

Don't shut down the Labour Sections

As the 9th Parliament was ceremonially inaugurated and the cabinet of ministers took up office in their respective ministries, minister of labour Nimal Siripala De Silva dropped a bombshell to the large labour migration workforce and their families who bring in the much needed foreign exchange in labour remittances to our country.

The minister said he plans to shut down the Labour Sections in Sri Lanka overseas missions of 14 destination countries most of which are in the Gulf corridor as a cost cutting measure for the national economy, came as a shock to the migrant workers, their families and to the civil society organisations and networks that work in the many districts of the country in promoting rights based safe labour migration.

This decision on the part of the honorable minister will expose over 1.6 million migrant workers living and working in the popular Gulf countries to many vulnerabilities. The minister has stated that these Labour Sections in our overseas mission offices are not profitable to the government. We would like to ask the minister if the labour sections have not performed their duties and functions effectively and efficiently.

In 2018, the Sri Lanka Bureau of Foreign Employment (SLBFE) recorded a total of 3,809 complaints of varied reasons that included 237 deaths. In 2019 the SLBFE recorded a total of 3,490 complaints. Civil society organisations working and supporting the government's safe labour migration program also handle many hundreds of grievances and complaints and refer them to the SLBFE. Since 2017 civil society organisations recorded a total of 1260 cases and referred them to the SLBFE. 1,096 of these complaints and disputes were from the Gulf corridor.

As civil society representatives, we come across contract violations such as nonpayment of wages or wage abuse, not sent back home at the end of the contract, having to perform work outside the contract agreement, having to work excessive hours, and having to work on off days and holidays. Other common complaints include sexual and physical abuse of women workers, trafficking in persons, forced to sign dual or substitute contracts, forced labour.

Since the global outbreak of the Covid 19 migrant workers were the most affected as they lost jobs, their wages were not paid, and many thousands were retrenched without notice. Records revealed that over 50,000 workers many of whom were standard in destination countries sought assistance from our mission offices to be repatriated. We believe that our Labour Sections should have managed the repatriation process more effectively, as we know some situations were badly managed leaving migrant workers in further distress.

The minister's contention that the government is spending over Rs.900 million on these Labour Sections and the fact that it is not profitable in an industry that brings in an annual labour remittance revenue of over US\$6billion is unacceptable. We think that the government is not investing enough in the rights, protection and social welfare of migrant workers and their families. We believe that the national budget allocation for the management of labour migration is grossly insufficient considering that remittances from labour migration is the highest revenue earner for Sri Lanka for almost a decade. The non-allocation of budgetary investments and shutting down essential services of the labour migration program is of serious concern that will undoubtedly deteriorate its labour market position and the rights and social protection of our migrant workers.

Our beliefs and understanding is that the duties and functions of officers of a Labour Section in Sri Lanka missions is more than maintaining so called safe houses. We believe the early investments made to these personnel with ILO technical support was to primarily look after the interest and welfare of in-service migrant workers and ensure their visa regulations, recruitment and employment contracts are fulfilled by employers. We also believe that the Labour Sections have a responsibility to be the frontline staff dealing with destination country government labour authorities and counterparts in dispute resolution.

These early investments in training and setting up of the Labour Sections in destination country embassies were excellent interventions and strategies by the government. Sri Lanka was leading the labour migration discourse by these investments among counterpart countries in the subcontinent and other regions.

We therefore urge the honourable minister of labour, Nimal Siripala De Silva to reconsider his decision and ensure the Labour Sections are not shut down and ensure our migrant workers' rights, protection and welfare are looked into without taking shortsighted policy decisions. We make the following recommendations in order to retain our place and position in the global labour migration marketplace and more importantly in securing the rights, protection, and welfare of our migrant workers:

- Invest in the Labour Sections with the necessary soft skills and knowledge to its personnel to manage grievances and complaints effectively and efficiently.
- Ensure officers of the Labour Sections are trained to be the frontline personnel and representatives of the government of Sri Lanka in dealing with government counterparts in destination countries including recruiters and employers.
- Ensure technically sound and qualified personnel are picked for the Labour Sections as labour attaches and avoid political appointees to these posts.
- The Objects of the SLBFE Act under Part I section 15 is fulfilled in the interest of the migrant workers, especially clause (m) to undertake the welfare and protection of Sri Lankans employed outside Sri Lanka.
- The SLBFE Act makes clear reference in Part III under Promotion and Development - Article 22 (a) to be responsible for the promotion of employment of Sri Lankans in destination countries, (b) be responsible for the welfare of Sri Lankans employed in destination countries, (c) be responsible for safeguarding the interests of Sri Lankans employed in destination countries including settling disputes with employers, (d) attend to complaints of Sri Lankans in destination countries and find suitable remedies or make recommendations to the Bureau in respect of such remedies, (e) send such periodical reports as may be required by the Bureau.
- Sri Lanka must respect and abide by the UN human rights instrument such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. This convention has direct reference to the human rights investments made to the migrant worker community, an obligation that Sri Lanka must not ignore.

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