Temporary Labor Migration from Sri Lanka to Gulf Cooperation Countries: Analyzing Labor Trafficking Amidst the Financial Crisis

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Abstract

Background and Aims: The financial crisis in Sri Lanka (SL) has marked a significant growth in temporary labor migration to Gulf Cooperation Countries (GCC). Temporary labor migration refers to migration from one state to another in pursuit of employment opportunities for a temporary period. The National Policy on Migration for Employment (NPME) and the National Action Plan of SL asserted the importance of developing labor migration policies in response to the country's severe need for remittances during the financial crisis. A financial crisis occurs when a country's expenditure exceeds its national income, resulting in a shortage of goods and services for its citizens. Along with this understanding, this paper examines how the temporary labor migration from SL to GCC has developed in response to the financial crisis in the country. It argues that reforming labor migration policies solely based on remittance does not appear to be adequate to protect migrants from trafficking. In this setting, the key research question is how labor trafficking has risen amidst the financial crisis in SL.

Methodology: In this study, Delphi indicators have been utilized to identify the demarcations of labor trafficking. The data was collected from thirty interviews conducted with family members of labor migrants who migrated to GCC in 2022.

Results: The results indicate that shortcomings in the governance of labor migration during the financial crisis in SL have led to an increase in labor trafficking.

Conclusion: The paper concludes with the discursive, implementation, and efficacy gaps in the governance of labor migration and suggests a right-based framework to guarantee equitable recruitment procedures.

Keywords: Financial Crisis; Temporary Labor Migration; Gulf-Cooperation Countries; Remittance; Trafficking; Labor Migration Policies

Introduction

Temporary labor migration has been a key driving force behind the gradual growth of Neoliberal economies. The Neoliberal economy of the countries is characterized by its emphasis on labor market composition and income distribution (Lewis, et al, 2014). In this context, the ongoing financial crisis in SL has created a high demand for temporary labor migration to the GCC, including Saudi Arabia, Oman, the United Arab Emirates (UAE), Qatar, Bahrain, and Kuwait. The financial crisis has been accompanied by a lack of economic growth, poverty, and economic suppression. These factors drive individuals to migrate from SL in pursuit of opportunities to earn higher wages. Consequently, the GCC became home to 85% of the country's workforce in 2022 (Kumar, 2023), This tendency has been further compounded by the crisis-driven migration policies adopted by the government under the NPME and 'National Action Plan 2020-2023'. In this context, cabinet approval was granted in June 2022 to lower the minimum age limit from 23 to 21 for women migrating to GCC as domestic aides (Office of the Cabinet Ministers-SL, 2022). Concerning the accumulation of remittances, the Central Bank of Sri Lanka (CBSL) launched initiatives to increase formal remittance transfers. In June 2022, the Cabinet lifted the requirement for mothers with children under five years old to submit a Family Background Report (FBR). All of the policies contributed to an increase in labor recruitment in the GCC alongside trafficking. Hence, the key argument of the paper is that the sudden demand leads to labor trafficking. It contends that contemporary labor trafficking to the GCC can be analyzed through six operational factors of 'Delphi' indicators. This finds the structural aspect of labor trafficking and recognizes the circumstances of trafficking that are not only related to the misconduct of labor recruitment but also to conditions at work. Accordingly, the discussion reflects on (a) the causes of labor migration, (b) the first contact of labor migrants, (c) recruitment fees charged by the recruitment agencies, (d) deceptions of wages, working, and living conditions, (f) excessive working hours, (g) physical and verbal violence, (h) debt bondages, (i) wage deductions and (j) the absence of employment contracts that gathered from literature and statistical findings. The discussion contends three gaps in the governance of labor migration namely, discursive, implementation, and efficacy. In the end, the gaps are presented to support the author's claim that a right-based framework should be implemented to guarantee the rights of labor migrants for fair recruitment.

Objectives

The main objective of this study is to examine how the temporary labor migration from SL to GCC devolved in response to the financial crisis in SL. Secondly, it intends to examine the key dynamics of trafficking related to temporary labor migration.

Literature Review

Temporary Labor Migration to GCC

Temporary labor migration refers to migration from one state to another in pursuit of employment opportunities for a temporary period. (Gzesh, 2014,15). Temporary labor migrants are granted work visas for months to a few years (Baubock & Ruhs, 2022, 529). Linked to this, temporary labor migration has evolved into a more accessible way to earn money from low-wage employment. Concerning the historical context, high levels of temporary labor migration have been preponderated in the migration corridor between Asia and the Gulf (Piper, 2022, 39). Temporary labor recruitment programs in the GCC initially relied on outsourcing labor from Africa, which was later swapped for Asians due to radical ideologies derived in 1970 opposing African servitude. Since then, labor migration from Asia to the GCC has continued to be one of the world's most dynamic labor flows (Wickramarachchi, 2020, 118-119). Alongside this, open economic configurations, introduced by the Government of SL in 1977 directly contributed to turning the GCC into a key destination for Sri Lankan labor migrants (Withers, 2017,40). The policies included the relaxation of foreign exchange regulations, easing of passport issuance, and the creation of the Sri Lanka Bureau of Foreign Employment (SLBFE), all of which laid the groundwork to meet the excess demand for temporary labor from the GCC. The demand was gradually extended to domestic servants or housemaids, leading to a 'feminization' of labor migration, where an increasing number of women migrated for domestic and care work (Wickramarachchi, 2020,119) In this nature, the 2021 financial crisis in SL significantly impacted the rise in temporary labor migration to GCC as follows.

Financial Crisis

A financial crisis is a situation in which the country's expenditure surpasses its national income, leading to a shortage of goods and services for its citizens (Kindleberger & Aliber, 2005,

5-7). The uncertainty in the economies is driven by macroeconomic imbalances in Gross Domestic Product which triggers soaring inflation, unemployment, and market fluctuations (Claessens & Kose, 2013, 2). In such a crisis, foreign employment is perceived by citizens as a resilient strategy for making income to meet the prices of goods and services (Baubock & Ruhs, 2022, 528). In terms of the state perspective, it is viewed as a pragmatic solution to recovering economies after financial crises as it increases the inflows of foreign currency (Ibid). Among the roots of the 2021 financial crisis in SL are the Easter Sunday Attack, COVID-19, and the rise in foreign debts. Easter Sunday Attack is a series of coordinated bomb blasts conducted by an Islamic radicalized group targeting luxury hotels and churches on Easter Day in April 2019. It led to a loss of $750 million in Tourism revenue (Mallawarachi, 2019). The COVID-19 lockdown policies of the county further affected the country's economy. (Weerasinghe, 2022, 1). As per the World Bank (WB), the share of the $ 3.20 poverty line soared to 11.7 percent in 2020. Then foreign debts obtained by the government further declined the economic growth (Ibid). Subsequently, the Sri Lankan Rupee (LKR) started to depreciate against the US dollar by 30 May 2021 and gradually reached over 300 Rupees in 2022 (Xinhua, 2022). The inflation of the country reached 9.9 percent and rose gradually to 69.8 percent by September 2022 (CBSL, 2023). These circumstances have resulted in the growth of temporary labor migration to the GCC.

Table 1: The Number of Registered Labor Migrants in 2022

Country	Semi-skilled (Domestic House Keeping Assistants)	Semi-Skilled (other)	Low-skilled
Saudi Arabia	24636	300	13249
Oman	5434	92	2740
UAE	5338	1331	10628
Qatar	1682	1170	24376
Bahrain	1324	43	649
Kuwait	32217	516	27282

Source: Sri Lanka Bureau of Foreign Employment (SLBFE), 2023

According to Table 1, Kuwait recorded the highest number of labor migrants in 2022 among the six selected countries, with 60,015. Saudi Arabia and Qatar are ranked second and third, respectively. It also revealed an increase in the recruitment of domestic housekeeping assistants from 27945 in 2021 to 70631 in 2022. Steadily, the GCC accounted for 41.8% of remittances in the fourth quarter of 2022 (CBSL, 2023).

A crisis is identified as an extraordinary event that causes instability and uncertainty in the existing status quo or perceived normalcy (Hermann, 1969, 414). Crisis-driven labor migration policies and reforms implemented by any government are essentially designed to minimize existing losses (Ibid). In this regard, remittances are integral to the overall survival of a state that is struggling with economic collapses (Cohen & Sirkeci, 2012, 2). Orozco (2006. 1-3) has argued that remittance needs to be a means of accumulating capital and as well as ensuring the protection of the labor migrant. Thus, the lowering of the minimum age limit from 23 to 21 for women migrating to GCC as domestic aides has raised the question of whether the Government assures the safety of the migrants (Rasooldeen, 2022). In accumulating the remittances, The CBL further introduced an incentive of Rs. 1000 for migrant workers who remit forex equivalent to Rs. 20,000 or more in a single transaction. Moreover, In June 2022, the Cabinet revised the requirement of the FBR for female labor migrants attached to the domestic sector. The FBR was introduced in 2013 as a curtailment on foreign employment of mothers with children under five years old.

Trafficking

According to Article 3(a) of the Trafficking Protocol, trafficking means the recruitment, transportation, transfer, harboring, or receipt of individuals through force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or payments, for exploitation (UNGA, 2000). This has also been termed as the newest form of 'unfree labor'. Unfree labor refers to relations where direct compulsion is used to exploit labor power. This is evident in the case of migrant workers who are not free to move within the labor markets of their host countries, a situation reminiscent of the conditions faced by African slaves (International Labor Organization [ILO], 2019). In this context, the national policy on labor migration in SL recognizes the need for fair recruitment

of labor migrants. Fair recruitment is based on the transparent and effective regulation of labor migration, the protection of the rights of workers, and effective information and responses to employment needs (Ibid). However, the absence of fair recruitment practices has a significant impact on countering trafficking.

Methodology

The Delphi indicators have been widely used in results-based studies to identify individual cases of labor trafficking. The following six operational factors of the Delphi Indicators are adopted in this paper to construct relevant demarcations of labor trafficking.

Table 2 Delphi Indicators

	Phase	Operational Indicators	Scope of the Indicators	Data Presentation
1.	Recruitment	By abuse of vulnerability	Economic recession	Causes
		Coercive	The involvement of sub-agents	The first contact of the labor migrant
		Deceptive	Deceptions about wages, work, and living conditions	Recruitment fee Wages, working and living conditions
2.	Working	Exploitative conditions	Bad working conditions	Excessive working hours
		Coercions at destinations	Violence on Victims	Physical and verbal violence
			Debt bondage	Debt bondage
			Wage manipulation	Wage deductions

Phase	Operational Indicators	Scope of the Indicators	Data Presentation
	Abuse of vulnerability at destination	Dependency on employees	The absence of employment contracts

Source: Shamir, 2017, 490

Participants and Context:

The data was collected from thirty interviews conducted with family members of labor migrants who migrated to GCC in 2022. One respondent from each family was selected for the study. The parents and children of labor migrants were excluded from the interviews due to age-related factors such as cognitive decline associated with aging and the immaturity of the children. The interviews were aimed at gathering data regarding the socio-economic factors of labor migration and labor trafficking. The total of participants was from 6 different locations in the Colombo District, namely Bambalapitiya, Narahenpita, Maradana, Kottawawa, Borella, and Maharagama. As per the SLBFE, Colombo was ranked fifth highest among cities that sent migrants abroad by accounting for 34704. Structured questions were utilized to conduct in-person interviews. The names and the identities of the labor migrants were kept confidential due to the ethical considerations in obtaining sensitive data on trafficking and exploitation. The researcher had to limit the questions to the causes of migration, the first contact of the labor migrant, recruitment fee, wages, work conditions, physical and verbal violence, debt bondages, wage deductions, and the absence of labor contracts by considering the familiarity of the respondents on other detailed factors. This relates to a lack of understanding about labor recruitment and trafficking. The related areas were distributed one week before the interviews to minimize biases and ambiguities among family members, and to ensure the authenticity of their responses.

Data Collection

The participants were purposively selected based on the background details obtained from the 'Grama Niladhari Divisions' of each area, which are the subunits of a divisional secretariat. Labor migrants working in construction, domestic work, and machinery were selected for the study, as these sectors had the highest demand from labor migrants (SLBFE, 2023). In the light of

the qualitative approach, 'Thematic Analysis' has been employed to identify recurring themes and construct the data set. Participants provided consent before the interview by reviewing information and consent sheets. Among the labor migrants, the majority are employed in the UAE (30%), Saudi Arabia (27%), and Qatar (23%). Kuwait and Bahrain were destinations for 4% and 2% of labor migrants. 50% of the migrants were employed in the domestic sector (as domestic housekeeping assistants) and 33% were in the construction sector. Then 17% were working in the machinery sector (as machine operators and machine maintainers). They were tasked with loading and unloading materials and equipment from trucks, digging trenches, transporting materials and tools to the construction site, and assisting the carpenters, electricians, and plumbers. Then domestic housekeeping assistants were placed for children, and elderly care, cooking and cleaning. The labor migrants in the machinery sector were employed in packaging lines and assigned to remove/replace machine parts, arrange the adjustments and conduct line verifications.

As found in the interviews, respondents commonly attributed rising inflation in the country as the main cause of labor migration. Other five contributing factors namely (a) debts; 15% (b) health needs; 5% (c) educational needs of children; 47% (d) loss of jobs or unemployment; 20% (e) the need to construct houses: 13% were also highlighted by the respondents (each of the respondents was allowed to name two causes). In the case of repaying the debts, the migrants had obtained loans from both banks (33%) and local money lenders (67%). In meeting health needs, the respondents stated a requirement of money to pay for pending surgeries of family members. The educational needs of children in kindergarten (36%), primary level (39%) and secondary level (25%) were stated in most of the cases. Migrants who had previously been employed as daily wage earners (25%), security guards (8%), and street vendors (17%) had lost their jobs in garment factories (25%). Another 25% of them had never been employed. The data gathered from interviews denoted an 80% of migrants were initially contacted by sub-agents (not related to the migrant's family) whereas 7% were contacted by a family member/ cousin or known person. In the sample, 13% of the respondents were not aware of the first contact of the migrant. Interestingly, the researcher was able to find out that 20% of migrants had previously been misled by other sub-agents by making an initial payment for their recruitment. The data set has also

revealed that 40% of migrants who deceived about the wages while 20% were deceived about the work conditions. It also consisted of migrants misled about the housing and living conditions at the workplace (17%).

The statistics of the sample on the working phase is made up of construction (39%), domestic (50%) and machinery (11%) workers who were experiencing physical and domestic violence at the workplace. The breakdown showed that 60% of workers were the victims of only verbal violence (use of dirty words) whereas 20% experienced physical violence (stabbing) Only 7% were not aware of the violence at work. 7% were not aware of the physical or verbal violence that occurred at work. The respondents of the survey did not mention any incidents related to sexual violence. It was also found from the interviews that 57% of the labor migrants work more than 12 hours per day. The percentage of migrants who worked 10 to 11 hours is 3% compared to those who worked 11 to 12 hours (30%). There were also 3% of respondents who worked less than 10 hours a day, and 10% who were not aware of the migrants' working hours. In sector vice, the majority of the excessive working hours were reported from the domestic housekeeping assistants (59%). Then the next highest number of excessive working hours was in the construction sector (29%) while 12% were in the machinery sector. The responses also showed the highest percentage of bonded labor in the domestic sector (47%) and comparatively low bonded labor in the construction (13%) and machinery (10%) sectors. Markedly, 70% of the labor migrants in the survey have experienced wage deductions. Furthermore, the labor migrants who worked as domestic housekeeping assistants were reported as having the highest wage deductions (43%) as the construction and machinery sectors made 20% and 7% respectively. Additionally, 30% of the participants were unaware of a wage deduction. In analyzing the period of wage deductions, 17% had gone through one month's salary deductions. In 23% of cases, salary deductions lasted two months, while in 17% of cases, it lasted for three months. The rest of the 10% had faced the same difficulty over three months. The researcher was not able to obtain data from 30% of the participants due to their lack of knowledge of the migrant's wage deductions. The migrants recruited through personal networks were also enduring debt bonds and subsequent wage deductions. Those were caused due to the payments made by the employers for their tickets, visas, and transportation. The data obtained by the researcher also stipulated that 30% of the

migrants had not received an employment contract at the time of conducting interviews as opposed to 47% who had received contracts. A total of three respondents stated the employment contract which has been given to migrants working in Qatar, Bahrain and Kuwait is not readable, since it has been written in Arabic. Then 23% of the respondents were not aware of issuing the contract to the migrant. Almost 67% in the domestic sector were not offered an employment contract relative to the lowest was in the construction sector (33%).

Results

The results of the study are solely derived from the data obtained from the interviews. The responses indicated that economic factors drove the increasing trend of temporary labor migration. These factors have significantly facilitated labor trafficking, which is often accompanied by false promises made by agencies or agents regarding recruitment and working conditions. This is related to 'Free Recruitment,' which directly increases the risk of labor trafficking. Free Recruitment is a common method practised in SL for recruiting domestic maids to the GCC. In this method, the foreign employer covers the full recruitment cost upfront, including agency and sub-agent commissions (ILO, 2019). Even though migrants are not supposed to be charged under this process, data has shown that they often end up paying a fee to the agency. The other method, known as the 'Fee Recruitment' system, is applied to recruiting labor migrants (except domestic maids) to the GCC (Ibid). This system requires migrant workers to bear the full or partial cost of recruitment, resulting in them being charged a higher recruitment fee. Accordingly, the abovementioned findings are aligned with the complaints made by migrants to the SLBFE.

Table 3: The Number of received complaints in 2022

Country	Semi-skilled (Domestic House Keeping Assistants)	Semi-Skilled (other)	Low-skilled
Saudi Arabia	1162	3	188
Oman	314	0	119
UAE	427	4	202
Qatar	11	13	42

Country	Semi-skilled (Domestic House Keeping Assistants)	Semi-Skilled (other)	Low-skilled
Bahrain	33	0	2
Kuwait	810	1	399

Source SLBFE, 2023

Table 3 depicts the number of complaints received from labor migrants in GCC. Among the most frequently reported complaints were breaches of employment contracts, non-receipt of wages, harassment, being stranded without employment and overworking (SLBFE, 2023). Noticeably, a large number of complaints have been made by domestic housekeeping assistants.

Discussion

Temporary labor migration often operates in a vacuum of right-based recruitment which makes them vulnerable to trafficking (Costa & Martin, 2018, 2). A rights-based approach is primarily aimed at ensuring the legal rights of the migrant workers within administrative setups, enforcing the rights in practice, which also entails accountability of the government and enabling informed participation of migrant workers in workplaces (Farbenblum, 2017, 154) which indicate the International labor standards. As per the ILO (2024), labor standards are combined with national and international recruitment practices, developed through social dialogues between governance institutions and the actors of labor migration. In this milieu, this discussion structures the existing gaps in the labor recruitment process in SL. The gaps have been divided into three aspects, namely discursive, implementation and efficacy gaps (Czaika & de Haas, 2017). The discursive gap refers to the discrepancy between public discourses and policies while the implementation gap denotes the disparity between policies on paper and the implemented policies. And the efficacy gap demonstrates the extent to which implemented policies affect migration. Given the discursive gaps in the crisis-driven labor migration in SL, there is a compelling need to amend the Foreign Employment Act of SL which does not regulate the sub-agents. Addressing the implementation gap, the amendment of the age limit for female labor migrants depicts a heightened vulnerability of migrants to trafficking. Additionally, in line with the ease of FBR, the Government has not yet

established care plans or continuous monitoring mechanisms for the safety of children left behind. Then, under the efficacy gap, the NLMP which was adopted in 2008 recognises the importance of fair and ethical recruitment of labor migrants. (SLBFE, 2023). But its effective implementation has been made difficult by the GOSL's non-ratification of three ILO Conventions related to labor migration namely C97 (Migration for Employment Convention, 1949), C143 (Migrant Workers Supplementary Provisions Convention, 1975 and related C181 (Private Employment Agencies Convention, 1997).

Recommendations

Contemplating these implications, the suggested framework below may ensure the migrant's rights to fair and secure recruitment.

(a) Conduct awareness-raising programs for recruitment agencies to make them aware of labor rights and penalties for trafficking. This need was identified through data obtained on the absence of labor contracts with migrants and their hesitancy to complain about labor trafficking and exploitation.

(b) The number of migrants who returned home after completing their assignments should be a main component of the SLFEB's performance reports. Currently, the SLBFE website only shows a balance between the number of job vacancies received and the migrants sent by the agencies.

(c) The submission of performance reports should be introduced as a key requirement for license renewals of sub-agents. Agencies must be disqualified from renewing their licenses if they have been reported for malpractices or complaints.

(d) Reforming the SBFE Act to implement a fully-fledged regulatory process for sub-agents.

(e) Strengthening punishments for sub-agents and other brokers who lured the applicant regarding the wages and working conditions

f) The SLBFE needs to be a third party in labor contracts. It will be advantageous in eliminating terms and conditions which might be favourable to employers.

g) Establishing a unified salary scale for each employment category.

h) Forming a labor market information system to speculate the risks and weaknesses associated with emerging demands.

Regarding the contribution of stakeholders to this framework, the SLFEB and ILO can support the system by governing and monitoring the process. This includes providing accreditation or appraisals to agencies for their continuous adherence to fair recruitment practices, ensuring well-informed recruitment processes, and facilitating exploitation-free labor placements in destination countries, all in alignment with the NPME. Nevertheless, the lack of funding and government monetary allocations can be identified as major obstacles within the current phase of the financial crisis. Therefore, the advocacy, monitoring, and implementation support of international organizations such as ILO are indispensable for implementing this framework. This can also be recognized as an area for further research, which could offer additional research perspectives on temporary labor migration.

Acknowledgment

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