

2015

8th Instalment – Part II

CONTENTS

**Intervention of the Relevant State Institutions in connection with the
Emigrant Labour for Employment in the Middle East.**

Intervention of the Relevant State Institutions in connection with the Emigrant Labour for Employment in the Middle East



AUDITOR GENERAL'S DEPARTMENT

Performance and Environment Audit Division



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1. Executive Summary

According to the statistical data, out of the total population of 20.771 million of Sri Lanka, the labour force stands at 8.8 million, of which the employed and the unemployed, stated at 95.7 per cent and 4.3 per cent respectively. Under these circumstances, there were 300,703 persons who proceeded abroad for employment in the year 2014 and 36.7 per cent of that represented women. A larger number of migrant labour had proceeded to the Middle Eastern Countries such as Saudi Arabia, Qatar, Kuwait and United Arab Emirates for domestic service. That represented 86.1 per cent. The foreign exchange earnings of the migrant labour serving in the Middle Eastern Countries represented about 56.8 per cent of the overall private labour foreign exchange earned by the total number of Sri Lankans proceeding abroad for employment.

The migration for foreign employment had been subject to rapid increase in the past several years whilst the number of complaints received relating to the problems faced by the women who had migrated for employment had been increasing gradually. The Ministry of Foreign Employment and the Sri Lanka Bureau of Foreign Employment intervene for resolving such complaints.

The objective of this Performance Audit was the evaluation of the efficiency and the effectiveness of the intervention of the State Institutions prior to the migration for employment, during employment and after their return to Sri Lanka to ensure the protection and welfare of the Sri Lankan Migrant Community contributing in great measure to earn foreign exchange to Sri Lanka.

Most of the complaints received by the Sri Lanka Bureau of Foreign Employment are from the women migrating for employment as House Maids as revealed in audit. Among them, physical and mental harassment inflicted and agreements breached by the employers and those caused due to the migration of persons not fit for such employment need special mention. Instances of the inadequacy of intervention by the Sri Lanka Bureau of Foreign Employment in resolving such problems were observed during the course of audit.

Even though the Training Programmes conducted prior to the migration are very important aspects, it was observed during the course of audit that the institutions concerned had not paid proper attention to the major aspects such as the identification of mothers with small children, blacklisting for a limited period of those identified with physical and mental illness, identification pregnancy of women and other prevailing diseases during medical examination, and producing counterfeit medical certificates, during the course of the Training Programmes.

In view of the lack of a database linking the functions of the Department of Registrar General, the Department of Registration of Persons, the Department of Immigration and Emigration and the Sri Lanka Bureau of Foreign Employment, underage persons had been sent abroad with counterfeit Passports obtained by producing forged documents. Therefore the early establishment of the above network as an urgent requirement has to be emphasized.

It is imperative that the Government should pay an adequate attention to the welfare of the Sri Lankan migrant labour contributing immensely to the economy of Sri Lanka. Therefore, in order to minimize the gradually increasing number of complaints, steps should be taken to revise the Training Programme to include imparting of an adequate knowledge of the laws and languages of the respective countries and creating an awareness of how to perform the duties at the place of work, allowing only the trained and physically and mental fit migrant labour, carrying out regular follow up after migration, blacklisting unsuitable work places and employers. The licences of Employment Agents who send labour abroad on forged documents and counterfeit Passports should be cancelled and legal action should be taken against them. It is necessary for the Sri Lanka Bureau of Foreign Employment to intervene in connection with the money paid to the migrant labour by the Employment Agencies at the time of the entering into agreements and ensure that the migrant labour received such money.

In addition, instances of breakdown of family life after the migration of women are very often reported and it had become a great social problem. As such it is emphasized that the institutions concerned should pay attention to solving such problems.

2. Background

2.1 Employment in the Middle East

2.1.1 Background of Employment in the Middle East

The development activities that emerged in the backdrop of increased income of the countries in the Middle East due to the escalating oil prices necessitated an enhanced labour force. A huge demand for skilled and unskilled labour force emerged as different development programmes were undertaken for the acceleration of the development process. In addition, the employment of a House Maid in one's home had become a social indicator of the prosperity of the household gained through the oil boom and that had resulted in a great demand for female employees. Accordingly, with the departure of persons in large numbers to the new labour market, the doors of the Middle Eastern employment market was opened for the Sri Lankans as well.

Further the general consensus of Middle Eastern countries expressed during the Conference of the Non-aligned Nations held in Sri Lanka in the year 1976 to provide employment opportunities to the Sri Lankan labour in their countries and the introduction of the Open Economy to Sri Lanka in the year 1977, opened avenues to migrate for foreign employment for the ordinary persons.

The attention of the Government as well was paid to this new labour market in view of the potent impact on the national economy resulting from such departure of Sri Lankans for employment in foreign countries. As such, the Sri Lanka Bureau of Foreign Employment was established under the Sri Lanka Bureau of Foreign Employment Act, No. 21 of 1985 for the systematic and formal maintenance of the Foreign Employment Sector.

2.1.2 Contribution of the Middle East Labour to the Economy of Sri Lanka

(a) Particulars of Labour departed for Foreign Employment

According to the Annual Statistical Reports issued by the Sri Lanka Bureau of Foreign Employment, the number of labourers departed abroad according to the destination is as follows.

Departure for Foreign Employment according to Destination					
Country	2010	2011	2012	2013	2014
	Percentage	Percentage	Percentage	Percentage	Percentage
Saudi Arabia	26.92	31.48	26.07	34.68	26.76
Kuwait	18.74	17.15	19.26	15.66	14.48
United Arab Emirates	20.43	16.03	14.95	13.56	16.74
Qatar	15.76	17.76	20.06	20.36	28.14
Others	18.15	17.59	19.66	15.73	13.87

(b) Foreign Exchange Earnings

The particulars of the amount remitted to Sri Lanka out of the foreign exchange earnings of the overall Sri Lankans serving in foreign countries and the particulars of the foreign exchange remitted to Sri Lanka by the labourers serving in the Middle Eastern countries are given below.

	2011	2012	2013	2014
	Rs.Millions	Rs.Millions	Rs.Millions	Rs.Millions
Overall Private Migrant Exchange	569,103	763,980	827,689	916,344
Migrant Exchange from Middle Eastern Countries	335,201	438,525	460,195	509,487
Middle East (Percentage)	58.9	57.4	55.6	55.6

(Source : Annual Report of the Central Bank of Sri Lanka - 2014)

Accordingly, the foreign exchange earned by the migrants to the Middle Eastern countries amounted to about 56.8 per cent of the overall private migrant exchange.

The migrant labour for foreign employment according to the labour groups had been as follows.

Labour Group	2013		2014	
	Number	Percentage	Number	Percentage
Professionals	5,151	1.8	5,372	1.8
Intermediate	16,510	5.6	20,778	6.9
Clerical and Allied	26,561	9.1	29,267	9.7
Skilled Labour	73,707	25.1	73,162	24.3
Semi-skilled Labour	3,412	1.2	3,977	1.3
Unskilled labour	70,977	24.2	79,519	26.4
House Maids	96,900	33.0	88,628	29.5

A trend in attracting women to domestic service exists due to reasons such as the publicity in the electronic and print media given by the Domestic Employment Agencies, the poverty related to under-employment in Sri Lanka, the attention paid to the physical development achieved in short term by the families of women employed abroad, etc. In addition, the reasons such as a grant of about Rs.100,000 given by the Agencies prior to departure and non-charging of a fee for the process of recruiting them for domestic service are also factors having an impact on women migrating or employment.

2.1.3 The Social Impact of Domestic Service in the Middle East

The primary objective of joining the domestic service in the Middle East is earning foreign exchange. Accordingly, 56.5 per cent of the total private remittances is generated from this sector. As such the ability of the families of the migrant labour to rise above the poverty level and build up a life of their own without depending on the Government subsidies any longer is a positive factor. Further, as most of the migrants in this field do not possess education or vocational training to be able to engage in any vocation other than domestic aides to make any contribution to the national economy, the ability to absorb such idle labour effectively for the economy is salutary.

Nevertheless, apart from the harassment caused to the House Maids, and breach of their agreements, the breakdown of the mutual relationship between children and husband due to the migration specially of mothers with children can be identified as the bad effects created in the sector.

In the mother – centered family background in Sri Lanka, distancing the mother from the children could lead to very serious conditions such as the deterioration of the mental condition, breakdown of their education and rendering them unprotected. Similarly, husbands separated from their wives could get addicted to liquor or other unwholesome liaisons. The overall position in that the breakdown of the family structures, the destruction of social values, etc., would adversely affect the progress of the society.

2.2 Authority for Audit

This Performance Audit was carried out under my direction in pursuance of provisions in Article 154 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

2.3 Selection of the Subject

Different problems faced by the labourers employed in the Middle Eastern countries, specially the House Maids, the resulting impact of such situation on their lives as well as the deaths in certain instances are reported daily in the media. Even though the laws, rules, etc., enacted for the identification of the reasons therefor and the control of all such problems, despite their shortcomings could maintain a good control of the situation. Nevertheless, there could be instances where those functions are not properly discharged. Under such circumstances it had become necessary to conduct a Performance Audit of the institutions related to this sector as it was essential for such institutions to devote adequate attention to the sorrowful situation faced by the migrant labour, the breakdown of their family structure and the problems relating thereto.

2.4 Objectives of the Performance Audit

This includes the evaluation of the following matters.

- (a) Whether the migrant labour physically and mentally fit are sent for employment abroad in accordance with the conditions in the Bilateral Agreements and the Memorandums of Understanding entered into by the Middle Eastern Countries with Sri Lanka.
- (b) Whether a methodology is in place for the resolving of complaints received relating to the migrant labour.
- (c) Whether a good language and vocational training is provided prior to their employment.
- (d) Whether each Division established in the Sri Lanka Bureau of Foreign Employment provide an efficient and effective service to the migrant labour.
- (e) Whether the Local and Foreign Agencies provide an efficient an effective service to the migrant labour.
- (f) Whether the Safe Houses of the Labour Offices established in the Sri Lankan Embassy Offices in the Middle Eastern countries provide an efficient and effective service to the migrant labour.

2.5 Limitations

Even though it was necessary to obtain the information required for the conduct of this audit direct from the Sri Lankan Embassy Offices in the Middle Eastern countries or the Safe Houses maintained therein, due to the existence of certain limitations in so doing, the relevant information had to be obtained through other alternative methods.

3. Detailed Audit Observations, Recommendations and Comments of the Institutions

3.1 Migration of Labour

3.1.1 Identification of Labour fit for Migration

According to the objective 11 of the Procedure Handbook prepared by the Sri Lanka Bureau of Foreign Employment for the training of labour is the prevention of the prejudice caused by the migration of persons unfit or with problems as well as the prevention of migration of persons with family or social problems and persons with physical, mental and health weaknesses. The Handbook referred to above specifies that the Training Division should take action to blacklist persons with minor children or those having physical, mental or health weaknesses or those who produce spurious information. The Circular No. Training 02/2012 dated 12 September 2012 of the General Manager has notified that the person who fail the physical fitness during the physical exercises done during training or if it is confirmed that drugs are used for maintaining a person's physical fitness, those persons as well should be eliminated from training.

It was revealed during the course of the audit conducted in this connection that this process is not properly executed during the training period and there had been instances where the labourers had to return to Sri Lanka shortly after the migration due to reasons such as creating problems at the place of employment, being subject to physical / mental harassment, non-receipt of the salary, mental agony of mothers with small children being often reminisced of them, migration of women unfit for service due surgical operations undergone, confirmation of pregnancy and migration without undergoing medical examination.

Indication

- i. Allowing the migration of only the persons who are fit for migration in respect. Where it is not complied with the migrant labour has to face different problems needing the intervention of the relevant institutions.
- ii. Migration of labour without the required physical fitness for migration, specially the women whose pregnancy has not been identified makes it necessary to return to Sri Lanka on being found for service after migration or being compelled to serve under such trying circumstances or made to live in Safe Houses with difficulty after being evicted from the place of work.

Recommendations

- i. Identification of the persons fit for migration during the training period.
- ii. Labourers unfit for migration should be blacklisted to prevent them from migrating during the relevant period and maintain updated records.

Comments of the Institutions (For Recommendations)

Action has been taken to implement the process followed for the identification of the physical and mental fitness under strict supervision and when persons unfit are identified, they are blacklisted. It is further implemented strictly.

3.1.2 Problems faced by Migrant Labour

- (a) Complaints made with regard to Problems

The complaints and incidents received from the Sri Lankans migrating annually for foreign employment are of different nature and the particulars for the years 2011 to 2013 are given below.

Nature of Complaints	Year		
	2011	2012	2013
Non-payment of agreed salary	1,963	1,804	2,012
Weak Communications	1,031	1,108	1,334
Sickness	1,469	1,611	1,557
Troubles (Physical and Sexual)	1,520	1,526	1,763
Death	302	287	298
Failure to repatriate to Sri Lanka after the expiry of agreement period	983	1,031	762
Family problems in Sri Lanka	82	74	94
Breach of Service Agreements	1,602	1,582	2,059
Termination of Service before due date	107	232	277
Stranded without employment	57	59	239
Others	820	907	1,027
	<u>9,936</u>	<u>10,221</u>	<u>11,422</u>

Even though the number of such complaints indicate a very low figure as compared with the number of persons migrating annually for employment, each complaint is concerning a person having a family relationship or relationship with an individual or a group of individuals. It was observed that certain problems had become so complex resulting in the tragedy of losing one or more lives.

Foreign employment is the major source of foreign exchange to Sri Lanka and a substantial contribution is made from the House Maid service. Nevertheless, the problems faced by the migrant women when serving as House Maids have increased. As such, it was observed in audit that greater attention should be paid in sending migrant labour as House Maids.

(b) Proper resolving of Problems

Sri Lanka Bureau of Foreign Employment established a methodology for directing the complaints received to the respective officers through a computerized system to provide relief to the respective migrant labour. It was observed in audit that the Bureau had taken action to resolve certain problems successfully through that process.

(c) Failure to resolve certain Problems adequately

The following weaknesses in resolving the complaints made by the migrant labour and their relations with the expectation of resolving the problems were observed.

- (i) Long time taken in resolving complaints
- (ii) Failure to resolve problems properly
- (iii) Relations of the migrant labour living in far off places compelled to visit the Bureau again and again due to non-attendance of the Local Employment Agents informed to be present at the Bureau on the dates specified for resolving complaints.
- (iv) Even though there are guidelines for opening a file immediately on the receipt of a complaint and maintaining up to the closing of the file after resolving the problem, several instances of closing files without complying with such guidelines were observed as follows.

- Failure to state clearly the solution provided to the migrant labour.
- Even though files had been closed by stating that the migrant labour had returned to Sri Lanka, there was no supporting evidence.
- Lack of documentary evidence of referring the migrant labourer entitled to compensation to the Welfare Division.

Indication

Persons disadvantaged due to the non-receipt of the proper service due to the migrant labour being deprived of proper relief.

Recommendations

- i. Resolving problems in a short period
- ii. Get both parties to participate on the due date for resolving the problems.
- iii. Proper maintenance of files from the receipt of the complaint containing the process up to providing a solution to the problem.
- iv. Instead of getting down people living in far off places to Colombo to meet the Employment Agents to resolve the problems, getting down the Employment Agents to the Regional Offices.
- v. Review the current position of files from time to time.
- vi. Implementation of an adequate supervision system.

Comments of the Institution

Observation (paragraph 3.1.2 (b))

"When the complaints received in the years 2011, 2012 and 2013 are considered, it was possible to provide solutions to about 98 per cent of the complaints at present (2015) "

Observation (paragraph 3.1.2 (a))

"The Mediation Officers are given instructions for the proper resolving of the problems regularly through the awareness programmes and by the Managers through the computerised system. Similarly, instructions have been given to study the Handbook on Procedures of the Mediation Division."

Observation (paragraph 3.1.2 (c))

- i. “The nature of complaints received by the Mediation Division is different from each other and the time taken for resolving the problem according to its nature differs from each other”.
- ii. “The request made by the complainant through the complaint is always provided at the maximum level by the Mediation Division.”
- iii. “On the absence of the Local Agent in the first instance, he will be called for a direction inquiry in the second instance. If the Local Employment Agent fails to attend the inquiry of the complaint, the file will be referred to the Legal Division for filing a case against the institution.”
- iv. “In addition to making aware the Mediation Officers through the Awareness Programmes, wherever possible, they are being made aware regularly on the matters pointed out by you.”

Observation (Recommendations)

“The recommendations made by you are also included in the Handbook on Procedures of the Mediation Division and the Mediation Officers are instructed to take action by regularly studying that book. Every possible step is taken to maintain the functions of the Mediation Officers at the optimum level by training them regularly”.

3.2 Social Repercussions arising from Migration of Women

The repercussions arising from the migration of women cannot be numerically measured, and the following matters will prove that the distancing of the mother from the mother-centred family in a South Asian Country like Sri Lanka would have an adverse impact on the children.

3.2.1 Migration of Mothers with Small Children

According to the Circular No. 02/2012 dated 12 September 2012 issued to the Training Division, instructions had been given that on the receipt of reports of mothers with small children, they should be blacklisted for the prevention of the migration of mothers with children less than 03 years old. A test check of 09 instances revealed that women had migrated without disclosing such information.

Problems such as the migrant women trying to come back to Sri Lanka after a short period by creating conflicts at their places of work due to thinking about children frequently, contacting the children very often by telephone and receiving news of sickness of children and instances of such children losing their protection and rendering their future dismal were observed in audit.

It is the opinion of the Sociologists that the migration of mothers having small children creates an adverse impact on the children's mental condition and personality and the loss of maternal affection stymies, the growth of personality of children resulting in showing signs of an inferiority complex leading to inability to bear highly emotional conditions.

Mother's protection is necessary for children to undergo their primary and secondary education successfully and the lack of such attention will have an adverse impact on the creation of an educated community imbued with ethics.

3.2.2 Spread of Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome (HIV/AIDS)

The audit of migrants employed in the Middle Eastern countries returning to Sri Lanka due to problems and sickness through the Sahana Piyasa at Katunayaka revealed that the respective countries had taken action to repatriate labourers found infected with diseases such as aids. It was also observed that such persons had not been referred to Hospitals for further treatment and creating an awareness among them to prevent the spread of the disease and that there was the risk of spreading the disease.

According to the comments of the Director of the Sexually Transmitted Diseases and AIDS Control Programme 80 per cent of annual increase of persons in Sri Lanka infected with the Human Immunodeficiency Virus are the women returning from employment in foreign countries such as the Middle East and that such condition is revealed only when the women undergo the medical examination for migration again. The number of such patients revealed is as follows.

<u>Particulars</u>	<u>Year</u>			
	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Total number of AIDS Patients reported	121	144	182	196
Infected migrant women to Middle East (80 per cent)	97	115	146	157

(Source : Sunday Mavubima – 02 February 2014)

Indication

- i. Trouble caused by the householder and other members of the family due to the difficulty in performing the service as a House Maid owing to thinking of children frequently.
- ii. Adverse impact caused by lack of protection to children due to the migration of mothers having small children.
- iii. Spread of sexually transmitted diseases in Sri Lanka resulting in the creation of grave social problems.

Recommendations

- i. To minimize the migration of women and motivate the migration of men as far as possible.
- ii. To obtain the Family Background Report on migrant women correctly from the Grama Niladhari in order to establish whether they have small children.
- iii. To include a wide publicity programme on sexually transmitted diseases suitable for the present condition to the Training Programmes.

- iv. To introduce a methodology for the examination of infection with sexually transmitted diseases before and after migration.
- v. To formulate a process that can be implemented systematically together with the Ministry of Health for the identification of migrant labour infected with diseases such as Aids returning to the country, referring them to the clinics and integrate them to the society.

Comments of the Institution

Observation (paragraph 3.2.2)

“An awareness programme of three hours is conducted in simple language on Reproduction Health, Sexually Transmitted Diseases, HIV/AIDS and Communicable Diseases by a Trainer in Health Education for those migrating for employment.

In addition to this, a discussion on the identification of the sexual challenges that may be encountered while being employed overseas and the manner of successfully facing such situation is held for the trainees in the afternoon of the penultimate day of the training.”

“As adequate sessions and feedback sessions had not been held for the trainees during several preceding years, the training sessions had been commenced again from October 2015. Accordingly, an adequate attention will be paid to every section.”

(Recommendations ii, iv, v)

- ii. “Certification of accuracy of the information in the Family Background Report and the residence and the civil status of the women migrating for employment is obtained from the Grama Niladhari. The information of the family background of women are confirmed through field visits by the Development Officers and finally certified by the Divisional Secretary.”
- iv. “Follow-up on Migrant women returning after employment and creating an awareness among them through Reintegration Programmes are done through Development Officers. Plans have been made for the examination of any affliction with diseases and for referring them to the respective institutions.”

- v. “Plans are being made for the implementation of a series of combined programmes together with the Ministry of Health in performing this national task in the future and the inclusion thereof in the Action Plan is also scheduled.”

3.3 Observations on the Training Programmes

3.3.1 Non-diversification of Training Programmes

Even though the Training Programmes with a syllabus appropriate for the creation of a labour force capable to meet the demand for employment available in the Middle East Zone should be conducted, it was observed that the Training and the Awareness Programmes were not in an adequate level.

The migrant labour to the Middle East Zone are mostly semi-skilled and unskilled labour and it was observed that the Training Programme are not held according to the employment area of the person. The Training Programmes for the Middle East employment conducted by the Sri Lanka Bureau of Foreign Employment are mostly targeted for the House Maids. Training in literacy only is provided for the other employments.

Course	Period
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	Days
Training Programmes related to the National Vocational Training Certificate	
Middle East House Maids - Sinhala	21
Middle East House Maids - Tamil	21
Training Programmes not related to the National Vocational Training Certificate	
Middle East – House Maids (Experienced) - Sinhala	07
Middle East – House Maids (Experienced) - Tamil	07
Literacy - Sinhala	18
Literacy - Tamil	18
Middle East Non-house Maid - Sinhala	05
Middle East Non-house Maid - Tamil	05

An examination of the migrations during the preceding years under different groups of employment, revealed that in addition to the House Maids a large number had migrated under the semi-skilled and unskilled groups such as cleaners, attendants, waiters, drivers, etc. Such persons should also be provided training under the respective areas. Persons migrating for employment as drivers should have to undergo a driving test in the country concerned. Any person failing the test has to bear the cost of passage to Sri Lanka.

3.3.2 Knowledge of the Legal Environment relevant to Middle East Employment

During the course of attention paid to the problems faced by the labour migrating for employment in the Middle East, it was observed that the lack of an understanding of the legal environment in force in the respective countries had been the cause for the problems. The following matters were observed in this connection.

- (i) It was observed that the Training Courses of 5 to 21 days duration conducted for the labour migrating to the Middle East for employment had allocated 2 hours for awareness of legal environment.
- (ii) The Sri Lankan Ambassadors in Saudi Arabia and Jordan had informed the officers of the Sri Lanka Bureau of Foreign Employment who were on a Study Tour in those countries from 01 to 17 January 2012 that the knowledge on laws imparted by the Sri Lanka Bureau of Foreign Employment is inadequate and a sound knowledge specially relating to the gravity of the Sharia Law should be imparted.
- (iii) During the course of the Study Tours of the other Middle Eastern countries as well, the Ambassadors had expressed that most of the labour had to face problems due to the inadequacy of the knowledge of the laws in force in those countries.

3.3.3 Practical Training

The following matters were observed in this connection.

- (i) About 25 trainees participate in the Course of 21 days conducted for the House Maids of the Middle East. According to the periods allocated per day and the Theoretical Course, it was observed that the practical training available per person is limited and that the modern equipment necessary for imparting practical training was not adequate.
- (ii) According to the comments made by the officers of the Sri Lanka Overseas Service, the Training Centres should be established with formal co-ordination and those should be conducted Island-wide for the areas such as Technology, Training, Hospitals, Construction Industry, Media and Transport.

3.3.4 Approval and Supervision of Private Training Centres

One of the objectives of the Sri Lanka Bureau of Foreign Employment is the extension of the training activities by enrolling the Foreign Employment Agents who are sending large number of labour to foreign countries for these Training Programmes.

(a) Intervention of the Bureau in the Private Training Centres

The Employment Agencies having suitable buildings, goods, training equipment and adequate human resources had been recommended for maintenance as Training Centres with the objective of enrolling their services for sending a larger number of labour to foreign countries. In view of the following matters, it was observed that the attention of the Sri Lanka Bureau of Foreign Employment had not been paid in relation to the problems of the labour migrating through those Agencies and the extent of the intervention of those Agencies in the settlement of those problems.

- i. There was no evidence to indicate that checks had been carried out to ensure that the training equipment conform to the specified standards.

- ii. Even though the Circular No. Training 02/2012 of the General Manager specifies that the labour who fail the physical fitness during physical exercises, mothers having children less than 3 years of age, those afflicted with physical weaknesses, scars of skin diseases and wounds caused by burn should be removed from training, there was no evidence to indicate that the Sri Lanka Bureau of Foreign Employment had ensured that the such Centres had complied with the instructions.

(b) Problems of Migrant Labour trained by Private Training Centres

The following matters were revealed during the examination of the files of 02 Employment Agencies providing training at private level subjected to a test check.

Licence Number of the Agency	Years examined	Number migrated	Number of Complaints received	Instances of Cancellation of Licences
946	2010/2011	720	105	04
	2011/2012	628	100	03
	2012/2013	709	100	07
940	2011/2012	430	50	01

According to the above statistical data, a substantial number of persons trained by the private Employment Agencies had migrated whilst the complaints received in connection with those labour ranged between 10 per cent to 16 per cent. Further, the number of cancellation of the licence issued for various reasons had exceeded 3 times in two instances.

(c) Renewal of Licences of Employment Agencies

The particulars of compliants received by the Mediation Division, the Investigation Division and the Legal Division are obtained in the annual renewal of the licences of the Agencies. Therein, the Mediation Division had, in most instances, recommended that the renewal should not be allowed. As it was observed that it was not possible to be satisfied with the number of

complaints received as compared with the number of labour sent abroad and the number resolved through intervention, it was observed in audit that the Sri Lanka Bureau of Foreign Employment should pay greater attention to the training provided through such Private Employment Agencies.

(d) Social Level of Trainees

As persons without any training with a very low level of education and with the minimal level of understanding a situation appear to be trained by these Trainees, the methodology followed in training them and the facilities should be subjected to direct supervision. Such training should be imparted theoretically and practically.

3.3.5 Selection of Resource Person for Training

In addition to the minimum educational qualifications, the resource persons recruited for the training of the labour expecting migration should have followed the Housekeeping Training Course conducted by the Sri Lanka Bureau of Foreign Employment and should have been registered in the Bureau over a period of 4 years or more and being in active service. The following matters were observed in connection with the Trainers.

- i. Lack of a wealth of wider knowledge spread beyond the social status in which the Trainers had served.
- ii. Such selected Trainers are appointed on temporary basis subject to the basis of extending their service year after year and are paid on hourly basis.
- iii. Even though the Trainers had practical knowledge and language knowledge, their knowledge is not adequate to cover the following parts of the syllabus.
 - The laws in force in the respective countries
 - The Social status of each country

3.3.6 Establishment and Control of Training Centres

Out of the Centres in which Sri Lanka Bureau of Foreign Employment conducts Training Programmes, the Centres at Kadawatha and Pannipitiya subjected to the test check had adequate accommodation for residential training whilst the facilities of the Ratmalana Training Centre were not adequate for residential training. As such the trainees had to pay for the accommodation found in the neighborhood of the Training Centre. If the training is made compulsory, the need for selection of Centres with adequate accommodation was observed in audit.

Indication

- i. As action had not been taken to analyse the orders for employment received by Sri Lanka for employment in the Middle East and for implementing the Training Programmes required for fulfilling such demand, employment obtained as unskilled labour had resulted in facing various problems.
- ii. Most of the labour had to face various problems due to the inadequacy of the knowledge they had acquired with regard to the culture, social status and legal background of the Middle East Zone.
- iii. In view of the inadequacy of practical experience acquired during the training period specially by the unskilled House Maids, they had to face difficult situations and problems during employment.
- iv. The migrant labour trained by the Private Agencies outside the training provided by the Training Centres under the Bureau had to face various problems.
- v. If the trainees have to find their accommodation for the Residential Training Courses conducted on fee charging basis, such situation will have an adverse impact on the success of the Training Courses.

Recommendations

- i. Conduct of Training Programmes for the labour migrating to the Middle East for employment, other than the House Maids such as those engaging in employments such as Waiters, Attendants, Cleaning Service as well as Construction Industry and Technical Sector relevant to the Middle East.
- ii. As a long term solution to minimize women migrating as House Maids, conduct Training courses in the Technology and Technical Sectors targeting school leavers in order to sending talented and trained labour abroad.
- iii. The knowledge on legal environment in a manner to be easily understood by the labour with minimal education level should be imparted. In this case, in addition to the Trainers, the assistance of the external Resources Persons should be obtained.
- iv. The practical training period of every Trainee should be increased. Modern equipment should be used for training.
- v. Action should be taken to bring the Private Training Centres under a formal control system.

- vi. The Employment Agencies which delay resolving the problems of the migrant labour should not be allowed to function as Training Centres.
- vii. Establishment of Residential Training Centres with adequate residential facilities and space.

Comments of the Institution

Observation (Paragraph 3.3.1)

“At present the Sri Lanka Bureau of Foreign Employment conducts courses which are not conducted by any of the Training Institutes in Sri Lanka

For those who leave for employments other than that relating to such course, 5 day courses in general skills are conducted. Nevertheless, action is being taken at present to provide further training to those migrate for other employments. Courses with Technology Input will be commenced very soon for filling the gap.”

Observation (Paragraph 3.3.2)

“ A very high awareness of the Laws in force in the Middle East is imparted. The creation of training equipment required for that and providing additional training to the Trainers have been commenced.”

Observation (Paragraph 3.3.3)

“ The technology hours and the practical hours of a course at the National Vocational Skills Level are done according to the standard. Even though the time allocated at present is adequate, the Bureau is also of opinion that further time should be allocated. Steps in that connection are being taken at present. Training of Trainers and the supervision activities have already been commenced. The approval of the Board of Directors for the modernization is due to be obtained.”

(Recommendations)

- i. “Creation of the Courses required has been commenced.”
- ii. “Done by the Marketing Division”
- iii. “The further training in this connection for the Bureau staff in charge of the Training Centres and the Trainers, providing Training Handbook and the creation of training equipment have been commenced.
- iv. “Commenced”

- v. “Arrangements for the supervision of Private Training Centres”
 - “The Deputy General Manager will subject every Private Training Centre to a direct supervision during two ensuing months.”
 - “One day Training Workshop for the officers in charge of all centres and the owners of the Training Centres has already been organized.”
 - “It is proposed to carry out follow-up through the installation of CCTV Cameras.”
 - “The Circulars on the facilities that should be available with the centres will be revised and those will be brought to a higher level.”
- vi. “The criteria for deciding the delay should be formulated initially. Delay is a relative matter.”
- vii. “Steps will be taken to provide adequate residential facilities to every Training Centre.”

3.4 General Observations of the Other Connected Divisions

The matters revealed at an examination of the welfare supplied to the emigrant labour through the services supplied by each Division administered by the Sri Lanka Bureau of Foreign Employment are as follows.

3.4.1 Welfare provided through the Sahana Piyasa Centre to the Migrant Labour

The particulars are as follows.

(a) Service provided to the Women rendered Helpless

This Centre is established close to the Katunayaka International Airport in order to provide on the spot relief to the migrant House Maids employed in the Middle East, returning helpless before completing the service period due to various difficulties encountered. There are reports of women returning to the Island due to conceiving after migration or after Child birth and it was observed that this Centre provides the initial relief activities in such instances. The information on such instances had been as follows.

	Year		
	2010	2011	2012
Returning due to concieving	30	47	39
Returning with children	33	46	27
	63	93	66

(b) Salvation Army Centre – Referral Centre for such Women

Most of these women refuse to return to their relations or their homes. As such the Sahana Piyasa Centre had, in certain instances, referred such women to the Salvation Army Headquarters. It was observed that the Sri Lanka Bureau of Foreign Employment pays Rs.1,500 per month per person for the detention period.

(c) Adoption of Children

According to the information obtained by visiting the Salvation Army Headquarters and meeting the mothers detained therein revealed that the adoption of children done by this institution is not done according to the Adoption Process of the Department of Probation and Child Care Services. As such the possibility of entrusting children to the unsuitable persons, either local or foreign, exists. This process should be carried out in accordance with the laws in force in Sri Lanka strictly under adequate and due supervision of the offices of the relevant State Institution, that is, under the supervision of the Probation Officers.

Indication

Even though the institution performs the service of identifying the women rendered helpless at the time of returning to Sri Lanka and provides initial assistance to them due to the release of children for adoption without complying with the Government approved methodology, the possibility of such children as well being rendered helpless exists.

Recommendations

Adoption of Children should be done in accordance the prevailing legal provision with the supervision of the Department of Probation and Child Care Service and making amendment to the Adoption of Children Ordinance No.24 of 1941 as appropriate for the present circumstances.

Comments of the Department of Probation and Childcare

“ Any person desirous of adopting a child may make application to the District Court. in terms of Section 2 of the Adoption of Children Ordinance, No. 24 of 1941 subject to satisfying all relevant laws and rules.”

“ The adoption of children under full supervision of the Department can be done only through amending the Adoption of Children Ordinance.”

3.4.2 Sri Lanka Bureau of Foreign Employment Office Situated at the Katunayaka International Airport Terminus

It was observed that the office situated in the Katunayaka International Airport Terminus premises follow the procedure for the confirmation of registration prior to embarking of persons and for the registration of migrant labour emigrating without registration. The following matters were revealed during the course of the on the spot examination.

- i. The space available in the office is at the minimal level.
- ii. The passengers as well as the officers are inconvenienced due to the heavy congestion of passengers during the examination of the persons proceeding abroad.
- iii. The persons migrating though the intervention of friends or relations without prior registration are inconvenienced when notified to obtain registration at that time itself due to lack of local currency with them.
- iv. In view of the vacancies of employees existing in the office of the Sri Lanka Bureau of Foreign Employment and the Sahana Piyasa Centre situated in the Airport premises, those institutions could not provide the maximum service possible. Details of the vacancies had been as follows.

Category of Officers	Number of Vacancies	
	Airport Office	Sahana Piyasa Centre
Assistant Manager (MV)	02	01
Women Officers (SI - SIV)	04	02
Office Aides (SVI)	02	01
Arabic Languages Translators	02	-

Indication

- i. In view of the existence of vacancies in the staff, the services needed by the migrant labour are not received as expected.
- ii. In view of the inadequacy of office accommodation available for the checking of registration and the registration of the migrant labour it is difficult for the officers and the migrant labour to execute their tasks.

Recommendations

- i. Filling of vacancies of employees
- ii. Locate the office of the Sri Lanka Bureau of Foreign Employment situated in the premises of the Airport in a commodious place.

Comments of the Institution

Not replied

3.5 Maintenance of Data and Information

It is essential to maintain an accurate Data and Information System for this Sector and the updated maintenance of the system would immensely help in decision making. The following matters were observed in this connection.

3.5.1 Main Database

According to the Sri Lanka Bureau of Foreign Employment Act, No. 21 of 1985 enabling the establishment of the Bureau, a methodology should have been formulated for the establishment and the maintenance of the Database for carrying out a survey of the departure of Sri Lankans for employment outside Sri Lanka and return to the Island after completion of employment. As such action had not been taken, the information on the departure of the Sri Lankan migrant labour from the Island and

their return to the Island should be based on the information supplied by the Department of Immigration and Emigration. As the Bureau is not having the updated database concurrently with that, it has to act on the information of external institutions. As such it was observed that a longer time is taken for the resolving of the problems as it is not possible to have immediate access to the problems.

3.5.2 Maintenance of Data on Insurance Indemnity

Information on the claims for insurance indemnity of the migrant labour is maintained in the Database and a methodology for entering the particulars of the money remitted by the insurers for such claims, the date of remittance, etc., was not in place, rendering it not possible to obtain from the database the primary and important information relating to the claims for indemnity. As such the migrant labour could not obtain the complete information on their claims for insurance indemnity from the Database.

3.5.3 Information relating to Safe Houses

It had not been possible to obtain from the Information Technology Division of the Sri Lanka Bureau of Foreign Employment the particulars of the actual number of the migrant labourers remaining in the Safe Houses on any specified date. It was so, as the information obtained from the Information Technology Division is not maintained in the updated manner. For example the number of migrant labour remaining in the Safe Houses of Qatar on 31 December 2012 had been obtained as 967 from the Computer Database, 4 names therein had been changed subsequently. Even though such number in the Safe Houses at Riyadh had been shown as 1,680 that had been changed subsequently as 322. It was observed that the accurate information could not be obtained when required due to such changes made and the failure to update the data.

3.5.4 Migrant Information Centre

It was observed that special attention is needed in respect of the following matters relating to the 24 hour information service maintained by the Sri Lanka Bureau of Foreign Employment from the year 2012.

- (i) Even though the information on the complaints received by the Centre daily as well as enquiries made (E-mails, Fax, Telephone Calls, Skype) should be maintained systematically, it is not being so done.
- (ii) Calls Recording system is not in operation
- (iii) Even though the complaints received by this Section are referred to the respective Divisions for resolving, information such as the solutions given, the date of resolving and the current status, is not referred to this Section.
- (iv) This Section is not being aware of the decisions of procedures of the Bureau taken by different Divisions.
- (v) The failure to prepare a Handbook on Guidelines for this Section
- (vi) Non-maintenance of Data on the monthly / daily enquiries made from the Centre or the complaints forwarded

3.5.5 Maintenance of Data by the Special Investigations Division

Even though the Special Investigations Division of the Sri Lanka Bureau of Foreign Employment maintains the data on the number of complaints received and the number out of the number of raids conducted to the Legal Division for filing cases it was observed that the following requirements are not fulfilled through that.

- (i) The number of complaints made by visiting the Special Investigation Division and filling the forms and the particulars thereof.
- (ii) The number of complaints forwarded by the Training Centres of the Provincial Offices and the particulars thereof.
- (iii) The particulars of complaints forwarded by the Mediation, Foreign Relations and Licencing Divisions of the Bureau.
- (iv) The particulars of complaints forwarded through the Sri Lanka Embassies Overseas.
- (v) The particulars of the investigations conducted in connection with the Institutions / Agencies which supply foreign employment without obtaining registration of the Sri Lanka Bureau of Foreign Employment.
- (vi) The particulars of Investigations which did not charge the amounts approved by the Sri Lanka Bureau of Foreign Employment in the supply of foreign employment.

- (vii) The particulars of investigations conducted on sending unauthentic persons for foreign employment by using counterfeit Identity cards and counterfeit licences.
- (viii) The particulars of proceeding abroad for employment by giving false ages.
- (ix) The particulars of complaints received in connection with the distortion of service conditions.

3.5.6 Co-ordination of Activities of related State Institutions

(a) Related Institutions

When a citizen of Sri Lanka proceeds abroad, the accurate identification of the person is very important. The Passport required for this purpose is prepared based on the information in the National Identity Card of the person concerned. The National Identity Card is prepared on the basis of the Birth Certificate of the person concerned and on the Recommendations of the relevant Grama Niladhari and the Divisional Secretary. As such the issuance process of a Passport involves three State Institutions. These include the Department of Registrar General which issues the Birth Certificate based on the information that should be filled at the birth of a person, the Department of Registration of Persons and finally the Department of Immigration and Emigration. The role of all these institutions are important for each other and a Passport is issued on the accurate information generated by each such institution.

(b) Maintenance of a Combined Database

The need for the maintenance of a combined database covering the functions of these three institutions in order to establish such information was observed as a very noticeable feature. Such information system can prevent the possibility of obtaining fake Passports by producing fake bio data to enable unauthentic persons to proceed abroad. It was observed that the co-ordination of the functions of those three institutions until the operation of a combined data system is important.

Indication

- (i) When the Sri Lanka Bureau of Foreign Employment is not in possession of data on the Sri Lanka migrant labour leaving from returning to the Island it has become necessary under emergency circumstances to obtain their information from the Department of Immigration and Emigration.
- (ii) Due to the failure to maintain the information on payment made for insurance indemnity claims in a database, it had not been possible to provide information when requests are made by the migrant labour.
- (iii) The possibility of difficulties in making decisions due to the failure to maintain accurate and updated information on the Safe Houses.
- (iv) Constraints in the supply of relief to migrants due to lack of proper control over 24 Hour Migrant Service.
- (v) Non-maintenance of updated data of the Special Investigation Division.
- (vi) Providing opportunities for the labour to proceed abroad on counterfeit information.

Recommendations

- (i) Expedited establishment of a Main Database by the 3 main Public Institutions and the maintenance of data on the payment of insurance indemnity.
- (ii) Maintenance of accurate information on Safe Houses.
- (iii) Subject 24 Hour Migrant Service to supervision and the supply of required guidelines and facilities.
- (iv) Updated maintenance of the data of the Special Investigation Division.

Comments of the Institution

Observation (Paragraph 3.5.1)

“The Bureau has a database on the registered data of the persons registered in the Bureau and proceed abroad for foreign employment. Even though the officers of the Bureau check the Bureau registration at the Airport, a methodology for the control of the process of leaving the country and returning to the country is not available.

As such obtaining the information on immigration and emigration of the persons registered in the Bureau and migrating is dependent on the information obtained from the Department of Immigration and Emigration.”

Observation (Paragraph 3.5.5)

“The data storage methodology in use at present does not have the capacity for separate identification. Therefore, discussions will be held with the Computer Division for the preparation of a new methodology for the storage of data.”

Observation (Paragraph 3.5.6)

“It is essential to combine the data of the main State Institutions, namely the Department of Registration of Persons, the Department of Registrar General, the Department of Immigration and Emigration and the Sri Lanka Bureau of Foreign Employment in order to maintain a highly accurate database.”

3.5.7 Insurance

Every migrant labour proceeding abroad after registration in the Sri Lanka Bureau of Foreign Employment, contributes to an Insurance Scheme.

(a) Insurance of Foreign Employment

This Insurance scheme was operated under National Insurance Trust Fund as “Foreign Employment” with effect from 01 June 2008. The insurance premiums collected by the Sri Lanka Bureau of Foreign Employment from the migrant labour are remitted direct to the National Insurance Trust Fund and insure the migrant labour under an insurance scheme. When claims are made, the relevant applications are sent to the National Insurance Trust Fund through the Bureau.

This Insurance scheme has been transferred with effect from 29 March 2012 under the name “Sahana” (Relief) to the Sri Lanka Foreign Employment Agency. The Sri Lanka Foreign Employment Agency, together with the Sri Lanka Insurance Corporation operate the Insurance Scheme. Therein, the premiums for the insurance and the claims for indemnity are given by the Sri Lanka Bureau of Foreign Employment to the Sri Lanka Foreign Employment Agency and thereafter remitted to the Sri Lanka Insurance Corporation.

The reasons for engaging the Sri Lanka Foreign Employment Agency as an intermediary for the Insurance had not been furnished and the following differences were observed between the two Insurance Schemes.

(b) “Sahana” Insurance Scheme

The valuable benefit of accident and death insurance indemnity to the dependent up to a maximum of Rs.25,000 received by the migrant labour from the National Insurance Trust Fund had not been available from the “Sahana” Insurance Scheme implemented from the year 2012.

(In the payment of benefits to the dependents of the employee by the National Insurance Trust Fund under the “Foreign Employment” Insurance Scheme from 01 January 2013 to 01 July 2013, indemnity for the deaths of 23 persons amounting to Rs.575,000 and Medical assistance to 15 persons amounting to Rs.282,047 had been paid).

Indication

The insurance indemnity up to a maximum of Rs.25,000 entitled to the migrant labour for the accidents and deaths of dependents under the National Insurance Trust Fund had been deprived of under the new Insurance Scheme.

Recommendation

Creation of a methodology through which the employees get the maximum indemnity when transfer from one Insurance Scheme to another scheme is affected.

Comments of the Institution

“The insurance cover payments made to the migrant labour from the year 2012 were done by the Foreign Employment Agency (Pvt) Company. The agreements signed between that Company and the Bureau, did not include the clause on Dependent Medical, thus resulting in this problem. Nevertheless, a clause on the payment of insurance indemnity has been included in the new agreement signed between the Sri Lanka Insurance Corporation and the Sri Lanka Bureau of Foreign Employment and that is in operating level at present.”

3.6 Role of the Employment Agencies

The role of the Employment Agencies in the Foreign Employment sector is very important and the registration of those Agencies and the lawful maintenance are supervised by the Sri Lanka Bureau of Foreign Employment.

The existence of deficiencies in the process of registration of Local and Foreign Employment Agencies up to the supervision and a large number of unfair acts perpetrated by the Employment Agencies causing a lot of difficulties to the migrant labour due to those deficiencies were observed. The details thereon are as given below.

3.6.1 Discharge of the Responsibilities of the Employment Agencies

(a) Trend in the increase of Problems

Apart from the harassment caused by the employer faced by most of the labour proceeding abroad for employment in the Middle East, various kinds of information on the nuisance caused due to the failure on the part of the Employment Agencies to discharge their responsibilities properly were observed. The summarized particulars of such instances of 3 preceding years are given below.

Reason -----	Year -----		
	2010 -----	2011 -----	2012 -----
i. Lack of response to complaints	288	262	232
ii. Non-payment of compensation for injuries	4	3	3
iii. Non-payment of agreed salary	5	4	2
iv. Non-receipt of Salary	-	-	2
v. Complaints made by relations	-	-	90
vi. Requests made through Embassies	-	-	6
vii. Requests made through other Local Employment Agencies	-	-	8
viii. Requests made by the Training Division	-	-	1
ix. Other Requests	<u>22</u>	<u>6</u>	<u>92</u>
x. Total Number blacklisted	<u>319</u>	<u>275</u>	<u>436</u>
xi. Number reactivated subsequently	296	248	427

Accordingly a trend in the increase of problems from year to year is reflected. As such it was observed that sufficient attention should be paid to the role of the Employment Agencies.

Out of the courses of action taken against such Employment Agencies, such as the cancellation of registration for a short period or a few days and reactivation thereafter was observed as a course of action inadequate for solving the problems.

(b) Obtaining Recommendations before Renewal of Licences

According to the Manual of Instructions issued by the Sri Lanka Bureau of Foreign Employment to its Licencing Division, reports from the Mediation, Investigation and Legal Divisions should be invited before the renewal of the valid licence of the Local Employment Agencies and if according to the information therein, the recommendations have not been received for the renewal of the licence. According to the Manual of Instructions for the Licensing Division prepared by the Sri Lanka Bureau of Foreign Employment that should be notified to the licensee in writing and inform the respective Divisions and obtain the recommendations of those Divisions.

Accordingly, it was observed that, in the event of not recommending the renewal of the licences based on the information on the Agency invited from the Mediation, Legal and Investigation Division, the Agency owners make efforts to resolve the unresolved complaints over a period of one year relating to such Agency and obtain the renewal of the licence.

The following matters were observed in this connection.

- i. Information had been invited from the Mediation, Legal and Investigation Divisions for the renewal of the licence of the Agency holding the Licence No. 2411 on 03 May 2012. The Mediation Division had informed on 24 May 2012 that the renewal of the licence is not recommended as 11 out of 12 complaints received by the Mediation Division had not been resolved. That position had been brought to the notice of the Employment Agency on 09 July 2012. The Mediation Division had informed the Licencing Division on 16 July 2016 that the complaints had been resolved and to renew the licence. Accordingly the licence had been renewed on 14 September 2012.

- ii. The Agency holding the Licence No. 1555 is a licenced Foreign Employment Agency with effect from 11 November 1998. When information for the renewal of the licence for the year 2010 was invited from the Mediation and Investigation Divisions, it had been decided that the renewal of the licence will not be recommended as 65 out of 165 complaints received up to 13 August 2010, had not been resolved. The Manager of the Licencing Division had informed the licensee of the position on 19 August 2010 and subsequently, on 08 November 2010, it was informed that the renewal of the licence will be recommended as action had been taken for the resolving of the unresolved complaints.
- The General Manager of the Bureau as well had informed that all the approvals of this Employment Agency will be suspended with effect from 03 March 2011 due to the failure to resolve a problem relating to a House Maid migrated on 26 March 2010.
 - When the information was invited from the Mediation and the Investigation Divisions before the renewal of the licence for the year 2011, the issuance of the licence had not been recommended as 34 out of 166 compliant received up to 25 August 2011 had not been resolved. The Licening Division had informed the position to the licensee on 02 September 2011. Thereafter the licensee had taken action for resolving the unresolved complaints and as such the Manager of the Mediation Division had informed on 02 October 2011 that the renewal of the licence will be recommended as the compliants had been solved. Nevertheless, the Deputy General Manager of the Foreign Relation Division had, by his letter dated 08 November 2011, informed that the Agent had not attended the Mediation Programme held by the Mediation Division for providing quick solutions to the problems of the migrant labour despite being informed and that no interest is taken for resolving the problems of the migrant labours and that strict attention should be paid to these matters in the renewal of the licence of the Agency concerned.

3.6.2 Performance of the Activities of the Foreign Employment Agencies

The Foreign Employment Agencies perform the primary activities relating to the migration of the labour and intervene when made aware of the problems confronted by the migrant labour after deployment in the places of employment. Herein the problems caused to the migrant labour can be discussed under two parts.

(a) Problems arising before Migrant Labour Proceeding Abroad

The counterfeit activities perpetrated by the Employment Agencies from the time a prospective migrant labour selects an Employment Agency for that purpose until departure were revealed. It was observed that a regulatory procedure is not in operation for the prevention of these activities. The details are as given below.

- Underage women sent abroad by using counterfeit documents
- Obtaining an amount of money exceeding the amounts authorized by the Bureau.
- Not referring to the appropriate medical examinations.
- Sending for an employment different from the agreed employment.
- Giving a lesser commission or not giving the commission agreed to be given for proceeding abroad (for House Maids)

(b) Obstructions caused whilst deployed in Service

The following matters were observed at a test check carried out in this connection.

- (i) Test check revealed that instead of proper intervention in the problems created to the migrant labour sent abroad at their places of work there were instances of creating obstructions.
- (ii) Whenever it is not possible to obtain the agreed salary action not taken to intervene and provides a fair solution.
- (iii) Existence of instances where the distressed migrant labour request for help are referred to employments with lesser difficulties and salary and depriving of the salary payable.

The audit observations on the above two categories are dealt with in detail below.

(c) Underage Women sent Abroad by using counterfeit Documents

In view of the commission paid by the employment Agencies in the Middle East to the Employment Agencies in Sri Lanka for sending women as House Maids, instances of sending women abroad without considering their age and physical fitness were observed. Such instances were revealed during the course of test checks. The adverse results that may arise therefrom are given below.

- (i) Any legal remedy cannot be expected for the problems after proceeding abroad as an adult by stating the age incorrectly.
- (ii) The such circumstances, it is not possible to be free from any punishment (death penalty) meted out in accordance with the laws of such countries.
- (iii) Creation of problems due to the inability to perform the services properly due to lack of experience.
- (iv) Inability to obtain insurance and welfare indemnity for problematic situations by producing true information.

(d) Preparation of Counterfeit Identity Cards

An Employment Agency had made arrangements for sending 04 underage women as House Maids on 10 June 2012 and as revealed from the investigations conducted by the Badulla Police and Investigation Division of the Sri Lanka Bureau of Foreign Employment, the Passports had been prepared based on the counterfeit Identity Cards prepared. That fact was confirmed during the course of audit. The investigation thereon had been done by the Investigation Division of the Sri Lanka Bureau of Foreign Employment and the Licence was suspended. Subsequently the licence had been validated.

(e) Adverse Impacts created after proceeding Abroad using Counterfeit Information

Another Employment Agency had sent abroad a minor girl born on 27 February 1993, with a counterfeit Passport to Saudi Arabia as a House Maid on 05 February 2010. Thereafter on 12 April of that year she had died due to an accident. According to the information in Passport issued to her on 09 December 2005, another Passport had been prepared by inserting her photograph. According to an investigation conducted in response to the complaint made by her father that the cause of death is doubtful, it was observed that indemnity could not be obtained as she had proceeded abroad using counterfeit information. Nevertheless, no legal action had been taken against the Employment Agency which had sent her abroad on a counterfeit Passport. That Agency had been given a temporary licence for the year 2013. The institutions concerned had failed to implement an appropriate methodology to prevent the difficulties caused to the migrant labour due to the issuance of counterfeit Passports over and over again leaving room for committing such fraudulent activities.

(f) Strict Implementation of the Law against those proceeded Abroad using Counterfeit Information

A child who had been living in Mutur in the Trincomalee District was born on 02 February 1988 and as she was underage for proceeding abroad, an age of 24 years was shown through counterfeit documents and sent abroad on 1 April 2005 by an Employment Agency to take care of a baby in a house in Saudi Arabia.

The four month old baby under the care of that child had died on 26 May 2005 due to choking of milk in the mouth as stated by her. She was found guilty of the offence and imprisoned. She was beheaded on 09 January 2013.

Saudi Arabia had signed the United Nations Charter on Children's Rights in 1996 and concurred with the International Conventions against the employment of children as servants. Even though this child was less than 18 years of age she was not entitled to security and legal protection as her year of birth had been noted as the year 1982 in the Passport.

(g) Charging Money for sending Labour Abroad

Even though the Sri Lanka Bureau of Foreign Employment had determined the approved charges for sending Sri Lankan labour abroad, it was observed in audit that the Employment Agencies charged different amounts from the migrant labour. The particulars are given below.

- (i) According to the complaint under No. INW/119/1108 of the Special Investigations Division, a Sri Lankan migrant labourer had complained, that a sum of Rs.105,000 had been charged promising employment as an Office Aide in the State of Qatar, made to sign a counterfeit agreement, and deserted him in that country. His relations had taken action to bring him back to Sri Lanka. A sum of Rs.75,000 had been returned to him after the intervention of the Special Investigations Division.
- (ii) According to complaint No. CN/151/1205 a labourer had proceeded abroad on 15 March 2010 for a post of Taxi Driver in Dubai and he had paid a sum of Rs.350,000 to the local Employment Agency in this connection before proceeding abroad. He was informed that free accommodation and medical facilities will be provided and a monthly salary of Rs.150,000 will be paid. The complainant had stated that he was left unemployed for about 9 months since proceeding abroad and had to repay the loans and that he did not get the promised service and the facilities. According to the note made by the officer who resolved the complaints the Employment Agency had been blacklisted for sending for employment on commission basis.

As such it was observed that the complainant had been deprived of relief and that he had got into difficulties due to ignorance.

(h) Payments of Commission for sending Labour Abroad

- (i) Foreign Employment Agencies of the countries concerned pay a commission to the Foreign Employment Agencies in Sri Lanka for sending Sri Lankan Labour to the Middle Eastern countries for employment as Home Maids and there are instances where the Foreign Employment Agencies of this country pay a minimum sum of Rs.200,000 or more to their sub-agents and pay about Rs.100,000 to the labour proceeding abroad. These matters were confirmed during an examination of the files of the Special Investigations Division of the Sri Lanka Bureau of Foreign Employment. The fact that the commission is a main source of income of the Local Employment Agencies was proved by the amounts paid to the sub-agents and the relevant migrant labour.
- (ii) Complaints of problems relating to this commission are received regularly by the Special Investigation Division of the Sri Lanka Bureau of Foreign Employment. There are instances where the women proceeding abroad not receiving any money at all. Very often the migrant labour received only a very small sum of money. The Sri Lanka Bureau of Foreign Employment had to intervene on such problems in many instances.
- (iii) The migrant labour who obtain the commission cannot be free from the obligation and refuse to proceed abroad or to seek the services of any other Employment Agency and in order to prevent seeking the service of other Employment Agencies, the Agents regularly retain the Passport of the migrant labour. Herein it was revealed that the direct intervention of the Sri Lanka Bureau of Foreign Employment in the transactions of the commission should be a basic requirement.

(i) Referring to Employment other than the agreed Employment

Most often male migrant labour had faced such situations. Persons who had proceeded abroad for employments as drivers or other had been referred to animal farms and for very difficult employments close to deserts in the Middle East. Instances in which such persons were brought back to Sri Lanka by the relations at additional cost and with difficulty were observed during the course of audit.

(j) Problems caused whilst in Service

An examination of the files relating to the respective complaints received revealed that even when the migrant labour visit the Employment Agency with expectation of relief for the problems such as the non-receipt of the salary properly, non-receipt of the employment promised, sexual and physical harassment while being in service after migrating for employment, instances of subjecting such migrant labour to mental and physical harassment were revealed. The details are given below.

- i. According to complaint No. CD/411/1206 , a women who had proceeded abroad as a House Maid on 06 May 2012 had been subjected to harassment by the occupants of the house within 7 days after emigrating and after making a complaint to the Agency in that Country in that connection, she had been confined to the house.

From 19 June 2012 until action was taken to bring back her to Sri Lanka, the activities of the Foreign Employment Agency had been suspended temporarily. Similarly the news of 11 House Maids kept forcefully confined to the houses had been reported in the Lakkima newspaper dated 08 June 2012.

- ii. According to a complaint made under No. CD/ 229/ 1205 – 02 on 10 May 2012 by a relation of a person who had migrated on 27 March 2012, the person concerned had taken action to complain to the Police of that country about the non-payment of the salary after serving for about 2 month since migration and the troubles faced, and thereafter she had been handed over to the Employment Agency in that country from where she was handed over to another Employment Agency at which she was subjected to severe physical harassment resulting in fainting and made a request to bring her back to Sri Lanka.

A letter sent by her stated that about 250 House Maids including 30 from Sri Lanka had been held in that place from the year 2012.

Whilst this complaint was being investigated at the Sri Lanka Bureau of Foreign Employment action had been taken to suspend temporarily the

licence of the Employment Agent on 28 June 2012. It had been reactivated on 02 July 2012, thus the suspension of the licence of the Foreign Employment Agent for 04 days, only had been imposed. The complaint file had been closed on 15 August 2012 stating that the confirmation of return of the House Maid to Sri Lanka was obtained by telephone.

3.6.3 Grading the Foreign Employment Agencies

The Foreign Employment Agencies contributing to the Foreign Employment Market are graded once in two years under the following three criteria for the maintenance of the Foreign Employment Market according to a proper procedure. When the grading in the year 2012 was taken into consideration, it was observed that the majority of the Foreign Employment Agencies connected with the Middle East Zone are in Grade E, that is the lowest Grade wherein less than 125 marks had been scored. Details are given below.

Criteria for Grading

- i. The number of employment opportunities provided to the Sri Lankans
- ii. The protection and welfare provided to the Sri Lankan migrant labour in foreign countries.
- iii. Business connectivity with Sri Lanka.

Country	Total Number of Agencies	Grading				
		A (Over 200 Marks) 4 Stars	B (Between 175 to 200 Marks) 3 Stars	C (Between 150 to 175 Marks) 2 Stars	D (Between 125 – 150 Marks) 1 Star	E (Less than 125 Marks)
Abudabi	32	01	01	02	07	21
Dubai	76	06	03	07	14	46
Jordan	69	-	01	04	14	50
Oman	30	01	03	01	07	18
Lebanon	21	01	-	02	09	9
Saudi Arabia	107	21	16	18	22	30
Kuwait	23	06	02	05	10	-
Qatar	119	13	25	32	26	23

Accordingly over 50 per cent of the Employment Agencies relating to the above countries are in the lower levels of the Grading, and as such it was observed that the intervention of the Sri Lanka Bureau of Foreign Employment on sending labour abroad through those Agencies needs to be broadened.

Indication

- i. In view of following a lenient policy towards the Agencies which do not respond to the problems of migrant labour in the annual renewal of the licences of the Local Employment Agencies, the intervention when they are subjected to unfair treatment is not satisfactory.
- ii. The failure to obtain confirmation whether it is intended to have dealings with the Agencies in the lower levels when new Employment Agencies are registered will aggravate the problems faced by the migrant labour.
- iii. Absence of a good trend in responding to complaints.
- iv. In view of following a lenient policy towards the Employment Agencies attempting to send abroad migrant labour by preparing counterfeit documents creates a trend in repeating such wrong doings over and over again.
- v. Creation of problems due to the payment of a commission in sending abroad House Maids through the Local Employment Agencies.

Recommendations

- i. Adoption of a strict policy in the renewal of the licence of the Local Employment Agencies which delay or evade resolving the problems (only for the Employment Agencies which do not intervene compassionately for complaints) deviating from the methodology existing at present.
- ii. The Sri Lanka Bureau of Foreign Employment to intervene the connection with the exchange of commission between the Local Employment Agencies and the intermediaries and formulation of a methodology.
- iii. To pay attention to a qualitative improvement rather than the quantitative improvement in the issuance of licences to new Foreign Employment Agencies.
- iv. Pay attention to the Local Employment Agencies who expect dealings with better Foreign Employment Agencies.

- v. In obtaining reports from Mediation, Special Investigation and Legal Divisions for the renewal of licence, instead of the existing methodology, obtaining reports under a methodology based on the time taken for resolving complaints and desist from following a lenient methodology.
- vi. To co-ordinate the activities of the Bureau with the activities of the Department of Immigration and Emigration, the Department of Registration of Persons and the Department of Registrar General to prevent sending migrant labour by using counterfeit documents.
- vii. To identify specially the Employment Agencies which had sent migrant labour who had to face sexual harassment and other injustices and formulate provisions required for preventing the labor migrating through such Agencies.

Comments of the Institution

Observation (Paragraph 3.6)

"The procedure adopted in the Registration of the local Foreign Employment Agencies should be changed. In the selection of the Licensee applicants, the only qualifications looked into is whether the applicant is of good character as appearing in the Act No. 21 of 1985 "

Observation (Paragraph 3.6.1)

"A report from the Investigations Division should be obtained for the annual renewal of the licence of the Foreign Employment Agencies. Such report is given after the finalisation of the then existing investigations or after forwarding a proper methodology for the finalization. Hereafter, action will be taken to issue instructions to the Employment Agencies to finalise quickly all investigations during the entire period of the year "

Observation (Paragraph 3.6.2)

"There are many instances in which enquiries are made from the Licencing Division of information on fraudulent activities from the Courts and the Headquarters Police Stations throughout the Island. These activities take place over and over again due to not conducting the investigations properly and the inadequacy of Courts decisions and punishments. There are many instances in which the same person had been found guilty of fraudulent activities on several occasions"

Observation (Paragraph 3.6.2 (c) ii)

“As incidents such as sending underage women abroad by preparing counterfeit documents, the Department of Immigration and Emigration was made aware of the use of counterfeit documents in the issuance of Passports, that Department has already established a Police Unit in the Department to investigate counterfeit documents.

The Investigations Division as well pays a greater attention to sending the migrant labour abroad with counterfeit documents and arrangements have been set in place to file cases against the persons preparing such fraudulent documents.”

Observation (Paragraph (3.6.2 (g) i)

"Matters relating to charging money exceeding the approved amounts by Foreign Employment Agencies have been revealed and the Investigation Division is taking action to file cases against them. The Investigations Division takes action to recover such excess money charged for the owners.”

Observation (Paragraph 3.6.2 (j) i)

“When the problems of this employee was brought to the notice of the Embassy by the Bureau, the Embassy in Saudi Arabia had taken over the custody of the female employee to the Embassy Office and the Embassy in the Saudi Arabia, carried out investigations and taken action to send her back to this country.”

Observation (Paragraph 3.6.2 (j) ii)

“In connection with the problems relating to this female employee as stated in the Audit Report action has been taken in association with the Local Employment Agency to bring back her to Sri Lanka. That position was confirmed by telephone and the file closed.”

3.7 Intervention on Problems at the Embassy Offices Level

The following observations are made on the basis of the reports of the foreign visits by the officers of the Foreign Relations Division, Information Technology Division and the other relevant Divisions of the Sri Lanka Bureau of Foreign Employment and the other officers attached to the Sri Lankan Embassy Offices and the reports published in the daily newspapers. Nevertheless, it was not possible to meet the migrant labour held in those Embassy Offices and other places, to corroborate the information.

3.7.1 Migrant Labour visiting Embassy Offices Seeking Assistance

An examination of the relevant files revealed that when the Sri Lankan migrant labour living in the Middle East leave their places of works due to the problems at the places of work and visit the Welfare Divisions in the Embassy Offices, they are provided with a very good service. It was observed that very often the migrant labour visit these Divisions seeking assistance due to the following reasons.

- (i) Non-receipt of the agreed salary or no salary at all.
- (ii) Residents make them do too much work.
- (iii) Physical / Sexual harassment by the residents
- (iv) Falling Sick
- (v) Residents not providing adequate food and beverages
- (vi) Problems regarding relations in Sri Lanka.

According to the Research Report on the Survey on 897 women who had come back to this country after staying in the Welfare Divisions of the Embassy Offices conducted by the Research Division of the Sri Lanka Bureau of Foreign Employment from January to April 2004, out of the persons who came to those office 60 per cent had been due to the harassment at the places of work and non-receipt of adequate food beverages, 30 per cent had been due to excessive work and non-payment of salaries and 10 per cent due to other reasons, had escaped from the places of work and come to those offices.

According to the data of the Research Report, there were 730 persons who remained for less than one year, 111 persons between 1 to 3 years and 56 persons for more than 3 years.

3.7.2 Resolving Problems of Migrant Labour

According to the information made available by the Information Technology Division on 28 March 2013, the statistics on the number of migrant labour who had come to the Labour Welfare Divisions after facing different problems in the year 2012 and the solutions provided are given below.

	Saudi Arabia	United Arab Emirates	Oman	Kuwait	Doha Qatar	Jordan	Total
Sent back to Sri Lanka	1,211	190	76	1,464	05	875	3,821
Sent back to Employer	11	10	33	472	-	247	773
Handed over to the Agency	-	75	51	1,630	30	986	2,772
Handed over to the relevant Authority	126	75	-	1,075	319	218	1,813
Sent to Safe Houses	2,221	12	-	31	533	24	2,821
Others	44	37	06	17	04	236	344
	<u>3,613</u>	<u>399</u>	<u>166</u>	<u>4,689</u>	<u>891</u>	<u>2,586</u>	<u>12,344</u>

The following observations are made in this connection.

- (i) A substantial number out of the total number of migrant labour who had come to the Sri Lankan Embassy Offices in the Middle East, after facing problems had been either sent back to Sri Lanka or to Safe Houses. As such the migrant labour had returned to Sri Lanka without achieving the objectives for which they emigrated. In this connection the inadequacy of the intervention of the Embassy Offices and the Labour Welfare Division Levels were observed.
- (ii) The only institutions available for intervening and providing relief in instances of non-payment of salaries or paying lesser salaries since emigration is the Labour Welfare Division attached to the Sri Lankan Embassy in the country concerned and if such help is not received from that Division, they will become helpless severely.

- (iii) In such situations of problems, if they are required to find money for returning to Sri Lanka by themselves they will become further helpless.
- (iv) Specially in the case of migrant labour coming to a very large country such as the Saudi Arabia, when there are no opportunities available for making complaints to the Sri Lankan Embassy or the Foreign Agents or the officers of the Sri Lanka Bureau of Foreign Employment, their lives are subject to severe risk.

3.7.3 Facilities available in Safe Houses

The migrant labour faced with problems visit the Labour Welfare Divisions expecting assistance, and the normal situation is detaining them in the Safe Houses established nearby the Sri Lanka Embassy Offices until their problems are solved. But such detention is only possible to the women only. The males have to stay in the open area associated with the Sri Lankan Embassies during the nights. The perusal of relevant reports revealed that the existing Safe Houses do not have sufficient accommodations even for the women and even sick women have to stay with the other women. Similarly, it was observed that the following reasons have an effect on the long term detention in the Labour Welfare Divisions.

Similarly, it was observed that the following reasons had an effect on the long term detention in the Labour Welfare Division.

- (i) Difficulty in finding the Employer for the cancellation of Visa.
- (ii) Lack of Money for the cancellation on visa.
- (iii) The need for obtaining the arrears of Salary.
- (iv) Not willing to come back to Sri Lanka without achieving the objective.

The Research Reports/ Study Reports revealed that the women remain in the Safe Houses for nearly two years, that there were women with small children and that they face the following problems.

- Inadequacy of accommodation
- Inadequacy of latrine facilities
- Inadequacy of food and beverages

- Not receiving proper treatment for sickness due to lack of money
- Not allowed to go to the Police to obtain arrears of salary
- Non-receipt of documents to obtain insurance indemnity

Even though the Government of Sri Lanka, the Embassy Offices and the Sri Lanka Bureau of Foreign Employment intervene to bring back the migrant labour detained in the Safe Houses to Sri Lanka, a further study of the matter revealed that in view of the long period involved in the process, the number of migrant labour escaping from detention due to various problems faced continue to increase.

Even though these Safe Houses have accommodation sufficient for about 100 persons, the number of persons detained in several Safe Houses as at 31 December 2012 had been as follows.

Safe Houses	Number of Detainees
-----	-----
Jordan	243
Kuwait	346
Riyadh	322

3.7.4 Inadequacy of Staff

According to the following information, it was observed that the number of Staff attached for the labour welfare work of the Sri Lankan Embassy Offices is not adequate.

Sri Lanka Embassy	Country	Annual average Migration	Staff available
-----	-----	-----	-----
Dubai } Abudabi }	United Arab Emirates	40,000	7 17
Riyadh } Jedda }	Saudi Arabia	70,000	8 9
Jordan	Jordan	10,000	8
Kuwait	Kuwait	45,000	18
Lebanon	Lebanon	6,000	4
Oman	Oman	6,000	6
Qatar	Doha Qatar	50,000	8

When each Labour Welfare Division Office is considered, in addition to the numbers already in service, a large number migrate annually whilst the problems faced by them have increased in different forms. As such, it was observed that lack of an adequate number of officers to settle the problems of employees even according to the following matters.

- i. Unavailability of a sufficient number of female officers
- ii. Problems arising in Courts work due to non-attachment of Language Translators to the Labour Welfare Divisions
- iii. As Labour Consultants were not available, labour consultancy and welfare had been done by the same officers thus making the process problematic.
- iv. The number of officers in Saudi Arabia are not adequate to resolve the problem of the very large number of Sri Lankan House Maids employed in that country.
- v. Even though it had been possible to hold fortnightly mobile service in Daman, Saudi Arabia for discussing the problems of those employed in and around that city, the officers of the Sri Lanka Embassy Office had informed that the inadequacy of officers had become a big problem.

3.7.5 Lack of Data on Migrant Labour arriving in respective Countries

The employer or the Foreign Employment Agency of the country concerned should make the relevant payments to the Sri Lankan Embassy in order to make an application for obtaining a Sri Lankan Migrant labour and obtain approval. The particulars of number of such employment orders and the money received during December 2012 are given below. Accordingly, 471 orders had been made by 9 Middle East countries whilst there were 2,993 self-registrations. The details are given below.

Sri Lankan Embassy Office	Number of Employment Orders received		Number of Self- registrations	
	Number	Amount Rs.	Number	Amount Rs.
Riyadh	103	36,165	-	-
Qatar	65	954,013	816	4,126,105
Oman	14	238,081	181	1,189,326
Lebanon	6	78,750	4	25,000
Kuwait	76	1,095,791	570	3,835,268
Jordan	33	479,842	186	841,988
Jedda	42	603,429	19	125,086
Dubai	114	1,405,950	1,171	5,533,066
Abudabi	18	245,981	46	337,610

The particulars of the Sri Lankan migrant labour arriving in such countries on the employment obtained through these orders such as the date of arrival in and departure from the countries could not be obtained from the Sri Lankan Embassies in such countries. In view of this situation it was observed that the information of those could not be obtained in emergency situations such as war. For example, a sum of Rs.2,260,225 out of the compensation payable to the Sri Lankan migrant labour due to war situation in Kuwait is being retained in the deposit account of the Bureau due to lack of accurate data.

In instances of Sri Lanka Bureau of Foreign Employment investigating complaints on problems relating to persons gone missing, it was observed that in view of this situation, it is not possible to search for the areas they were stationed.

3.7.6 Security Facilities

The officers of the Sri Lankan Embassy in Saudi Arabia and Jordan had stated during the study tours that about 10 to 15 migrant labour come to the Safe Houses daily seeking relief, that it is difficult to minimize the period of detention of those persons in the Safe Houses due to the time taken to resolve the problems of each person and report the data and in view of this situation there are instances of the employers forcibly entering the Labour Welfare Offices, attack the officers and attempt to carry the employees and that the lack of a Security Officer is a grave problem.

3.7.7 Physical Facilities

According to the Study / Research Reports on each Sri Lankan Embassy Office revealed that the lack of the following facilities in the Labour Welfare Divisions affiliated to the said Embassy Offices or the inadequacy of the facilities available had rendered it difficult for the supply of welfare facilities to the migrant labour.

- (i) Fax machines for the Labour Welfare Division affiliated to the Sri Lankan Embassy Offices in Saudi Arabia
- (ii) Transport facilities

3.7.8 Intervention for Migrant Labour Problems

According to the comments made by a former First Secretary of the Sri Lankan Embassy Offices in Iraq and the United Arab Emirates to the Sunday Lankadeepa newspaper on 27 January 2013, the comments on the intervention of the Sri Lankan Embassy Officers on the death child from beheading on 09 January 2013 had been as follows.

- i. In the first instance she did not have the service of the officers of the Embassy Office and a translator and protection.
- ii. If such assistance was available to her in the initial stage, the actual incidents could have been reported to the Courts resulting in the possibility of a change in the punishment.

- iii. As stated by him there is no direct connection between the Sri Lankan Embassy Office and the Police, that there is no obligation to the Police to inform immediately to the Embassy officially when a foreign employee is taken to custody on any kind of allegation. As such the problems relating to the migrant labour of the country are received either from other Sri Lankans or from the newspapers.
- iv. In the circumstances, it had been proposed for entering into an agreement / convention on Government to Government basis to inform immediately the Sri Lankan Embassy when a Sri Lanka is taken to custody on serious allegations and for obtaining statements from the migrant labour only in the presence of the officers of the Embassy Office.
- v. He has also stated that the lack of any legal aid system at the Embassy level is a grave problem and in view of this situation, very often lawyers of the country receiving salary from the Government of the country concerned appear in the Courts for the dependent, that it is not possible to expect a fair service from them to the Sri Lankan, that a legal aid system at Government cost should be formulated and that it is suitable to attach a Legal Officer with language knowledge to the Embassy Office in addition to the Labour Welfare Officer.

Indication

- i. Migrant labour had been inconvenienced due to the inadequacy of accommodation in the Safe Houses.
- ii. Inability to provide quick solutions to the problems of employees due to the inadequacy of Welfare Officers attached to the Labour Welfare Offices.
- iii. In view of the lack of suitable programme for the women detained in the Safe Houses the monotonous living had become unsuitable to their mental condition.
- iv. Inability to provide quick solutions to problematic situations of employees due to the lack of a database on the employees who migrate for employment and return to the Island.
- v. The migrant labour arriving for employment in each country are sent to the places of work without making any connection with the Labour Welfare Offices and the practice renders it difficult for the Embassy Officers to co-ordinate them due to lack of mutual awareness.

Recommendations

- i. Establishment of an overall database containing the information relating to the migrant labour expeditiously in collaboration with the Department of Immigration and Emigration.
- ii. Provision of adequate facilities for the Safe Houses.
- iii. Increase the number of Welfare Officers and thereby take action to give quick solutions to the problems of the migrant labour.
- iv. Formulation of daily programmes for creating attitudinal changes in the women and for the use of their time for useful purposes. (Sewing, embroidery, meditation programmes, language improvement programmes)
- v. Conduct workshops in places with a large number of employees and create an awareness among the migrant labour.
- vi. Formulation of methodologies to enable the Sri Lanka Bureau of Foreign Employment to obtain information instantly on the migrant labour coming to Safe Houses.
- vii. The Sri Lankan Embassies should maintain data on Sri Lankans migrating for middle East Employment therefrom and returning thereby provide welfare facilities to them in emergency situations.
- viii. The Sri Lankan Ambassador in Saudi Arabia has proposed that the officers should meet with the Women's Organisation in the rural society and create an awareness among them with a view to controlling the practice of sending women abroad as House Maids. As the officers of the Sri Lankan Embassies also had proposed that sending women as House Maids should be limited and as there are large number of better employments with higher allowances migrant labour should be sent for such employments. Therefore those proposals need to be implemented.
- ix. Implementation of a formal course of action to prevent the Local and Foreign Employment Agencies which had sent persons vulnerable to sexual harassment from obtaining labour over and over again for employment in the Middle East Countries.

- x. The officers who participated in a study tour of Jordan in the year 2012 had informed that there are two Garment Factories in Jordan providing very high quality employee welfare, that they are willing to provide employment opportunities to Sri Lankans in addition to the Sri Lankan migrant labour employed at present and that they are willing to train, untrained employees and pay the trainee salary from the beginning. Therefore, as a solution to the problems faced by the House Maids in Jordan, encourage the women to proceed to that country as garment workers instead of proceeding as House Maids.

Comments of the Institution

(Recommendations)

“My direct attention was paid to the observations and recommendations made in the relevant report. Most of the observations made are true and I wish to inform that the necessary steps have already been taken for the rectification of those deficiencies”

"Example : You have observed that on the average 70,000 persons migrate to the Kingdom of Saudi Arabia for service whilst it has also been observed that only 8 members of the staff are serving in the Embassy Office in Riyadh. These officers have to perform duties relating to the problems of the migrant employees as well as the activities relating to the development of the Foreign Employment Sector.”

"Action is being taken at present according to the instructions of Hon Minister to create a Consular Office consisting of officers of the Bureau in Daman City in the Kingdom of Saudi Arabia as a solution to the deficiency in the number of staff”.

“These recommendations reflect clear connection between each other and the overall operations of the Bureau. Similarly the validity of the observations is not under dispute and as such those will be subjected to discussion at length with the higher management and I would like to inform that the relevant Divisions have reported that action will be taken thereafter to minimize the problems pointed out and for the implementation of the recommendations”

4. Conclusions

- i. With the improvement of migration of Sri Lankans for employment, the problems faced by them as well have arisen. It is concluded that the Sri Lanka Bureau of Foreign Employment should take action to solve these problems efficiently as well as to identify the sources from which those problems emerge and to remedy them.
- ii. Many labour problems have arisen due to migration of labour without physical and mental fitness and mothers with small children and as such, it is concluded that, in terms of conditions stated in the Memorandums of Understanding entered into between Sri Lanka and Middle East countries, the Sri Lanka Bureau of Foreign Employment should pay more attention on sending suitable labour for employment abroad.
- iii. It is concluded that many labour problems have emerged due to deficiencies of the existing training courses and training courses targeting various fields of employment should be improved to minimize these problems and to expand the foreign currency earning through foreign employment.
- iv. It is concluded that even though a methodology should be prepared for the establishment and operation of a data bank to survey the departure of Sri Lankans for foreign employment and their return, and migration of persons by preparing forged documents cannot be controlled due to unavailability of a data base that coordinates with the Department of Immigration and Emigration and the Department of Registration of Persons.
- v. It is concluded that the methods of supervision of Employment Agencies should be revised due to many problems faced by the migrant labour before proceeding abroad and during the employment as a result of existing deficiencies in the methods of registration and supervision of Employment Agencies.

- vi. The Labour Offices established at Sri Lankan Embassy Offices in Middle East countries have failed to provide the expected service to the migrant labour due to the non-adequacy of physical and human resources, thus it is concluded that the said facilities and services should be further improved.

- vii. Even though the foreign currency received to Sri Lanka from the labour in Middle East is at a materially high rate, especially the women leaving abroad as housemaids caused an adverse impact to the Sri Lankan society. Therefore, it is concluded that the migration of skilled male labour for various employment is appropriate than the migration of housemaids.