

Promoting Ethical Recruitment Practices in Labour Migration; Sri Lankan Legal Perspective

W.N.G.Panditharatne¹

Labour migration from Sri Lanka has been increasing during past few decades with the opening of temporary employment opportunities especially in the Gulf Region and it has generated substantial inflows of remittance to the country's economy over the past years. Having understood the responsibility of protecting and empowering of migrant workers, the government of Sri Lanka has introduced various legislations and mechanisms for the purpose of regulating and administration of matters relating to labour migration. Despite all these measures, Sri Lanka continues to face a number of challenges in the field of labour migration. Unethical recruitment practices ranging from charging excessive fees, withholding passports, false information about the age of employees, non-disclosure of employer and the nature of the job are some of the main concerns face by the authorities. Therefore, it is essential that more efficient legal framework and mechanisms to regulate labour migration should be available to prevent unethical recruitment practices in Sri Lanka for the benefit of both economic growth and social justice. Hypothesis of 'The existing legal framework in Sri Lanka is not adequate for prevention and regulation of unethical recruitment practices in labour migration' has been tested to achieve following objectives; To evaluate the effectiveness of the existing legal framework and identify the complex areas in regulating ethical recruitment practices, to identify international standards for promoting ethical recruitment practices and compare with Sri Lankan legal framework and finally come up with effective and workable suggestions to regulate and prevent unethical recruitment practices in labour migration are the main objectives of the research. The methodology applied is a quantitative assessment of available literature and statistics in the broad area of labour migration in Sri Lanka. A comprehensive study has been carried out to evaluate available literature such as domestic and international legal instruments, reports and articles published by the experts in the field. Findings of this research are that the existing legal framework in Sri Lanka is not effective enough for prevention and regulation of unethical recruitment practices in labour migration. . Employer accreditation system has not been designed in consistent with the international standards. Inadequate mechanism for monitoring and compliance can be identified as a major obstacle.

Key words: Labour Migration, Ethical Recruitment Practices, Legal Framework

¹ Department of Legal Studies, The Open University of Sri Lanka. wasanapanditharatne@yahoo.com