Assessment can be described as an ongoing process of informing decision-making by identifying, considering, and weighing factors that affect children and their families.

#### Factors to Consider in Family Assessment

- Child safety.
- Minimize the possibility of abuse.
- The best interests of the child
- Protection of parents / guardians
- Child / family dignity

The assessment of the child and the parents / caregivers should be carried out in the following areas, taking into account as much information as possible.

- Strengths of the child / parent / caretaker
- Safety and vulnerability of the child / parent / caregiver
- Physical and mental health of the child / parent / care giver

Stability of the child in the family

- Child's developmental level
- Behavioral and emotional well-being of the child
- Relationships with peers and other groups within the child's family

Educational level / vocational training of the child

- Family relations
- Ability to look after a child / child
- Economic level
- Environmental stress
- Present formal services and informal community support for the family

### Care Plan

#### What is a Care Plan

A care plan is a document that describes the issues and risks involved in a family meeting / case conference after a detailed assessment. This is a document that can be revised at any time of need.

Steps must be taken to meet the immediate, short-term, medium-term and long-term needs of the child, the time allotted, and the personnel / personnel responsible for each step / task. Active participation of the child and the family is important in preparing the care plan.

Whenever possible, the Case manager should provide the child and family with a simple, written copy of the care plan.

#### Implementation / follow-up & Review

##### Implementation

The Case Manager must ensure the resources needed to effectively implement the services / functions that are to be implemented by the relevant parties and maintain the proper coordination with the respective service providers to ensure the success of the service delivery process.

##### follow up

The case manager should constantly monitor whether the child / and / or family's care plan is receiving the appropriate support / services and whether their condition is progressing well.

There is the possibility of making appointments with the child / family, planning or going home, making phone calls, verifying information from various service providers, as well as community-based follow-up.

##### Review

The case manager should always evaluate changing circumstances and external environmental factors to ensure that the original care plan is still relevant and responds positively to the needs of the child and family. Whenever possible, the case manager should review the care plan with the relevant parties, particularly the child and family.

##### Supervision and evaluation

The Case Manager should make sure that family meeting and case conference oversee care plan. The case manager should measure the outcome of the care plan. The case manager should also assess whether the child and family are satisfied with the process.



Should the child and family still need further assistance, the case manager should discuss with the case management / Case conference committee members and focus on ending the case as needed.

### **Closing the case**

If it is clear that the goals (including if the amendments are made) of the care plan prepared for the child / family have been met and the safety / well-being of the child has been established, the case can be concluded.

It is important to follow up after the case and even after 03/06 months to ensure that the condition of the child / family remains stable even after the closing the case.

## Revisiting learning and evaluation

### ■ Evaluation Form

*Provide descriptive answers*

1. What are the most important learnings you received from this training?
2. What do you see as the least important session/s in this training?
3. Explain in 5 points how this training can help you become better at your position as Development Officer?
4. Provide ideas for future training programmes.

**OR**

**provide your ideas for the followings**

<p>1. DID THE WORKSHOP MEET YOUR EXPECTATION? YES/NO</p> <p>■ PLEASE EXPLAIN YOUR ANSWER:</p>
<p>2. WHAT IS YOUR RATING FOR THE TRAINING IN RELATION TO THE OBJECTIVES OF THE WORKSHOP?</p> <p>■ EXCELLENT/VERY GOOD/GOOD/FAIR/POOR</p>
<p>3. WHAT IS YOUR RATING FOR THE FACILITATORS?</p> <p>■ EXCELLENT/VERY GOOD/GOOD/FAIR/POOR</p>
<p>4. WHAT IS YOUR RATING FOR THE CONTENTS OF THE TRAINING?</p> <p>■ EXCELLENT/VERY GOOD/GOOD/FAIR/POOR</p>

<p>5. LIST FIVE AREAS OF THE TRAINING THAT YOU FOUND MOST INTERESTING</p> <p>I. ....</p> <p>II. ....</p> <p>III. ....</p> <p>IV. ....</p> <p>V. ....</p>
<p>6. WHAT ARE THE AREAS YOU FOUND LEAST INTERESTING?</p> <p>I. ....</p> <p>II. ....</p> <p>III. ....</p> <p>IV. ....</p> <p>V. ....</p>
<p>7. WHICH IMPROVEMENT WOULD YOU LIKE TO SEE IN THE OVERALL DESIGN OF THE WORKSHOP?</p> <p>I. ....</p> <p>II. ....</p> <p>III. ....</p> <p>IV. ....</p> <p>V. ....</p>
<p>8. WHAT IS YOUR RATING OF THE VENUE, ACCOMMODATION AND OTHER LOGISTIC?</p> <ul style="list-style-type: none"><li>• VENUE: EXCELLENT/VERY GOOD/GOOD/FAIR/POOR</li><li>• ACCOMMODATION: EXCELLENT/VERY GOOD/GOOD/FAIR/POOR</li><li>• FOOD: EXCELLENT/VERY GOOD/GOOD/FAIR/POOR</li></ul>

9. LIST FIVE KEY THINGS YOU LEARNT DURING THE WORKSHOP AND THAT WILL BE USEFUL TO YOU AFTER THE PROGRAM.

- I. ....
- II. ....
- III. ....
- IV. ....
- V. ....

**LIST OF DOCUMENTS (INCLUDE INTO THE PEN DRIVE PROVIDED TO YOU)**

- 1. National Labour Migration Policy for Sri Lanka -2008
- 2. Code of Ethical Conduct for Licensed Foreign Employment Agents in Sri Lanka
- 3. Safe Migration Guide-ILO
- 4. Country specific Information Booklets.
- 5. Operational Manual for Labour Welfare Officers of the Diplomatic Missions in Destinations
- 6. ILO study on return and re-integration
- 7. Understanding Psychosocial issues faced by migrant workers and their families. SDC 2012
- 8. Transforming Lives  
Listening to Sri Lankan Returnee Women Migrant Workers
- 9. Sub policy on Return and Re-integration of migrant workers and National Action Plan.
- 10. National Policy on Migration Health



