



# ACCESS TO JUSTICE FOR

# SRI LANKAN MIGRANT WORKERS AND THEIR FAMILIES

A Manual for Training Paralegals

This Manual was developed by Centre for Human Rights & Development (CHRD) and HELVETAS Swiss Intercooperation in Sri Lanka in the framework of the Labour Migration Project (LMPSL Phase II), funded by the Swiss Agency for Development and Cooperation SDC.

Publication written by: Dr. Ramani Jayasundere

Comments: Plantation Rural Education Development Organization (PREDO), Social Welfare Organisation for Ampara District (SWOAD), Eastern Self Reliant Community Awakening Organisation (ESCO), Swiss Labour Assistance.

Layout: Softwave Printing & Packaging (Pvt) Ltd.

Photographs: HELVETAS Swiss Intercooperation

Copyright

© Centre for Human Rights and Development (CHRD)

© HELVETAS Swiss Intercooperation

© Swiss Agency for Development and Cooperation

ISBN : 978-955-7856-03-2



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

**Swiss Agency for Development  
and Cooperation SDC**

# FOREWORD

Sri Lanka has a large number of migrant work force employed mainly in the Middle East and is heavily dependent on the foreign remittances for its national revenue. Quoting the ILO report published in January 2013, “With the exodus of an average of 250,000 persons annually and an estimated population of Sri Lankan Overseas Contract Workers (SOCW) now reaching 1.6 million, according to the SLBFE statistics of 2010, the number of such workers’ dependents account for 1/3 of the country’s population and their remittances figure as a top foreign exchange source in the country. ... Therefore the objective of reducing the social cost by addressing migrant workers grievances has been recognized as a major priority”.

Grievances of migrant workers range from non-implementation of agreed working conditions and non-payment of promised remuneration to far more serious allegations of ill treatment by employers, sexual abuse and exploitation, and apathy on the part of government and consular officials. Migrant workers and their families, mostly from marginalized sections of the society, find that they cannot always avail themselves of the legal and other forms of mechanisms provided by the state. Limited action taken by some officials, the merely profit-maximising attitude of certain recruitment agencies and to some extent lenient law enforcement authorities are contributory factors in the denial of access to justice for migrant workers.

In this context, the role of paralegals has become increasingly important over the years. Drawn mainly from the societal levels and peer groups, the paralegals are can be trained as the sector that is capable of effectively addressing the issues concerning migrant workers. It is therefore essential that paralegals receive adequate training and insight in a manner that could enhance the quality of work that is much complex and requires expertise and professionalism.

This Manual for Training Paralegals fulfils the long felt need for such a document in the quest for access to justice for Sri Lankan migrant workers and their families. It is of immense satisfaction that this manual has been developed by CHRD in collaboration with Dr Ramani Jayasundere, with the ever willing support and assistance by HELVETAS Swiss Intercooperation and the Swiss Agency for Development and Cooperation SDC: The manual very succinctly and with clarity deals with various aspects relating to migrant worker issues under distinct headings that are vital to understand such issues. The definition of paralegals, background to labor migration in Sri Lanka, the multifarious procedures that govern migration, state and department institutions such as Ministry of Labour, SLBFE, Consular Services and participants of village/ community groups are among the numerous topics covered by the Manual. This comprehensive and very well researched manual would, I hope, benefit the organizations and groups that are involved in training and facilitating the paralegals and paralegals themselves and that the ultimate beneficiaries would be the migrant workers and their families.

**K.S.Ratnavale**

Director,

Centre for Human Rights and Development (CHRD)

## MESSAGE FROM HELVETAS SWISS INTERCOOPERATION

Labour migration is a viable livelihood strategy for many rural and urban families in Sri Lanka. The estimated number of skilled and low skilled migrants leaving the country each year reaches around 293'000 migrants, in their vast majority bound for countries in the Middle East, Malaysia and Singapore. Despite the positive impact on the economy of both the country of origin and destination, migrant workers enjoy a limited array of rights or find it difficult to claim, in countries of origin as well as destination.

Against this background, HELVETAS Swiss Intercooperation, together with partner organisations, implements the Safe Labour Migration project in Sri Lanka, which is mandated by the Swiss Agency for Development and Cooperation SDC. The project neither promotes nor hinders migration, but accepts it as a viable livelihood strategy and seeks to maximise the benefits and reduce the risks and challenges. The project is aligned with the National Labour Migration Policy of Sri Lanka and complements the efforts of the Sri Lankan government to better protect the labour migrants.

Accessing justice is difficult for migrant workers in the destination countries due to a myriad of reasons such as the Kafala system, domestic work not being covered by the labour law, lack of physical access to lawyers and the judicial system, language barriers, extensive time period for litigation during which the migrant is not allowed to work, etc. However, also in the countries of origin it is at times challenging for the returnee migrant or the family of in-service migrants to find adequate dispute resolution mechanisms. Limited knowledge on their rights, lack of trust in the legal system, and a limited decentralisation of the complaint handling mechanisms pose challenges to efficiently address the legal issues faced by migrant workers. In order to address these obstacles, HELVETAS Swiss Intercooperation has been partnering with the Centre for Human Rights and Development (CHRD) since 2011 to provide free legal assistance and enhance access to justice for the migrants and their families. In order to reach this goal, we believe that it is essential to have contact points for victimised families in the villages – the so-called paralegals. An array of community leaders, government officials such as the Development Officers for Foreign Employment, or members of civil society organisations have been trained by CHRD in collaboration with the relevant government institutions over the past five years and have proven to provide key services to the migrants and facilitate cases to the relevant institutions or to CHRD: This Manual and Handbook capitalises on the experiences made since 2011 and provides the basis for further training of paralegals throughout the island.

HELVETAS Swiss Intercooperation wishes to take the opportunity to thank CHRD for the fruitful collaboration, and Dr Ramani Jayasundere for her excellent work in elaborating the manual as well as training the first batch of paralegal trainers. We also wish to thank the Swiss Agency for Development and Cooperation for the financial support extended to the project.

**Katrin Rosenberg**

Project Manager

HELVETAS Swiss Intercooperation in Sri Lanka

## MESSAGE FROM THE SWISS AGENCY FOR DEVELOPMENT AND COOPERATION SDC

People generally leave their homeland in search of a secure income and in the hope of achieving greater prosperity and security. In this light Switzerland is committed to ensuring that economic migration takes place within a sound legal and social framework. SDC's Global Programme for Migration and Development aims to protect migrant workers and to enable them to take full advantage of their migration experience. It is working to improve the regulation of labour migration both in countries of destination and origin as well as in defining policies at the international level.

In Sri Lanka, labour migration is an important pillar in the country's economy not only for the nation as a whole but also for the families concerned. The SDC Safe Labour Migration Programme aims at helping labour migrants to migrate safely and increase the benefits of migration through access to information, legal services and psychosocial support, as well as through services facilitating their return & reintegration.

Although the project and existing government interventions aim to minimize the risks associated with labour migration, workers may still face problems in destination countries and upon their return, which require settlement through legal measures such as mediation, litigation or ultimately a court decision. SDC is therefore happy to support the publication of this Paralegal Manual which supports community leaders who act as Paralegals, to provide simplified and proper legal services to migrants in distress.

**Jean Michel Jordan**

Director of Cooperation  
Swiss Agency for Development and Cooperation SDC

# CONTENTS

<b>An Introduction to the Manual</b>	
Purpose.....	5
Format.....	5
Training agenda.....	5
Some Tips for the trainer.....	7
List of material you may need.....	7
<b>Module 1: An Introduction to Paralegals</b>	
Session 1: Introductory Session.....	8
Session 2: Who are Paralegals?.....	9
<b>Module 2: Labour Migration in Sri Lanka</b>	
Session 1: Background to labour migration in Sri Lanka.....	11
Session 2: Decision making and the right to employment.....	13
Session 3: Valuing the contribution of migrant workers.....	14
Session 4: A focus on legal problems.....	15
<b>Module 3: The Policy Framework on Labour Migration in Sri Lanka</b>	
Session 1: International commitments made by Sri Lanka.....	16
Session 2: Sri Lanka's policy framework on labour migration.....	17
<b>Module 4: Institutional Framework on Labour Migration in Sri Lanka</b>	
Session 1: The Ministry of Foreign Employment.....	20
Session 2: The Sri Lanka Bureau of Foreign Employment (SLBFE).....	22
Session 3: The Ministry of Foreign Affairs and Consular Section.....	24
Session 4: Department of Immigration and Emigration (DIE).....	26
Session 5: Other relevant Ministries, Departments and institutions.....	27
Session 6: Licensed foreign employment agencies and sub agents.....	28
<b>Module 5: Key Knowledge on the Stages of the Labour Migration Process</b>	
Session 1: The stages of the labour migration process.....	29
Session 2: The pre -departure stage.....	32
Session 3: Registration and training.....	33
Session 4: The in-service stage.....	34
Session 5: Return and reintegration.....	35
<b>Module 6: Solving Problems</b>	
Session 1: Mechanisms for problem solving.....	36
Session 2: Redress available at the SLBFE.....	37
Session 3: Sources of assistance to address grievances and disputes.....	39
Session 4: Access to legal aid.....	45
Session 5: Mediation as a means of access to justice.....	46
Session 6: Accessing justice from courts of law.....	47
<b>Module 7: Working as a Paralegal</b>	
Session 1: Working as a Paralegal - evidence based documentation.....	48
Session 2: How to approach the village/community as a cohesive group.....	51
Session 3: Skills and values of a Paralegal.....	52
Session 4: Making a work plan.....	53
<b>Closing Session.....</b>	<b>54</b>
<b>Annexures and Notes</b>	
Evaluation Sheet.....	55
Guide to Resource Persons.....	57

# AN INTRODUCTION TO THE MANUAL

## Purpose

- This Manual is to be used as a guide by trainers to conduct trainings of Paralegals.
- The Manual is prepared in a user friendly manner as an aid to Trainers of Paralegals to provide a comprehensive training to function as Paralegals in a village or community.

## Format

- This Manual comprises an Introductory Session, 7 Modules with 28 Sessions and a Closing Session.
- Each Session is arranged as follows:
  - Session number and title
  - Objectives of the session
  - Duration of the session
  - Activities and methodology to be used in the session explained in a step by step process
  - Slides to be used in each session (where applicable)
  - Handouts that can be given out in the session

## Training agenda

- The Manual includes a 5 day training programme. The programme agenda can be carried out as a full programme comprising 5 days from 9.30 a.m. to 4.00 p.m. each day. Day 2 will be a longer day ending at 5.30 p.m.
- It can also be conducted on individual days separated by intervals. If this is the case, the paralegals should be asked to do some follow up work in-between the modules in order to apply the new learnings practically, but also to keep them engaged and their motivation high.

The daily training agenda is set out below:

The Trainer can allocate the following time for breaks

- 15 minutes – Morning Tea
- 1 hour - Lunch
- 15 minutes – Evening Tea

Module	Session Title	Session #	Time	Days
1. An Introduction to Paralegals	Introductory Session	1	30 min	Day 1
	Who are Paralegals?	2	1 hour	
2. Labour Migration in Sri Lanka	Background to labour migration in Sri Lanka	1	30 mins	
	The right to employment and decision making	2	1 hour	
	Valuing the contribution of migrant workers	3	1 hour	
	A focus on legal problems	4	1 hour	
3. The Policy Framework on Labour Migration in Sri Lanka	International commitments made by Sri Lanka	1	30 mins	Day 2
	Sri Lanka's policy framework on labour Migration	2	45 mins	
4. Institutional Framework on Labour Migration in Sri Lanka	The Ministry of Foreign Employment	1	1 hour	
	The Sri Lanka Bureau of Foreign Employment (SLBFE)	2	1 hour	
	The Ministry of Foreign Affairs and Consular Section	3	1 hour	
	Department of Immigration and Emigration (DIE)	4	1 hour	
	Other relevant Ministries, Departments and Institutions	5	30 mins	
	Licensed foreign employment agencies and sub agents	6	1 hour	
5. Key Knowledge on the Stages of the Labour Migration Process	The stages of the labour migration process	1	1 hour	Day 3
	The pre-departure stage	2	1.5 hour	
	Registration and training	3	1 hour	
	The in-service stage	4	1.5 hour	
	Return and reintegration	5	1 hour	
6. Solving Problems	Mechanisms for problem solving	1	30 mins	Day 4
	Redress available at the SLBFE	2	1 hour	
	Sources of assistance to address grievances and disputes	3	30 mins	
	Access to legal aid	4	45 mins	
	Mediation as a means of access to justice	5	45 mins	
	Accessing justice from courts of law	6	45 mins	
7. Working as a Paralegal	Working as a Paralegal - evidence based documentation	1	1 hour	Day 5
	How to approach the village/community as a cohesive group	2	1 hour	
	Skills and values of a Paralegal	3	30 mins	
	Making a work plan	4	1 hour	
Closing Session			15 mins	

---

## Some tips for the trainer

---

- The ideal number of participants in a training programme conducted with this Manual should be twenty (20).
- Prepare all the material needed before conducting sessions for paralegals.
- You may change methodology in any section while keeping the time and content intact.
- You may add ice breakers as you wish.
- Provide a flipchart marked “Parking Space” on which you will write all questions and issues that you cannot provide answers for and will seek the assistance of Resource People when they attend the training. Remember to find answers to all these questions and issues before ending the training workshop. Encourage participants to take down notes when the issues highlighted in the “Parking Space” are discussed.
- Use the information in the Manual for Safe Migration produced by the ILO to provide additional information to paralegals.

---

## List of material you will need

---

- Power point equipment or flipcharts on which all slides have been written
- Flipcharts
- Markers
- Tape
- Paper
- Pens

# AN INTRODUCTION TO PARALEGALS

## Introductory session

**Objective** To enable paralegals understand the objectives of the workshop and facilitator to build a friendly rapport with participants and to understand participants' expectation for the workshop.

**Duration** 30 minutes

### Activities and methodology

- Introduce yourself as the Facilitator (mention your professional and educational background, occupation and current work and training, experience in or knowledge of migration).
- Introduce the organization that you represent or your current engagement with working on migrant worker rights.
- Provide an overview of the aim and content of the workshop and/or sessions.
- Ask participants to introduce themselves stating their name and other information you require at this introductory stage. Alternatively one of the activities detailed below (Find a Friend, Pairs in Conversation or Human Map) can be used.
- Prepare Ground Rules together with participants
- Ask participants to give one example of an issue specifically faced by migrant workers to get participants thinking about the focus of the workshop and/or sessions.

Some examples of activities that can be used for introductions:

#### 1. "Find a friend" activity

This game allows participants to know each other, s/he identifies a partner, s/he is meeting for the first time or that lives in the next community. She is expected to find out the following from him/ her; his/her name, her best food, likes and dislikes, preferred workshop name, occupation and expectations at the meeting.

Each participant will pick one multi coloured oval shaped cardboard and write with markers their findings about the selected partner. They will also take 'post it note' to list the partners expectations. After this exercise the facilitator will ask each person to introduce his /her partner to the group. The participants will also be asked to post the expectations on a board on the side of the class.

#### 2. Pairs in Conversation

Pair participants. Ask one participant to gather information from the other. The information should be name, place of residence, why he/she came to the workshop and some information about her/his family. Next ask each pair to introduce the other person they have just made friends with.

#### 3. The Human Map

Ask participants to imagine a map of Sri Lanka on the floor. Ask participants to stand where they came from indicating the Province. Then select the participants who travelled from the furthest to say their names and a short description of their work and come to the participants who travelled the least in the end.

## Handouts

Agenda for the full workshop or for one day (depending on how the workshop is conducted)

## Who are Paralegals?

**Objective** To help participants understand the identity, role and responsibilities of a Paralegal and to stimulate interest and commitment in the work they will undertake as Paralegals.

**Duration** 1 hour

### Activities and methodology

1. Ask participants to give their personal views on the definition of a Paralegal and put up the points brought out on a flipchart.
2. Group participants into three groups. Ask Group 1 to brainstorm about “A Paralegal’s Role”, Group 2 to brainstorm about “A Paralegal’s Responsibilities” and Group 3 to brainstorm about the “Strengths of a Paralegal”. Put up all points on flipcharts.
3. Provide each participant copies of the handout and discuss if all points in the handouts have been highlighted by the Groups. Where points have not been highlighted, add them to the respective flipcharts.

### Handouts

#### Handout 1: Who is a Paralegal?

- A Paralegal is a non-lawyer who provides support to resolve disputes and problems having some knowledge of the law and procedure regarding migrant workers and the migration process and working to serve the community. The definition of a Paralegal differs in different countries. In Sri Lanka, the term Paralegal is used to define someone who takes legal, procedural and other knowledge to communities to help resolve issues and disputes and to facilitate access to services. In this context a Paralegal will provide support to migrant workers and their families on issues connected with the migrant labour process.
- A Paralegal is someone who is willing to serve the community, to help migrant workers and their families to resolve problems and to access information and services.
- A Paralegal is someone who understands, accepts and is committed to the role and expectations of a paralegal
- A Paralegal is someone who gathers information and knowledge and shared this information and knowledge with people in need
- A Paralegal does not have any political affiliations
- A Paralegal must be a person without a criminal record

#### Handout 2: A Paralegal’s Role in helping migrant workers and their families

- Give proper guidance
- Help avoid trouble
- Help to solve problems
- Be vigilant and identify potential problems that migrant workers and their families face
- Raise awareness on issues related to migration including about safe migration and the laws that are there to protect the migrant workers
- Be aware of problems you can facilitate solving, and problems you cannot solve – refer these problems to places where solutions can be received

**Module 1 - Session 2**

- Have a good awareness of service providers and those who can help people
- Be good at networking with stakeholders
- Maintain confidentiality
- Be quick to provide redress
- Be prudent
- Remain friendly and provide healthy space for discussion and complaints

**Handout 3: A Paralegal's Responsibilities in helping migrant workers and their families**

- Give proper information to migrant workers
- Work towards consolidation of social responsibilities
- Work towards prevention/ solution of community/social conflicts
- Try and initiate action to empower communities and the society at large
- Provide guidance for people to access service, the easy way
- Foster a positive attitude towards the natural tendency of people to enjoy their legitimate freedoms and to exercise their rights
- Try to have news and information they receive confirmed
- A respected person in the community
- Be knowledgeable about relevant institutions
- Be able to maintain links with those in need until a problem is solved
- be a facilitator to government officials and other officials

**Handout 4: Strengths of a Paralegal in helping migrant workers and their families with issues relating to the labour migration process**

- Be a proper information provider
- Be a sound advisor and a reliable guide
- Strategically mobilize people against injustices
- Be a listener and a befriender
- Treat people with respect
- Not expect favours
- Be trustworthy and maintain confidentiality
- Gain community trust
- Be someone who is easy to meet - approachable
- Be efficient
- Be committed
- Treat all people equally. Be impartial.
- Be aware of the limits of own his/her own scope of work
- Be a trainer/mentor
- Be committed to being knowledgeable and be updated with new information
- Be able to document, analyse information and use such information to advocate for better services for migrant workers and their families
- Be neutral/impartial
- Be a good confidence-builder

# LABOUR MIGRATION IN SRI LANKA

## Background to labour migration in Sri Lanka

**Objective** To provide information to participants about the labour migration sector and dynamics in Sri Lanka.

**Duration** 30 minutes

### Activities and methodology

- Ask participants what they know about labour migration under the following topics:
  - Numbers
  - Participation of women and men
  - Types of work done by labour migrants
  - Economic Contribution
  - Types of issues and problems faced by workers (one issue per participants to be brought up briefly)
- Make a presentation based on the handout provided.

### Handout

#### Labour migration in Sri Lanka – Some background information

Migrant labour is Sri Lanka's main contributor to the national economy. Around 1.8 million Sri Lankans work abroad. These are documented statistics and this number is more due to people not being recorded as registered workers as they migrating for work through private sources (visas sent by friends, relatives and directly by employers as well as migrating on visit visas which are later converted to work visas in destination countries. In 2013 migrant workers earned 827,689 million Rupee. During the six month period from January to June 2014 (as per the latest official statistics available), earnings increased by 10.6 percent and amounted to Rupees 589,137 million Rupees.

One of the significant features of Sri Lanka's migrant worker population is that 34 per cent of the migrant workforce comprises women in low skilled work in the domestic sector. 40 per cent of the migrant workforce comprises women and 82.5 per cent of this female workforce is categorised as "housemaids" and "House Keeping Assistants" (source: Ministry of Foreign Employment Annual Performance Report 2014)

Sri Lanka recognises the value of its out bound migrant labour population and there are diverse policy commitments and mechanisms in place to regulate and protect the migrant worker population. This includes the Ministry of Foreign Employment (MFE), the Sri Lanka Bureau of Foreign Employment (SLBFE), and the National Labour Migration Policy adopted by the Cabinet in 2009.

In terms of numbers, the equal participation of women in the migrant labour force stands in contrast to the participation of women in the national labour force in Sri Lanka. The national labour force participation in Sri Lanka is characterized by the high participation of males. Women constitute approximately half of the number of males in the work force. Despite a gradual increase in women's participation in formal work,

**Module 2 - Session 1**

female unemployment rates remain almost double that of male unemployment. These characteristics are not reflected in women's participation in migrant labour. However the skewed nature of female labour participation within Sri Lanka where larger numbers of women are employed in low skilled, low wage work is equally reflected in women's participation in the migrant labour force.

The feminization of the migrant labour force and its changing trend is a unique character in Sri Lanka's migrant labour force. In the late 1990s 75 per cent of Sri Lanka's migrant labour force was women. By 2008, the number began to fall below 50 per cent due to policies and procedures that promoted male migration over female and skilled migration over low skilled work. This policy push increased the migration of males. While the annual departure numbers of women workers remained the same, the numbers of male workers migrating increased, reducing the percentage of female migrant workers.

Large numbers of Sri Lanka's out bound migrant workers employed in low skilled work, including domestic work. Thus migrant workers from Sri Lanka face numerous problems throughout the migration cycle. These problems are largely a result of the nature of work that Sri Lankan low skilled workers perform abroad, and are related to employment contracts, violations of contractual terms and conditions, lack of employment benefits, lack of or violation of provisions for termination as well as to issues arising out of working in isolation with a single employer, harassment at work, lack of union representation, employers holding and controlling passports to limit movement, restrictions that limit changing employers, inadequate mechanisms to redress grievances and so forth. These workers also face problems during preparation for migration and in transit (lack of documents, forged documents, charging too excessive fees, issues with childcare), as well as on return and reintegration (legal issues and issues related to the family left behind). Migrant workers need external support to resolve these issues; support that goes beyond that provided by their families.

## Decision making and the right to employment

**Objective** To enable participants to understand that women and men in Sri Lanka have a fundamental right to employment outside the country, a fundamental right of movement and that these rights are woven around informed decision making.

**Duration** 1 hour

### Activities and methodology

- Prior to conducting this session, the Trainer should make a list of examples where policy decisions or regulations have infringed on people’s (especially women’s) right to employment and movement.
- Make a brief presentation based on the handout about the fundamental right of Sri Lankan men and women to employment and movement.
- Group participants. Ask each group to discuss what it means to make informed decisions.
- In the group presentations ensure that informed decision making does not include any infringement of the right to employment and the right to movement.
  - For example workers can be educated on their responsibilities towards their families including childcare when migrating but not be prohibited from seeking migrant employment.
  - The Family Background Report may be mentioned by the groups presenting. If this is the case, you may give a brief overview and highlight the contradiction to the right of freedom of movement, but also acknowledge the challenges that female migration implies for child care and the need for changing gender models.

### Handouts

- The Constitution of Sri Lanka accepts the right of men and women to work.
- The Constitution of Sri Lanka also accepts the right to freedom of movement of men and women.

**The Fundamental Right to work**  
 Recognizing the right to work, the Constitution in Article 14(1)(g) guarantees the freedom for any citizen to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise.

**The Fundamental Right to freedom of movement**  
 Constitution in Article 14(1)(h) guarantees the freedom for any citizen of movement

## Valuing the contribution of migrant workers

**Objective:** To get participants to focus on the value of migrant labour and the various contributions of migrant workers to the country and to their families. This session seeks to make participants look at the positive side of labour migration in terms of families benefitting and individual empowerment of the worker.

**Duration** 1 hour

### Activities and methodology

- Make a brief presentation using the presentation provided below.
- Group participants into three groups.
- Give each group a topic and ask the group members to brainstorm and come up with information they know about the topic. Each group should come up with the contribution made at individual level, family level, community level and at national level.
  - Group 1- Discuss the contribution made by migrant workers to the economy of Sri Lanka and to migrant workers' personal economic status
  - Group 2- Discuss the contribution made by migrant workers to family empowerment and welfare
  - Group 3- Discuss the contribution made by migrant workers in terms of personal growth
- Discuss presentations. You may use the points provided.

### Presentation

Migrant labour is Sri Lanka's main contributor to the national economy. Migrant workers contribute more than 8 per cent to the GDP annually. These workers contribute approximately 800 million rupees annually representing 61 per cent of the country's total foreign exchange earnings. Migrant employment also generates employment and brings down the rate of unemployment in the country. Migrant workers benefits in numerous ways by engaging in migrant labour.

Some points that groups can come up with are as follows:

#### Individual level

1. Personal development of the worker
2. Better skilled worker
3. Better at decision making

#### Family level

1. Family income increased
2. Children are better educated
3. Material benefits increased
4. More appreciation by family

#### Community level

1. Community respects the worker
2. Family is recognized as a family that has benefitted in terms of material development and development of children
3. Family better able to contribute to community work

#### National level

1. Increased income for country
2. Workers and families recognized as heroes that contribute to the economic development of the country

## A focus on legal problems

**Objective** To clarify the difference between legal and non-legal issues and problems faced by migrant workers and their families in order to further sharpen the understanding of what a paralegal can address.

**Duration** 1 hour

### Activities and methodology

- Make a brief presentation on legal problems and non legal problems using the information given below.
- Group participants
- Ask each group to identify problems and issues faced by migrant workers and their families and sort into legal and non legal issues from the list.
- When groups make their presentations, categorize the issues according to the following headings
  - Issues that can be solved by government officials (SLBFE, Migration Development Officers at Divisional Secretariat and others)
  - Issues that can be solved by the Police
  - Issues that can be solved by Mediation Boards
  - Issues that can be solved by courts of law (with support from the Legal Aid Commission for legal aid)
  - Issues that cannot be solved within Sri Lanka and need intervention in destination countries
- Discuss which issues can be addressed by a Paralegal and how the future sessions link to these issues

#### Legal problems and non legal problems

- A legal problem is an issue for which there is a legal solution such as nonpayment of wages, abuse during work, illegal recruitment activities by sub agents and agents. Neglect of children and not sending children to school as well as harassment by debtors are also legal problems.
- A non legal problem is an issue of a psychosocial nature such as children going astray, spouse not being able to cope with the absence of the partner, partner not sending money home, mismanagement of remittances by spouse at home and illicit love affairs by spouse during the absence of the migrant worker.

### Handouts

Note on Legal problems and non legal problems

# THE POLICY FRAMEWORK ON LABOUR MIGRATION IN SRI LANKA

## International commitments made by Sri Lanka

**Objective** To provide a brief introduction to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

**Duration** 30 minutes

### Activities and methodology

- Provide handout to participants prior to the workshop and ask participants to read the contents as homework.
- At the session, make a presentation based on the information below

### International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

The United Nations has also adopted an international instrument on migrant workers, underscoring the importance of this segment of workers and the international consequences of migration. This Instrument, the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (adopted in 1990) is the only international instrument dealing with migrant workers Sri Lanka has ratified, and as the Convention has become operational since 1996, Sri Lanka is under an obligation to implement it by making necessary legislative and regulatory changes in compliance with it.

The Convention constitutes a comprehensive international treaty regarding the protection of migrant workers' rights. It emphasizes the connection between migration and human rights, which is increasingly becoming a crucial policy topic worldwide. The Convention aims at protecting migrant workers and members of their families; its existence sets a moral standard, and serves as a guide and stimulus for the promotion of migrant rights in each country.

The primary objective of the Convention is to foster respect for migrants' human rights. Migrants are not only workers, they are also human beings. The Convention does not create new rights for migrants but aims at guaranteeing equality of treatment, and the same working conditions, including in case of temporary work, for migrants and nationals. The Convention innovates because it relies on the fundamental notion that all migrants should have access to a minimum degree of protection. The Convention recognizes that legal migrants have the legitimacy to claim more rights than undocumented migrants, but it stresses that undocumented migrants must see their fundamental human rights respected, like all human beings.

In the meantime, the Convention proposes that actions be taken to eradicate clandestine movements, notably through the fight against misleading information inciting people to migrate irregularly, and through sanctions against traffickers and employers of undocumented migrants.

Article 7 of this Convention protects the rights of migrant workers and their families regardless of "sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth, or other status".

**Handouts** - Presentation

---

## Sri Lanka's policy framework on labour migration

---

**Objective** To provide a brief introduction to the Sri Lanka Labour Migration Policy

**Duration** 45 minutes

### Activities and methodology

- Group participants into 8 groups
- Provide each group with a note carrying sections of the National Labour Migration Policy and the Migration Health Policy (provided below).
- Ask each group to discuss the contents and make a presentation to the entire group.

#### Note for Group 1

The National Labour Migration Policy aims to promote opportunities for all men and women to engage in migration for decent and productive employment in conditions of freedom, equity, security and human dignity. The Policy seeks to do so through policies, laws, regulations, services and facilities for migrant workers and their families. Recognising that the low skill levels of migrant workers lead to exploitative situations, the Policy lays emphasis on the development of skills as a main and effective means of protection for migrant workers and their families. It is a gender sensitive policy taking into consideration fully, the role of women in the process of migration. In addition to a general introduction and a situation analysis of labour migration in Sri Lanka, the policy has three sections; governance of the migration process, protection and empowerment of migrant workers and their families, and linking migration and development processes.

#### Note for Group 2

The Sri Lanka National Labour Migration Policy is developed by the Ministry of Foreign Employment. Its aim is to articulate the State Policy regarding Sri Lankan citizens engaged in employment in other countries and to recognise the significant contribution of all Sri Lankan migrant workers to the national economy through foreign exchange remittances and other mechanisms. The policy has the goals of developing a long-term vision for the role of labour migration in the economy, enhancing the benefits of labour migration on the economy, society, the migrant workers and their families, minimizing its negative impacts and, finally, working towards the fulfillment and protection of all human and labour rights of migrant workers.

The Policy is implemented by the Ministry of Foreign Employment. The Ministry convenes an Advisory Committee on labour migration represented by all key stake holders, government, civil society, worker organizations, trade unions, and employers. This Committee oversees the implementation supported by the Inter Ministerial Coordinating Committee representing key Ministries.

#### Note for Group 3

The National Labour Migration Policy contains three main sections:

1. The first was on Governance and Regulation of migration described as “better governance and regulation of labour migration based on consultative processes with social partners and civil society in the formulation of migration policy”.
2. The second objective focused on protecting and empowering migrant workers and was described as “providing effective protection and services to migrant workers and their families left behind”

**Module 3 - Session 2**

3. The third objective looked at linking migration and development, “mobilizing development contributions of labour migration in terms of remittances, reintegration of returning migrant workers, circulation policies and linkages with transnational communities”.

**Note for Group 4**

The first section on governance recognizes good governance as vital to regulating the labour migration process. Good governance is accepted as essential to effective institutions and regulations. This section upholds the ultimate responsibility to protect human rights, promote participation and achieve equitable social and economic outcomes and recognizes that participation, transparency and accountability are key elements of good governance. The section focuses on four key areas; the institutional framework, the legislative framework, the regulatory framework and the social dialogue and consultative framework.

The policy highlights that the Ministry sets the institutional framework in place and this framework is complemented by other key institutions. The policy provides for the setting up of a National Advisory Committee on Labour Migration and an Inter-Ministerial Coordinating Committee to review existing labour migration processes and facilitate collaboration where necessary. The Policy deals with the SLBFE, adopting of clear guidelines for recruitment, and the regulations and monitoring of the recruitment process and the role and capacities of the diplomatic missions.

The section on the legislative framework primarily focuses on bringing national legislation in line with existing national and international laws and obligations on migration. The policy proposes the review of the existing legislation (SLBFE Act) and bringing in amendments to fill gaps. The sections recognises the obligations cast upon the country by ratifying the International Convention on the Protection of All Migrant Workers and their Families and the need to ratify other international conventions pertaining to migrant workers.

The regulatory framework focuses on the SLBFE as the main implementing agency under the Ministry and its role in ensuring accessible and equitable opportunities for skill development to all citizens thereby promoting skilled labour migration.

**Note for Group 5**

The second section of the policy pertains to the protection and empowerment of migrant workers and their families. In the policy, the State, having the primary responsibility for the protection of migrant workers and their families, undertakes to protect and empower migrant workers and their families in all three stages of the migration process. These stages are pre-departure (from decision-making to training to preparation for migration), in-service (workers in employment and families left behind) and return and reintegration (with consideration for reintegration, acceptance and appreciation).

In protection and empowerment, the State undertakes to set minimum requirements for the profile of migrant workers to ensure their welfare and protection, develop an environment within which potential migrant workers can make informed and considered decisions to migrate for work, further minimise irregular and abusive recruitment processes, and offer significant measures to prepare and train migrant workers psychologically and professionally. This includes psychological and public health advice and support. The policy highlights the role of diplomatic missions in receiving or host countries to ensure protection for protect migrant workers including safe repatriation for all workers in need. The policy also takes cognizance of return and reintegration issues in order that it takes place with full protection of rights and freedoms. Expanding its role to ensure protection and empowerment of migrant workers, the State takes on an extended responsibility towards protection and welfare of children of migrant workers aiming at working with the judicial system as the upper guardian of all children.

**Note for Group 6**

The third section of the policy relates to the linking of development and migration processes. This section foresees implications in a future timeframe of five to ten years and attempts to address issues that have broader implications for the development of the country, its economy and its people. The policy accepts that return migrants and transnational migrants contribute to investments, transfer of technology and skills, human capital formation, enhancement of social capital, promotion of trade and business links and good governance.

The important policy statement in this section is that Sri Lanka does not see overseas employment as a strategy for sustainable economic growth and national development in the long run. But the State recognises the significant contributions of labour migration towards development, and commits itself to creating decent work opportunities at home and promoting equitable distribution of wealth and the benefits of development. For these purposes, the policy accepts that new overseas markets which provide better working conditions and uphold the rights of workers and opportunities must be explored and promoted. For this the policy sets out action plans to carry out labour market surveys, market analyses and market promotion plans in foreign countries to ascertain the emerging opportunities and new demands.

**Note for Group 7**

The policy accepts the current gap in the lack of comprehensive information on the migrant labour force and migrant labour. The policy identifies the need for comprehensive information and database on labour migration as well as studies and regular monitoring, which reliably inform about the profiles and numbers of migrant workers, are means by which to achieve a better fit between development, labour migration, protection and good governance. The policy provides for the setting up of a specific institution for migrant studies to research, study and highlight issues as well as find solutions to migratory problems of Sri Lankans and enhance the promotion of gainful employment abroad.

**Note for Group 8**

The Sri Lanka National Migration Health Policy was developed in 2013 by the Ministry of Health in recognition and promotion of the right to health for internal, in bound and out bound migrants and their families left behind in Sri Lanka. The Policy stems from Sri Lanka's overall vision for the protection of rights of all migrant populations, as part of the country's vision for development, and the World Health Assembly Resolution on "Health of Migrants" adopted in 2008. The Sri Lanka National Migration Health Policy aims to engage all relevant sectors and agencies that are responsible to ensure the health of migrants throughout the migration cycle.

The Vision of the National Migration Health Policy is to safeguard the health of all categories of migrants throughout the migration cycle to contribute to the development goals of the country.

The Mission of the National Migration Health Policy is to implement it through a coordinated multi-sectoral, multi-agency approach leading to the enhancement of the benefits of out bound, internal and in bound migration on the economy and society by promoting the beneficial aspects of migration and minimizing the negative health impacts, integrating migrant health care into development, public health care and social welfare goals of Sri Lanka, and working towards the realization and protection of human rights in the process of migration.

**Handouts**

All 8 Notes for each participant

Provide copies of the National Policy in English, Sinhala and Tamil for reference by participants.

# INSTITUTIONAL FRAMEWORK ON LABOUR MIGRATION IN SRI LANKA

## The Ministry of Foreign Employment

**Objective** To enable participants to understand the role and functions of the Ministry of Foreign Employment

**Duration** 1 hour

### Activities and methodology

- Make a presentation about the Ministry using the slides below.
- Brainstorm among participants about the Ministry of Foreign Employment to ascertain the extent of their knowledge and information. Provide answers to issues raised and list out issues that participants would like to ask Resource Persons who will be present at later sessions.

### Slides

#### Slide 1

##### The Ministry of Foreign Employment

###### Vision

To be the leading policy maker and implementer to create gainful foreign employment opportunities, whilst protecting rights of migrant workers and ensuring their welfare and protection.

#### Slide 2

###### Mission

To convert the entire labour migration sector into a demand driven process and make it highly competitive by introducing required structural changes together with necessary promotional and welfare activities to meet the international market challenges considering the importance of its contribution to the national economy.

#### Slide 3

###### Aims and objectives

- Policy making and implementation
- Establishment of information systems
- Capacity development and improvement of standards.
- Accomplishment of welfare needs of migrant workers.
- Promotion of regularizing of foreign employment industry.

#### **Slide 4**

##### Functions

- Formulation and implementation of policies, programmes and projects for Foreign Employment industry
- Promotion of Foreign Employment
- Welfare of migrant workers
- Regulation and Supervision of Employment Agencies.
- Career guidance on Foreign Employment
- Supervision of SLBFE and SLFEA
- Welfare of expatriate Sri Lankans

#### **Slide 5**

For more details visit the Ministry website at <http://www.foreignemploymin.gov.lk>

#### **Handouts**

Slides

## The Sri Lanka Bureau of Foreign Employment (SLBFE)

**Objective** To enable participants to understand the role and functions of the Sri Lanka Bureau of Foreign Employment (SLBFE)

**Duration** 1 hour

### Activities and methodology

- Make a presentation about the SLBFE using the slides below.
- Brainstorm among participants about the SLBFE to ascertain the extent of their knowledge and information. Provide answers to issues raised and list out issues that participants would like to ask Resource Persons who will be present at later sessions.

### Slides

#### Slide 1

##### Sri Lanka Bureau of Foreign Employment (SLBFE)

The SLBFE, the foremost organisation looking after the welfare aspects of Sri Lanka's migrant workers and their families was established in 1985 under the Act No. 21 and amended by Act No. 4 of 1994 and Act No.56 of 2009, the primary legislation that deals with foreign employment.

From the outset, the SLBFE operated under the supervision of the Ministry of Labour and in the year 2007 it was transferred to the created Ministry of Foreign Employment Promotion & Welfare (known as the Ministry of Foreign Employment in 2015) and was given tasks that include the formulation and implementation of foreign employment policies and promotion programs. Most of the Ministry programmes are administered by the SLBFE.

#### Slide 2

Today, the SLBFE is a public corporation with over 800 employees in nine major departments and is governed by a Board of Directors. The Bureau also has 07 regional centres and district centres throughout the country and receives its power, duties and obligations from the Act of Foreign Employment. Its mandate encompasses promotion and protection of migrants by setting standards and approving or rejecting the contracts provided by foreign employers to Sri Lankan migrants, licensing recruiting agents, and operating programs to protect Sri Lankan migrants and their families.

#### Slide 3

##### Vision

Sri Lanka to be the best choice for competent human resources for overseas market

##### Mission

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

**Slide 4**

**Key Functions**

- Licensing of recruitment agencies
- Training for Migrant workers
- Registration of migrant workers
- Complaint Management mechanism
- Welfare activities
- Law enforcement
- Marketing and Research
- Administration & Finance

**Slide 5**

**SLBFE DIVISIONS**

- |                                    |               |
|------------------------------------|---------------|
| ▪ Administration & Human Resources | ▪ Legal       |
| ▪ Conciliation                     | ▪ Licensing   |
| ▪ Contract Registration            | ▪ Maintenance |
| ▪ Final Approval                   | ▪ Planning    |
| ▪ Finance                          | ▪ Procurement |
| ▪ Foreign Relation I               | ▪ Recruitment |
| ▪ Foreign Relation II              | ▪ Research    |
| ▪ Information Technology           | ▪ Sociology   |
| ▪ Internal Audit                   | ▪ Training    |
| ▪ Investigation                    | ▪ Transport   |
|                                    | ▪ Welfare     |

**Handouts**

Slides

Internet access to show the website

## The Ministry of Foreign Affairs, Consular Division

**Objective** To enable participants to understand the role and functions of the Ministry of Foreign Affairs in relation migrant workers

**Duration** 1 hour

### Activities and methodology

- Prior to conducting this session, the Trainer should read pages 13-25 of the Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Labour Receiving Countries (2013) Ministry of Foreign Employment Promotion and Welfare as background reading.
- Make a presentation based on the slides provided below.
- Brainstorm among participants about the Ministry of Foreign Affairs and Sri Lankan Diplomatic Missions in relation migrant workers to ascertain the extent of their knowledge and information. Provide answers to issues raised if possible. If there are issues for which the Trainer has no immediate answers, park them on a flip chart and provide answers during the workshop by contacting resource persons at the Ministry of Foreign Affairs.

### Slides

#### Slide 1

##### The Ministry of Foreign Affairs

The Ministry of Foreign Affairs seeks to ensure the welfare of expatriate Sri Lankans through its network of Missions, Consulates and Honorary Consulates abroad.

In the face of labour problems, broadly falling into the categories of non-payment of wages and harassment of workers by employers as well as death of workers while in service and stranded workers, Sri Lanka Missions have taken remedial action in collaboration with the Ministry of Foreign Employment and the Sri Lanka Bureau of Foreign Employment

The Consular Division of the Ministry of Foreign Affairs has set up a system whereby the families of Sri Lankan migrant workers, who have not been registered with the Sri Lanka Bureau of Foreign Employment, could be traced.

#### Slide 2

##### The Role of Embassies

In order to ensure the security, protection and welfare of Sri Lankan nationals employed overseas, the National Labour Migration Policy emphasizes the need to provide and strengthen services offered by Sri Lanka Diplomatic Missions in labour receiving countries. The National Policy commits that 'Sri Lankan Embassies in host countries shall have a well defined system to be in contact with all migrant workers in each country. Officers in Sri Lanka Diplomatic Missions in host countries, particularly the Labour Sections shall have the special capacity and ability to handle grievance of migrant workers and to work towards their protection and welfare in proactive manner'.

The "Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Labour Receiving Countries" published in 2013 by the Ministry of Foreign Employment Promotion and Welfare sets out the following to ensure services to Sri Lankan migrant workers by diplomatic missions.

- Institutionalized and standardised operations within each Diplomatic Mission
- a set of procedures and guidelines in handling migrant worker issues related to the protection and promotion of their rights, welfare and wellbeing in host countries with special attention to country-specific arrangements if any
- a modality to speed up resolutions of migrant worker disputes
- Streamlined actions of Diplomatic Missions particularly the Labour Sections, including Honorary Consulates, in delivering services to migrant worker-related issues in a more transparent manner within a structured framework
- Limiting of ad-hoc policies and different formulas by officials, involved in addressing the migrant worker grievances and promotion of safe migration.

For more information: [http://www.ilo.org/dyn/migpractice/docs/73/document\[1\].pdf](http://www.ilo.org/dyn/migpractice/docs/73/document[1].pdf)

## Handouts

Slides

## Department of Immigration and Emigration

**Objective** To enable participants to understand the role and functions of the Department of Immigration and Emigration (DIE) in relation migrant workers

**Duration** 1 hour

### Activities and methodology

- Make a presentation based on the slides below.
- Conduct a discussion on passports, visas and forgeries. Provide answers to issues raised if possible. If there are issues for which the Trainer has no immediate answers, park them on a flipchart and provide answers during the workshop by contacting resource persons at the Department of Immigration and Emigration.

### Slides

#### Slide 1

##### The Department of Immigration and Emigration

The Department of Immigration and Emigration regulates the entry and exit of persons, and provide citizenship services, while safeguarding the nation's security and social order, and promoting economic development.

#### Slide 2

The primary law that governs these functions is the Immigrants and Emigrants act no 20 of 1948

The powers, duties and functions of the Department:

- Controlling the entry into Sri Lanka of persons other than citizens of Sri Lanka
- Regulating the departure of Sri Lankan citizens as well as visitors to Sri Lanka
- Removing from Sri Lanka undesirable persons who are not citizens of Sri Lanka

### Handouts

Slides

## Other relevant ministries, departments and institutions

**Objective** To enable participants to understand the role and functions of the following in relation to migrant workers:

- Divisional Secretariats
- Ministry of Women’s Affairs
- Ministry of Child Development
- Sri Lanka Police Department
- Human Rights Commission of Sri Lanka

**Duration** 30 minutes

### Activities and methodology

- Using the table provided, brainstorm on the services provided by each Ministry, Department and Institution

Divisional Secretariats	Ministry of Women’s Affairs	Ministry of Child Development	Sri Lanka Police	The Human Rights Commission
The Development Officer (Migration) is your key contact person at the Divisional Secretariat. The Development Officer (Migration) supports the dissemination of safe migration information and follow-up of reintegration of returnee migrants at the local level. One of the main tasks of the Development Officer (Migration) is approving the Family Background Report with regard to female domestic workers.	The Ministry of Women’s Affairs has a Gender Complaints Desk where women migrant workers can take their complaints of violence against them.	The Ministry of Child Development has within its mandate, the Department of Probation and Childcare where complaints of neglect and abuse of children and be taken.	Any issues of cheating prior to departure, labour trafficking, any complaints against sub agents forged passports and other documents, domestic disputes and issues with children can be taken to the Police.	The Human Rights Commission has Migrant Issues within the purview of the Director, Monitoring and Review of the Human Rights Commission of Sri Lanka. Any complaints can be taken to the Focal Point.

## Licensed foreign employment agencies and sub agents

**Objective** To enable participants to understand the role and functions of Licensed Foreign Employment Agencies and sub agents

**Duration** 1 hour

### Activities and methodology

- Using Handout No 2 of the Safe Migration Manual of the Ministry of Foreign Employment explain the role and functions of recruitment agents.
- Explain that subagents have no legal identity and are not officially linked to licensed recruitment agencies.
- Conduct a discussion based on the discussion points below on malpractices by employment agents and sub agents and how communities should take precautions not to fall prey to such malpractices. Communities can also take action to ensure blacklisting of errant employment agencies by the SLBFE by complaining to the SLBFE.
  - Recruitment agent must be a licensed agent – check with the SLBFE
  - Over charging of recruitment fees – correct fees can be checked with the SLBFE
  - No contract – a worker must receive a contract prior to departure signed by the employer, employment agency representatives in Sri Lanka and in the destination country, representative of the Sri Lankan Embassy and a representative of the SLBFE. The worker must also sign the contract.
  - Forging of documents – this is illegal
  - Harassment and abuse – complain to the Police
  - Useful telephone number – 2864118 SLBFE Investigation Unit

# KEY KNOWLEDGE ON THE STAGES OF THE LABOUR MIGRATION PROCESS

## The stages of the labour migration process

**Objective** To understand the stages in the labour migration process

**Duration** 1 hour

### Activities and methodology

- Explain briefly, the stages in the migration process using the slides below.
- Group participants into four groups. Ask participants to brainstorm and describe what is included in each stage.
  - Group 1 - Decision making stage
  - Group 2 - Pre-Departure stage
  - Group 3 - In Service stage (including families left behind)
  - Group 4 - Return and Reintegration stage
- Ask groups to present their points.

### Slides

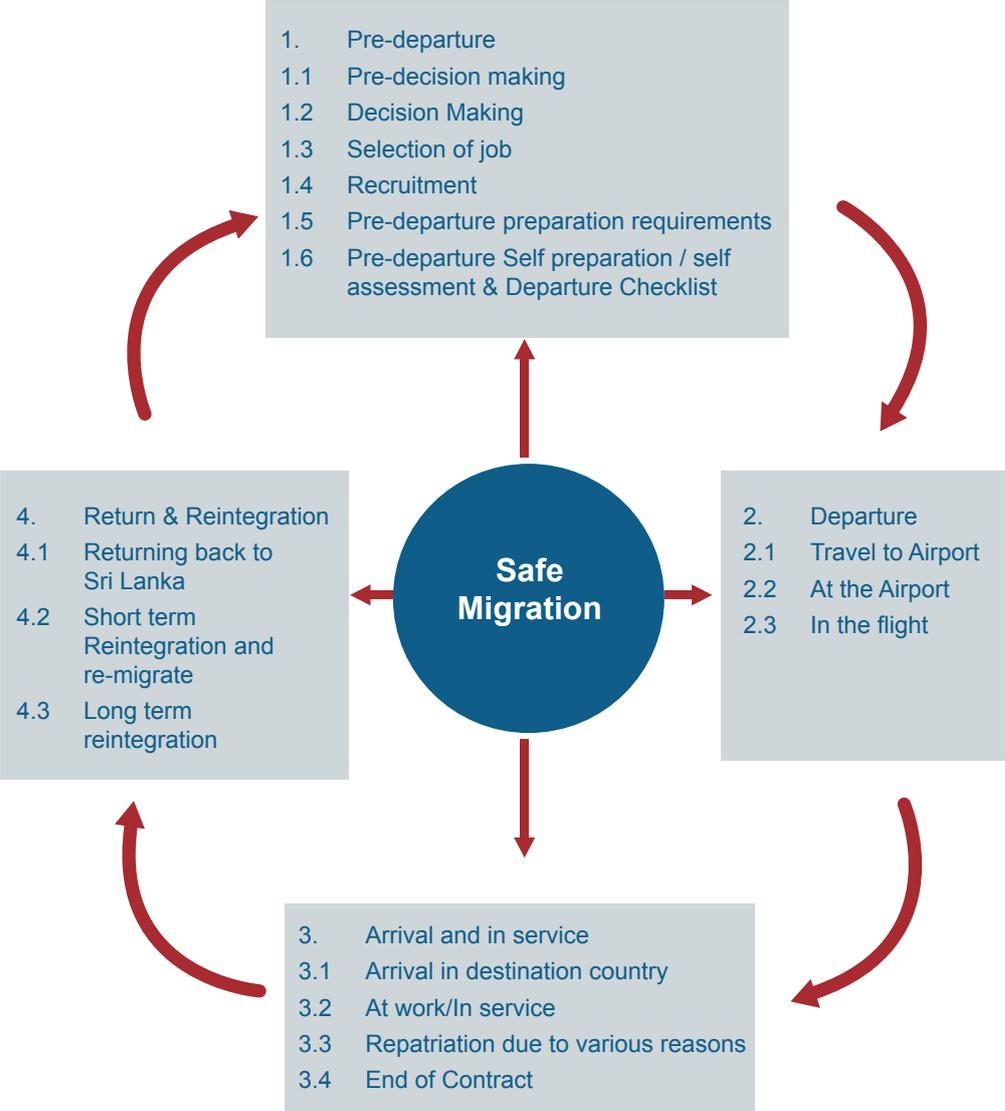
#### Slide 1

There are four main stages in the process of labour migration. They are:

1. The decision-making and pre-departure stage
2. The departure stage
3. The in-service stage
4. The return and reintegration stage

**Module 5 - Session 1**

**Steps of Safe Labour Migration**



The Labour Migration Cycle (Source: Safe Migration Guide, SLBFE/ ILO)

**Slide 2**

The decision making and pre-departure stage

This is the first stage when a person starts to consider migrating for employment. It is at this stage that information regarding migrant employment is vital and such a person would have access to safe migration information at this stage. It is at this stage where a person weighs the pros and cons of migrant employment and decides whether to migrate or not.

Once a decision is made, it is the time prior to departure when a potential worker gets ready to depart from her or his home country for employment abroad. This stage includes preparing documentation including travel documents, registering and signing contracts, training where necessary, preparing the spouse, and children for his or her absence.

**Slide 3**

The departure stage and the in-service stage

This is after the worker leaves the home, goes to the airport, is in transit and then reaches the destination country. The in-service stage starts when the worker assumes duties at the workplace. And until she returns back to the island.

**Slide 4**

The Return and Reintegration Stage

This starts when the worker decides firmly to return home. The return can be voluntarily or involuntarily. It also can be in the normal course of work when the contract is over or due to a sudden reason like an accident, situation at home. Return can also mean due to death.

Reintegration is where a worker who has returned fits back into her or his life that was left behind for employment. This includes getting back together with the spouse and children, the extended family, the community and as well as employment or being involved in productive work back home.

**Handouts**

Slides

---

## The pre-departure stage

---

**Objective** To highlight key aspects of the labour migration process faced by potential migrant workers

**Duration** 1.5 hours

### Activities and methodology

- Group participants into five groups. Ask each group to discuss a particular topic as set out below. Go through the Group Guidelines provided before the participants break into groups.
  - Group 1 – Key legal issues and procedures to be considered when deciding to migrate for employment (personal perspective)
  - Group 2 – Key legal issues and procedures to be considered on arranging funds for migration
  - Group 3 – Key legal issues and procedures to be considered on planning to manage earnings and expenses at home during the absence of the migrant worker from the legal aspect
  - Group 4 – Key legal issues and procedures pertaining to the Family Background Report
  - Group 5 – Key legal issues and procedures issues to consider when preparing the home front to leave – relating to the spouse, children and other relatives, neighbours

### Group Guidelines

1. Ensure the full participation of all group members.
  2. Appoint a member to take down notes and another to present group findings.
  3. Brainstorm within the group about all aspects of the subject allocated to the group.
  4. From all the issues highlighted by members, discuss and identify 4-5 of the most important things in the subject allocated to your group.
- Invite a panel of Resource Persons to comment on Group presentations and to rectify any mistakes and misconceptions and to add extra information. The panel should comprise resource persons from the SLBFE regional office, Migration Development Officer, the Probation and Childcare Officer and the Women Development Officer from the Divisional Secretariat.

---

## Registration and training

---

**Objective** To highlight the aspects of Registration and Training in the labour migration process faced by potential migrant workers

**Duration** 1 hour

### Activities and methodology

- Group participants into four groups. Ask each group to discuss a series of questions provided as follows:
- Groups 1 and 2- Provide views on Registration of workers
  1. Who registers workers and how does a proper registration look like?
  2. How do workers register themselves?
  3. Why must a prospective worker register herself/himself?
  4. What are the benefits of registration?
  5. What are the dangers of non registration?
  6. What are the gaps in the registration process?
  7. What are the dangers of departing for employment on a private visa?
  8. What are the dangers of departing for employment on a visit visa?
- Groups 3 and 4 – Provide view on pre departure training provided for migrant workers
  1. Who provides training?
  2. For which type of workers is the training provided
  3. How useful is the training
  4. How do prospective workers view the training?
  5. Is the training effective?
- Invite a panel of Resource Persons to comment on Group presentations and to rectify any mistakes and misconceptions and to add extra information. The panel should comprise resource persons from the SLBFE regional office, Migration Development Officer, the Probation and Childcare Officer and the Women Development Officer from the local Divisional Secretariat.

## The in-service stage

**Objective** To highlight key legal aspects of the labour migration process faced by migrant workers while in service

**Duration** 1.5 hours

### Activities and methodology

Activity 1 (45 minutes)

- Brainstorm with all participants as one group and come up with answers to the following questions on key issues to be considered in terms of non-communication, abuse, harassment and death while in service:
  1. What are the legal issues migrant workers face while in service? What can be done when faced with such issues?
    - E.g. Nonpayment of wages
    - Difficult work conditions
    - Lack of rest
    - Sickness
    - Abuse and harassment
    - Runaways
  2. What is the process when death occurs of a migrant worker while in service?
- What are legal issues faced by families of migrant workers while migrant worker is in service
  - Eg. Family disputes
  - Neglect and abuse of children
  - Legal issues faced by spouse (debt/loan repayments, children not going to school etc.)
  - Issues faced by care givers (neglect of children by spouse left behind etc.)
  - Issues faced by aged parents (lack of care and neglect etc.)
  - Indebtedness
- Invite a panel of Resource Persons to comment on Group presentations and to rectify any mistakes and misconceptions and to add extra information. The panel should comprise resource persons from the SLBFE and a lawyer conversant on labour migration issues.

---

## Return and reintegration

---

**Objective** To highlight key legal aspects of the labour migration process faced by migrant workers on return and reintegration

**Duration** 1 hour

### Activities and methodology

- Group participants into two groups. Ask each group to discuss a particular topic as follows:
  - Group 1- Key legal issues on return
    - Repatriation
    - Insurance/compensation
  - Group 2- Key legal issues on reintegration
    - Claiming compensation
    - Domestic/family disputes
    - Issues faced over financial management and indebtedness
    - Working back home
- Invite a Resource Person to comment on Group presentations and to rectify any mistakes and misconceptions and to add extra information. The panel could comprise a resource person from the SLBFE (especially for return issues), a lawyer, a representative from the ILO, a researcher or an academic with knowledge on return and reintegration issues.

# SOLVING PROBLEMS

## Mechanisms for problem solving

**Objective** To provide steps to solving a problem within the role of a para legal

**Duration** 30 minutes

### Activities and methodology

Using the steps below, explain the problem/dispute solving process

#### Steps to solve a justice related problem

STEPS	WHAT TO DO
1	<ul style="list-style-type: none"> <li>Speak with the person who has sought your help</li> <li>Gather all information and details</li> </ul>
2	<ul style="list-style-type: none"> <li>Identify the problem or problems contained in the story related by the person.</li> <li>Identify the legal issues in the problem.</li> </ul>
3	<ul style="list-style-type: none"> <li>Ask what the person sees/wants as a solution</li> </ul>
4	<ul style="list-style-type: none"> <li>Provide legal information pertaining to the problem, ways of solving the problem or getting further help from State and/or non governmental mechanisms and discuss how best the problem can be addressed. This could include legal mechanisms in formal courts, mediation, accessing government mechanisms such as the SLBFE grievance addressing mechanism, asking an NGO to provide services on behalf of the person and any mother solution as seems fit for the problem (this could include referrals to counselling and befriending services)</li> </ul>
5	<ul style="list-style-type: none"> <li>Generate options to address the problem that are acceptable to the person. Select two or three best solutions/mechanisms for solution</li> </ul>
6	<ul style="list-style-type: none"> <li>Closely follow the solutions/mechanisms for solution selected and provide support whenever needed</li> </ul>
7	<ul style="list-style-type: none"> <li>Document the whole process from Step 1 onwards including follow up.</li> </ul>
8	<ul style="list-style-type: none"> <li>Once the problem is solved, periodically check on person to see if the solution holds.</li> </ul>

---

## Redress available at the SLBFE

---

**Objective** To provide information to participants on grievance addressing mechanisms available at the SLBFE

**Duration** 1 hour

### Activities and methodology

- Brainstorm/prepare questions/question answer session from resource person
- Presentation by Resource Person from the SLBFE based on the Resource Persons' Guide on the following:
  1. The Conciliation Unit of the SLBFE
  2. Complaint receiving process
  3. Conciliation Process
  4. Obtaining compensation
- Follow up the presentation by a Question and Answer session

### Handouts

To be prepared by Resource Person

Complaints Form available on the SLBFE website

**Module 6 - Session 2**

**Sri Lanka Bureau of Foreign Employment  
Conciliation Division**

Complaint Form

**Complainers**

Name : .....  
 Address : .....  
 Telephone No. : ..... District : .....

**Who is the Complainer ?** Migrant Worker  Relatives  (Tick "✓" for applicable)

Relationship of the Migrant Worker : .....

**Migrant Worker's**

Passport No. : ..... National ID No. : .....  
 Full Name : .....  
 Country of Employment Address : .....  
 Telephone No. : .....  
 Local Agent Name: .....  
 Telephone No.: .....  
 Foreign Agent Name : .....  
 Telephone No.: .....  
 Date of Departure : ..... Date of Arrival : .....

**Employee Location** (Tick "✓" for applicable)

- |                           |                          |                |                          |
|---------------------------|--------------------------|----------------|--------------------------|
| 1. Employers Place Home   | <input type="checkbox"/> | 5. Prison/Jail | <input type="checkbox"/> |
| 2. Foreign Agent's Office | <input type="checkbox"/> | 6. Not Known   | <input type="checkbox"/> |
| 3. At the Embassy         | <input type="checkbox"/> | 7. Others      | <input type="checkbox"/> |
| 4. Police                 | <input type="checkbox"/> |                |                          |

**Problem Occured Abroad:**

.....  
 .....

Did you Comppainant or Informed to the Local Agent : .....

Action taken by the Local Agent : .....

Expected Relief : .....

Have you previously Complained to us ? If so the Complaint No.:.....

Date : .....

Complainer's Signature

**Official Use Only**

Note : .....

Officer Signature

---

## Sources of assistance to address grievances and disputes

---

**Objective** To provide an understanding on sources of help available and types of help such source can provide

**Duration** 30 minutes

### Activities and methodology

- Prior to the Session develop the following with the latest information to be given to participants and provide an Information Sheet to each participant.
  - A list of contact names, telephone numbers and addresses of Sri Lankan missions in destination countries
  - A list of organizations in Sri Lanka (at divisional, district and national level) that help migrant workers and their families (prepare as per availability in your working District)
  - A list of organizations in destination countries that help migrant workers and their families
- Go through the Information Sheet with participants.

### Handouts

Information sheets



**Italy**

Embassy of the Democratic Socialist republic of Sri Lanka  
Via Adige No. 200198 Rome, Italy

**Subscriber dial No. from Sri Lanka:** 00 39 06

Tele : 8554560, 8840801  
Fax : 84241670  
E-mail : slembassy@tiscali.it  
Ambassador : 8554579

**Jordan**

Sri Lanka Embassy  
Al Madina Al Munawara Street, P.O. Box 830731  
Amman, 11183, Jordan

**Subscriber dial No. from Sri Lanka:** 00962-6

Tele : 5820611 / 5820612  
Fax : 5820615  
E-mail : lankaembjo@orange.jo  
Ambassador : 00 962 795 396 655

**Kingdom of Saudi Arabia**

Jeddah, K.S.A  
Sri Lanka Consulate General,  
P.O. Box 23561, Jeddah 21436, Kingdom of Saudi Arabia

**Subscriber dial No. from Sri Lanka:** 00966-2

Tele : 6065772 / 6065414 / 6063442  
Fax : 6064439  
E-mail : slconsulate@orbisatnet.com  
Consul General : 00 966 504 59 1645

Riyadh, K.S.A  
Sri Lanka Embassy  
P.O. Box 94360, Riyadh 11693, K.S.A

**Subscriber dial No. from Sri Lanka:** 00966-1

Tele : 4606906 / 4608232 / 4608235  
Fax : 4608846  
E-mail : mail@srilankaembassyriyadh.com  
Ambassador : 00 966 504 269 409

**Korea**

Sri Lanka Embassy  
No.347-359, Shindang-Dong, Jung-Gu, Seoul (100-450)  
South Korea

**Subscriber dial No. from Sri Lanka:** 0082-2

Tele : 7352966-67 / 7942968  
Fax : 7379577  
E-mail : lankaemb@kornet.net  
Ambassador : 00 82 10 6620 2225

**Module 6 - Session 3**

**Kuwait**

Sri Lanka Embassy  
 Building No. 01, Block No. 10, Street No. 107, Jabriya  
 State of Kuwait  
 Postal Address: P.O. Box 44650, Hawally-Code 32061

**Subscriber dial No. from Sri Lanka:** 00965

Tele : 25339140-8  
 Fax : 25339154  
 E-mail : lankemb@qualitynet.net  
 Ambassador : 00 965 9903 2091

**Lebanon**

Sri Lanka Embassy  
 No. 549, Mohamed K. Awad Building, P.O. Box 175, Hazmieh, Beirut, Lebanon

**Subscriber dial No. from Sri Lanka:** 00961-5

Tele : 924765 - 924768  
 Fax : 922037 / 5922038  
 E-mail : slembbn@cyberia.net.lb  
 Ambassador : 00 961 7618 4898

**Libya**

Embassy of the Democratic Socialist republic of Sri Lanka  
 P.O.Box 6371, Hey Alandouls, Tripoli, Libiya

**Subscriber dial No. from Sri Lanka:** 00 218

Tele : 21-4782330  
 Fax : 21-4776166  
 E-mail : slembtripoli@gmail.com

**Malaysia**

Sri Lanka High Commission  
 12, Jalan Keranji Dua, Off Jalan Kedondong  
 Jalan Ampang Hilir, 55000, Kuala Lumpur, Malaysia

**Subscriber dial No. from Sri Lanka:** 00603

Tele : 42568987 / 42571394  
 Fax : 42532497  
 E-mail : slhicom@streamyx.com  
 High Commissioner : 00 603 19 355 1718

**Maldives**

Sri Lanka High Commission  
 1<sup>st</sup> Floor, H. Haifa, Bodufungadu Magu  
 Male 20-25, Republic of Maldives

**Subscriber dial No. from Sri Lanka:** 00-960

Tele : 3322845 / 3313546  
 Fax : 3321652  
 E-mail : highcom@dhivehinet.net.mv  
 High Commissioner : 00 960 7771 501

**Qatar**

Sri Lanka Embassy  
No. 04, Shara Kharaj, P.O. Box 19705, Al Hilal, Doha  
State of Qatar

**Subscriber dial No. from Sri Lanka:** 00974

Tele : 4677627 / 4677647  
Fax : 4674788  
E-mail : lankaemb@qatar.net.qa  
Ambassador : 00 974 5556 4936

**Singapore**

Sri Lanka High Commission  
51, Newtown Road, 13-07 / 12, Goldhill Plaza  
Singapore 308900

**Subscriber dial No. from Sri Lanka:** 0065

Tele : 62544595 - 97  
Fax : 62507201  
E-mail : slhcs@lanka.com.sg  
High Commissioner : 00 65 9725 4773

**United Arab Emirates**

Embassy of the Democratic Socialist Republic of Sri Lanka  
Villa No. 3, Sector E4 Madinat Zayed, Abu Dhabi, UAE

**Subscriber dial No. from Sri Lanka:** 00 971 2

Tele : 6316444  
Fax : (00 971 2) 633 1661  
E-mail : lamkemb@emirates.net.ae  
Ambassador : 6315252

**Module 6 - Session 3**

**List of organizations supporting migrant workers in the destination countries**

Organization	Email address	Phone Number	Website	Country
Tamkeen Fields for Aid	info@tamkeen-jo.org	00962 6 567 1729	http://www.tamkeen-jo.org/	Jordan
Adaleh Center for Human Rights Studies	info@adaleh-center.org	00962 6 560 2371	http://www.adaleh-center.org/	Jordan
Caritas Jordan	headoffice@caritasjordan.org.jo	00962 6 463 9032	http://www.caritasjordan.org.jo/	Jordan
Justice Center for Legal Aid	info@jcla-org.com	00962 6 462 4009	http://www.jcla-org.com/	
Jordanian Women's Union	jwu@go.com.jo	00962 6 568 7037	http://jwu.org.jo/	Jordan
Solidarity Center	skhatib@solidaritycenter.org		http://www.solidaritycenter.org/tag/jordan/	Jordan
ARDD- Legal Aid		00962 6 461 7277	http://www.ardd-jo.org/	Jordan
Caritas Lebanon Migrant Center	batieh@eclmc.org	00961 1 502 550	www.caritasmigrant.org.lb	Lebanon
FENASOL	fenasol@gmail.com	00961 1 816 165		Lebanon
KAFA	lcc@kafa.org.lb	961 1 392220/1	www.kafa.org.lb	Lebanon
Abaad	abaad@abaadmena.org	00961 1 283 820	http://www.abaadmena.org/	Lebanon
Anti-Racism Movement	antiracismlb@gmail.com	00961 1 444 283	http://www.antiracismmovement.com/	Lebanon
Insan	rhamati@insanlb.org	00961 1 333 091		Lebanon
Amel	info@amel.org.lb	00961 1 317 293/4	http://www.amelinternational.org/	Lebanon
Kuwait Trade Union Federation	ktuf@hotmail.com	00965 2 563 6389	http://www.ktuf.org/	Kuwait
Kuwait Society for Human Rights	info@kuwaithr.org	00965 2 481 1593	http://www.kuwaithr.org/	Kuwait
Qatar National Human Rights Committee	nhrc@qatar.net.qa	00974 4404 8844	http://www.nhrc-qa.org/	Qatar
Kochery and Partners	nizar@kochery.in	00974 4450 1063	www.kochery.in	Qatar – for legal cases
Migrant Workers Protection Society - Bahrain	info@mwpsbahrain.com	973 17827895	http://www.mwpsbahrain.com/	Bahrain

## Access to legal aid

**Objective** To provide an understanding of services available at the Legal Aid Commission (LAC)

**Duration** 45 minutes

### Activities and methodology

- Presentation by Resource Person drawn from the Legal Aid Commission based on the Resource Person's Guide.
- The Presentation to include:
  - Functions of Legal Aid Commission of Sri Lanka
  - Spread of Legal Aid Commission offices
  - Complaint procedures at LAC
  - Procedures of obtaining free legal support from LAC

### Handouts

#### The Legal Aid Commission of Sri Lanka

- Legal assistance to the vulnerable groups of a country constitutes an important segment of the administration of justice. Legal Aid Commission of Sri Lanka (LAC) is the foremost amongst the various other institutions and organizations that cater to this important requirement, mainly due to its sustainability and stability.
- **LEGAL AID BENEFICIARIES**-The Statute stipulates that legal advice, legal representation in courts and community legal aid clinics are targeted deserving persons. The term 'deserving person' has not been defined in the law and has been given an interpretation by the LAC using the internationally recognized tests-**Means test** and **Justice test**.
- **MEANS TEST**- Deserving persons under the 'means test' are those individuals receiving a monthly income of Rs. 12,000.00 or less. The income level has to be certified by the Grama Niladhari of the area. In appropriate cases, the Director or Legal officer of a relevant center is authorized and has the discretion to be flexible in providing legal aid to destitute persons whose income level may exceed Rs.12000/=per month (and therefore can include a migrant worker or his/her family). In this context if a father of a family has an income of Rs. 12,000.00 or more per month, the wife, son, daughter or any other member of the family could seek legal aid irrespective of the fact that the father has an income of Rs. 12,000.00 or more per month. It is the income of the individual that is considered in granting legal aid.
- **JUSTICE TEST**-The justice test would be used in providing legal aid when the ambit of the litigation transcends adjudication of personal disputes to affect a group or a wider class of persons. This component can include migrant workers and their families.
- Legal aid is available to all women seeking maintenance for themselves and for their children irrespective of their income/financial status.
- Legal advice is given to any person without taking into consideration the income level of such person.
- LAC supports migrant workers and their families at local and national levels and operates as special Migrant Worker Desk at the main office in Colombo.

## Mediation as a means of access to justice

**Objective** To provide an understanding of the mandate and services of Mediation Boards specifically for migrant workers and their families

**Duration** 45 minutes

### Activities and methodology

- Presentation by Resource Person (The District Mediator Trainer of the Ministry of Justice)
- Presentation to include:
  - Jurisdiction and functions of Mediation Board of Sri Lanka
  - Process of mediating disputes
  - Relief available for migrant workers from mediation

### Handouts

As provided by Resource Person

---

## Accessing justice from courts of law

---

**Objective** To provide an understanding of the formal courts procedure in Sri Lanka in relation to migrant worker issues

**Duration** 45 minutes

### Activities and methodology

- Presentation by Resource Person (a lawyer from CHRD) based on the Resource Person's Guide.
- Presentation to include:
  - Laws to protect migrant workers
  - Understanding the Jurisdiction
  - Legal issues that can only be taken up in a formal court of law
  - Preparing for court - Working on evidence based documentation to support cases
  - Conducting of cases

### Handouts

As provided by Resource Person

# WORKING AS A PARALEGAL

## Working as a Paralegal - evidence-based documentation

**Objective** To enable paralegals understand how to develop evidence based documentation to support victims to secure redress and advocate with state to bring positive policy changes in favor of migrants and their families. Also paralegals will enhance their capacity on dealing with case management.

**Duration** 1 hour

### Activities and methodology

- This session will be conducted by CHRD or any of the partner organisation.
  - Present the PAX database on documentation.
  - Explain how paralegals must document cases to feed into the database.
  - Explain further using the points below:
    - Documentation of legal cases is essential for two purposes.
      - Reliable documentation of information is required to follow up on cases and ensure professional case management.
      - Sound documentation is key to collect credible evidence which provides a basis for advocacy and policy dialogue.
    - Documentation starts with the Paralegals. Paralegals are required to collect accurate documents and information for documentation purposes.
    - It is best to open a separate physical file for each complaint received.
  - The PAX database will be introduced to the Paralegals in order to demonstrate a professional documentation system, as well as to familiarize the Paralegals with PAX. It is explained however, that either the partner organizations or CHRD are responsible to fill the PAX. The role of the paralegals is only to provide primary information to feed into the database.
  - Paralegals are required to fill in the format below format on personal data of the victims and complainant, as well as the nature of complaint. In addition, it is important to obtain copies of the following documents, as those may be required for case management and solving the case. These should include the victims:
    1. Passport Information page
    2. Passport visa page copy
    3. SLBFE registration page copy
    4. Agreement copy
    5. NIC Copy or any other identification paper which has the NIC No.
    6. If available a copy of the SLBFE complaint slip
- In case of the Next of Kin:
1. NIC Copy
  2. Marriage Certificate (spouse)
  3. Birth Certificate (for children)

## Migrant Information Form

**Date Complaint was received:**

**Country of Destination:**

**District:**

**DS Division:**

**Referred by:** MDO/Legal Clinic/Para Legal/Direct/Other Organisation

**Short Description about the case:** (please include the complaint no if available)

-----  
 -----  
 -----

### Nature of Complaint

- Abuse by Embassy staff
- Abuse by police or other law enforcement authorities in COD
- Breach of contract by employee
- Complaints against RA
- Complaints against SLBFE not taking adequate action
- Contract substitution (forced to sign a different contract in COD)
- Death/Repatriation of human remains
- Detention/Imprisonment
- Employer sub-contracted worker to another employer
- Fraud case against RA
- Fraud case against sub-agents
- Long hours, outstanding overtime payments
- Migration through a friend
- No communication between migrant and family - 2 months to 1 year
- No communication between migrant and family - less than 2 months
- No communication between migrant and family - more than 1 year
- No communication between migrant and family - period unspecified
- Non-payment of insurance claims
- Non-payment of wages
- Pending court case in COD
- Premature termination of contract by employer
- Sexual and/or physical abuse by employer
- Stranded migrants job not provided as promised
- Stranded migrants runaways
- Trafficking
- Working for more employers than given in the contract

**Module 7 - Session 1**

**Victims Information:**

Full Name : .....

Residence : .....

Phone Number(s) : .....

National ID Number : .....

Date of birth : .....

Passport Number : .....

Civil Status : .....

Gender : .....

Race / ethnicity : .....

**Complainants Information:**

Full Name : .....

Relationship to the migrant worker : .....

Residence : .....

Phone Number(s) : .....

National ID Number : .....

Date of birth : .....

Passport Number : .....

Civil Status : .....

Gender : .....

Ethnicity : .....

## How to approach the village / community as a cohesive group

**Objective** To create a plan on how a paralegal can approach a community or village, establish contacts and networks and become accepted

**Duration** 1 hour

### Activities and methodology

- This Session should be conducted by staff of SDC partners with the Trainer.
- Group participants into 3 groups.
- Provide some guidelines (below) on how to approach a community or village, establish contacts and networks and become accepted

How to approach a community, establish contacts and become accepted

- Provide comprehensive information on safe migration
- Speak with persons who bring forward queries or problems, identify problems and search for solutions
- Conduct immediate and thereafter regular follow up through
  - Case discussions
  - Small meetings
  - Special events
  - Providing befriender services to paralegals
- Ensure prestige – community recognition and respect
- Create unity among Paralegals to ensure team work and non competitiveness
- Ask each group to discuss the guidelines and add to the guidelines on how a paralegal can approach a community or village, establish contacts and networks and become accepted.
- Group presentations.

## Module 7 - Session 3

## Skills and values of a paralegal

**Objective** To instill skills and values in paralegals

**Duration** 30 minutes

### Activities and methodology

- Group participants in to 4 groups.
- Provide groups 1 and 2 with the document “skills of a paralegal”.
- Provide groups 3 and 4 with the document “values of a paralegal”
- Ask groups to discuss the contents of each document and prepare a presentation on the contents.
- Ask group 1 to make a presentation to group 3 and group 2 to make a presentation to group 4 on skills (simultaneously).
- Next, group 3 to make a presentation to group 2 and group 4 to make a presentation to group 1 on values and ethics (simultaneously).
- Following the presentations, discuss the lists with the full group and clarify any questions they may have.

### Skills of a Paralegal

- Good speaking skills – Be able to speak clearly to people
- Good written skills – be able to fill forms and write simple letters and reports
- Be able to follow instructions
- Be patient and tactful
- Be able to provide services to all kinds of people
- Be able to understand and absorb a substantial load of information
- Have basic research skills
- Be initiative
- Be able to work in a team
- Have good organisational skills
- Be good at time management skills
- Have mediation, negotiation and problem-solving skills
- Have respect for confidential information.

### Core Values and Ethics of a Paralegal

- Confidentiality
- Commitment to helping other
- Trustworthiness
- Empathy
- Objectivity
- Non judgmental
- Gender sensitive
- Committed to equality
- Constantly seek and enhance knowledge

## Making a work plan

**Objective** To make a practical work plan for 6 months to 1 year for paralegals to follow.

**Duration** 1 hour

### Activities and methodology

- Group participants
- Ask groups to prepare work plans setting out tasks and timelines based on the format provided
- Based on group presentations prepare a consolidated work plan and timeline to be followed by all paralegals.

Work plan format

Tasks	Time line (divide according to 6 months or 1 year)

Example: 6 month work plan

Tasks	Time line (January – June)					
	Jan	Feb	Mar	Apr	May	Jun
Conduct awareness raising for community members	x		x		x	
Refresher training for para legals		x		x		
Meet service providers – Legal aid	x	x				
Visit DS office			x	x		
Arrange and conduct legal clinic					x	
Monitoring and monitoring report preparation		x		x		x
Prepare reports						x

**Closing Session**

## Closing and evaluation

**Objective** To conclude the workshop

**Duration** 15 minutes

### Activities and methodology

- Distribute the Evaluation Form and ask participants to fill up the form. This can be done individually or by pairing participants.
- If participants are reluctant or find it difficult to fill the form, ask each question and ask for their views.
- Make a formal closing presentation.

### Materials needed

Evaluation Forms

# ANNEXURE

## Evaluation sheet (name is optional)

1. Did the workshop meet your expectation? Yes/No  
Please explain your answer:
2. What is your rating of the training in relation to the objectives of the workshop?  
Excellent/Very good/Good/Fair/Poor
3. What is your rating of the facilitators?  
Excellent/Very good/Good/Fair/Poor
4. What is your rating of the contents of the training?  
Excellent/Very good/Good/Fair/Poor
5. List five areas of the training that you found most interesting  
.....  
.....  
.....  
.....  
.....
6. What are the areas you found least interesting?  
.....  
.....  
.....  
.....  
.....
7. Which improvement would you like to see in the overall design of the workshop?  
.....  
.....  
.....  
.....  
.....
8. What is your rating of the venue, accommodation and other logistic?  
Venue: Excellent/Very good/Good/Fair/Poor  
Accommodation: Excellent/Very good/Good/Fair/Poor  
Food: Excellent/Very good/Good/Fair/Poor

9. List five key things you learnt during the workshop and that will be useful to you after the program.

.....  
.....  
.....  
.....  
.....

Other Comments

## Guide to resource persons

### Segment 1

During the training of Paralegals, the Trainer will facilitate Group Discussions among Trainee Paralegals to discuss diverse issues in labour migration. A Panel of Resource People will be invited to be present at these discussions and following presentations by Groups, be invited to comment on Group Presentations. To rectify any mistakes and misconceptions and to add extra information and also provide answers to questions raised by Trainee Paralegals.

- The panel should comprise the following:
  - District Centre Coordinator or similar resource persons from the SLBFE
  - The Migration Development Officer of the Divisional Secretariat
  - The Probation and Childcare Officer of the Divisional Secretariat
  - The Women Development Officer from the Divisional Secretariat

The commitment of the Resource Persons is as follows:

- Be present at the workshop on one full day (Day 3 Module 5 Sessions 2- 6)
- Provide information on the following:

<b>The Pre Departure Stage</b>	<p>Key legal issues and procedures to be considered when deciding to migrate for employment (personal perspective)</p> <p>Key legal issues and procedures to be considered on arranging funds for migration</p> <p>Key legal issues and procedures to be considered on planning to manage earnings and expenses at home during the absence of the migrant worker</p> <p>Key legal issues and procedures pertaining to the Family Background Report</p> <p>Key legal issues and procedures issues to consider when preparing the home to leave – relating to the spouse, children and other relatives, neighbours</p>
<b>Registration and Training</b>	<ul style="list-style-type: none"> <li>▪ Registration of workers                     <ul style="list-style-type: none"> <li>▪ Who registers workers?</li> <li>▪ How do workers register themselves?</li> <li>▪ Why must a prospective worker register herself/himself?</li> <li>▪ What are the benefits of registration?</li> <li>▪ What are the dangers of non registration?</li> <li>▪ What are the gaps in the registration process?</li> <li>▪ What are the dangers of departing for employment on a private visa?</li> <li>▪ What are the dangers of departing for employment on a visit visa?</li> </ul> </li> <li>▪ Pre departure training provided for migrant workers                     <ul style="list-style-type: none"> <li>▪ Who provides training?</li> <li>▪ For which type of workers is the training provided</li> <li>▪ How useful is the training</li> <li>▪ How do prospective workers view the training?</li> <li>▪ Is the training effective?</li> </ul> </li> </ul>

<p><b>The In Service Stage</b></p>	<ul style="list-style-type: none"> <li>▪ What are the types of abuses and harassment do migrant workers face while in service?</li> <li>▪ What can be done when faced with such abuses and harassment?</li> <li>▪ What is the process when death occurs of a migrant worker while in service?</li> </ul>
<p><b>Return and Reintegration</b></p>	<ul style="list-style-type: none"> <li>▪ Key legal issues on return             <ul style="list-style-type: none"> <li>▪ Repatriation</li> <li>▪ Insurance/compensation</li> </ul> </li> <li>▪ Key legal issues on reintegration             <ul style="list-style-type: none"> <li>▪ Claiming compensation</li> <li>▪ Domestic/family disputes</li> <li>▪ Issues faced over financial management and indebtedness</li> <li>▪ Working back home</li> </ul> </li> </ul>

## Segment 2

These Sessions require the presence of Resource Persons for one hour Sessions.

Resource Person	Required Commitment	Required information
Resource Person from the SLBFE	Be present at the workshop for one hour on Day 4 (Module 6 Session 2) on Redress available at the SLBFE	<ul style="list-style-type: none"> <li>▪ The Conciliation Unit of the SLBFE</li> <li>▪ Complaint receiving process at District and Colombo level</li> <li>▪ What kind of complaints can be lodged at SLBFE?</li> <li>▪ Conciliation Process (duration, rights and obligations of the victims, of the conciliator and of the RA)</li> <li>▪ Possibilities for redress</li> <li>▪ Obtaining compensation</li> </ul>
Resource Person from the Legal Aid Commission	Be present at the workshop for one hour on Day 4 (Module 6 Session 4) on Access to legal aid	<ul style="list-style-type: none"> <li>▪ Functions of Legal Aid Commission of Sri Lanka with regards to migrant workers</li> <li>▪ Spread of Legal Aid Commission offices</li> <li>▪ Complaint procedures at LAC</li> <li>▪ Procedures of obtaining free legal support from LAC for migrant workers and their families</li> <li>▪ What kind of cases can be taken up the LAC?</li> </ul>
Resource Person District Mediator Trainer of the Ministry of Justice	Be present at the workshop for one hour on Day 4 (Module 6 Session 5) on Mediation as a means of access to justice	<ul style="list-style-type: none"> <li>▪ Jurisdiction and functions of Mediation Board of Sri Lanka with regards to cases/ issues linked to migration</li> <li>▪ Process of mediating disputes</li> <li>▪ Relief available from mediation</li> </ul>
Resource Person - a lawyer with a knowledge of labour migration	Be present at the workshop for one hour on Day 4 (Module 6 Session 6) on Accessing justice from courts of law	<ul style="list-style-type: none"> <li>▪ Laws to protect migrant workers</li> <li>▪ Understanding the Jurisdiction</li> <li>▪ Legal issues related to migrant workers that can only be taken up in a formal court of law</li> <li>▪ Preparing for court - Working on evidence based documentation to support cases</li> <li>▪ Conducting of cases</li> </ul>

# NOTES

# NOTES

# NOTES

# NOTES

# NOTES





**HELVETAS**  
Swiss Intercooperation

SRI LANKA

[www.helvetas.org](http://www.helvetas.org)  
[www.helvetas.org/srilanka](http://www.helvetas.org/srilanka)

ISBN : 978-955-7856-03-2

