

# **FINAL EVALUATION REPORT**

**EVALUATION OF THE PROJECT FOR  
“PROMOTING ETHICAL CONDUCT AND  
PROFESSIONALISING THE RECRUITMENT  
INDUSTRY IN SRI LANKA”**

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# 1. EXECUTIVE SUMMARY

The Government of Sri Lanka (GoSL) has made efforts to ensure the effective implementation of the National Labour Migration Policy (NLMP) and subsequently developed a Code of Ethical Conduct (CoEC) for licensed recruitment agents with the intention of streamlining the practices and enhancing the professionalism of the recruitment industry in Sri Lanka.

The project 'Promoting Ethical Conduct and Professionalizing the Recruitment Industry in Sri Lanka', implemented by the International Organization for Migration (IOM), is a component of the International Labour Organization's (ILO)'s project titled 'Promoting decent work through good governance, protection and empowerment of migrant workers: Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy – Up scaling and Consolidation – Phase III', funded by the Swiss Agency for Development and Cooperation (SDC). IOM's project component was part of a broader rights based labour migration governance, which aimed at supporting the GoSL to implement a fair and ethical recruitment framework, in line with international labour standards.

The purpose of the external evaluation is to provide information on the extent to which the IOM-implemented project 'Promoting Ethical Conduct and Professionalizing the Recruitment Industry in Sri Lanka' contributed to the main goal of fostering ethical and fair recruitment practices and processes in a rights based and migrant-friendly manner. It is also an examination of the best practices; issues and challenges; assessment of areas for institutionalization; and a way to provide the project implementer (i.e. IOM) and the project stakeholders' recommendations for future action.

This external evaluation undertook the assessment of Outcomes, Outputs, Activities and Indicators by adopting five criteria – relevance, effectiveness, efficiency, sustainability and gender and human rights – to help identify the best practices and future prospects. The evaluation concludes that the project was timely and essential. Further, the project addressed a clear need to ensure professionalism among those in the recruitment industry and ensuring the promotion of existing ethical conduct requirements.

With respect to **outcome one**, the project strives to ensure professionalism of the recruitment industry and enhancement of knowledge and skills to implement the Code of Ethical Conduct.

- Successful outputs included the development of; the Standard Operating Procedure (SOP) and the subsequent design of the Monitoring and Evaluation (M&E) Report to track adherence of LFEAs to the CoEC; the Training of Trainers Manual (ToT) and the Training Curriculum to impart knowledge to LFEAs.

The development of the materials is commendable, and it is a result of a series of consultative workshops and regular meetings with the Ministry of Foreign Employment, SLBFE, LFEAs, international organizations and civil society through the formation of the Expert Group. In particular, the SOP and the M&E Report are an asset to both the LFEAs and key stakeholders to improve standards within the recruitment industry. The evaluators recommend that the SOP be formalized and adherence to the components of the SOP – especially Annexure 3.1 ‘Good Practices for LFEAs’ – be a core part of the of the license renewal process of the recruitment agents. The evaluators also recommend that the ‘Baseline Assessment’ – which provided essential knowledge on the extent to which the LFEAs follow CoEC be updated to understand the impact of SOP and the M&E. With regards to the ToT Manual and the Training Curriculum, the modules should be revised regularly to cater to the continuous needs of the recruitment industry and thereby promote ethical recruitment practices.

- Delivery of training to build professional capacity of LFEAs

This is an impressive work carried out by the IOM, to educate the LFEAs on the global, regional and national perspectives towards international labour migration and to increase their knowledge with the purpose of enhancing professionalism in the recruitment industry. A perusal of the curriculum and discussions with participants illustrated the extent of the knowledge and skills imparted at the training sessions for the selected LFEAs in four districts namely: Colombo, Batticaloa, Kandy and Kurunegala. It is the recommendation of the evaluators that (a) the training for the LFEAs be continued and made mandatory for the license renewal process of the LFEAs (b) the training for LFEAs be extended to intermediaries; and (c) that the coordination between stakeholders from the government, international organizations among others be formalized. These are recommendations for scaling-up in order to reinforce the adherence to CoEC. It is also the recommendation of the evaluators that this training be conducted through private-public partnership; with labour migrants’ cases becoming a core discussion-point. More significantly, the evaluators recommend that this training be replicated in all districts.

- The designing of an operational checklist with relevant procedures for the labour attachés in Sri Lankan embassies to follow with a validation process to ensure protection of labour migrants.

IOM was involved in updating the 'Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Destination Countries, Section four: Ensuring a safe recruitment process for promoting the rights of Sri Lankan migrant workers. The Consultant undertook field research in Singapore, Jordan and Kuwait to understand the current status of the validation process of foreign recruitment agents and to provide set of recommendations to strengthen the existing process. Subsequently, a draft operational checklist was developed with relevant procedures for the labour attachés in Sri Lankan embassies to follow. Accordingly, the evaluator recommends the effective implementation of the checklist by the labour attachés at missions and embassies. Moreover, make an annual monitoring of its utilization a requirement.

With respect to **outcome two**, the evaluators acknowledge the work of IOM as the implementing agency, along with the Institute of Policy Studies (IPS), in the development of the report titled '*Recruitment Intermediaries in the Foreign Employment Industry in Sri Lanka.*' This report contributes to the GoSL priorities as expressed through the Cabinet paper by the Ministry of Foreign Employment (MFE) to regularize recruitment intermediaries submitted in 2017. The evaluators strongly believe that the field information gathered on this account would provide an evidence-based insight for policy formulation. On this regard, the evaluators recommend that the findings be shared with policy-makers. More significantly, the evaluators are aware that one of the recommendations suggested within the report, 'Establishment of a taskforce to provide technical advice on regulating recruitment intermediaries', was realized upon a request by the MFE, a multi-agency taskforce was appointed and was chaired by the MFE to develop procedures for registering of recruitment intermediaries. In turn, the procedures were developed and was presented to the Secretary, MFE. In line with this, the evaluators recommend that the MFE should take in to consideration the implementation of the developed procedures.

With respect to **outcome three**; IOM continuously provided thematic inputs and supported the GoSL to facilitate and share experiences, good practices and lessons learnt of the project in the relevant regional and international forums. Notably, Sri Lanka took the opportunity to share the findings of the study on recruitment intermediaries at various platforms such as the regional symposium on promoting regulatory harmonization on recruitment intermediary and the thematic area working group meetings on fostering ethical recruitment. In turn, other Colombo Process Member States have expressed their interest to further study the findings in depth. The evaluators recommend that knowledge sharing and its dissemination to relevant stakeholders must be consistent and continuous.

Overall, the evaluation concludes that the project has successfully completed its relevant outputs and outcomes and achieved its overall objective. Indeed, considerable value was added in terms of supporting the process of promoting ethical conduct among recruitment agencies and strengthening Sri Lankan diplomatic missions labour attaches capacities in the countries of destination. It is therefore vital to recognize the continuing role of the government counterparts such as the MFE and SLLBFE, international organizations such as ILO, SDC, and IOM, civil society and LFEAs, as being integral to Sri Lankan migration governance structure. These partnerships are essential for future programming work in the field of labour migration.

## 2. LIST OF ACRONYMS

ALFEA	Association of Licensed Foreign Employment Agencies
CoEC	Code of Ethical Conduct
CSO	Civil Society Organizations
DAC	Development Assistance Committee
FGD	Focus Group Discussion
GCM	Global Compact for Safe, Orderly and Regular Migration
GMG	Global Migration Group
GoSL	Government of Sri Lanka
ICAT	Inter-Agency Coordination Group against Trafficking of Persons
ILO	International Labour Organisation
IOM	International Organisation for Migration
IRIS	International Recruitment Integrity System
LFEAs	Licensed Foreign Employment Agencies
M&E	Monitoring and Evaluation
MFE	Ministry of Telecommunication, Foreign Employment and Sports
MFEPW	Ministry of Foreign Employment Promotion and Welfare
MiGOF	Migration Governance Framework
NAC	National Advisory Committee
NLMP	National Labour Migration Policy of Sri Lanka
OECD	Organization for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
PAC	Programme Advisory Committee
RCP	Regional Consultative Processes
SDC	Swiss Agency for Development and Cooperation
SLBFE	Sri Lanka Bureau of Foreign Employment

SOP	Standard Operating Procedure
TIP	Trafficking of Persons
TOR	Terms of Reference
UN	United Nations
UNEG	United Nations Evaluation Group
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNODC	United Nations Office on Drugs and Crime

## 3. CONTEXT AND PURPOSE OF THE EVALUATION

### 3.1 Evaluation Context

In delivering the project, IOM has drawn on its broad global and regional knowledge base, good practices and lessons learnt combined with previous experience in implementing labour migration programmes. Over 12 years of experience in Sri Lanka, IOM has built a strong rapport with the government stakeholders through providing programme development and support for policy and strategy formulation of GoSL which are being reflected from the implementation of the project. At a regional level, IOM is the Secretariat providing technical assistance to the Colombo Process (CP), which is a Regional Consultative Process (RCP), on the management of overseas employment and contractual labour for countries of origin in Asia. As the host of CP Secretariat, in conducting this project IOM was able to contribute to the regional dialogues with evidence-based data to promote ethical recruitment practices in the region.

The evaluation takes into account the activities implemented under the project with the intention to: (1) regularize recruitment intermediaries through evidence-based research and analysis, (2) foster ethical recruitment practices through wide application of the CoEC in awareness raising and capacity building, and (3) feed lessons learnt and good practices into regional and global dialogue on ethical recruitment. Among key activities undertaken are the development of a Standard Operating Procedure (SOP), *“Standard Operating Procedure: Code of Ethical Conduct for Licensed Foreign Employment Agents”*, designing of a monitoring mechanism, *“Monitoring and Evaluation: to support effective implementation of the Code of Ethical Conduct for Licensed Foreign Employment Agents”*, designing and delivery of training to build capacities of recruitment agencies, conducting evidence-based research with policy recommendations and development of an operational checklist to support Labour Attachés in validating foreign recruitment agencies.

In the regulation and implementation of the recruitment process in Sri Lanka there remain shortcomings and loopholes that challenge the *Sri Lanka’s National Labour Migration Policy* (NLMP) and its goal towards the fulfillment and protection of all human and labour rights of migrant workers. A major shortcoming of the current legislation is the lack of regulation of middlemen. The national legislation requires all recruitment service providers to be licensed and currently has no official recognition of middlemen in the migration process. To ensure the effective implementation of the Sri Lanka National Labour Migration Policy, a Code of Ethical Conduct (CoEC) was developed with the intention of streamlining the practices of recruitment agents, enhancing professionalism, responsibility and accountability and promoting transparency of business activities. However, there were significant challenges to the implementation of CoEC as there is a lack of awareness and knowledge on how to

operationalize the CoEC. The project was designed and implemented against this backdrop.

### 3.2 Evaluation Purpose

The purpose is to assess the extent to which the project contributed to its overall goal: fostering fair and ethical recruitment and reducing the risk of exploitation. **The primary audiences** of the report are the IOM staff who have been involved in managing and implementing the project components and activities as well as IOM’s senior management. The evaluation findings and recommendations will be used for informing IOM’s future programming related to its technical support to the Colombo Process.

### 3.3 Evaluation Scope

The evaluation covers all aspects of the project including project deviations in line with the technical needs and requirements of the project stakeholders which were approved by the donor. The evaluation covers all activities that were conducted between 20 June 2016 to 20 December 2018.

### 3.4 Evaluation Criteria

The evaluators adapted the Development Assistance Committee (DAC) evaluation criteria to evaluate the project.

Table 1: Evaluation Questions

Evaluation Criteria	DAC Definition	Evaluation Questions
<b>Relevance:</b> <i>The extent to which the objectives of a development intervention are consistent with beneficiaries’ requirements, country needs, global priorities and partner’ and donor’s policies.</i>	<i>Are we doing the right thing?            How important is the relevance or significance of the intervention regarding local and national requirements and priorities?</i>	1. Was the project design appropriate in terms of its logic and coherence in addressing the broader programme of the ILO?
		2. To what extent did the project correspond to promoting fair recruitment practices?
		3. In the course of the project period, were there changes in the intended outcomes and deliverables? What was the reason for the changes?
		4. Is the project aligned with and supportive of IOM regional and RCP-related strategies and the Migration Governance Framework (MiGOF)?

<p><b>Effectiveness:</b> A measure of the extent to which an aid activity attains its objectives. (OECD/DAC. 2006)</p>	<p>Are the objectives of the development interventions being achieved? How big is the effectiveness or impact of the project compared to the objectives planned?</p>	1. How effectively the project results were achieved compared to its plan and targets?
		2. What are the internal factors that contributed to progress or delay in the achievement of the outputs, outcomes and objectives?
		3. What external factors that contributed to progress or delay in the achievement of the outputs, outcomes and objectives?
		4. How the project's beneficiaries and stakeholder perceive the effectiveness of the project implementation and results?
		5. What are the lessons learned and best practices that enabled the project to achieve its results?
<p><b>Efficiency:</b> measures the outputs ... in relation to the inputs. [i.e.] aid uses the least costly resources possible. (OECD/DAC. 2006)</p>	<p>Are the objectives being achieved economically by the development intervention? How big is the efficiency or utilization-ratio of the resources used?</p>	1. Have the available resources been optimally utilized (cost-effectiveness)?
		2. How well are the resources (funds, expertise, and time) being converted into results?
		3. What are the lessons learned and best practices that can be drawn on the project's efficiency?
<p><b>Sustainability:</b> Measuring whether the benefits of an activity are likely to continue after donor funding has been withdrawn. (OECD/DAC. 2006)</p>	<p>Does the development intervention contribute to reaching higher level development objectives (preferably, overall objective)? What is the impact or effect of the intervention in proportion to the overall situation of the target group or those effected?</p>	1. To what extent has the relevant project components contributed to the SDGs, the GCM, and other pertinent global and regional initiatives?
		2. To what extent has the project contributed to the enhanced management of outward labour migration flow?

	<i>Are the positive effects or impacts sustainable? How is the sustainability or permanence of the intervention and its effects to be assessed?</i>	3. Are structures, resources and processes in place to ensure that benefits generated by the project continue once external support ceases? 4. Do the project partners have the financial capacity and are they committed to maintaining the benefits of the project in the long run?
<u>Gender &amp; Human Rights</u> <i>to analyse how an intervention advances the rights of the targeted population(s) (the rights holders), particularly women and individuals/ groups who are marginalized and/or discriminated against, and supports or empowers them to claim for their rights</i>	<i>Gender</i>	1. To what extent has the project addressed gender needs and gender-related issues?
	<i>Human Rights</i>	2. To what extent has the project contributed to the human rights respect of the migrant workers?

Source: <https://www.oecd.org/development/evaluation/dcdndep/47069197.pdf>; TOR on Evaluation; UNEG. 2014. *Integrating Human Rights and Gender Equality in Evaluations: guidance document*.

## 4. EVALUATION FRAMEWORK AND METHODOLOGY

The evaluation framework focused on developing ways to dissect the data and synthesize to formulate recommendations.

Figure 1: Evaluation Framework



### 4.1 Data Sources and Collection

The accommodated more than one method to collect data on the same topic. These include:

*Desk Review:* The review of all documents related to the project.

*Interviews:* Conducted interviews of key stakeholders. A semi-structured interview guideline (Annex 3) was designed and was administered to three key informants in Colombo at their place of work.

*Focus Group Discussion:* Using a semi-structured interview guideline (Annex 4), a focus group discussion was held at the Ministry of Telecommunications, Foreign Employment and Sports (MFE). Verbatim notes were taken of the interviews and the FGDs.

*Field Missions:* The evaluators conducted four field visits (i.e. to Colombo, Batticaloa, Kandy and Kurunegala) to interview beneficiaries of the project. These constituted five per cent of the total number who underwent training. These individuals were interviewed in Sinhala, in Tamil or in English.

## 4.2 Data Analysis

The analysis of the data occurred immediately after gaining access to the data. The data sets were cross-checked in order to cross-analyze, to formulate key findings, conclusion and recommendations.

## 4.3 Limitations and Proposed Mitigation Strategies

The main limitations experienced during the evaluation was the limited time available to complete the evaluation. The evaluation was completed 30 days after its commission which followed tight interim deadlines to complete the assignment on time. Another limitation was the unavailability of respondents for key informant interviews and focus group discussions. Due to the limited time availability, the number of respondents contacted for the evaluation was limited.

# 5. FINDINGS

As noted above, the evaluation entailed looking at the project and all the data gathered under six themes.

## 5.1 Relevance

**Question 1: Was the project design appropriate in terms of its logic and coherence in addressing the broader programme of the ILO?**

**Findings 1: The proposal submitted by IOM Sri Lanka was tailor-made to link with the overall programme under ILO.**

Sri Lanka's recruitment industry plays a major role in its labour migration sector. In the Sri Lankan recruitment process, there are major regulatory and implementation shortcomings and loopholes. In order to prevent the fraudulent and abusive practices encountered within the recruitment industry, the GoSL made efforts to ensure the effective implementation of the Sri Lanka National Labour Migration Policy (NLMP) and the subsequent development of the Code of Ethical Conduct. In line with this, the objective of the IOM implemented project '*Promoting Ethical Conduct and Professionalizing the Recruitment Industry in Sri Lanka*' was to foster fair and ethical recruitment in the Sri Lankan context of labour migration to promote more effective, rights-based, migrant-centered and transparent recruitment practices at the local level with a view to reducing the risk of exploitation. This project is a component of ILO's broader programme '*Promoting decent work through good governance, protection and*

*empowerment of migrant workers: Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy – Upscaling and Consolidation - Phase III’, and it contributes to the broader rights based labor migration governance, which aims at supporting the GoSL to implement fair recruitment framework in line with international standards.*

Further, within the broader programme of ILO, IOM had a specific role to play in ensuring the professionalization of the process. This entailed standardizing procedures, training of LFEAs and finding gaps in the implementation of the CoEC.

Furthermore, one of the key objectives of the ILO’s global “Fair Recruitment Initiative” is to protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment process (including pre-selection, selection, transportation, placement and possibility to return). In justifying the focus of the proposal, the IOM indicates just how closely aligned; their proposal is to the broader programme of ILO.

Moreover, IOM as the implementing agency has emphasized its place within the broader program of the ILO:

*“This project contributes to objective one of the ILO project namely “to improve the policy, legislative and regulatory frameworks and processes that govern labour migration to reflect and respond to current contextual situations and needs that further safeguard the rights of women and men migrant workers and families targeting the outcome of Governance and regulation of labour migration improved through enhanced policies and effective implementation of the National Labour Migration Policy’. In particular, this subcomponent is meant to deliver outputs 1.9 and 1.10 as described in the main project document.” IOM. 2016. Project Proposal.*

**Question 2: To what extent did the project correspond to promoting fair recruitment practices?**

**Finding 1: The project interventions were highly appropriate to the priority needs of the beneficiaries and IOM’s commitment to the project is commendable.**

From the designing stage, to envisioning the activities to completing the tasks, the implementation of the project focused on the promotion of ethical conduct through professionalizing the recruitment industry.

The perusal of the narrative reports provided a lens in to the steps taken to achieve the desired outcomes. As the Table 2 below illustrates, there is an alignment with the outcomes, activities, and outputs. In the process of achieving the stated outcomes, tremendous effort has been by the IOM team in the implementation.

Table 2: Alignment between Outcomes, Activities and Outputs

Proposed Outcomes	Activities	Outputs	Achieved Outcomes
<b>Outcome One:</b> “Ethical and fair recruitment practices are fostered and enhanced through the wide application of GoSL endorsed 2013 Code of Ethical Conduct (CoEC) in awareness raising and capacity building of licensed recruitment agents”.	Baseline study to determine status of indicators for the project at the inception phase	<b>Output 1.1</b> To design a Standard Operation Procedure (SOP) for Licensed Foreign Employment Agencies as a step-by-step guide for recruitment agencies/licensees and staff members of Sri Lanka Bureau of Foreign Employment (SLBFE) on adherence to Code of Ethical Conduct (CoEC);	Report on “Baseline Assessment of Application the Code of Ethical Conduct and Professional Capacity of the Licensed Foreign Employment Agents” provided basis for the designing of the SOP.
	Develop a detailed step by step guide in a form of Standard Operational Procedures (SoP) for adhering to the guidelines in the CoEC;		Report on “Standard Operation Procedure for Licensed Foreign Employment Agencies” was translated into Sinhala and Tamil and was disseminated among Government Officials, PAC members, Expert Group members and LFEAs.
	Recommend a system to monitor CoEC performance of licensees and to track the effectiveness of	<b>Output 1.2</b> To The recommendation of a monitoring mechanism available to assist to track the adherence of the	Report on “Monitoring and Evaluation to Support Effective Implementation of the Code of Ethical Conduct for Licensed Foreign Employment Agencies”, was translated

	the implementation of CoEC;	licensed recruitment agents to the CoEC.	into Sinhala and Tamil and was disseminated among Government Officials, PAC members, Expert Group members and LFEAs.
	<p>Training Curriculum for Building Professional Capacity of Licensed Foreign Employment Agencies</p> <p>Training of Trainers Manual for Building Professional Capacity of Licensed Foreign Employment Agencies</p> <p>Training of Trainers sessions</p> <p>Training Course for 400 participants.</p>	<p><b>Output 1.3</b> To train licensed recruitment agents from four key migrant sending districts with knowledge and skills to apply and adhere to CoEC in their practice of labour recruitment;</p>	<p>10 female and 22 male trainers completed the ToT training programme.</p> <p>438 LFEAs registered for the training programme on 'Building Professional Capacity of LFEAs'. Out of which;</p> <ul style="list-style-type: none"> <li>- 326 applicants successfully completed the course (65 females and 261 male)</li> <li>- 360 applicants registered and attended at least one class</li> </ul> <p>There were 8 batches of training session which took place from April to December 2018 in the languages of Sinhala, Tamil and English in the districts of Colombo, Batticaloa, Kandy and Kurunegala.</p> <p>All 326 who completed the 50-hour course received Certificate (see Annex IV-D)</p>

			Top 3 batch students received Awards (see Annex IV-D)
	<p>Consultant travel to 3 countries to meet officials.</p> <p>Baseline Report with Recommendations for Strengthening the Validation Process of Foreign Recruitment Agents: observations from visits to Singapore, Jordan and Kuwait</p> <p>Draft Operational Guide for Labour Attaché in Sri Lankan Diplomatic Missions (Draft of Check List)</p>	<p>Output 1.4 To operationalize a checklist accessible to the labour attachés in Sri Lankan embassies in foreign missions to check credibility of foreign recruitment agents</p>	<p>Designed a draft operational checklist. Submitting the draft checklist to ILO and MFE and UNWOMEN.</p>
<p><i>Outcome Two:</i></p> <p>“Middlemen involved in introducing workers to registered agents exhibit ethical recruitment</p>	<p>Collection of data from 405 recruitment intermediaries for report.</p>	<p>Output 2.1: Research report available with recommendations on regularization of the practices of recruitment Intermediaries in the Foreign Employment</p>	<p>Completion of the Report on Recruitment Intermediaries in the Foreign Employment Industry in Sri Lanka</p> <p>Dissemination of knowledge to ILO.</p> <p>Implementing a recommendation from the Report- the creation of the Taskforce.</p>

practices and conduct” .		Industry in Sri Lanka	
<i>Outcome Three:</i> Experiences, good practices and lessons learned from the project are fed into regional and global policy dialogues on fair and ethical recruitment.	Documentation of experiences, good practices and lessons learned through project monitoring and evaluation. Issuing of briefs of reports Submitting information to different platforms.	Output 3.1: Thematic inputs and support are available to GoSL as needed to share experiences, good practices and lessons learned from the project in regional and international forums on fair and ethical recruitment	Dissemination of knowledge, good practices and lessons learnt from the project was conducted at (a) Colombo Process thematic group meeting; (b) Colombo Process Official Meeting; (c) Regional Symposium; and (d) IRIS Training for Labour Recruiters.

**Finding 2: In practice, the creation of the SOP, M&E, ToT Manual and Training Curriculum were all targeted towards ensuring that LFEAs possess the knowledge and understanding of the CoEC and the steps needed to be followed to mitigate exploitation.**

The commitment to promoting fair recruitment practices is evident in the reports that were commissioned under the project.

According to an interview conducted by the evaluator with the Consultant – who was hired by the implementing agency IOM during the project period-, the ‘*Baseline Assessment of Application the Code of Ethical Conduct and Professional Capacity of the Licensed Foreign Employment Agents*’ was the status quo which provided an overview of the current status of the recruitment industry in Sri Lanka; analyzing the current status of the Code of Ethical Conduct (CoEC) and providing a set of recommendations.

This was essential, as there was no prior information on the implementation of the CoEC, which was introduced 2013.

As noted by the Consultant, the IOM's facilitation of the process of creating the baseline, its implementation and the final report was commendable.

The Consultant further noted that the '*Standard Operation Procedure for Licensed Foreign Employment Agencies*' was the culmination of the baseline data and was prepared to comply with the CoEC. The significance of the SOP in ensuring the compliance of CoEC and the fact that it was translated into Sinhala and Tamil was reiterated by SLBFE officials at the FGD held at the MFE. With regards to the '*Monitoring and Evaluation to Support Effective Implementation of the Code of Ethical Conduct for Licensed Foreign Employment Agencies*' it was reiterated that it was a positive step in compliance with the strategy of GoSL. This is highlighted within the report itself.

Monitoring and Evaluation mechanism to measure the compliance of the CoEC, is intended to be an asset, both for the Licensed Foreign Employment Agencies themselves and for key stakeholders, in improving the standards of the recruitment industry. Therefore, an effective Monitoring and Evaluation mechanism must consist of the following;

- An independent body/panel with qualified personnel competent in gathering information from a wide range of sources, under challenging conditions.
- Obtain relevant information from reliable multiple sources to measure how well a recruitment agency complies with the Standards of CoEC.
- Distinguish between evaluation related information and confidential business information to protect confidentiality of the LFEAs.
- Distinguish between areas of compliance, areas for improvement and areas for immediate action or rectification.
- Provide consistent and on-going monitoring in order for evaluation to remain up to date.

(IOM 2017. *Monitoring and Evaluation to Support Effective Implementation of the Code of Ethical Conduct for Licensed Foreign Employment Agencies*).

Further, the '*Training Curriculum for Building Professional Capacity of Licensed Foreign Employment Agencies*' and the '*Training of Trainers Manual for Building Professional Capacity of Licensed Foreign Employment Agencies*' - solidified the relevance of the outputs with regard to the stated outcome. - According to the minutes of Expert Group meetings and the views of the Consultant and the ILO representative - this

comprehensive process resulted in the creation of the training modules and better awareness on CoEC and promoted compliance.

The '*Baseline Report with Recommendations for Strengthening the Validation Process of Foreign Recruitment Agents: observations from visits to Singapore, Jordan and Kuwait*' and inputs to the '*Operational Guide for Labour Attaché in Sri Lankan Diplomatic Missions (Draft operation check list)*' are stepping stones to ensuring the safety of the labour migrants.

Similarly, the "*Report on Recruitment Intermediaries in the Foreign Employment Industry in Sri Lanka*" provided essential insights on the status of the intermediaries within the country.

**Question 3: *In the course of the project period, were there changes in the intended outcomes and deliverables? What was the reason for the changes?***

**Finding 1: Yes, there was a change in Output 2.1, where it was initially intended that the project would develop and pilot test a Middleman Voluntary Registration System.**

The change to Output 2.1: Middlemen Voluntary Registration System. The initial proposed activity entailed that IOM would carry out a study to propose recommendations for the establishment of a Middle Voluntary System in Sri Lanka. In coordination with SLBFE, IOM was to commence a pilot project for a group of 100 selected Middlemen, whilst designing a system to register and track transactions of Middlemen into a database accessible by SLBFE. However, following continuous discussions with the government officials and donors, at the PAC meeting it was concluded that this activity would be replaced with a study on the recruitment intermediaries. Henceforth, the resultant output was the "*Report on Recruitment Intermediaries in the Foreign Employment Industry in Sri Lanka*". This report was in fact the need of the hour and the findings of the report is invaluable for the key stakeholders, especially for the GoSL.

**Question 4: Is the project aligned with and supportive of IOM regional and RCP-related strategies and the Migration Governance Framework (MiGOF)?**

**Finding 1: The IOM proposal was significantly aligned with the IOM frameworks and was supportive of IOM regional and RCP-related strategies and the Migration Governance Framework (MiGOF).**

At a regional level, IOM was the Secretariat providing technical assistance to the Colombo Process (CP), which is a Regional Consultative Process (RCP), on the management of overseas employment and contractual labour in countries of origin in Asia. Through the project, IOM provided the GoSL with technical assistance on “fostering ethical recruitment”, one of the five thematic priorities of the CP. Similarly, IOM provided inputs based on the good practices and lessons learnt from this project, to GoSL to contribute to thematic activities of the CP.

IOM is using MiGOF to advise governments on both policy and programmatic priorities that lead to the development of targeted, impactful and strategic programmes. IOM’s MiGOF is a consolidated, coherent and comprehensive way, a set of three principles and three objectives, which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society. In line with this, the project more specifically contributed to Principle Three: ‘*Good migration governance relies on strong partnerships*’ and Objective Three: ‘*Migration should take place in a safe, orderly and dignified manner*’. In contribution, the project has provided training on ethical recruitment through direct engagement with the LFEAs and has created awareness on the importance of the International Recruitment Integrity System (IRIS), which is a voluntary certification process for international recruitment agencies in upholding ethical recruitment principles. Further, this project has brought together government officials, non-governmental organizations, academia and LFEAs to devise ethical recruitment standards to complement existing regulations.

## **5.2 EFFECTIVENESS**

**Question 1: *How effectively the project results were achieved compared to its plan and targets?***

**Finding 1: The project was able to implement all activities according to its timeline. The important lessons learned in this regard is related to the strong commitment of the GoSL and the strong collaboration between IOM and relevant stakeholders.**

Please refer Table Two on this regard.

As mentioned in the previous findings, the amount of work undertaken under three components required IOM to work with experts (see Annex IV-A), consultants, trainers, along with recruitment agents in four districts (see Annex IV-B), Ministry of Foreign Affairs and Sri Lankan diplomats, and migration-related officials in three countries.

It should be noted that IOM has sought the knowledge of experts in the field at all levels of project implementation. This is evident in the perusal of the ToRs for the Consultant and the members of the Expert Group, along with researchers for conducting key researches illustrate the implementing agency's focus on gathering experts in the field to assist in the implementation of project activities.

**Finding 2: Overall the project was highly successful in terms of building capacity of LFEAs and as a result of the training, participants received new knowledge and skills on business management, labour migration and related issues.**

The effectiveness of the knowledge imparted is evident when examining the contents of both the *“Training of Trainers Manual for Building Professional Capacity of Licensed Foreign Employment Agencies”* and the *“Training Curriculum for Building Professional Capacity of Licensed Foreign Employment Agencies”*. The content for the latter includes both knowledge of CoEC and knowledge required to effectively and efficiently manage the agency. As illustrated in the answers to interview questions give to the selected number of the participants of the course (see Annex III), the knowledge gain remained strong despite almost one year since the completion of the course.

In partnership with the National Institute of Labour Studies (NILS), the training for LFEAs was held in Colombo, Kandy, Kurunegala and Batticaloa from April to December 2018 and was conducted in eight batches in Sinhala, Tamil and English medium. The district locations were selected based on areas where recruitment agencies largely operate as per SLBFE current data. Recruitment agents in

surrounding districts with smaller numbers of agent were invited to participate in one of the four key locations for the training as part of an inclusive approach.

From a total of 438 applications, 360 applicants attended classes and 326 (65 female; 261 male) applicants successfully completed the training programme meeting the course criteria. The pass mark for successful completion of the programme was 70 per cent with a compulsory 80 percent minimum attendance. A pre-test and post-test assessed participant knowledge revealed that more than 90 per cent scored more than 70 per cent on the final test. Certificates of participation and achievement were issued to participants and 24 plaques (7 for females and 17 for males) were awarded--three for the top participants who excelled in each batch.

Table 4: Knowledge gain from the Training

Focus	Effectiveness of the Knowledge Imparted
Procedure/ Regulation	<ul style="list-style-type: none"> <li>▪ "I understood many things they have taught, but found it difficult in understanding some legal matters they introduced in the training. However, it is essential to have understanding for a recruitment agent about the aspects they taught in the program"</li> <li>▪ "I emphasize that it is good to register sub-agents so as to prevent unwanted issues caused by them. Sub-agents are illegal actors and they are the middlemen of registered agencies. They are the people causing many financial issues in the process. There should be a mechanism to prevent them".</li> </ul>
Ethics	<ul style="list-style-type: none"> <li>▪ "I witnessed many issues with middle men like cheating money of the prospect migrant and giving false information about employment."</li> <li>▪ "Even after the migration, my agency maintains follow ups about the migrants in their destination countries. If there is any issues related with their employment I am ready to deal with their problems."</li> </ul>
Accounting and Management	<ul style="list-style-type: none"> <li>▪ "Accounting and Marketing which I found most effective subjects in the program and it's very useful too"</li> <li>▪ "Documentation maintaining and accounting are most relevant to me among the topics."</li> <li>▪ "I gained a lot of knowledge on Human Resource management"</li> </ul>
Capacity Building	<ul style="list-style-type: none"> <li>▪ "I had lack of knowledge in English language and lack of skills in marketing and accounting. Such limitations made trouble in gaining knowledge in the programs."</li> <li>▪ "Skill basis, entrepreneurial and communication skills and in subject wise, Marketing and accounting are the most effective to me."</li> </ul>

Challenges and Issues in implementation	<ul style="list-style-type: none"> <li>▪ “I found no barriers in implementing them”</li> <li>▪ “I can use most of the skill based knowledge documentation, record keeping, customer dealings, and financial handling”</li> <li>▪ “Very few things I can use in my work at my agency. Most of the things are not under purview in my agency. The knowledge is most useful to my boss.”</li> </ul>
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**Finding 3: There were setbacks that pushed the end date of the project.**

This is illustrated in the Addendum 1 to the agreement which highlighted the fact that “Due to delays in carrying out the external evaluation, the Parties hereby agree to modify the above-mentioned Agreement ("the Agreement"), signed on 20 June 2016. This Addendum is to be considered an integral part of the Agreement”. This was signed in May 27 2019. These delays, as discussed above, were the result of ground realities at a particular time than any issue with the project design itself.

*Question 2: What are the internal factors that contributed to progress or delay in the achievement of the outputs, outcomes and objectives?*

**Finding 1: The proposed activities were built on the existing national frameworks, which assisted the progress of the project.**

IOM as the implementing agency sought to build their activities upon already existing national frameworks. To name a few, Outcome 1, for example, sought to examine the gaps in the implementation of the existing “Code of Ethical Conduct for Licensed Foreign Employment Agencies/Licensees” (2013). Thus, the Expert Group focused on developing the project materials in line with this.

Further, there is an existing ILO publication, *Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Destination Countries: Ensuring the Protection and Welfare of Migrant Workers* (2013) and the draft operation checklist was built upon a gap analysis of practices at diplomatic missions.

**Finding 2: The donor reports had to synchronize due to the gaps in the reporting period between IOM and ILO.**

Respondents from ILO and the MFE noted that the original IOM Proposal entailed submission of progress reports annually. However, the ILO Sri Lanka provided biannual reports to the donor SDC, Head Office. This meant progress made within a specific period would not be captured on time.

*“In the design phase, there has been a bit of an omission where IOM progress reports come to us once a year. However, we report to the overall donor twice a year. So, we miss a good six-month chunk. We sat with SDC and IOM to synchronize it.”* ILO Representative.

**Question 3: What external factors that contributed to progress or delay in the achievement of the outputs, outcomes and objectives?**

**Finding 1: The coordination with the GoSL assisted in the successful implementation of the project.**

IOM as the implementing agency has built strong ties with the MFE and SLBFE. This assisted to ensure the successful completion of activities. The project activities assisted in the on-going amendment to the SLBFE Act, very specifically focusing on the registration of recruitment intermediaries. Thus, data from the “first of its kind, island wide survey for the research Recruitment Intermediaries in the Foreign Employment Industry in Sri Lanka included data from nine provinces of Sri Lanka.” (IOM 2018. Interim Report to International Labour Organization: 21) was an outcome that was the result of discussions with MFE and SLBFE along with SDC and ILO.

**Finding 2: The coordination with the donors and other key stakeholders assisted in the successful implementation of the project.**

All stakeholders that were consulted during the evaluation expressed their high satisfaction regarding the implementation of the project. It was noted that despite time pressure, IOM staff were very result oriented and accomplished the set outputs and activities on time and were requested to undertake additional activities by the MFE. Communications with the donors and key stakeholders have been open and transparent throughout the project and they were consulted on a continuous basis at

each and every stage of the project implementation. Furthermore, the donors expressed their satisfaction with the project's implementation and management.

**Finding 3: The project activities directly linked with international requirements, which contributed to the progress of the report.**

According to ILO Representative, the findings from the *“Baseline Report with Recommendations for Strengthening the Validation Process of Foreign Recruitment Agents: observations from visits to Singapore, Jordan and Kuwait”* and the Draft of Check List, was welcomed and would feed into the proposed amendment to the *“Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Destination Countries”*. This highlights that the project is catering towards the international requirements of protection and empowerment of migrant workers, which in turn is important to promote ethical recruitment practices in a global level.

**Questions 4: *What are the lessons learned and best practices that enabled the project to achieve its results?***

**Finding 1: Dissemination of information and knowledge to key stakeholders is vital at all stages of the project implementation.**

During the implementation of the project, the project team realized the importance of updating and sharing knowledge with the key stakeholders. On this regard, the implementing agency contributed by disseminating the findings of the project activities at the PAC meetings, and other bilateral meetings with key stakeholders. There is however a lacuna in the overall dissemination of knowledge throughout the project implementation period.

**Finding 2: Linking the contents of the Training Curriculum with the needs of LFEAs.**

It is important to stress that the interviewees informed that they were pleased with the contents of the training curriculum. In the outset, the development of the Training Curriculum was carried out by a team of consultants through a comprehensive desk review of local and international practices and training material available in labour sending countries and in consultation with recruitment agents and officials of SLBFE.

The course outline was analyzed by the Expert Group consisting of labour migration industry experts from the government, recruitment agencies, international organizations and civil society. Based on the views of the Expert Group, the training curriculum was further reviewed through a local consultative process.

*"If we all understood the modules 100 percent, the industry will change dramatically"*  
(Agent)

*"I understood all of them. I faced no difficulties in gaining knowledge from the sessions."*  
(Agent)

*"I have understood much of it, but faced difficulties in understanding Accounting, legal frameworks and principles of labour migration practices."* (Agent)

*"I can say I understood about 75 percent of what was taught"* (Agent)

*"I understood over 50 percent of what was taught."* (Agent)

*"I only understood 30 percent of what was taught"* (Agent)

### 5.3 EFFICIENCY

**Question 1:** *Have the available resources been optimally utilized (cost-effectiveness)?*

**Finding 1:** *The project has optimally utilized its funds.*

In each interim financial report, it is apparent that IOM as the implementing agency has optimally used the funds. This is evident in the perusal of the financial reports and ToRs of Consultant, Expert Committee members, and researchers.

**Question 2:** *How well are the resources (funds, expertise, and time) being converted into results?*

**Finding 1:** *The project's funding was well transformed into the achieved results, thus, the funding investment was a high value for money.*

The project team employed a participatory working modality by involving project beneficiaries and partners in every stage, setting timelines and scheduling of project activities. With this approach, the project beneficiaries and partners had a strong ownership on the implementation process, and commitment to the deliverables. Furthermore, the project review meetings were seen as a platform to discuss progresses and challenges and to identify appropriate timely solutions. Another point

worth considering is the IOM team's direct contact with the project beneficiaries resulted in the successful completion.

**Finding 2: Utilization of resources for the training of LFEAs require further discussions.**

As illustrated in the previous quotes by LFEAs, some representatives who attended the trainings were not at the executive level and therefore could not use the knowledge/skills given. Other representatives were not enthusiastic due to not being in the executive level in their Agency. Few other Agency representatives were slightly critical about the fact that the modules were not taught by someone who was intimately involved with the practice (i.e. practical knowledge). Example, some participants felt that the lecturers who conducted the management modules could have drawn specific examples relevant to the recruitment agencies when explaining the context. Hence, resources can be directed towards resource persons with firsthand field experience.

**Question 3: What are the lessons learned and best practices that can be drawn on the project's efficiency?**

**Finding 1: Reports findings must be disseminated**

IOM as the implementing agency strived to disseminate knowledge gained in the reports. Please refer question 5- finding 1 on this regard.

**Finding 2: Monitoring of the project is vital at all stages of the project implementation.**

The evaluators noted that IOM as the implementing agency monitored all aspects of the implantation of outcomes. This was evident in the perusal of minutes, ToRs and interim reports. This allowed for uniformity in quality of the reports created.

## 5.4 Impact

**Question 1: To what extent has the relevant project components contributed to SDGs, the GCM, and other pertinent global and regional initiatives?**

**Finding 1: The project activities are aligned with SDGs 8.8 and 10.7, and it is also in line with the global frameworks.**

Ethical recruitment practices contribute to safe, orderly, responsible and regular migration (SDG 10.7) and has a direct link to other SDG targets related to promotion of productive employment and decent work for all; eradication of forced labour, modern slavery and human trafficking; and protection of labour rights.

The evaluators note that the project outcomes align with the Sustainable Development Goal (SDG) 8.8 (i.e. “Protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment) and 10.7 (Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies).

Alignment of the SDGs in to the project has created an opportunity for synergies and collaboration among the GoSL and key stakeholders to create an enabling environment to protect labour rights and promote safe and secure working environments for all migrant workers.

According to ILO, SDG goals 8.8 and 10.7 translates to decent work in terms of protection and rights of labour migrants. Activities in support of Outcome 1 (i.e. SOP, M&E, ToT Manual, Training Curriculum, training of 326 LFEAs agents and operation checklist) and Outcome 2 (report on intermediaries) links closely with the global initiative.

The evaluators note that the report developed on recruitment intermediaries provides the groundwork to incorporate a key entity – the intermediary – into the formalized sector. Since a majority of the accusations of human trafficking begins with the unregistered and unregulated intermediaries, this report is of profound importance. Moreover, the five recommendations provide direction on how to regulate the sector. This in turn feeds to the global safety of migrant workers (i.e. SDG 8.8 and 10.7) since the outcome of intermediary activities is unregulated in terms of trafficking of labour migrants.

Further, with regards to ‘Global Compact for Safe, Orderly and Regular Migration’, the project strives to achieve a comprehensive approach to human mobility and enhanced cooperation at the global level. In line with this, the project has locally disseminated knowledge through the conduct of trainings for LFEAs and the “Baseline Report with Recommendations for Strengthening the Validation Process of Foreign Recruitment Agents: observations from visits to Singapore, Jordan and Kuwait” would feed into the reduction of irregular and exploitative labour migration.

Moreover, as the IOM implemented project proposal rightly noted, the objective of the project is in line with the GCM and SDGs - “contribute to enhancing the capacities of the recruitment agents at national and district levels, promoting ethical and fair recruitment practices and processes in a rights based and a migrant-friendly manner in accordance with international standards, including the IRIS code of conduct”.

IOM has also developed a Migration Governance Indicators (MGI), which provides a framework for Sri Lanka to measure its progress towards better migration governance. This would help the country to identify gaps and build their capacity to develop policies that ensure safe, orderly and humane migration. Overall, the MGI, contributes to the fulfillment of SDG 10, in particular target 10.7 and acknowledges that well governed migration has benefits for both sending and receiving countries. IOM has worked to enhance and strengthen such partnerships that are critical to the work on SDGs at the local, regional and international level.

*Question 2: To what extent has the project contributed to the enhanced management of outward labour migration flow?*

*Findings 1: Those who participated in the training for LFEAs have shown interest in complying with the ethical recruitment practices.*

When the “*Monitoring and Evaluation to Support Effective Implementation of the Code of Ethical Conduct for Licensed Foreign Employment Agencies*” (2017) was designed, it had a specific disclaimer at the outset.

Important note: All standards are developed based on current legal frameworks ... The standards are subject to changes based on regulations set forth by the Sri Lanka Bureau of Foreign Employment. It is the responsibility of the recruitment agency to regularly update on legislation and policy revision (2017:2, bold in original).

The responsibility therefore lies with the LFEAs. It is apparent from the interviews and survey that the participants – i.e. those who work directly with the labour migrants – have gained considerable knowledge and insights into the need for ethical practices.

*“While the invitation to attend provided some basic information, we did not realize just how detailed and holistically organized this was. I actually taught 5 others in my Agency.” (Agent)*

*“Fifty-hours for us is a long time. We were initially concerned that our time would be wasted. However, we realized after a couple of days of training that we had reached a level of professionalism. I was amazed at the training”. (Agent)*

*“They gave notes and used multiple methods of teaching”. (Agent)*

*“The best performances by participants were given awards” (Agent)*

*I truly enjoyed modules 5, 10, 11, and 13”  
“This field does not always focus on ethics. Therefore, most [potential recruitment agents] refused to enter this field. According to what was taught, if we could develop the ethics, we can get more people interested. (Agent)*

## 5.5 Sustainability

**Question 1: Are structures, resources and processes in place to ensure that benefits generated by the project continue once external support ceases?**

**Finding 1: Upon the request of the MFE, a Task Force was established with the intention of sustaining the work of the project.**

At the Programme Advisory Committee (PAC) meeting held on 18<sup>th</sup> October, IOM was commended for the successful completion of the report on ‘Recruitment Intermediaries in the Foreign Employment Industry Sri Lanka’ and ‘Monitoring and Evaluation Report to support effective implementation of the Code of Ethical Conduct for Licensed Foreign Employment Agencies’. Further, at the PAC meeting the importance in regulating Recruitment Intermediaries and the introduction of effective monitoring system on CoEC was emphasized. Subsequently, IOM received a request from the MFE to carry out the following additional activities:

- As a step further towards regularization of recruitment intermediaries, the Ministry as per report recommendation 5.2.3 requested the technical assistance

of IOM to the taskforce to develop appropriate procedures for the registering of recruitment intermediaries.

- As a step towards establishing an effective monitoring mechanism to measure effective compliance levels of the recruitment agents for the CoEC, the Ministry requested IOM to develop a blueprint for the establishment of a new monitoring system at SLBFE.

In this regard, IOM requested ILO for a no-cost extension, which was not granted. Irrespective of the no-cost extension, in order to accommodate the Ministry's request, IOM in consultation with the Ministry agreed to take forward the initiative to develop procedures for the registration of recruitment intermediaries, through a creation of a taskforce. This Task Force was responsible for the development of procedures for registering of recruitment intermediaries and identification of legal, policy and operational arrangements required to be in place for effective implementation of procedures. This Task Force comprises of representatives from MFE, SLBFE, Ministry of Justice, IPS, ILO and IOM.

The evaluators believe that the proposed activities certainly would have complemented the sustainability of the project activities.

**Finding 2: The project's core activities and achievements has the potential to be sustainable**

In the context of the project, sustainability is a long-term commitment to institutionalize and financially support the ethical recruitment practices. It is envisaged, that the awareness created during the training programme of LFEAs will be sustained beyond the project duration through strategic interventions and with the support of key government stakeholders such as the SLBFE.

This is to say that the trainings of the LFEAs was a success; however, there is no concrete discussions with regard to the continuity of the programme. If the SLBFE makes it mandatory for the license renewal process then the trainings would be increasingly recognized and the modules will be updated continuously to cater to the industry needs. Apart from this, the trainings of LFEAs has improved the understanding on the part of the beneficiaries and has sensitized them on the importance of the ethical recruitment practices and the necessary documents. However, there remains constraints that needs to be addressed in terms of increased capacity, putting in to place the right focal points/ establishing a unit within the SLBFE to support the implementation of the SOP and the monitoring mechanism.

With regards to the baseline assessment and recommendations on the current status of the validation process of foreign recruitment agents. The 'draft operational checklist', which was developed for labour attaches in Sri Lankan diplomatic missions, has the potential to be incorporated in to the Labour Attachés manual which was first developed by ILO in 2013 or as a new addition building on the soon to be published second edition of the Operational Manual.

**Question 2: Do the project partners have the financial capacity and are they committed to maintaining the benefits of the project in the long run?**

**Finding 1: The MFE demonstrated a high commitment to implementing the Code of Ethical Conduct for LFEAs.**

During the FGD held at the MFE, the government counterparts acknowledged the importance of including the Code of Ethical Conduct for Licensed Foreign Employment Agents as a selection criterion of the license renewal process of recruitment agents. It is envisaged that this will encourage recruitment agents to implement the Code of Ethical Conduct. It was also noted that as per the recommendations in the "*Report on Recruitment Intermediaries in the Foreign Employment Industry in Sri Lanka*", the recognition of recruitment intermediaries in the recruitment process is crucial to promote ethical recruitment practices.

IOM as the implementing agency notes the significance of continued work with the MFE and SLBFE to ensure the implementation:

"Although, IOM has no direct project undertaking covering such scope, for the best interest of the project, and to achieve the maximum desired outcome, IOM will work with the MFE and SLBFE to implement the recommendations upon their adoption by the Ministry" (IOM. 2018: 6)

During the FGD, the participants recognized the value addition of convening a multi-stakeholder consultation to identify best practices and lessons learned during the implementation of the project, regulation of recruitment intermediaries, training and monitoring of LFEAs and trainings offered by NILS in the future.

## 5.6 Gender & Human Rights

*Question 1: To what extent has the project addressed gender needs and gender related issues? And to what extent has, the project contributed to the human rights aspect of the migrant workers?*

**Finding 1: The project included a gender focus throughout implementation of project. This means that the gender-related structural inequities were taken into consideration in all activities, particularly in the documents produced by the projects and in the trainings delivered- by encouraging the participation of female LFEAs. Further, considering the situation of vulnerability in which the migrant workers frequently find themselves, the project activities have in built the aspect of human rights to ensure sustainability within the labour migration sector**

The core objective of the project proposal revolves around the concept of the protection of human rights and gender sensitivity.

*“Promoting ethical and fair recruitment practices and processes in a rights based and a migrant-friendly manner in accordance with international standards [and] GoSL endorsed CoEC.” (IOM. 2016. Project Proposal: 15)*

IOM, through the project activities has contributed in ensuring the respect of international standards both in national legal instruments as well as in policies; giving guidance on how to have a rights based approach, and ensuring the effective implementation of these standards.

More specifically, the diverse reports (e.g. “Report on Recruitment Intermediaries in the Foreign Employment Industry in Sri Lanka” and the “Baseline Report with Recommendations for Strengthening the Validation Process of Foreign Recruitment Agents: observations from visits to Singapore, Jordan and Kuwait”) were essential to the decision-makers to move forward with policies and projects to mitigate human rights violations.

Female labour migrants who work, as ‘maids’ in host countries are susceptible to exploitation and violations. They are often in positions of weakness from the moment of entering the workforce as labour migrants. Accordingly, the development of a ‘draft checklist’ would act as a preventative measure to ensure the integrity of the host country agencies during the recruitment process of male and female workers. The

incorporation of this 'Checklist' to the existing *Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Destination Countries: Enduring the Protection and Welfare of Migrant Workers* (2013) would help provide instructions to the Labour attachés in Sri Lankan embassies and missions. Thus, the Checklist must be made mandatory and an annual monitoring of its utilization be made a requirement.

Moreover, the "Standard Operation Procedure for Licensed Foreign Employment Agencies" and the "Training Curriculum for Building Professional Capacity of Licensed Foreign Employment Agencies" contained human rights protection components.

Women have been underrepresented within the ranks of recruitment. Some industries have made a name for being particularly male dominated, and the recruitment agencies is one of them. However, the project has strived to contribute to gender equality and women's empowerment.

This was visible with the ToT training programme to build professional capacity of Licensed Foreign Employment Agents; out of the 32 participants, 10 were female. Further, during the training of the LFEAs on promoting ethical conduct and professionalizing the recruitment industry conducted for 326 participants, 65 were female. This is a considerable achievement for the project team.

Further, the training for LFEAs covered modules on international norms, human rights standards and good governance. This in turn has raised awareness of the challenges migrants face in their daily lives and has given them the opportunity to understand how their work ties into the larger goals of the GoSL within the labour migration sector.

## 6. CONCLUSIONS AND RECOMMENDATIONS

In conclusion, the project achieved its overall objective through the commendable achievement of agreed outcomes and outputs. Throughout the project implementation, a whole-of-society approach was adopted through consulting and engaging the relevant stakeholders. However, the project implementation was somewhat affected by the initial lack of enthusiasm of LFEAs to practice the CoEC in an environment where some unscrupulous agents were successfully involved in large-scale irregular departures to the disadvantage of those agents who were complying with the CoEC.

The evaluators would like to make the following recommendations to influence future programming related to the governance of labour migration:

- The progress achieved through implementing the project must be sustained by taking necessary measures to embed good practices into the institutional structures of the Government of Sri Lanka. The Code of Ethical Conduct for LFEAs should be included as a selection criterion of the license renewal process of the recruitment agents. In this way, LFEAs can be encouraged and motivated to adhere to the CoEC. In addition, recruitment intermediaries must be given the due recognition in the recruitment process, as they play a crucial role in the labour migration processes in Sri Lanka.
- Expand the coverage of the project in terms of the geographical area covered and number of individuals trained. During the project period, only a limited number of government officials were trained during the ToT programme, further, training of LFEAs were conducted only in four districts. By training more officials from the MFE and SLBFE as Trainers, they would have the capacity to reach out and train more LFEAs spread across other districts.
- Clearly defined lines of communication must be identified through a project-specific communication strategy to strengthen the communication between the project implementing agent and the relevant stakeholders involved. The communication strategy should complement existing initiatives such as the Programme Advisory Committee (PAC) and avoid duplication. Further, this communication strategy can be used to maintain consistency when reporting to regional and global processes on ethical recruitment.

- Dissemination of the knowledge products and reports produced under project activities should be included into the project design. It is crucial to ensure that the information is being diffused among all relevant stakeholders to ensure that these materials are being used for the purposes they have been developed. Platform used to disseminate knowledge products and reports can also be used to discuss lessons learned and best practices involved in the development process.
- The whole-of-government approach, which was experienced throughout this project, should continue to ensure sustainability of the project activities.

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Training Curriculum for Building Professional Capacity of Licensed Foreign Employment Agencies, 2017

Training of Trainers Manual for Building Professional Capacity of Licensed Foreign Employment Agencies, 2017

UN Sri Lanka. 2015. *Sri Lankan Migrant Domestic Workers: The Impact of Sri Lankan Policies on Workers' Right to Freely Access Employment*

## ANNEX I: LIST OF REVIEWED DOCUMENTS

1. IOM Project Proposal 2016
2. Project Budget
3. Signed Agreements
4. Work Plans
5. Project Progress Reports – narrative and financial
6. Project Concept Notes
7. Project Activity deviations
  - a. Addendum to the Agreement
8. ToRs – Consultant, Expert Group
9. Minutes of Expert Group Meetings
10. Outcome Documents –
  - a. Baseline Assessment of Application the Code of Ethical Conduct and Professional Capacity of the Licensed Foreign Employment Agents,
  - b. Standard Operation Procedure for Licensed Foreign Employment Agencies
  - c. Monitoring and Evaluation to Support Affective Implementation of the Code of Ethical Conduct for Licensed Foreign Employment Agencies
  - d. Training Curriculum for Building Professional Capacity of Licensed Foreign Employment Agencies
  - e. Training of Trainers Manual for Building Professional Capacity of Licensed Foreign Employment Agencies
  - f. Baseline Report with Recommendations for Strengthening the Validation Process of Foreign Recruitment Agents: observations from visits to Singapore, Jordan and Kuwait

- g. Draft Operational Guide for Labour Attaché in Sri Lankan Diplomatic Missions (Draft of Check List)
- h. Report on Recruitment Intermediaries in the Foreign Employment Industry in Sri Lanka

#### 11. Evidential Documents

- a. Detailed Work Plan
- b. Training of Trainers Schedule
  - i. Timetable of Completion
- c. Pre and Post Filled Assessment Forms for Participants at Building Professional Capacity of Licensed Foreign Employment Agencies courses: Module 05 and 13
- d. Proposed Results Matrix Building Professional Capacity of Licensed Foreign Employment Agencies courses
- e. Summary of Module Knowledge Gains

#### 12. Supporting Documents

- a. Ministry of Foreign Employment Promotion and Welfare (MFEPW). 2013. *Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Destination Countries: Enduring the Protection and Welfare of Migrant Workers*
- b. ILO. 2018. *Sri Lanka's Policy on Labour Migration: how far have we come?*
- c. ILO. 2019. "International Labour Standards on Migrant workers"
- d. Ministry of Foreign Employment Promotion and Welfare (MFEPW)/ILO. 2013. *Code of Ethical Conduct for Licensed Foreign Employment Agencies/ Licensees*
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## ANNEX II: LIST OF PARTICIPANTS

### A. Representation From All Categories Involved in The Project

Stakeholders/Beneficiaries		Sampling Method	Data Gathering method
Type	Organization		
Donors	SDC, ILO	Criteria-based Purposeful Sampling	KII; FGD
Expert Group members	MFE Officials; SLBFE Officials; Ministry of Justice & Prison Reform		KII; FGD
Consultants	Ministry of Justice & Prison Reform		KII
Researchers	Colombo University		KII
Trainers	Ministry of Justice & Prison Reform; SLBFE Officials		KII, FDG
Recruitment Agents	LFEA Agents from Colombo, Batticaloa, Kandy, Kurunegala who underwent training	Representative Sample	Interviews, Survey

### B. KEY INFORMANTS

Name of Expert	Role in the Project	Institute
Padmini Rathnayake	Consultant Expert Groupmember Trainer	Ministry of Justice and Prison Reform
Swairee Rupasinghe	Donor - ILO	National Project Coordinator, ILO
S. T. Hettige (Prof. Emeritus)	Researcher on Recruitment Intermediaries	University of Colombo

### C. FOCUS GROUP DISCUSSION

Name of Expert	Designation	Ministry/Institute
Yamuna Perera	Additional Secretary	Ministry of Telecommunication, Foreign Employment and Sport
Keerthi Muthukumarana	Deputy General Manager - Legal	Sri Lanka Bureau of Foreign Employment
Madushika Lansakara	National Programme Officer	Swiss Agency for Development and Cooperation
Skandakumar Balasingham	Senior Programme Officer	International Labour Organisation
Shantha Kulasekera	Head, Migration Governance	International Organization for Migration

### D. FACE-TO-FACE INTERVIEWS WITH TRAINING PARTICIPANTS

District	Name of the Participant	Name of the Agency
Colombo	Kumuduni Fernando	Bright way Manpower Pvt Ltd
	Thilanka A. Athapaththu	Emerald Isle Manpower & Travel Services
	Zameera Zaman Thaha	Asialink Int. Pvt Ltd
	A. Yogeswaran	Worldwide Recruiting Agency
	Fathima Nizriya Sheffa	Thihama Manpower
Kurunegala	Nilu Ranasinghe	Nilu Agency
	Chanaka Jayawardana	Prudential Foreign Employment Agency
	H.R.P.R.Rathnayake	Leads International Manpower
Kandy	J. H. rM. S. Thilakarathna	S I Recruitment Pvt Ltd
	A. R. Fenando	Kent Foreign Employment Agency
	A.R.M. Mumthaz	Overseas Recruitment Service
Batticaloa	A.B.M. Nusky	Lucky HR Solutions Private Limited
	N.M. Vinoth Kumar	Emerald ISLE Manpower
	M. H. F. Haniya	Gem light Manpower & Travels
	Abdul Jabbar M. Jaleel	Town Travels
	A. Musathik Ameen	Global E. MED

## ANNEX III: INTERVIEW GUIDELINES

### A. KEY INFORMANTS

#### I. Stakeholders

1. The project's activities in the larger ILO focus.
2. The modality and the approach.
3. Significance of the baseline survey.
4. The importance of SOP, M&E, Intermediary reports and other outcomes.
5. Reasons for delay in implementation? (e.g. the Checklist).
6. Recommendations

#### II. Consultant

1. Role of IOM
2. The need for the baseline survey.
3. The criteria used to design the SOP.
4. Criteria used to design the Training of Trainers curricular.
5. Criteria used to design the curricular for the Recruitment Agency members.
6. Selection criteria of the three countries visited.
7. Projects role in mitigating issues for Women Labour Migrants.
8. Recommendations.

#### III. Expert Panel Member

1. Efficiency in meeting as Expert Panel.
2. The criteria used to design the SOP.
3. How successful was the outcomes of the project? Please provide examples?
4. Expert Group members' role as observers in (a) ToT sessions; (b) lecture sessions to Agency Representatives.
5. Recommendations

#### IV. Trainer

1. Enthusiasm of Agency representatives at sessions.
2. Language issues.
3. Gender representation at aining sessions.
4. Recommendations

## **B. FOCUS GROUP**

### **A. Current Situation**

Sri Lanka's international standing has been down-graded to "Tier Two, watch list", after moving up from that position.

1. Why has this happened?
2. Why, in your opinion is this concerning to the Ministry and the Bureau specifically but to the whole image of Sri Lanka in general?
3. Who keeps track of information that led to this downgrading?
4. What are the follow-up action that the Ministry/Bureau can do?
5. How can IOM project and the overarching SDC and ILO coordinated work help?

### **B. Policy Level**

1. What are the policy-level decisions regarding the Checklist that is to be given to Embassy Labour Officials?
2. What is the Ministry/Bureau position on 'middlemen'?
3. Why did the Bureau stop the Registration of Middlemen, which they initiated?
4. What is the reason for Ministry/Bureau requesting IOM to change a component of their Project Proposal regarding Registration of Middlemen?
5. Has the information from the IOM reports/surveys/activities influenced policy-level decisions?

### **C. Monitoring & Implementation**

1. Can the Ministry/Bureau take over certain activities that arose because of the IOM work for the sake of sustainability?
2. Can the Ministry/Bureau make the Training of Agency Representatives mandatory?
3. If so, how can Training of Trainers and Training of Agency Representatives be monitored?
4. At Ministerial level, how can certain procedures be implemented and subsequently monitored when it involves multiple ministries (e.g. Checklist)?

### **D. IOM Project Results**

1. Have you been constantly kept abreast of all the activities undertaken by IOM?
  - i. Who reported on the progress?
  - ii. Who at what level was kept informed?
2. What ideas did you gain from IOM activities?
  - i. Baseline survey
  - ii. The different reports (middle-men, checklist requirements, etc.)

3. How has the Ministry/Bureau used the information gathered in the IOM 30-month project?
4. How hands-on was your involvement with the IOM 30-month project?
  - i. Were your officials present at any training session as observers?
  - ii. Were you satisfied with the translation of the curricular and the handouts?
5. How can you help sustain what IOM had started?
  - i. Is it possible for you to assist in updating the baseline information?
  - ii. Can you make the training of Agency representatives mandatory?

#### **E. Working with Institutions**

1. Are there formalized procedures for working with other Ministries (e.g. Ministry of Foreign Affairs)?
2. How significant was this IOM project, where multi-institutional coordination was required?
3. How difficult/easy was the process?
4. Is there a possibility for future coordination of this nature becoming formalized?

#### **F. Recommendations**

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### **C. AGENCY PARTICIPANTS**

#### **A. Selection Criteria**

1. Were you selected by name?
2. Were you chosen by your superior?
3. Were you selected because of your interests?
4. Was it easy to find the time to go for the training?
5. How time-consuming was the travel to the training centre?

#### **B. Curriculum Content**

1. Did you have prior knowledge of the contents in the curriculum?
2. Can you now recall some of what you learnt?
3. Do you still have the notes given?
4. Have you brushed up on what was learnt since then?
5. Have you taught others in your office about what you learnt?

#### **C. Teaching Style**

1. Was the training course only lectures?
2. Were the Masters Trainers effective?
3. Was there enough time daily to gain enough knowledge?
4. Were the Master Trainers aware of your life with the recruits?

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**D. Assessment**

1. Were you given a lot of homework?
2. Did you need to spend a lot of time to study for the exam?
3. Did you use your own experiences to write the final assessment?
4. Were you given feedback immediately?

**E. Implementation**

1. How much of what you learnt can be used in your daily work?
2. What was the most useless and the most effective?

**F. Gender**

1. What ethical issues have you witnessed recently with regard to the 'intermediaries (i.e. middlemen) activities?
  2. Are you interested in the Registration of intermediaries?
  3. When working with intermediaries, have you witnessed women being harassed or exploited?
  4. How can you help protect the recruits?
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## ANNEX IV: CLARIFICATIONS

### A. Expert Committee

Mrs. Padmini Rathnayake (Advisor to Hon Minister, MFE)

Mrs. Srimali Kahathuduwa (Manager- Licensee, SLBFE)

Mr. Keerthi Muthukumarane (Deputy General Manager - Legal, SLBFE)

Mr. M.F.M Arshad (SLBFE Board Director and Representative from LFEA)

Mr. M.F.M Fanoor (SLBFE Board Director and Representative from LFEA)

Ms. Madushika Lansakara (National Programme Manager, SDC)

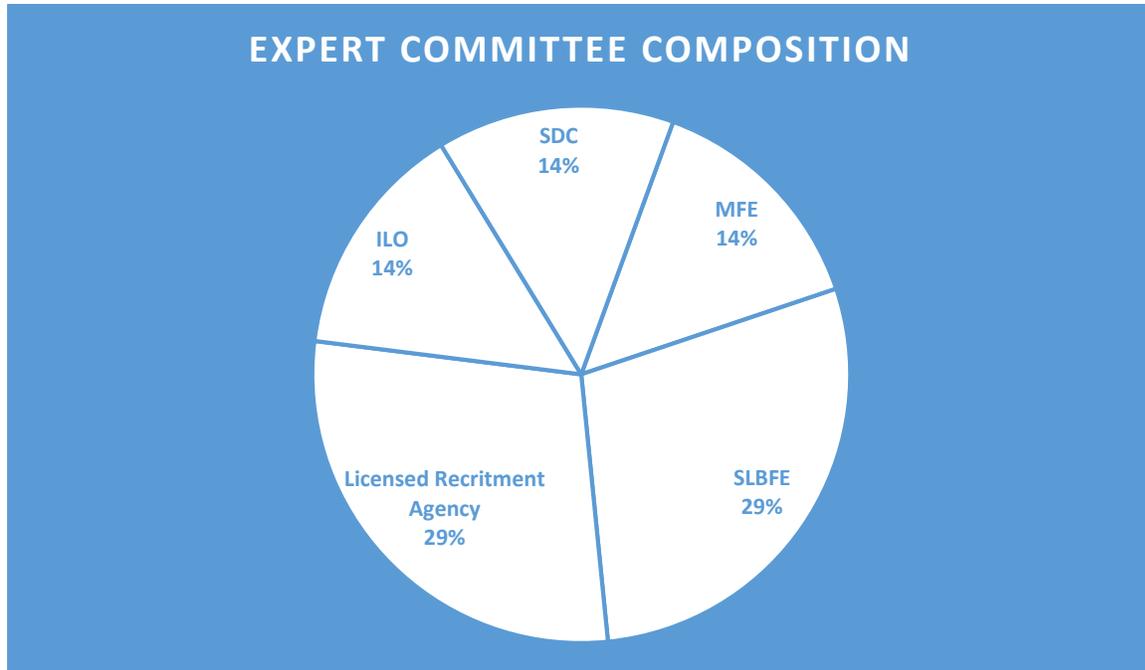
Ms. Swairee Rupasinghe (National Project Coordinator, ILO)

Mr. Yu Hwa Li (Senior Executive Manager, Caritas-SEDEC)

Ms. Dilshani Nugawela (Project Officer, Caritas- SEDEC)

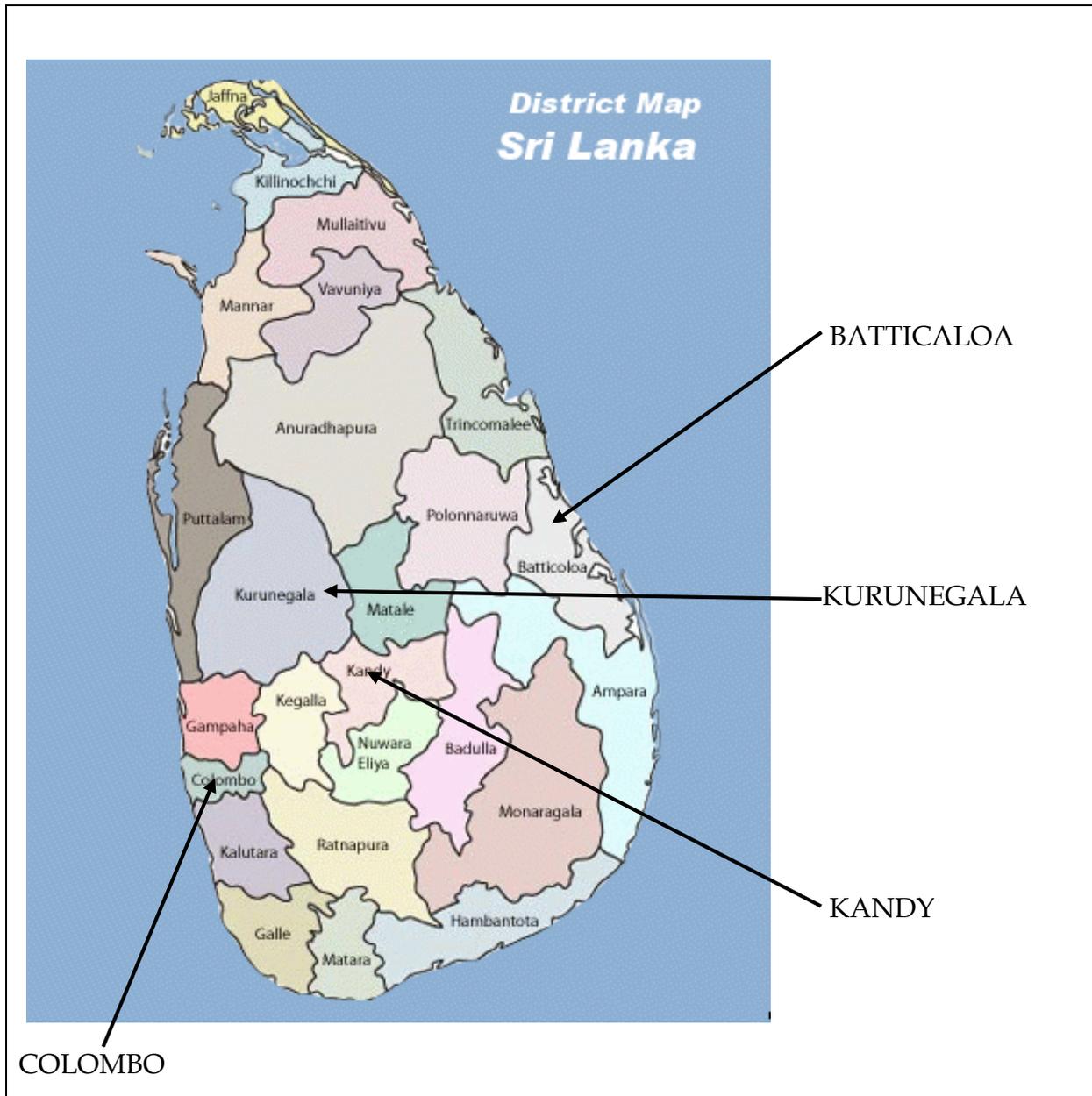
Mr. Shantha Kulasekera (Head-Immigration, Border Management/National Labour Migration, IOM)

Ms. Sashini Gomez (Focal point- National Labour Migration, IOM)

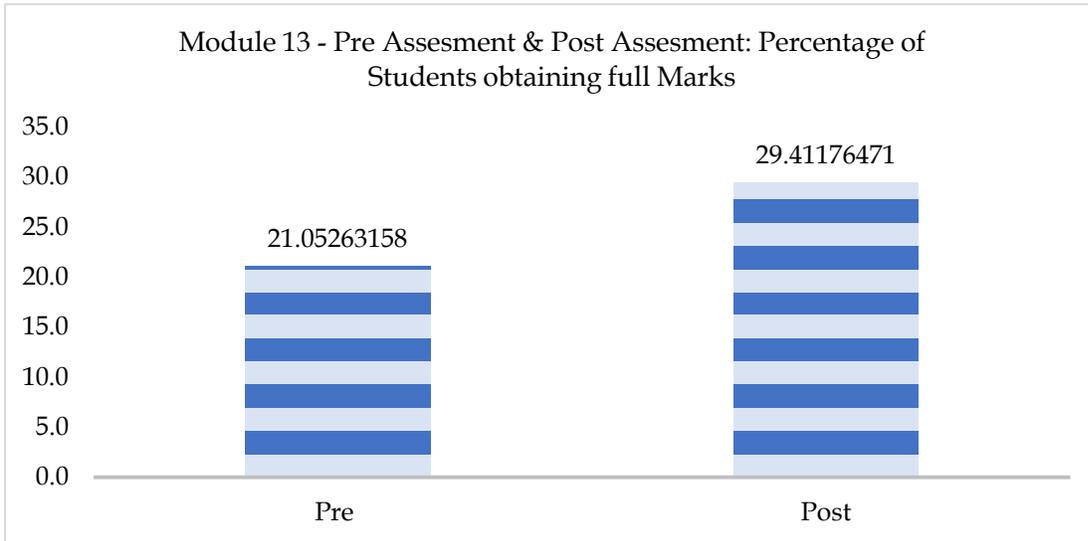
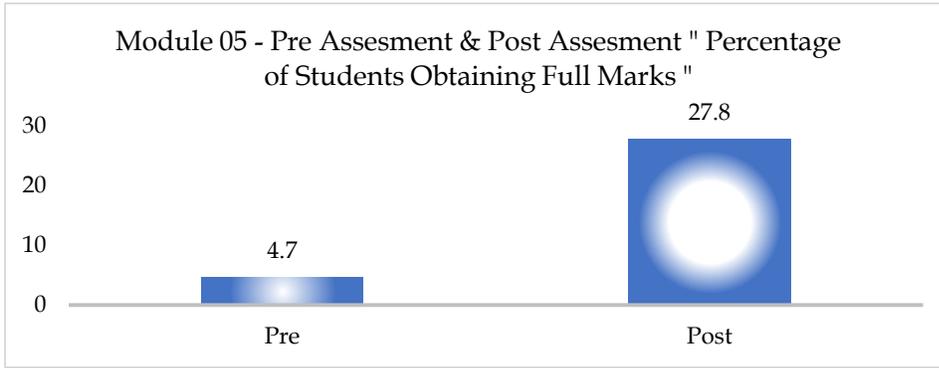


Expert Group Meeting Schedule		
Meeting	Date	Action Points
1 <sup>st</sup>	19 <sup>th</sup> January 2017	<ul style="list-style-type: none"> <li>• IOM to begin process of developing Draft SOP</li> <li>• IOM endorsed SOP outline document at PAC</li> </ul>
2 <sup>nd</sup>	22 <sup>nd</sup> February 2017	<ul style="list-style-type: none"> <li>• IOM to begin drafting CoEC implementation monitoring report of the CoEC</li> <li>• IOM to share endorsed CoEC implementation monitoring report outline document at PAC</li> </ul>
3 <sup>rd</sup>	6 <sup>th</sup> April 2017	<ul style="list-style-type: none"> <li>• IOM to finalize comments of the Expert Group and circulate Final Draft with members</li> <li>• IOM to discuss and finalize teaching methodology plan and teaching material/supporting documents in coordination with consultants</li> </ul>
4 <sup>th</sup>	12 <sup>th</sup> June 2017	<ul style="list-style-type: none"> <li>• IOM to share the draft of SOP with Expert Group for detail review.</li> <li>• IOM to share final draft as PAC meeting for endorsement.</li> </ul>
5 <sup>th</sup>	31 <sup>st</sup> August 2017	<ul style="list-style-type: none"> <li>• Expert Group to review draft SOP Report by 14<sup>th</sup> Sept. 2017.</li> <li>• IOM to share final draft at PAC for endorsement.</li> </ul>

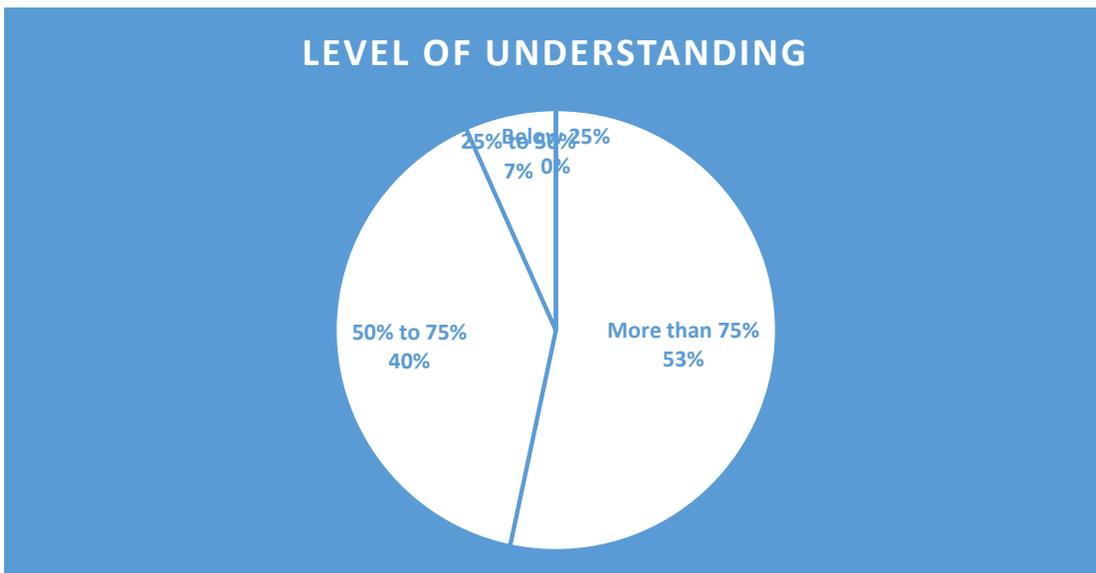
B. Training Conducted in four districts, in three languages (i.e. Sinhala, Tamil and English)



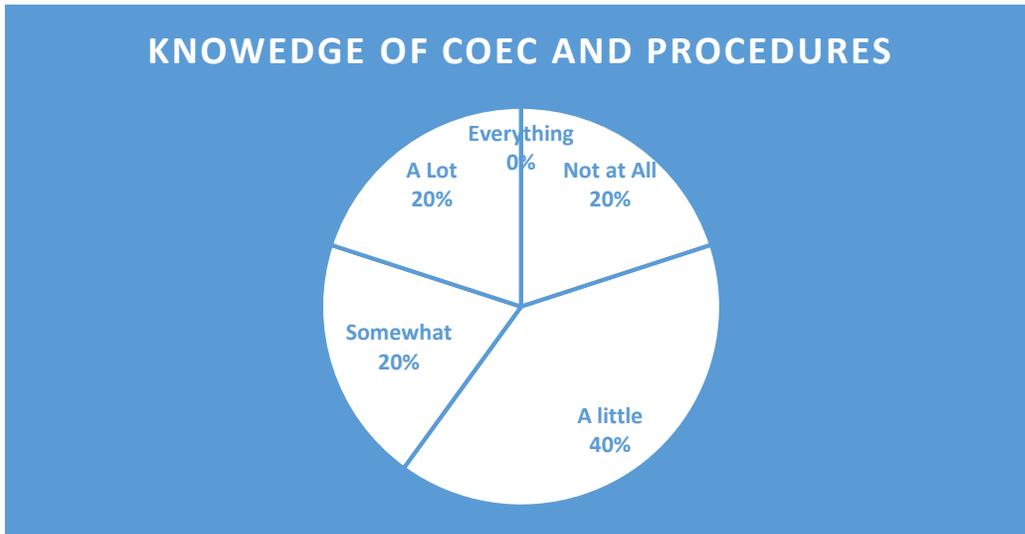
### C. Knowledge gained by the Participants



### Level of Understanding of CoEC by Participants at the end of the Course



#### D. Knowledge of CoEC and Procedures



#### E. Incentives given to participants for knowledge gain



*"They gave notes and used multiple methods of teaching".*

*"The best performances by participants were given awards"*

## ANNEX V: TERMS OF REFERENCE OF THE EXPERT GROUP

### Promoting Ethical Conduct and Professionalizing the Recruitment Industry- Sri Lanka

#### TERMS OF REFERENCE Expert Group

##### 1. Background of the Project

The Safe Labour Migration Programme of the Government of Sri Lanka is currently in its third phase, funded by the Swiss Agency for Development and Cooperation and implemented by several partners at national and grass root level. It contributes to safe and regular migration, better protection of migrant workers and part of the broader rights based labour migration governance.

The International Organization for Migration (IOM) through the International Labour Organization (ILO) and in coordination with the Ministry of Foreign Employment and Sri Lanka Bureau of Foreign Employment is implementing the project “Promoting Ethical Conduct and Professionalizing the Recruitment Industry-Sri Lanka” as the recruitment component under this national level initiative. The main objectives of the project are namely;

- Improve Ethical Recruitment Practices.
- Ensure Rights based and migrant worker friendly approach in recruitment process.
- Capacity Building of the licensed recruitment agents.

##### 2. Composition

- The Expert Group comprise of representation from the Ministry of Foreign Employment, the Sri Lanka Bureau of Foreign Employment, licensed recruitment agencies, local civil society, Swiss Agency for Development and Cooperation, ILO and IOM.

##### 3. Main tasks of the Expert Group

- To support in the finalization of an outline document for SoP and Curriculum respectively and endorse for approval by the Programme Advisory Committee (PAC)
- To share knowledge, expert opinion and provide advice in the development of a Standard Operating Procedure (SoP) which will assist as an implementation tool for the 2013 GoSL endorsed Code of Ethical Conduct for licensed recruitment agents (CoEC)
- To identify and recommend a suitable monitoring mechanism to track the effective implementation of the GoSL endorsed CoEC for licensed recruitment agents
- To provide suggestions and recommendations in the development of a training curriculum for licensed recruitment agents and endorse it for approval by the PAC

- To provide suggestions and recommendations in the development of training of trainer manual and endorse it for approval by the PAC

### **3. Operating Modalities of the Expert Group**

The expert group will be convened at the International Organization for Migration based on requirement and availability of members. IOM will be responsible for preparation of the agenda and meeting minutes.

### **4. Proposed Members to the Expert Group**

- 1) Mrs. Padmini Rathnayake (Ministry of Foreign Employment)
- 2) Mrs. Srimali Kahathuduwa (Sri Lanka Bureau of Foreign Employment)
- 3) Mr. Keerthi Muthukumarane (Sri Lanka Bureau of Foreign Employment)
- 4) Mr. M.F.M Arshad (Licensed Recruitment Agent)
- 5) Mr. M.F.M Fanoor (Licensed Recruitment Agent)
- 6) Ms. Swairee Rupasinghe (International Labour Organization)
- 7) Ms. Madushika Lansakara (Swiss Agency for Development and Cooperation)
- 8) Mr. Yu Hwa Lee (Caritas)
- 9) Mr. Shantha Kulasekera (International Organization for Migration)
- 10) Ms. Sashini Gomez (International Organization for Migration)

## ANNEX VI: SPECIFIC REFERENCED SECTIONS

### **A: Code of Ethical Conduct: for Licensed Foreign Employment Agencies/Licensees.**

#### 13. IMPLEMENTATION OF THE CODE OF ETHICAL CONDUCT

- i. The ALFEA should bear the sole responsibility for the implementation of the CoEC among licensees.
- ii. Complaints can be made to the ALFEA against any LFEA that violates the CoEC. All complaints should be filed at the Association.
- iii. Any licensee who violates the CoEC can be called upon to resolve the complaint/dispute within 14 days, failing which the ALFEA will refer the complaint to the SLBFE. Such referrals should be made as per standard format.
- iv. The SLBFE may conduct an inquiry on the complaint referred by ALFEA. A committee will be appointed by the SLBFE for this purpose. Such complaints should be reviewed by an authorized officer of the SLBFE to determine if it should be taken up by the Conciliation Division/Enforcement Division or to the appointed Committee of the SLBFE.
- v. The findings of the Committee shall be forwarded to the ALFEA for file of record.
- vi. The findings of the inquiry panel shall be binding on the LFEA and if the LFEA is not satisfied with the order in the findings, an appeal could be made to the Secretary, MFEPW to seek an independent inquiry or seek legal action.

Reference: Sri Lanka Bureau of Foreign Employment. 2008. *Code of Ethical Conduct: for Licensed Foreign Employment Agencies/Licensees.*