

## Petition to the Ministry of Labour and Foreign Employment

### **Justification**

People from many walks of life are attempting to flee the country not only because there is little hope that there will be a revival of the economy in the near future. But also because there is no hope as far as political stability and decision making is concerned. They believe there is no hope for them for as long as crony politics and impunity is encouraged. They believe there is no hope for as long as the judiciary system is not independent in their decision making especially in addressing the political atrocities we have seen over many years. The impending future of Sri Lanka is very bleak.

As unemployment numbers and the cost of living is soaring, with inflation having reached 70% in August and food inflation at over 90%, people will find regular and irregular channels to migrate. Some of these journeys can be very perilous much to the detriment of those taking the risk. People will also apply for asylum and refugee status.

Those people taking irregular channels will be trafficked and smuggled at high costs and at very high risk. Knowing the disadvantaged ground situation, traffickers take full advantage from its weakness and ground reality. It becomes easier than ever to exploit the situation and the vulnerability of people living in these difficult and challenging circumstances and who have been systematically denied of their freedom, mobility, and rights.

Those who make it on to the other side are often exposed to forced labour and exploitative work conditions as employers are fully aware of their vulnerabilities. This could very well happen even among those workers who opt to take regular pathways as their negotiating powers are already weakened and diminished. Unfortunately, there is very little redress offered to those people who attempt to cross borders by irregular means. They are often prosecuted and imprisoned or detained in destination countries and even by their very own law enforcement and legal systems. They are blacklisted either permanently or for a period of time from entering the destination country again.

The government has done away with the contentious family background report for women migrant workers. The new rules are that the minimum age for recruitment is 18 years, women with children under 2 years cannot migrate. As a general rule the government has also done away with the minimum wage.

It is unfortunate that the Sri Lanka government has imposed internal policies that are not conducive to migrants seeking better economic opportunities elsewhere. Some of these policies such as abolishing the minimum wage threshold, covering up for the recruitment industry on the visit visa scam, allowing traffickers in the recruitment industry to make inroads to recruit under these vulnerable conditions are detrimental to the migration process and to the lives of migrant workers.

It is very evident that the government is slack in implementing the law against those who are violating ethical and safe migration and recruitment practices. In the present economic status of the country, it appears that the government's intention is to send as many migrant workers as possible without any rights protection considerations and with the intention of receiving labour remittances to increase the depleted foreign reserves. We feel that this is a desperate and short-lived strategy that in fact amounts to commoditizing our labour and promoting forced and exploitative labour.

The current economic crisis in Sri Lanka has exacerbated the migration problem as never before. As civil society representatives working for the welfare, wellbeing, and rights of migrant workers, it is our collective view that there are many shortcomings and unaddressed issues that has got out of proportion. There is widespread corruption at all levels, the fair and ethical recruitment practice has got out of hand, trafficking-in-persons is on the increase and women are trafficked into the sex industry in many countries. (<https://youtu.be/jRZVPBgCw7A>). Government institutions responsible for the protection of migrant workers are very complacent and uninterested regarding migration governance, law, and policy in the country.

## 1. Wage Injustice

Migrant workers have been denied their wages by the destination country employers even before the covid19 pandemic. Governments have done very little to address this concern for fear of losing job orders or the inability and the incapability to address worker grievances most of which stem from wage injustice.

Sri Lanka enjoys a unique advantage over its other origin countries in the region as it has an extremely high literacy rate among both men and women. Its secondary school education is higher than other origin countries. Sri Lanka has also embarked on a skills development program to ensure its workforce is skilled in many sectors.

However, recently, a decision has been taken by the Sri Lanka government to do away with the minimum wage threshold. This has created a very dangerous precedence as our labour and skilled labour could be downgraded, devalued, and degraded in the international labour market.

With the collapse in the economy, the Sri Lankan rupee has been devalued considerably against foreign currencies. It has also created unprecedented high cost living among migrant worker families and the general population. Abolishing the minimum wage will not help overcome the high cost of living and the demand for a living wage. This is a very shortsighted policy that undermines the very status of Sri Lanka's qualified labour. The government is not doing justice to ensure a living wage for migrant workers especially at a time when Sri Lanka's economy is in the doldrums and a recovery is nowhere in sight – at least not in the near future.

- We demand that the government reintroduces the minimum wage standard or the living wage standard in consultation and in line with international skills standards and with destination country authorities thereby retaining the dignity of labour and ensuring that the worker's labour is rewarded accordingly that will address the living standards and the extremely high cost of living that Sri Lanka is faced with.
- We demand that wage justice must be addressed from a fundamental rights perspective where their work is recognised and appreciated and that they are rewarded in keeping in line with their experience and skill set qualifications without devaluing their worth.
- We demand that the government addresses jobs in a gender inclusive manner without discrimination and with equality and social protection for all throughout the migration cycle and at reintegration.
- As civil society and trade union representatives we will not support such shortsighted policies and demand that it be abolished immediately as it has all the signs of commoditizing migrant labour and promoting modern slavery and trafficking-in-persons and devaluing and degrading our labour.

## 2. Visit visa scam

Migrants travelling to destination countries on a visit visa and converting this visa into a work visa is not new to Sri Lanka. As civil society representatives we have been very suspicious if such large numbers are not supported by a visit visa scam by the recruiting agents and their intermediaries, some of whom are migrant workers themselves.

Encouraging migrants to travel on a visit visa by the recruiting industry is actually promoting irregular migration as it avoids the official systems and procedures that are in place in the origin country. The visit visa has no guarantee that a migrant worker has an official work contract or protection by the state institutions including interventions by the Sri Lanka embassy officials in the destination country.

There could be instances where migrants are not registered with the government system. These are factors of serious concern that the migrant workers are unaware of. The visit visa scam could well be promoting modern

slavery, forced labour and trafficking-in-persons as it does not give any guarantees and rights assurances to the migrant worker. It only tarnishes the image and reputation of Sri Lanka by a few unscrupulous agents and intermediaries.

- We demand that the SLBFE and the ministry of foreign employment and labour investigates this malpractice that has been in operation for quite a while and bring to book the perpetrators without fear or favour.
- We demand that the SLBFE and the ministry of foreign employment and labour investigates the recruiting agents who are engaged in this scam, as was reported by Derana TV recently and ensure their positions and privileges are withdrawn with immediate effect and necessary legal action taken against them. (<https://youtu.be/KGInHZRb9T8>)
- As the government authority and institution that monitors the progress of the foreign labour, we are of the view that a decent regulatory mechanism or adopt the ILO fair and ethical recruitment practice to monitor the recruiting industry. We, therefore, demand that such a practice is either developed or practiced without further delay. We also urge the government to ratify the ILO Convention 181 without delay.

### 3. Incentives or political rhetoric

The government announced that it is offering duty free electric vehicles, increased duty free allowances, housing loans and a pension scheme to migrant workers who have registered with government and who send their remittances using formal channels. Some of these statements are dangling carrots and mere political rhetoric that do not see the light of day.

Whilst these incentives may attract some migrant workers, the majority who are low skilled or semi-skilled workers are not attracted to these schemes. They want a higher rate for their remittances. This is why many of them use informal channels.

There is also a trust issue. Migrant workers have been promised a pension scheme for many years. Migrant workers have been promised low interest loans. However, these have only been hearsay or the usual political propaganda.

- We demand that government puts to action these promises with immediate effect and reconsider the incentive package in a more realistic and practical way that will have greater benefits to the migrant workers.
- We recommend that the government offers an enhanced interest rate to migrant worker remittances through the official banking system thereby sustaining more migrants to remit their wages using the official methods.
- We also recommend that the official banking channels offer migrants low interest loans for self-employment opportunities and other needs.

#### 4. Korea jobs

A massive scam inside the SLBFE agency was revealed on the 17<sup>th</sup> of September by Hiru News. The information given by the manager of the agency, the ministry and the minister is confusing, deceiving, and cunning to say the least. (<https://vt.tiktok.com/ZSRu3G2e7/>)

Welders have to deposit a sum of SLR2.8million to register for a job in Korea. At first, it was stated that vacancies are available for under 35 year old candidates only. Then the minister announced that the age limit could be increased up to 45 years. At another point it was communicated that only first time candidates will be given an opportunity to submit their application. Then the minister revealed that age in no barrier, and that Korean language and qualifications are not required for certain job categories.

The SLFEB Agency manager stated that the deposit of SLR2.8million will be made available as a loan to pursuing migrant workers. This is scandalous and unconscionable as the SLBFE, and the government is making migrant workers to get into debt even before migrating and be under debt obligation to the government and the financial institution.

These are the most unscrupulous recruitment practices that violate international conventions and protocols.

- We demand an investigation into this recruitment crime by the Commission to Investigate Allegations of Bribery and Corruption (CIABOC)
- We demand that the MoU between South Korea and Sri Lanka is revealed in public and is uploaded to the SLBFE website and the ministry of foreign employment and labour website.
- We demand that an official communication is released by the SLBFE in all three official languages clarifying the actual position of jobs to Korea and be made available to all relevant SLBFE offices and district and divisional secretariat offices