



# Survey analysis: Monitoring recruitment of Sri Lankan migrant workers

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## Executive summary

International labour migration from Sri Lanka has increased significantly in the past three decades. Every year more than 200,000 Sri Lankan workers leave the country to work abroad and the majority of migrant workers from Sri Lanka work in Gulf countries in two main sectors: construction and domestic labour. However, the country's recent economic crisis has precipitated a greater number of people, often those with a higher educational background, to also seek overseas employment. Sri Lankan migrant workers also face numerous difficulties at every stage of the recruitment process. ITUC affiliates in Sri Lanka carried out an online survey through [www.recruitmentadvisor.org](http://www.recruitmentadvisor.org) and 636 migrant workers returnees responded by sharing their recruitment experiences. This report outlines the key findings of the survey.

**Key roles of sub-agents/brokers, relatives and friends in the recruitment of migrant workers.** An important role in facilitating Sri Lankan workers seeking employment abroad is played by sub-agents or brokers. The survey results showed that 35 per cent of migrant workers had heard about their overseas job from a sub-agent or broker, while 22 per cent heard about the job through their relatives, and 18 per cent from their friends.

**Migrant workers had to pay exorbitant recruitment fees and other related costs.** The analysis revealed that 54 per cent of Sri Lankan migrants paid numerous fees and costs related to their recruitment. In the survey, workers were asked to outline the fees and costs that they had paid. Their three main costs were recruitment fees, insurance costs and medical costs.

**Among the 636 respondents, only 40 per cent received any pre-departure orientation.**

A total of 195 workers said they received information about their rights and obligations, as well as information outlining useful contacts and services in the destination country. Only three workers stated that they had received information about what to do if they wanted to make a complaint.

**Migrant workers are not allowed to keep their own passports and personal documents.**

The survey showed that 80 per cent of the 636 workers had their passports kept by their employers. Only 16 per cent of workers were able to keep these important documents with them.

**Migrant workers were deprived of the freedom of association.** The study revealed that 97 per cent of workers did not have access to a union or workers' association during their employment abroad.

Having a thorough understanding of the needs and issues faced by workers during the recruitment process, trade unions in Sri Lanka play a major role in maximising the positive aspects of fair recruitment, and helping to minimise any negative impacts workers may face, such as exploitative recruitment processes that can leave the worker indebted to their employer. In order to ensure fair recruitment, trade unions must be included as an active partner in social dialogue and tripartite discussions on the recruitment of migrant workers. Their role is to put forward the workers' case and influence national legislation and policies on fair recruitment and fair migration. At the field level, they must create awareness, and protect, inform and organise workers, as well as identify and report abuses and violence.

# Introduction

Recent political and economic crises in Sri Lanka have become the major push factors that have seen the increased migration of people in search of a better life. Historically, Sri Lanka has relied on workers' remittances as a vital source of foreign currency income that has helped to reduce the impact of the country's growing trade gap and strengthened the country's external sector stability. Workers' remittances brought in foreign exchange income that was not based on debt and that did not depend on any imported inputs, unlike many goods exports. Over the past 20 years, workers' remittances have paid, on average, 80 per cent of the yearly trade deficit. According to the World Bank, remittance-money sent home by Sri Lankan migrant workers is hugely beneficial to the country, corresponding to 8.5 per cent of Sri Lanka's GDP. According to the Central Bank of Sri Lanka, the remittance inflow continued to increase between 2015-2020, but decreased following the Covid-19 pandemic.<sup>1</sup>

Sri Lanka has a significant number of emigrants, many of whom work as domestic workers or in the construction industry in the Gulf states, and these numbers have increased considerably over past decades. Recent estimates suggest that over a million migrants work abroad, while the annual reported outflows register about 200,000 people. The Middle East is the main destination for both male and female migrant

workers, although it should be noted that female migration from Sri Lanka has declined in recent years. Qatar, Saudi Arabia, Kuwait, and the United Arab Emirates (UAE) host 80 per cent of all Sri Lankan migrant workers. The most common age groups for migration are 35-39 years for women and 25-29 years for men. Because many overseas employment opportunities are for domestic work, a high proportion of Sri Lankan migrants are women working as domestic workers. Sri Lankans abroad also commonly work in airlines or in the hospitality and banking industries.

Recognising the increasing importance of overseas work but also the risks associated with exploitative recruitment, the Sri Lanka Bureau of Foreign Employment (SLBFE) was established under the Ministry of Labour in 1985. This agency's mission is to "create efficient and equitable pathways for people to benefit from their skills in overseas employment markets securing interests of all stakeholders while contributing to economic growth". As the lead government agency that regulates migrant recruitment in Sri Lanka, the SLBFE has a vital role in ensuring ethical practices by local recruitment agencies. The SLBFE also instituted a new regulation in 2013, the Family Background Report, to prevent female domestic workers with children under the age of five from engaging in international labour migration. These developments are controversial, as it may have pushed female migrant workers towards informal, unregistered and unsafe migration, as well as increasing their risk of exploitation and contractual breaches committed by employers against women attempting to circumvent the regulation.

<sup>1</sup> Central Bank of Sri Lanka, *Workers' Remittances – Statistics 2015-2022* (cbsl.gov.lk)

# Challenges for migrant workers from Sri Lanka

Despite government regulations and efforts to formalise the recruitment process, prospective migrants are still vulnerable to abuse by recruiters in several ways.<sup>2</sup> Weak enforcement of recruitment regulation and widespread informality increase the risk of abuse at the recruitment stage for migrant workers. Here are some of the most common challenges that face migrant workers from Sri Lanka:<sup>3</sup>

**First, the recruitment process is complex, lengthy, and difficult to understand.** As a result of the overly complex processes involved, the recruitment and placement fees charged by recruiting sub-agents are often excessive and exceed the charges outlined by the SLBFE. These often cause the prospective migrant to fall into recruitment-related debt that is exploited until paid off. There are, for example, reports of employers deducting or withholding salaries until recruitment-related debt is repaid in full. Unfortunately, the amount of the debt and the method of repayment may not be made clear in a written agreement, causing further uncertainty and vulnerability for migrants while abroad.

**The predominance of informal, unregulated recruitment agents or brokers operating outside current legal frameworks.** Despite the presence of agencies, such as the Association of Licensed Foreign Employment Agencies (ALFEA) in Sri Lanka, there is no guarantee of fair recruitment practice

from the private recruitment agencies who are registered as its members. In addition, several private, unregulated sub-agents continue to exist in both Sri Lanka and destination countries. Such sub-agents are often used by potential migrants based in rural areas, who do not have access to the licensed agencies, which are usually based in the capital or other big cities. Informal sub-agents have been found to be engaged in cases of corruption, such as bribery and document forgery; the trafficking of migrant workers, and sexual abuse.

**There is insufficient pre-decision and pre-departure information for potential migrant workers.** There are reports of recruitment agents failing to provide full information concerning the work conditions (e.g., salary, working hours) and responsibilities once abroad. It is not uncommon for agents to withhold information to deceive the prospective migrant about the difficult conditions of employment. Even though the Code of Ethical Conduct for Licensed Foreign Employment Agencies and Licensees (CoEC) stipulates that agents should fight against fraud, misinterpretation, and unethical practices, migrant workers still often find themselves in unexpectedly vulnerable situations. For example, some recruiters practice a 'double contract' system, where workers have travelled to their destination country based on a signed contract only to find that their employer is in possession of another contract with less-favourable terms.

**Finally, migrant workers have limited access to justice and dispute resolution mechanisms.** In the destination countries, due to language barriers, fear of retribution, or an insecure

<sup>2</sup> ITUC, Recruitment Advisor website: Page Common Problems in Recruitment Process for Sri Lankan Migrant workers, accessed on 07 October 2023

<sup>3</sup> ILO brief, Improving recruitment agency business practices in Sri Lanka, September 2020

migration status, migrant workers face many challenges in accessing grievance and other dispute resolution mechanisms for any alleged violation of their rights during the recruitment process. There are also reports of recruiters ordering prospective domestic workers to take contraceptives before departure, leading to a greater likelihood of sexual abuse both during the recruitment process and once they reach the destination country.<sup>4</sup>

Despite these malpractices, recruitment agencies and their sub-agents only rarely face prosecution, punitive damages or allegations

of criminal violations by law enforcement agencies. In November 2022, Sri Lankan authorities arrested an SLBFE officer posted to the Sri Lankan Embassy in Oman on trafficking charges after months of complaints against the official, which included the sexual harassment of migrants and involvement in a trafficking network.<sup>5</sup> The case recalled past allegations against other Sri Lankan consular officers, who sent trafficking victims back to abusive employers and exploitative employment agencies for financial gain when victims fled to their embassies for help.

## ITUC Recruitment Advisor in Sri Lanka

To advance the fair recruitment agenda for migrant workers in Sri Lanka, and with the support of the **ILO REFRAME project**, the International Trade Union Confederation (ITUC) along with its affiliates and national trade union centres in Sri Lanka, launched the **Recruitment Advisor** website in Sri Lanka on 11 December 2020, co-hosted by SLBFE and ILO.<sup>6</sup> The website offers migrant workers easy access to information on recruitment agencies and workers' rights when looking for a job abroad. The website also allows migrant workers to share their experiences and review recruitment agencies they have used to get jobs abroad.

The ITUC launched Recruitment Advisor in Sri Lanka in two languages (Sinhala and Tamil) to provide workers with

information about their rights and to collect workers' recruitment experiences.

With further support from the **ILO GOALS** project, the ITUC and the national trade unions such as Sri Lanka Nidahas Sevaka Sangamaya (SLNSS) and National Trade Union Federation (NTUF) were able to survey 636 Sri Lankan migrant workers either directly through the Recruitment Advisor website or through a team of five survey collectors who were mobilised in Kurunegala districts, Hambanton and Colombo. From March to November 2022, the team reached out to returnee migrant workers, prospective migrant workers and migrants' families to gain an understanding of the recruitment processes they experienced. This report provides an analysis and key findings from the survey data collected from the workers.

<sup>4</sup> Sophie Cousins, Recruiters order Sri Lankan women to take birth control before working in Gulf | Global development | The Guardian, 6 Apr 2018

<sup>5</sup> US Dept of State, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, Trafficking in Persons Report: Sri Lanka, 2023

<sup>6</sup> Virtual launch of the migrant Recruitment Advisor in Sri Lanka

## SOURCE OF INFORMATION ABOUT THE JOB ABROAD

Licensed recruitment agencies usually operate in big cities, and sub-agents become the de facto intermediaries for rural job seekers. However, they are not properly regulated and often charge excessive fees for their

services. Some sub-agents are even involved in fraudulent or abusive practices, such as providing false information, withholding passports, or exploiting vulnerable workers.

Chart 1: Source of job information for migrant workers

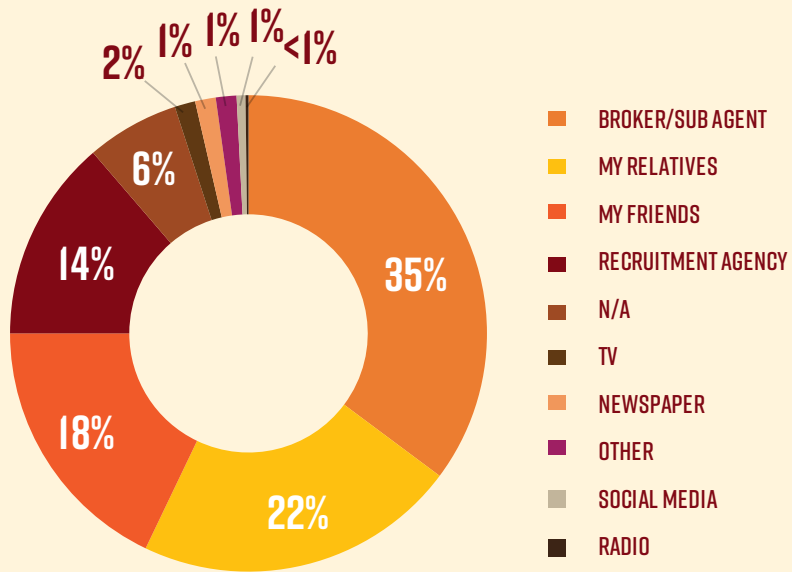


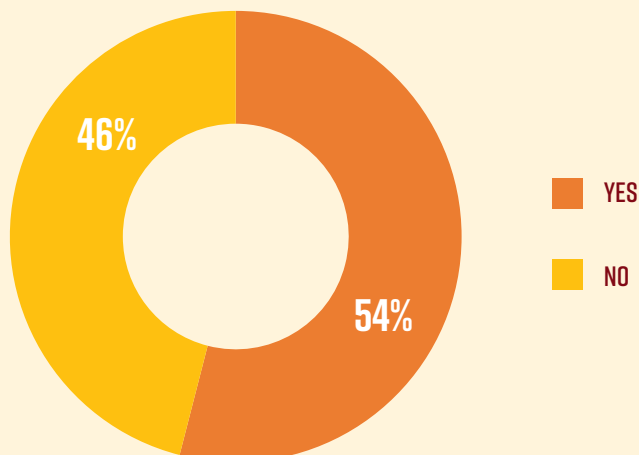
Figure 1: Sub-agents or brokers play a significant role in facilitating Sri Lankan workers seeking employment overseas. The survey result shows that 35 per cent of migrant workers heard about the job from a sub-agent or broker. The survey also revealed the key role of relatives and friends in the recruitment of migrant workers; 22 per cent of workers heard about their job from relatives and 18 per cent from friends. This trend reflects survey results from Bangladesh.<sup>7</sup>

## PAYMENT OF RECRUITMENT FEES AND RELATED COSTS

Exorbitant recruitment fees are part and parcel of job seeking for migrant workers from South Asian countries where sub-agents or brokers can charge what they like. The survey analysis showed that 54 per cent of Sri Lankan migrants

paid various fees and costs related to their recruitment. Workers reported the three main costs to be recruitment fees, insurance costs and medical costs.

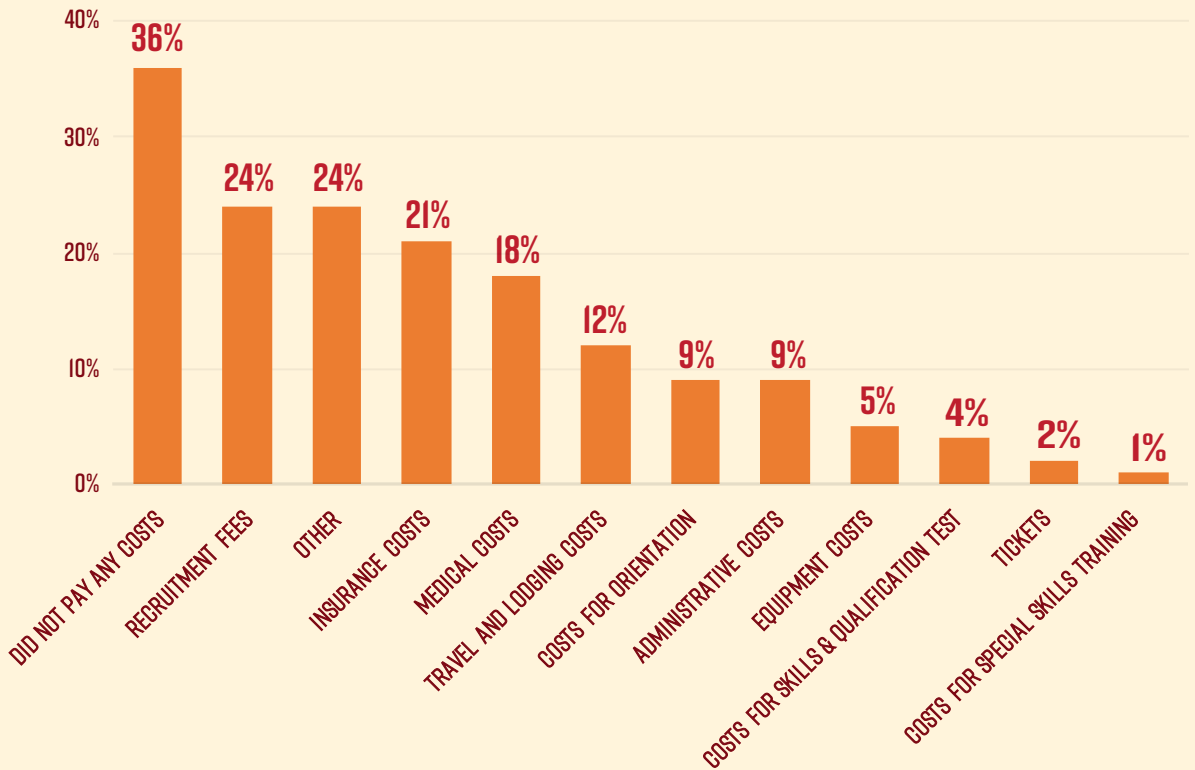
Chart 2: Migrant workers required to pay recruitment fees



<sup>7</sup> ITUC, Survey Analysis: Monitoring recruitment of migrant workers from Bangladesh, 2023



Chart 3: Recruitment fees and related costs paid by reviewers



### PRE-DEPARTURE/EMPLOYMENT ORIENTATION FOR MIGRANT WORKERS

Pre-departure orientation is crucial for prospective migrant workers. When done well, this training informs migrant workers about their rights, provides useful contacts in the country of destination, offers basic information about labour laws, working conditions, climate and cultural norms in the country of destination. However, in practice, workers received little or no pre-departure orientation at all.

Of the 636 returnee migrant workers, only 40 per cent received any pre-departure orientation. Where relevant, workers were asked to outline the information they received during the pre-departure orientation. Of those who responded, 195 said they received information about rights and obligations, as well as information about useful contacts and services in the destination country. However, only three workers received information about how to make a complaint against any aspect of their employment.

Chart 4: Migrant workers received pre-departure/employment orientation

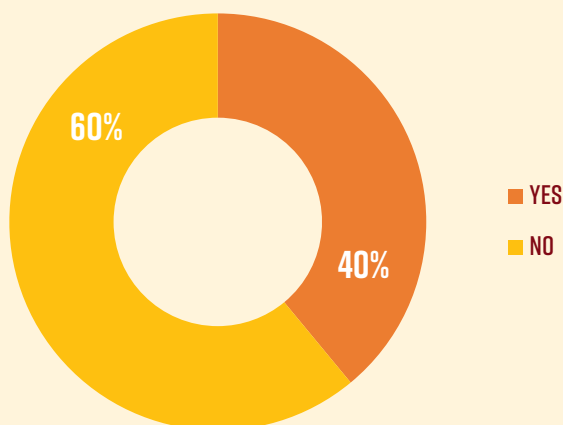




Chart 5: Information received during the pre-employment orientation

TYPE OF INFORMATION RECEIVED DURING ORIENTATION	TOTAL NUMBER	IN PERCENTAGE
1. INFORMATION ABOUT MY RIGHTS AND OBLIGATIONS	3	1%
2. INFORMATION ABOUT WHAT TO DO IF I HAVE A COMPLAINT		
3. INFORMATION ABOUT USEFUL CONTACTS & SERVICES IN DESTINATION COUNTRY		
1. INFORMATION ABOUT MY RIGHTS AND OBLIGATIONS	195	31%
2. INFORMATION ABOUT USEFUL CONTACTS AND SERVICES IN DESTINATION COUNTRY		
ONLY 1. INFORMATION ABOUT MY RIGHTS AND OBLIGATIONS	27	4%
ONLY 2. INFORMATION ABOUT USEFUL CONTACTS & SERVICES IN DESTINATION COUNTRY	1	1%
OTHER INFORMATION	28	5%

### EMPLOYMENT CONTRACT

Before leaving for foreign employment, workers have the right to get an employment contract in a language they can clearly understand. The recruiter and employer must provide the contract to the workers and respect it during the employment period.

According to the study, 73 per cent of workers received an employment contract. Furthermore, 61 per cent stated that the contract they received was in a language that they understood. However, it is not known how many of these workers experienced a ‘double

contract’ or ‘contract substitution’ system, where workers travel to their destination country on the basis of a signed contract only to find that their employer holds a different contract with different terms. To prevent such practices, bilateral and multilateral agreements between origin and destination countries should include the adoption of a standardised contract that is enforceable and recognised in both countries. It should also be translated into a language the migrant worker understands, and be signed in both the country of origin and the destination.

Chart 6: Employment contract received by migrant workers

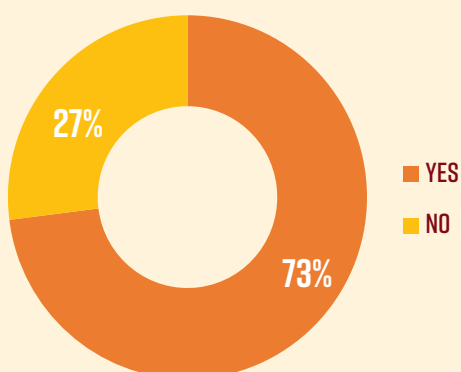
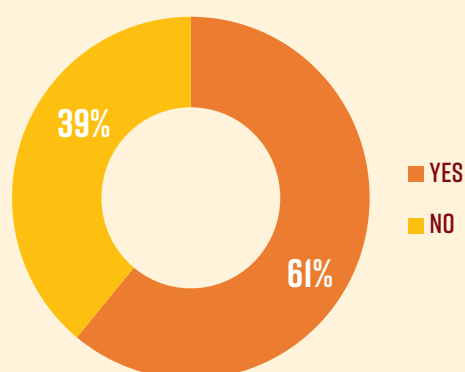


Chart 6a: Contract language is understandable

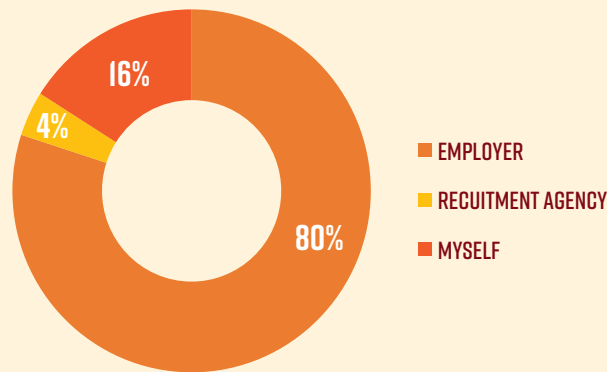


## MIGRANT WORKERS ARE NOT ALLOWED TO KEEP THEIR PASSPORTS AND PERSONAL DOCUMENTS

The survey confirmed that many migrant workers are not able to keep their passports and personal documents themselves. A staggering 80 per cent of workers had their passports held by their employers and 4 per cent by the recruitment agency. Only 16 per cent of workers were able to keep their official documents with them.

Forced labour can be understood as work that is performed involuntarily and under the threat of any penalty.<sup>8</sup> It refers to situations in which people are forced to work through the use of violence or intimidation or by more coercive means, such as manipulated debt, or threats of denunciation to immigration authorities. This includes the confiscation of passports or other personal documents, whether by an employer, a recruitment agency or the government.

Chart 7: Migrant workers' official documents held by



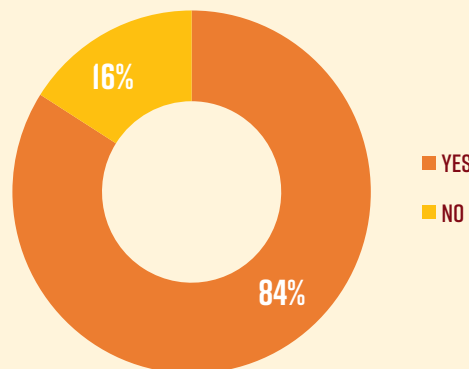
## MIGRANT WORKERS RECEIVED PROMISED JOBS

The survey shows that 84 per cent of respondents received the job they were promised. Another 16 per cent said they did not get the promised job in the country of destination.

(IOM), there exists a skills mismatch, both in terms of labour supply and the qualifications of migrant workers from Sri Lanka, and further research is needed to find out if this was the case among the workers surveyed here.<sup>9</sup> Highly qualified migrant workers often work in low-paid jobs due to a lack of recognition of their skills in their country of destination.

As noted in a report jointly produced by the ILO and the International Organization of Migration

Chart 8: Migrant workers received promised jobs



<sup>8</sup> ILO, Protocol of the 1930 Forced Labour Convention, 2014, Page 1

<sup>9</sup> ILO – IOM, Labour market trends & skills profiles of Sri Lankan migrant workers in the construction industry in GCC countries, 2017

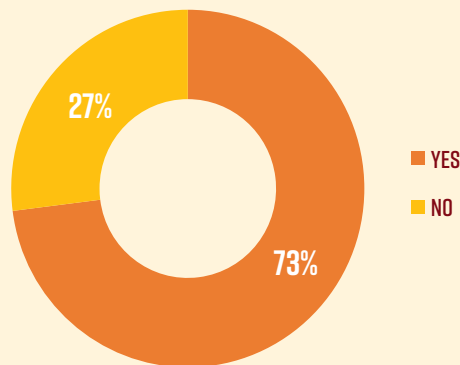
## MIGRANT WORKERS RECEIVED PROMISED SALARY

The survey showed that 73 per cent of respondents said they had received the promised salary and 27 per cent said they did not receive the promised salary. However, further study is needed to find out whether the salary received by workers in this survey constitutes a decent living wage as per the standards of the country of employment.

It is important to note that the prevailing mismatch between the skills of a migrant

worker and the job they get in the destination country has a direct impact on the labour market opportunities and affects these workers negatively in terms of the lower wages and poorer working conditions they receive.<sup>10</sup> Without standard living wages in destination countries that are applicable to all workers, regardless of their migration status, migrant workers have no power to bargain for better wages, particularly when they are restricted from joining a representative trade union.

Chart 9: Migrant workers received promised salary



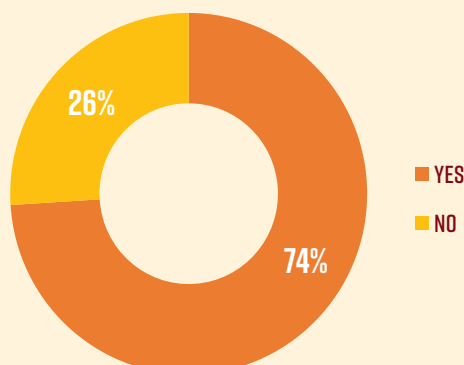
## WORKERS' RIGHT TO RESIGN FROM EMPLOYMENT FREELY WITH REASONABLE NOTICE

The Recruitment Advisor survey asked workers if they could resign freely with reasonable notice. 74 per cent of respondents answered 'no' and 26 per cent responded 'yes'.

Much anecdotal evidence suggests that employers or recruiters make false promises

so that a worker takes a job they would not otherwise have accepted. **The ILO Forced Labour Protocol** emphasises there should be no constraints on the ability of the worker to leave an employer.

Chart 10: Workers could resign from employment freely and return home



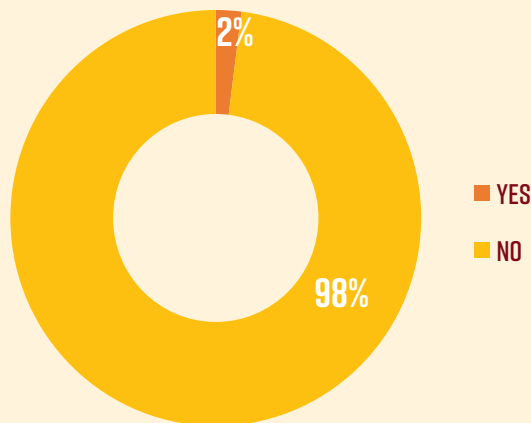
<sup>10</sup> ILO – IOM, *Mapping of the skills assessment procedures, certification standards, equivalencies*, 2017

## ACCESS TO TRADE UNIONS OR WORKERS' ASSOCIATIONS

Under international labour standards, all workers without distinction have the right to freedom of association. However, the 2023 ITUC Global Rights Index reported that 114 out of 149 countries surveyed excluded certain categories of workers from this right, including migrant workers.<sup>11</sup> The survey confirms this, as 98 per cent of workers did not have access to join a union or workers' association during their employment abroad.

Joining a trade union protects workers whether they work in their own country or abroad. As members of a trade union, workers learn about their rights, can access support in difficult situations, protect themselves from unscrupulous employers, and prevent forced labour conditions. However, in countries where most migrant workers work, trade union rights are not allowed or migrant workers are restricted from joining unions or are unaware of their existence.

Chart 11: Access to trade unions

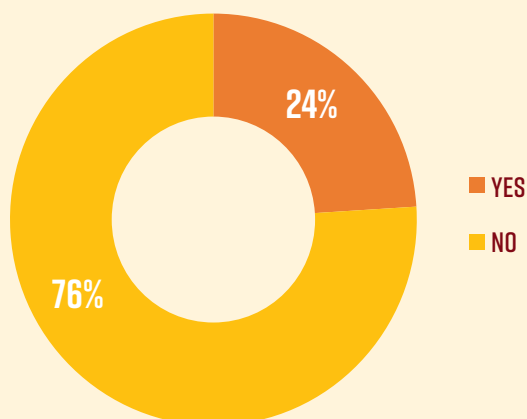


## WORKERS WOULD OR WOULD NOT RETURN TO THE SAME EMPLOYER FOR FUTURE EMPLOYMENT

On being asked whether they would return to the same employers, an overwhelming 76 per cent of respondents expressed their reluctance

to do so, and only 24 per cent respondents said they would return to the same employers for their future jobs.

Chart 12: Workers would return for same employer

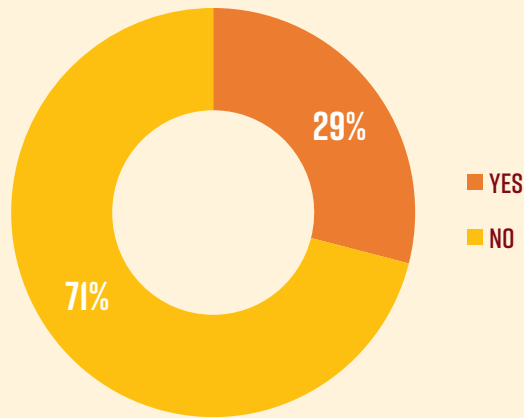


<sup>11</sup> ITUC, Global Rights Index: Violations on Right to establish and join a trade union, 2023

## WORKERS WOULD OR WOULD NOT RETURN TO THE SAME COUNTRY FOR FUTURE EMPLOYMENT

The survey also revealed that 71 per cent of workers would not return to the same country.

Chart 13: Would return to the same country for future employment



## Conclusion

Despite the many positive benefits that labour migration can bring to both the individual, their family and community, and the economy of the origin country, it has also become synonymous with exploitation, corruption and coercion. Profound deficits in the governance of recruitment processes and scant protection for workers follow potential jobseekers through each stage of their journey. Migrant workers are three times more likely to be trapped into forced labour and they also have a higher risk of abuse and exploitation. Female migrants are also disproportionately affected by different forms of violence (physical, emotional, economic, and sexual) and harassment during the migration cycle. Despite such damning evidence, migrant workers remain

excluded from labour protections and are restricted from joining a trade union in their destination country. In both law and practice, they remain woefully vulnerable to the whims of recruiters and employers.

The ongoing economic crisis in Sri Lanka led to a huge number of redundancies and forced more people to pursue migration as a desperate measure to protect their livelihoods. The migration trend from Sri Lanka has evolved exponentially with more people from multiple sectors and with high educational backgrounds looking for employment abroad. In response, SLBFE must evolve its operations and innovate to provide a more reliable service to this new demographic of migrant workers.

Despite their significant contribution to the Sri Lankan economy, which received US\$ 3,789.4m

in remittances in 2022, mostly from migrant workers, these workers and their families continue to face unnecessary challenges and risks, such as low wages, limited protections, and restrictions on mobility. The Sri Lankan government must make efforts to ensure the rights and welfare of its migrant workers.

As of December 2021, Sri Lanka had 18 bilateral labour migration agreements (BLMA) with other countries. These BLMAs must be renewed and updated with the inclusion of workers' rights based on the ILO General Principles and Operational Guidelines on Fair Recruitment, such as workers' right to resign freely or return home with reasonable notice, to find new employers in the destination country and to have access to trade unions or workers' associations in the destination country. Dialogue on the ongoing development of BLMAs should also be conducted with the involvement of all social partners, including trade unions, to secure agreements that prioritise the promotion and protection of workers' rights.

The Sri Lankan government must design, implement and enforce much-needed policy reforms to promote fair recruitment and a cultural shift in the working practices of the privately owned recruitment industry. Human and labour rights must be protected by governments and respected by businesses throughout global supply chains. The government should align with fair employers and ensure that the Employer Pays Principle, which assures prospective jobseekers that any

costs related to their recruitment will be borne solely by the employer, is well implemented. The government should also invest in a robust and regular monitoring process and ensure that key agents, such as labour inspectors, have the required tools and authority to take strong action against unfair recruitment practice by companies or agencies.

The Association of Licensed Foreign Employment Agencies (ALFEA), must take the lead on ensuring fair recruitment. It could begin by introducing standard levels of service to all potential clients and a commitment to working closely with government, trade unions, civil society organisations, etc. This will also increase its credibility and reputation.

As key actors in activities to combat unfair recruitment and its links to trafficking and forced labour, trade unions must continue their organising efforts for migrant workers both in origin and destination countries. They are best placed to identify recruitment abuses and provide workers with targeted assistance and advice, including legal support.

Finally, migrant workers must be able to credibly expect adequate pre-departure and post-arrival orientation to help them adjust to their new environment and cope with any difficulties. The ITUC will therefore continue to support Recruitment Advisor in providing easy access to information for migrant workers among other innovative technologies to both protect workers' rights and to empower them.

# Annexe Review questionnaire – English

## Recruitment details

I used the agency's service in the year

Write the year

Heard about the job from

- None -

## Recruitment Fees & Related Costs

I paid the following costs during the recruitment process

- Recruitment Fees 
 Insurance costs 
 Equipment costs 
 Travel & lodging costs 
 Costs for special skills training 
 Medical costs 
 Costs for orientation 
 Administrative costs 
 Costs for skills & qualification test 
 Other

## Pre-employment Orientation

I received the following information during the pre-employment orientation

- Information about my rights and obligations
  Information about what to do if I have a complaint
  Other
- Information about useful contacts & services at destination

## Employment Contract

I received contract before starting employment \*  No  Yes

The employment contract was in a language I can understand \*  No  Yes

The employment contract contained clear information about

- Salary
  Job description
  Other
- Job location
  Working time
- Leave days
  Accommodation
- Health care coverage



## Working Conditions

My agency sent me to work in

Write the company name

My passport and other personal documents were taken by

- My recruitment agency
  My employer
  Other

I received the job I was promised \*  No  Yes

I received the salary I was promised \*  No  Yes

I could resign from employment freely with reasonable notice \*  No  Yes

There was a union of workers association I could join \*  No  Yes

## Worker's evaluation

I would use the same agency again \*  No  Yes

I would return to the same employer \*  No  Yes

I would return to/stay in the same country for my future job \*  No  Yes

## Others

Gender

- None -

Age

- None -

Sectors

- Agriculture
  Construction
  Other  
 Domestic Work
  Fishery  
 Garment Textile
  Health Service

Comment

Please tell other workers how your recruitment was, write your opinion at least in one sentence (e.g. fair/unfair, free of charge/expensive, reliable/unreliable)

If you have an activity code, please insert it here

Enter your code here

Enter your email to follow your review and to link it to your account or the one you'll create

I agree with the terms and conditions of the website

Post review

# RECRUITMENT ADVISOR

**ITUC**  
**International Trade Union Confederation**

[info@ituc-csi.org](mailto:info@ituc-csi.org)

[www.ituc-csi.org](http://www.ituc-csi.org)

Phone: +32 (0)2 224 0211

Boulevard du Jardin Botanique, 20  
1000 Brussels, Belgium

**Publisher responsible in law:**  
Luc Triangle, General Secretary

