

Parliamentary session 76
Ministry of Foreign Employment

Third session of Eighth Parliament
Second report of the Committee on Public Accounts (COPA)

Shortcomings discussed by the Committee and orders given	Recommendations implemented and current situation
Vision, mission and key functions of the Ministry of Foreign Employment	Please see Annex 01
Increase in the number of Sri Lankans detailed in safe houses in the Middle East	The number of Sri Lankans detained in safe houses has seen a significant reduction as of now and action is being pursued by embassies to offer prompt solutions to their problems and send them back them to Sri Lanka. Necessary statistics and data to corroborate this fact is submitted herewith. The number of migrant workers reported from safe houses in 2017- 2423 The number of migrant workers reported from safe houses in 2018- 2383 The number of migrant workers reported from safe houses from 01.001.2019 to 13.05.2019- 940 If a woman migrant worker has to stay for a long time in a safe house, it may be because her participation in the ongoing legal proceedings in that country is obligatory or may be due to a travel ban obtained against her by her employer

Number of complaints/ appeals received daily by the Bureau of Foreign Employment being very high.	As soon as a complaint is received by the Bureau, it is fed into the Complaints Management System (CMS) with all the relevant information. Soon after the entry of such details into the CMS, they can be accessed by the relevant embassy, employment agencies and the relevant officials of the Bureau. The relevant parties, after taking necessary measures as regards the complaints, such measures too are entered in the CMS. Thereafter, the Conciliation Division of the Bureau initiates action to solve the matter in line with the steps taken by the relevant parties. The classification of complaints received by the CMS in the year 2018 is appended hereto. (Please see Annexes 02 and 03)
The number of private foreign employment agencies blacklisted per year and criteria used for same.	Though the term 'blacklisting' is used, the Foreign Employment Bureau Act has not provided for the blacklisting of employment agencies. However, in terms of the provisions of Section 39 of the Act, approvals are suspended under the following circumstances and it is posted under 'Blacklist Suspension'. There are provisions under Section 31 of the Bureau Act, for the cancellation of a license. The only way to revalidate a license so cancelled is through a decision of the Secretary of the Ministry under Section 33 of the Act. Unless it was decided to revalidate the license, such licenses permits can never be used. Through a circular issued by the Chairman of the Bureau, it has been conveyed to all licensees that a licensee or an agency found guilty of the offence of human trafficking or members of the Board of Directors of such an agency or a family member of such a licensee will become ineligible to apply for a license.

Conciliation Division

Complaint conciliatory activities are handled in terms of section 44(1) of the Act.

Subsequent to the conduct of an inquiry into the complaint, issuance of an order and carrying out necessary activities by means of legal documents, if the employment agency fails to offer a solution to the relevant problem, action is pursued to blacklist such agencies until the problem is settled. As per the provisions of the Bureau Act, the Bureau is empowered to issue an order to the agencies and if action is not taken even after the issue of an order, the Bureau may constitute legal action against such employment agencies.

Special Investigations Division

Criteria

1. License of foreign employment agencies have been temporarily suspended due to on-participation in the investigations into complaints.
2. In order to conduct inquiries into the breach of the Bureau of Foreign Employment Act
(Sending workers abroad without registering at the Bureau, not having approved employment orders, overcharging), the relevant license is temporarily blacklisted.

Approval Division

The Approval Division does not carry out the blacklisting of foreign employment agencies. However, if any problem arises regarding the actions of an employment agency, this division only suspends approvals of the relevant agency.

Criteria

1. In instances where the Bureau does not receive adequate support from an employment agency, subsequent to the conduct of an investigation by the

	Conciliation Division in respect of complaints received by the Bureau from migrant workers sent abroad by local employment agencies and the issue of an order by the Conciliation Officer that the local employment agency should directly intervene for the settlement of complaints, the license of the employment agency is temporarily suspended in order to persuade the local employment agency to actively contribute to settle the complaint and after appropriate action is taken by the agency, the suspension of approvals is lifted. 2. If allegations were made against local employment agencies after conducting an inquiry into the complaints lodged by foreign employment agencies with the Sri Lankan embassies of the respective country or directly to the Bureau claiming that migrant workers were not sent to their country after obtaining commissions, action is taken to temporarily suspend the approvals of the relevant employment agency and after appropriate action is taken regarding the problem, the suspension of approvals is lifted. Accordingly, the number of instances wherein approvals were suspended during the past 08 years on the basis of above criteria by the Conciliation Division, Special investigation Division and Approval Division are given below. <table> <tr><td>2012</td><td>- 140</td></tr> <tr><td>2013</td><td>- 223</td></tr> <tr><td>2014</td><td>- 186</td></tr> <tr><td>2015</td><td>- 180</td></tr> <tr><td>2016</td><td>- 61</td></tr> <tr><td>2017</td><td>- 116</td></tr> <tr><td>2018</td><td>- 89</td></tr> <tr><td>2019</td><td>- 44 (Up to 15th May)</td></tr> </table>	2012	- 140	2013	- 223	2014	- 186	2015	- 180	2016	- 61	2017	- 116	2018	- 89	2019	- 44 (Up to 15 th May)
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Payment of Rs. 7,956,850.00 as rent in the year 2017 having procured 05 double cabs by the Ministry under operational lease method	On a request made by the Deputy Minister, 05 double cabs were procured with the approval of the Treasury under the operational lease method for the use of his staff. Following the abolition of the Deputy Minister's post, the Presidential Secretariat was informed that these had become surplus vehicles.																

	Further, since there is a need for the Foreign Employment Bureau to procure new vehicles, consequent to a discussion held in this regard, the Chairman has agreed to enter into an agreement for the remaining period of contract between the relevant supplier and the Foreign Employment Bureau. Future course of action will be decided accordingly.
Though a sum of \$ 3,875,000 should be received from the Swiss government through the Department of External Resources for the second stage of this programme which was launched in the year 2014, the committee paid its attention on receiving this amount through a nongovernmental organization. This is carried out under several stages, and for the first stage, the funds have been provided directly by the International Labour Organization without the involvement of the Ministry. In the MoU signed for the second stage, it has been clearly stated that the funds should be provided through the Department of External Resources. The C.A.O. said that since the said condition was removed from the agreement, funds had been provided directly as before. However the C.A.O further said that this process was monitored in the years 2017 & 2018 by the Project Advisory Committee of the ministry after obtaining the physical and financial progress. The	The Minister was briefed in this regard and a Cabinet Note was referred to the Cabinet of Ministers. Accordingly, having considered the Cabinet Note with the observations of the Minister of Finance and Media, it has been stated in the cabinet decision No. CP/19/0297/130/008 dated 13th February 2019 that the following matters were given due consideration. Copies of the cabinet note and the cabinet decision are attached hereto. Please see Annex 04.

Committee ordered the C.A.O. to brief the Minister in this connection and convey same to the Cabinet of Ministers.	
In terms of the Cabinet decision bearing No. CP/16/2048/741/011 dated 09th November 2016, the Act in respect of the a pension scheme for migrant workers which should be implemented under the immediate relief programme of the government. Even by 30 August 2018, it remained at the Attorney General's Department to which it was submitted for approval and its physical and financial progress	Please see Annex 05.
The committee expressed its displeasure over the weakness in taking measures to conduct the required pre-assessments at the inception in this connection. The CAO said that adequate provisions had not been received for this purpose and added that it was expected to submit this data base before the end of this year.	The preparation of database has been handed over to a service providing institution. The said institution has already conducted several discussions with the relevant officials and the institution has agreed to finalize the activities of the database by September this year.

A vehicle of the Ministry which has been valued at Rs. 2,800,000 by the government valuer in 2012 and approval of the Public Finance Department had not been disposed in the year 2014 and though it was valued at Rs. 400,000.00 subsequently by an internal committee and sold at Rs. 1,274,900, the money had been returned to the buyer as there was no vehicle registration certificate. The subsequent disposal process had been irregular and a sum of Rs 170,526 had been paid on two occasions for the newspaper notices published in this regard and after obtaining the registration certificates the vehicle had been sold at Rs. 1,365,367 on 20th July 2018.

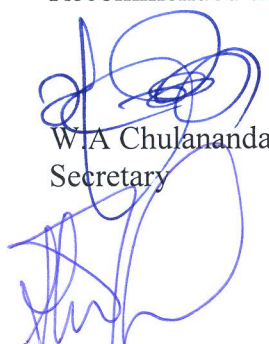
As the valuation report of the Government Valuer done in the year 2012 had expired by 2018, on the basis of the valuation of the vehicle valuation board of the Sri Lanka Bureau of Foreign Employment in 2014, the vehicle was sold on 20 July 2018 adopting the public bidding process at Rs. 1,365,367 which was higher than the valuation.

An inquiry was conducted in this connection as per the instructions of the Committee on Public Accounts to ascertain whether a financial fraud had been committed. In terms of the conclusions of the relevant inquiry report, approval has been received from the Secretary to initiate disciplinary action against the persons involved in the fraud and action will be taken in future accordingly.

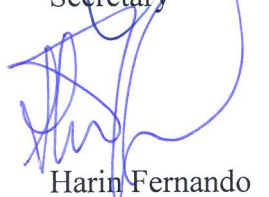
Further, though a complaint was lodged with the Criminal Investigations Department, it was stated that the matter was outside their purview and directed to lodge a complaint with the Fort Police.

Accordingly, a complaint has been lodged with the Fort Police Station. Please see **Annex 06**.

Hon. Minister,
Recommended and submitted for your signature.



W.A Chulananda Perera
Secretary



Harin Fernando
Minister of Telecommunications, Foreign Employment and Sports