

PART I

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# CHAPTER 1

## WOMEN MIGRANT WORKERS AND MARKET FORCES: TOWARD AN INTER-DISCIPLINARY REPRESENTATION OF FEMALE LABOR MIGRATION

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### ABSTRACT

*The economic literature on labor migration has incorporated insights from various disciplines with regard to content and method, although the representation of migrants has not fully moved away from the neoliberal, market-dominated framework. This paper addresses the issue of women migrant workers using the particular example of Sri Lankan migrant women workers to the Middle East. It aims to highlight the need for more diversity in economic research without which conceptual representation, as well as empirical reach, is limited.*

*After a brief overview of the representation of migrants in economic literature, I develop the concept of vulnerability. I refer to qualitative and quantitative analyses on Sri Lankan migrant women workers to the Middle East from a variety of disciplines in order to differentiate the “vulnerable,” that is, the workers in need of protection, from the “vulnerabilities.” The latter concept refers to the debilitating effects on workers, produced by market forces, which are often perpetuated by underlying assumptions, as well as policies. A broader, inter-disciplinary perspective, which considers the agency of women, can go a long way toward removing some of the limitations and preconceptions*

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*ingrained in most economic representation. This in turn could help to improve the protection of the vulnerable and empower them to better face market forces.*

**Keywords:** Agency; domestic work; gender; inter-disciplinary representation; migrant workers; vulnerability

## INTRODUCTION

Michele Gamburd wrote that “money makes the world go round and makes women go around the world” (Gamburd, 2005, p. 75), referring to Sri Lankan women migrant workers, who are the highest source of foreign exchange earners for the country. Macro analyses of female labor migration and its overall economic results are glowing. However, when the spotlight narrows and individual stories are sought, the narrative offers a different picture. There are stories of horrendous abuse, even death, exploitation, and ill effects on families, especially on children left behind. Even in the official national discourse on the subject, women migrant workers are portrayed with mixed feelings. It took many years for the government to decide to call them “*rata viru*,” national heroes.<sup>1</sup> This paper discusses the representation of migrants in economic literature as a way of explaining the demeaning influence it has had, by using the particular example of Sri Lankan women migrant workers.

As quoted above, money is a key lens through which the reasons for and the effects of migration are analyzed. It is, nonetheless, only one, among many salient factors, and as the author of the quote has shown, understanding migration requires an inter-disciplinary approach. The money perspective has been captured by the economic literature – dominated by the neoclassical framework – in labor economics, migration studies and development economics, to name a few of the strands. The purpose of this paper is to emphasize the need for inter-disciplinary studies diverse in both content and method, going beyond the focus on money and economic factors in representing migrants. I pinpoint “vulnerabilities,” which are created by neoliberal free markets and by the commodification of low-skilled labor. I also discuss how migration policy and governance are ineffective without proper understanding and consideration of the agency of women.

Since Ravenstein (1885) proposed the first “laws of migration,” there is a prevailing assumption that people move from low- to high-income places (De Haas, 2010). Lewis (1970) presented the disparities of labor as the underlying theoretical explanation of migration. It then led to analyses based on push-pull factors (Todaro, 1969), cost-benefit comparisons, wage and skills disparities, etc. These analyses have a strong focus on the individual migrant, allowing for human agency to play a central role in the decision to migrate. Following criticisms of the narrow focus on households and neglect of the reality that migrants do not have access to complete and accurate information, criticisms addressed by Marxist-structuralist theoreticians, a more historical, structural approach was endorsed, although this did not address migration theory directly.

The New Economics of Labour Migration (NELM) was developed in the 1980s by Oded Stark and David Bloom, presenting the motivation for migrating as a collective decision taken at the household level. Migration is viewed as a “rational way of hedging against risk in a world characterized by incompleteness of information and incomplete markets” (Abreu, 2010, p. 58). In this theory, remittances play a big role in influencing the decision to migrate. NELM was presented as a synthesis of the neoclassical and historical-structural approaches. However, it ultimately attempts to explain migration through economically motivated decisions at either the individual- or household level and ignores how even the opportunity to make these decisions is dictated and constrained by broader policies, politics, and interactions.

Economic theory has, in more recent times, also borrowed from sociological and anthropological research on migration to include cultural underpinnings, diaspora and community influences, and gender perspectives. Diaspora knowledge networks – associations of highly skilled expatriates, willing to contribute to the development of their origin countries – emerged in the 1990s (Leclerc & Meyer, 2007). For migration studies, this meant a shift in the existing emphasis on brain drain toward a perspective on brain gain. In addition, instead of focusing on the physical return of people, it considers that origin countries can benefit through these connections. Integrative approaches, which mix various levels of analyses, migration flows, and historical and contemporary processes, include the NELM, the network theory (Boyd, 1989; Massey & España, 1987), cumulative causation theory, and institutional theory (Massey et al., 1993).

While the original neo-liberal economics explored the theoretical foundations for the reasons for migration and its economic impact, the later literature stemming from gender economics explores two key areas: first, the type of jobs and industries that women, both migrant or otherwise, traditionally work in, along with the conditions (monetary and non-monetary) of work. Second, it deals with family-related issues that arise due to women’s empowerment or lack thereof. This shapes, for example, the sphere of intra-household bargaining and the ability to overcome social norms which govern the division of work within a family, and the role of women as mothers. As documented in a comprehensive review by Priya, Venkatesh, and Shukla (2021), there is a long and distinguished discourse conceptualizing and measuring women’s empowerment that goes well beyond the ability to earn and access economic resources, either in the home or host country.

This paper incorporates key contributions made by gender studies and anthropology, notably, in discussing migration. Migration in anthropological studies has been studied through the angle of kinship and family networks (Collier & Yanagisako, 1987; Gamburd, 1995). Anthropologists explore the interconnected social relations which enable people to move and settle and the cultural understandings that are part of all processes of movement and settling. Gender analysis has made a crucial contribution to understanding the institutions that structure migration processes. Gender is seen as “an essential tool for unpicking the migration process” (Sinclair, 1998; Wright, 1995). There is now more emphasis on differential migration responses by men and women (themselves context-dependent), gender discrimination in returns to migrant labor, and the differences in perception of men and women migrants by the greater community. Ncube and Mkwanzani (2020) view the contribution of

migration to development as surpassing economic measures. They provide a human development-informed capability approach, cutting across political, economic, cultural, and social spheres. A number of studies have used the Capability Approach to look at gender (Nussbaum, 2011) as well as migration (Ncube & Mkwanzani, 2020).

Despite the ever-expanding diversity of approaches, research issues, methods, and results with regard to migration studies, the neoliberal, market-oriented approach remains the dominant framework (Haug, 2008, p. 586). The more recent research linking migration, trade, and development (Hollified, 2007; Ratha, Mohapatra, Vijayalakshmi, & Xu, 2007; Wickramasekera, 2009; Jayet & Rapoport, 2010), despite its diverging analyses and conclusions, also remains embedded in this framework.<sup>2</sup> Most research has acknowledged that global labor markets are characterized by neoliberalism (Wimmer & Schiller, 2003). Hollified (2007) specifies that while trade and finance have been founded on neoliberal regimes, migration, apart from the exception of refugees, has not seen an international liberal regime. This paper notes that the neoliberal regime in place for trade and finance has impacted global labor markets. As such, labor markets are deregulated, the forces of demand and supply for global labor determining wages and the terms on which global labor is employed, and experienced. As I will elaborate, labor in general (i.e., both migrant and non-migrant) has been subjected to the downgrading of standards through the loss of traditional union rights, which is attributed to the spread of neoliberalism (Castles, 2009) and economic globalization characterized by the “race to the bottom” in the search for cheaper labor (Piper, 2008).

#### *Sri Lankan Women Migrant Domestic Workers (SLWMDW)*

The oil boom of the early 1970s in the Persian Gulf region triggered a surge of migration flows to the Middle East, which accelerated from the early 1990s onwards following an increase in the demand for domestic servants and female migration from Sri Lanka. Sri Lanka’s labor migration since the 1970s has been concentrated in low-skilled categories, although recent policies and global trends have given a greater impulse toward male migration. Housemaids belong to this category, which comprised 73% of migrants in 2007 (Wickramasekera, 2010, p. 9). Sri Lanka is the only country in South Asia where women make up more than half of total migrants, although the declining number of female migrants in recent years is a clear trend. Most women migrants are low-skilled domestic workers and belong to one of the most vulnerable categories in destination countries, especially Persian Gulf countries.<sup>3</sup> This paper refers to women migrant domestic workers who are low-skilled temporary (or contract-based) female migrants (whether regular or irregular), mainly working in the Persian Gulf countries.<sup>4</sup>

#### *Neoliberal Market Forces*

Liberalized labor markets have had the strongest influence on the experience of women migrant workers. Although the deregulation of labor markets has created

new kinds of job opportunities for migrant workers, it has also resulted in an erosion of employment standards and an increase in contract labor (Chant & Pedwell, 2008). Research shows how greater labor market flexibility has helped create conditions that maximize the potential for the exploitation of migrants, predominantly in the most disadvantaged segments of the market (Phillips, LeBaron, & Wallin, 2018). There is also a growing body of work revealing “unfree labour,” where some migrants (e.g., day laborers and domestic workers) get trapped in exploitative labor relations. Methods of control include disciplining by employers, debt bondage, and the use or threat of violence (Phillips et al., 2018). Research has also revealed the liberal paradox:

Receiving states are likely to remain trapped in what Hollifield called a liberal paradox for decades to come—the economic logic for migration is one of openness, while the political and legal logic is one of closure (Hollifield, 2007, p. 7).

These issues afflict SLWMDW, and in keeping with the studies that point to highly exploitative conditions of work in industries, which promote flexible labor practices in order to compete internationally, the need for the protection of migrant workers becomes paramount.

Then there is the issue of gender inequalities that spill over into and grow even bigger in international labor markets. Gender discrimination is hardly confined to the private domain of the home (Kabeer, 2008). It also operates through the institutionalized norms and practices of public institutions of state, markets, and society, so that private and public inequalities serve to reinforce each other. As we will see, women who are active in wage labor face markets that have become increasingly deregulated, with labor reduced to the status of a commodity.

Section 1 will serve to interpret, in this context, the statement that money makes the world go round. I will discuss this by focusing on the predominantly economic measures that determine value with regard to low-skilled labour. The economic gain is pushed to the foreground, using remittances as an indicator. After analyzing the problems arising from this narrow indicator, I will develop “vulnerability,” and explain how economic measures have contributed toward creating the low social perception of low-skilled labor. In Section 2, I will talk about how women go around the world: The case of SLWMDW will enable us to discuss policy measures and governance, by examining two key issues: protecting women migrant workers and ensuring the well-being of children left behind. I analyze policy documents such as the Family Background Report to reveal how they reflect the money focus of standard economic analyses, thus, failing to take the agency of women into account.

## **SECTION 1 – BEYOND REMITTANCES: MEASURING THE SOCIAL VALUE OF LOW-SKILLED LABOR**

### *1.1 Predominant Focus on Remittances*

The Sri Lankan government’s promotion of women’s participation in the labor-export programmes is based on the distinct economic advantages in women working overseas. Earnings can be remitted to alleviate poverty. As a source of foreign

currency, remittances can assist in addressing external balance problems and can also constitute a source of funds to contribute to economic development (Taylor, 2007, p. 201, in Hollifield, 2007).

Often in economic literature, labor migration is analyzed through the lens of remittances, the money sent back to their home country by migrant workers (Ratha et al., 2007).<sup>5</sup> Remittances are defined by the International Labour Organization as the portion of international migrant workers' earnings sent back from the country of employment to the country of origin. This viewpoint has enabled authors to illustrate the connection – to varying degrees – between migration and development and also migration and poverty alleviation (Ratha et al., 2007; Wickramasekera, 2010). The well-being stemming from migration has mostly been studied as a financial gain, via remittances. In the representation of SLWMDW, there is almost no analysis that does not mention the importance of the remittances they send back. Remittances are the key indicator, the main measure of success or failure of labor migration (Rosewarne, 2012). This paper brings out the discrepancy between high levels of remittances and low levels of effective protection that arises because of this predominant indicator. Even more, I argue that the narrow focus on remittances tends to accentuate the vulnerabilities that these women face.

Remittances have indeed secured Sri Lankan women migrant workers' place on the podium as the highest foreign exchange earner for the Sri Lankan national economy which is estimated to be 8% of gross domestic product (Sri Lanka Ministry of Foreign Employment, 2015). While undeniably important when studying migration, the focus on remittances has overshadowed many limits and shortcomings of these analyses.

### *1.1.1 Internal Limits of Remittances*

Starting with internal analytical limits, studies have shown that a calculation of monetary benefits, combined with the post migration economic status of migrants, reveals, in the majority of cases, that migrants' earnings are insignificant (Abeyasekera & Jayasundere, 2014). Sri Lankan women domestic migrant workers remain small income earners without any significant improvement in their investment capacity. Few migrants are able to pay back their initial debt with one work contract. Even fewer are actually able to save money (Jayatissa & Wickramage, 2015, p. 2). However, in aggregate, they are major contributors to foreign earnings and to the national economy in terms of GDP and export earnings. Despite the divergence between the micro and macroeconomic results, analysts and policy-makers have mostly highlighted the benefits to the home country from remittances (Athukorala, 1992; Puri & Ritzema, 1999; Wickramasekera, 2015). As for individual migrants, they have been, for the most part, led to renew their temporary contracts, or seek new contracts and depart again in order to earn enough to cover their migration costs, reimburse debt, and manage to save. Repeat migration, also described as contract labor, has become the trend, with only a handful of migrants returning home

permanently after one contract. When studying remittances, it is, therefore, essential to look beyond the macroeconomic gain and to fully evaluate the financial impact on individual migrants.

Second, it is important to consider the cost of remittances. Money transfer companies structure their fees to make profit. According to Dilip Ratha et al. (2007), one of the reasons for remittances being sent through informal channels is the high cost of transferring money, as well as foreign currency restrictions.

A third factor that limits the salience of remittances as a measure of the migration impact is the phenomenon of “leakages.” When migrants opt to send money through informal channels<sup>6</sup> instead of using official money transfer services (Western Union is the biggest money transfer service in Sri Lanka, with the Sri Lanka Post office, state and private banks, and other companies also providing the service), the money is said to be “leaking” from official channels (Athukorala & Rajapatirana, 2003). Consequently, it is difficult to get an accurate estimate of the actual volume of remittances.

### *1.1.2 External Limits of Remittances*

Turning next to the external limits of using remittance as a key measure, the question arises as to whether migration is valued because it provides capabilities for more choice, for a good life, or, for itself. Instead of seeing it as solely a means of gaining remittances, increasing income, or bettering oneself, it could be seen as a goal in itself. Labor migrants may reap more than material benefits (Rosewarne, 2012, p. 83). When turning to multidisciplinary viewpoints, sociologists and anthropologists have focused on how migration can also be a strategy for gaining better recognition in gender roles, for escaping abusive, violent partners, and homes (Kottegoda, Jayasundere, Perera, & Atapattu, 2013). These are capabilities that are very rarely discussed in economics, but can be seen as important, because they are what people value (Sen, 1999).<sup>7</sup>

Secondly, remittances are not only financial in nature, nor are they limited to financial gain. Whether we see remittances as a development panacea or as a way for states to shift responsibility for solving structural problems to migrants, economics does not provide the whole story. Sociologists have coined the term social remittances to call attention to the fact that migrants send home more than money (Levitt, 2001). Social remittances – defined as ideas, know-how, practices, and skills – flow both ways: They shape encounters with and integration into their host societies. Migrants also send back social remittances that have an impact on development and on lives in their countries of origin. Thirdly, economic gains may come at the cost of some other areas of well-being. In the case of labor migration, migrants’ rights, their working conditions, are aspects that could outweigh the positive financial gains of migration.<sup>8</sup>

I now turn to the concept of vulnerability and propose an analysis of the various problems that accentuate vulnerabilities and make migrants more vulnerable. Here I differentiate the migrants, who may be “vulnerable,” from the circumstances that enhance this situation. These circumstances are referred to as the

“vulnerabilities” in so far as they tend to exacerbate the precarious, unequal and exploitative situation faced by domestic migrant workers.

### *1.2 Neoliberal Markets Creating Vulnerabilities*

Guilmoto and de Loenzien (2014) highlight how migration places young women in a different environment and makes them especially vulnerable. “By vulnerability landscape we mean different contexts in which young women operate and the diversity of corresponding risks they face” (Guilmoto & de Loenzien, 2014, p. 28). In this analysis, the concept of vulnerability is seen as a multidimensional measure of the exposure of individuals to various sources of “external stress, ranging from economic downturns to environmental changes and political unrest” (Guilmoto & de Loenzien, 2014, p. 27).

This is a relevant framework for this paper, where labor markets can be seen as vulnerability landscapes. I follow this approach where

vulnerability emerges as a salient dimension in this assessment, along with better-known contextual factors of migration, such as poverty, employment opportunities, wage differentials, and the presence of migratory networks. (Guilmoto & de Loenzien, p. 29)

Migration is a phenomenon that, by its very nature, creates vulnerabilities. It renders migrants vulnerable through the very act of moving from the home country, the known, the familiar, to the host country, unknown, different, and foreign. I will present three categories of vulnerabilities, relating to labor, the labor market, and migration.

This discussion takes place within a gendered perspective, following the idea that gender-segregated job markets in some host countries influence women migrants’ experiences. Their employment opportunities, earnings, and threats of exploitation are strongly linked to the gendered aspect of the labor market (Boyd, 2006). Furthermore, temporary contract migration schemes are the trend that applies to SLWMDW, since they allow destination countries to adjust their workforce to the cyclical nature of economies without further commitments (turning migrants into what political economists would refer to as “disposable labour”), while ensuring a steady flow of remittances on which many countries of origin depend (Piper, 2008).

#### *1.2.1 Vulnerability Related to Low-skilled Labor*

Labor migration is broken down into various categories: skilled, low-skilled, permanent, temporary, and return migration. These categories are useful in economics and help bring out differences in wages, types of employment, access to employment, and working conditions, and help ensure that specificities relating to each category are taken into account in theories and policy-making. At the same time, there are judgments and negative perceptions linked especially to the low-skilled category discussed here. Low-skilled temporary labor is the direst category in terms of protection from vulnerabilities and social perception, and this creates a vicious cycle. Low-skilled labor is under-valued.

Individual workers earn little, they have few qualifications that enable them to earn money. But, these economic considerations have blurred the capabilities of these individuals.

Promoting skilled labor is a key objective of the Sri Lankan government (National Policy for Migration of Labour). However, there is obvious demand for low-skilled labor as well as an enormous pool of low-skilled workers. The government's strategy, taking this reality on the market into account, is relatively weak.<sup>9</sup> While it is commendable and greatly desirable to promote skills for everyone, there is also a need to acknowledge the vast numbers of low-skilled women who also deserve opportunities for decent work. Until they are given the opportunity to acquire better skills, a great deal of thought and action are essential to empower them, and secure their rights.

Low-skilled workers, who represent low-income classes, are also seen as undermining the state's aspirations to be a "progressive" and "modern" economy (Abeyasekera & Jayasundere, 2014, p. 13). The reality of the state's dependence on remittances from low-skilled workers damages the image the state wants to portray. Therefore, the government's rhetoric places greater value on high-skilled labor because it is associated with middle-class ideology, to the detriment of low-skilled labor, often the target of contempt.

Low-skilled workers are paid less, with all the negative consequences that follow. However, if we look at low-skilled work from other perspectives, we see much higher measures. Beginning with economic factors, there is more demand from host countries for low-skilled labor than for high-skilled labor. Demand for low-skilled labor is driven by temporary migration schemes, which could be partially interpreted as a co-product of the neo-liberal deregulations of the 1980s–1990s (Castles, 2006). The macro-micro discrepancy mentioned earlier does not change the fact that, as a whole, low-skilled migrants contribute more in terms of total remittances.

There are more low-skilled migrants going from South Asia, including from Sri Lanka, to the Middle East. Job opportunities are more numerous. It is also easier to find low-skilled than skilled jobs. However, considerable resilience among low-skilled migrants to the Middle East is required. In light of the harsh and exploitative working conditions that many women migrant workers face, the commitment and effort put in by low-skilled domestic workers is no doubt greater, compared to what is required from skilled workers.

Finally, low-skilled migrant labor makes a considerable contribution to the general economy. Amartya Sen (2001) has illustrated that domestic work performed (mostly) by women in their homes, for their families, is unpaid labor not included in GDP, though it is fundamental. The entire social structure, including skilled labor, could not be maintained without such low-skilled domestic work. By drawing parallels between the work they perform in their own homes and the jobs they do in the Middle East, we become aware of the enormous contribution they make to their households by becoming bread winners, providing hope for betterment, as well as their contribution to the country as a whole. Once again, it is important to highlight that this contribution is not limited to financial

remittances, but is also a matter of shifting the burden of poverty alleviation and unemployment from the state to migrant workers. Moreover, they contribute to their household's ability to invest in education and advance their social standing. Having a member working abroad gives some families more power, voice, and recognition in their communities.

Ciupijus (2010) has pointed out that in contrast to forced migration, which always has had a recognizable ethical dimension in terms of the universal right to asylum, temporary labor migration has tended to be viewed as an exclusively economic and thus ethically neutral phenomenon. The absence of ethical interrogation with regard to temporary labor migration has exacerbated the negative social perception.<sup>10</sup> This social perception is shaped by opinions held by their families and Sri Lankan society in general, but also by their employers. "Many migrants complain that their remittances 'burn like oil', disappearing without a trace" (Gamburd, 2004, p. 167). Indeed, a major share of their earnings is spent on daily consumption without always leaving enough for significant investment. However, as Gamburd points out, this notion is also connected to the moral and cultural logic of how money is earned. Migrants agree that they toil very hard, – it is indeed a fact acknowledged, if not lauded, by all – and honest, hard work "guarantees that wages will thrive for the worker" (Gamburd, 2004, p. 176). In the case of temporary, low-skilled migrant labor, nevertheless, there is another determining factor: "Housemaids argue that their employers dislike them" and this negative emotion causes money to disappear, "burn," without "thriving" (Gamburd, 2004, p. 177).

Many returnees, when speaking about their working life abroad, remember first not the amounts earned but about the workload, how they were treated by their employers, the gifts they received and the experiences they had. (Kottegoda et al., 2013, p. 38)

In this case, the positive non-material aspect seems to override the negative non-material impact. Migrants' narratives reveal the surprising fact that despite harsh working conditions and unbearable workloads, it is moments of kindness and generosity that seem to be deeper instilled in their memory.

Yet when these workers have been treated kindly, where affection, humaneness and generosity has been shown, the details of the work is not a litany but a mere statements of facts. (Kottegoda et al., 2013, p. 38)

These accounts reveal that although self-perceptions and social perceptions may not always be aligned – they are complex, sometimes contradictory – they wield an enormous influence on the experience. Transforming low-skilled domestic labor into a positive factor, recognising its social value and contribution in both monetary and non-monetary terms can reduce the effect of the vulnerabilities. Removing the negative perceptions is essential, and a first step could be to move away from merely financial considerations. This might help economics recognize the social value of low-skilled labor. Sending countries will acknowledge and appreciate it better, and might negotiate better on behalf of these workers, thus reducing the vulnerabilities.

### *1.2.2 Vulnerability Related to the Labor Market*

The supply of low-skilled labor is greater than the demand for it. From the point of view of market theory, this means that wages are driven down, but migrants are vulnerable for reasons other than low wages. Migrant labor is driven by market forces of asymmetric influence. The workers, especially women, are powerless, while employers abroad see individual workers as expendable. Low-skilled temporary migrants are victims of “commodification of labour,” where workers are mostly valued for their skills and productive capacity (Cox, 1997). This tendency toward commodification may have taken precedence over the state’s duty to protect the rights of migrant workers.

The governments of source countries give primacy to remittances and employment situations over workers’ rights, all the more because claiming rights and protection may be seen as diminishing the appeal of workers in competitive labor markets. In other words, markets are competitive and in order to maintain the attractiveness of migrant labor, or its comparative advantage, governments may be reluctant to insist on better working conditions and ensuring workers’ rights. Women migrant workers are subject to the dictates of profit, which concern for their well-being could undermine.

There is no justifiable reason why the rights of unskilled workers should be given less importance than those of skilled workers. Furthermore, the harsh working conditions, reports of harassment and abuse<sup>11</sup> suggest that they need more protection than skilled workers. To avoid a race to the bottom, it is necessary to improve the rights of the low-skilled to match, if not surpass, those of skilled workers.

However, there appears to be little effort by the government to pressure receiving countries to adhere to international laws protecting migrant workers. The Sri Lankan authorities emphasize the protection of migrants’ children over the protection of migrant women themselves. Consequently, there has been more discourse about and measures aimed at protecting children, by restricting the choices open to potential migrant women. This issue will be discussed in Section 2. The International Organization for Migration (and the United Nations) has stated that government policies and public sentiment regarding migrant domestic workers can exacerbate, as they can attenuate, the vulnerabilities migrants face. Restrictive domestic employment and recruitment policies can make migrant women more vulnerable to marginalization and abuse. Gamburd describes Sri Lankan state measures to be “anaemic” compared to those of the Philippines (2009, p. 61). As mentioned earlier, Sri Lankan officials were confronted with the necessity of protecting a fragile market position that it could not afford to undermine by protecting workers. Sri Lanka’s economy, like the Philippines’, has grown heavily reliant on exporting labor.

### *1.2.3 Vulnerabilities Related to Migration*

Vulnerabilities arise from the massive cost that migration entails, especially for low-skilled migrants. The financial costs, both the debt burden and comparative

costs for those who earn less, are much higher, as discussed above. In addition, there are deeply ingrained mentalities that affect migrants' well-being. The way society judges migrant workers, especially low-skilled workers, who leave the protection of their families, their kin and communities, generates a great deal of mixed feelings.

The social and cultural perception of migrant work complicates the evaluation of costs and benefits.

The local cultural logic includes a moral component concerning how money is earned and exchanged. It also includes a social component concerning the relative positions in society of the actors involved in the exchange, and the emotions they feel toward one another. (Gamburd, 2004, p. 168)

The moral component is related to negative social perceptions regarding women's jobs as domestic workers abroad. In some instances, leaving the family enclave and venturing overseas is considered morally questionable.

In Sri Lanka, migrant women workers are considered transgressive according to conventional values, where women are symbolically equated to the nation (de Costa, 2022). They are expected to conform to the "heteronormative roles of docile daughter, chaste wife, nurturing mother, or sagacious grandmother" (de Alwis, 2002 quoted in de Costa, 2022). Women who do not stay within the boundaries of these stereotypical categories, such as migrant workers, workers in free trade zones, war widows and feminists, are subjected to vilification and marginalization.

These vulnerabilities obviously overlap and tend to magnify the effects. If migration is looked down upon, the nature of domestic work, which is seen as "(...) to most observers, an occupation of low social status and little economic importance" (Cox, 1997, p. 60), only makes things worse for poor women. The structural, political patterns underlying liberal global labor markets create these vulnerabilities. As mentioned earlier, home countries acknowledge these vulnerabilities and state the need to "protect" workers from them. However, as I will discuss in Section 2, the way protection is carried out undermines the ability of workers to exert agency to face these conditions.<sup>12</sup>

A multi-dimensional framework is needed to balance temporary migrant workers' vulnerability with their agency and resilience. Emphasizing the threats faced by Sri Lankan women migrant workers, for example, could reinforce the one-dimensional stereotype of migrants as powerless temporary laborers. Hence it is necessary to acknowledge migrant workers' agency without downplaying the conditions of exploitation at work and the violations of their rights. In other words, protection needs to be effective against vulnerabilities.

## **SECTION 2 – INEFFECTIVE POLICY MEASURES WITHOUT AGENCY AND EMPOWERMENT**

The vulnerabilities mentioned above are further affected by the gendered dimension. As Boyd (2006) noted, migration is not gender-blind nor gender-neutral, but gender-sensitive. The socialization and often patriarchal nature of migrants'

home countries create challenges for them to cope and adapt in their host countries. The societal attitude, along with the official, national discourse on women migrant workers is also gender-influenced. While Rosewarne (2012) has pointed out that governments in Sri Lanka, Philippines, and Indonesia have used colorful language to praise migrant workers' contributions to the national economy, in Sri Lanka, such praise has long been withheld.

The very nature of the temporary work contract discussed earlier, coupled with the gendered nature of domestic work, guarantees remittances:

Although never explicitly articulated, the restrictive employment practices that confront migrant workers employed in low-skilled occupations are thus vital to the success of the labour-export and remittance policy agendas. The expectation that female labour migration will generate remittances is the fundamental rationale that defines the labour-export policies of the Philippines, Sri Lanka and Indonesia, and the sanctioning of foreign domestic worker employment is the foundation of their export-revenue generating policies. (Rosewarne, 2012, p. 86)

This section highlights two issues that are symptomatic of the dilemma that women's labor migration seems to have created in Sri Lanka. Because of the vulnerabilities enumerated in Section 1, Sri Lankan women migrant domestic workers have faced conditions of exploitation, suffered abuse and even death at the hands of their employers in the Middle East. Secondly, studies have revealed the ill effects that have befallen the children left behind, as a result of female labor migration. While these two problems are not the only adverse consequences arising from female migrant labor, the Sri Lankan case has spotlighted the both the limits and successes of institutional responses. These responses are carried out by the government, regulatory bodies (ILO, IOM), NGOs, and other activist organizations. It is most significant to focus on governmental and multi-lateral responses, because, in keeping with the argument put forward in this paper, they appear to be most influenced by the neoclassical discourse and its belief in neoliberal market forces. This section will highlight that effective protection requires a prior understanding of women's agency and an acknowledgement of the need for meaningful empowerment.

Kabeer's (2008) discussion of agency and empowerment can be pertinently related to migration. Empowerment is defined as "the expansion in the ability to make strategic choices by those who have been denied this ability" (p. 19), such as women migrant workers who had no alternative options to earn a living. Agency is one of the three dimensions of strategic choice, along with resources and achievements.

It refers to the capacity to define one's goals and to act on them. It goes beyond observable behaviour to encompass the meanings, motivations, skills and purpose that people bring to their actions, their "sense of agency." Agency is thus closely bound up with human capability. (Kabeer, 2008, p. 20)

### *2.1 Protection Through Restriction*

Most of the measures implemented by the government to protect workers are of a restrictive nature. In the late 1990s, women made up 75% of Sri Lanka's migrant labor force (UN Sri Lanka, 2015, p. 9), whereas, by 2008, the rate was

below 50%. This can be attributed in the main to the policies and measures taken to reduce the number of female migrants and encourage more male migration. Although the policy measures have been successful in decreasing the share of female departures, their effectiveness in actually protecting low-skilled women migrants is limited.

On the one hand, Sri Lanka has ratified the International Convention on the Protection of all Migrant Workers and their Families, and this has provided the normative framework for national migration policy. In 2008, the Ministry of Foreign Employment, and then the Ministry of Foreign Employment Promotion and Welfare drafted the first National Labour Migration policy, which was approved by the Cabinet in 2009, and has since been governing the migration process. The three main objectives of the national policy are governance and regulation, protection and empowerment of workers, and development benefits (Government of Sri Lanka, 2009).

On the other hand, there appears to be little effort by the government to pressure host countries to adhere to international laws protecting migrant workers. The International Bill of Rights, which identifies the family as the fundamental unit of society, is complemented by three specialized conventions of particular relevance to the protection of migrant workers and their families.<sup>13</sup> The ratification of such laws in host countries should be a necessary condition for migration. Instead, it is a cause for alarm that many host countries have not done so.

Thus, the UN committee on Migrant Workers has commented that the fact that many countries employing Sri Lankan migrant workers are not yet parties to the ICRMW is an obstacle to the enjoyment by those workers of their rights under the Convention. (quoted in UN Sri Lanka, 2015, p. 593. Concluding Observations: Sri Lanka, ICRMW, *supra* note 37)

As mentioned earlier, Sri Lanka, as a source country, may overlook such legal forms of protection due to the fear of becoming less attractive as a labor-supplying nation. Whatever the reasons, the objective of protecting women migrants cannot be wholly effective if host countries are not party to the international treaties on the protection of migrants. Indeed, even other measures undertaken in Sri Lanka are rendered inefficient in this regard if host countries do not follow international laws.

At the same time, this asymmetric situation between home and host countries may explain why Sri Lanka is imposing restrictive domestic laws to avoid the problem. Since tackling the actual problem – in this case, requiring host countries to ratify international law – is difficult, or even undesirable from a competitive labor perspective, restricting the freedom and choices of migrants appears to be an easier alternative. Sri Lankan women have been drawn into highly gendered and segmented global labor markets. The participation of women in the global domain would not have been as “significant as it has been were it not for the active engagement of their governments in developing the labour migration programmes that have submitted workers to the force of unregulated labour markets” (Rosewarne, 2012, p. 88).

There is a conflict of values between acknowledging the importance of remittances to the national economy and addressing the negative impact of women’s

absence from home. As said earlier, the promotion of female labor-export programmes relies on women being drawn into the global economy on terms that institutionalize their subordination. The majority of women domestic migrant workers are employed on terms that, compared with most other waged work, are subject to very few forms of labor protection, and the capacity of these workers to resist exploitative and abusive conditions of employment is limited by the isolated nature of the work (Samarasinghe, 1998). Accepting the distinctive character of gendered labor-export programmes is essential in order to understand the barriers to ensuring effective protection for these workers. The gendered character may also explain why protective policies are not effective enough. The government seems torn in their objectives. Much of their initiatives regarding protecting migrant workers lean toward reducing, limiting, and sometimes even banning migration, with the objective of reducing the risks and vulnerabilities women migrants face.<sup>14</sup>

Restrictions, while deflecting attention from the kinds of interventions that are needed to protect the rights of migrant women workers, are often also counterproductive. Restrictions and bans impel prospective migrants to turn to informal and illegal channels, thus increasing their vulnerability in the hands of unauthorized agents. The fact that women migrants still seek to travel illegally (Weeraratne, 2021) implies that their agency is overlooked in policy-making. Kabeer (2008) explains how agency and empowerment should allow for greater freedom in decision-making, access to resources and paid work. Allowing for their agency here means giving migrant women workers the opportunity to make informed choices about whether to migrate or not. Removing this choice forces them into illegal channels.

### *2.2 The Responsibility of Child-Care*

The second issue, that of the safety and well-being of children left behind, is seen as the responsibility of women migrants (Jayasuriya & Opeskin, 2015). The division of labor in domestic chores and childcare is rarely renegotiated across genders. Therefore, even when absent, mothers bear the burden of childcare. It can hardly be said, in all fairness, that migrant mothers abandon their children. Instead they mostly adapt their mothering role after migration. This is true among other migrant communities where the role of caregiving continues to fall on women's shoulders even after migration (Ukwatte, 2010).

The statistics in Sri Lanka are dismal: two out of five left behind children in Sri Lanka have mental disorders and behavioral problems (Jayatissa & Wickramage, 2015). Two angles of discussion, both with heavy gender bias, are presented here: the restrictive measures of protection implemented by the government and the gender roles characterizing social perceptions.

Until July 2022, Sri Lankan women migrant workers were subject to a requirement called the Family Background Report (FBR). Introduced in 2013 and amended several times, the report served to ascertain whether potential migrant women, leaving for domestic work, have children who are younger than five years old. The FBR requirement was implemented by the Sri Lanka Bureau of Foreign Employment with the intention of reducing the adverse psychosocial implications

of children left behind as a result of the migration of mothers. Thus, females with children under the age of five years were not recommended for foreign employment, while females with children above five years could only be recommended for migration if satisfactory alternative care arrangements were in place to ensure the protection of children.

With the FBR requirement, the state gained control over women's decisions to migrate for domestic employment with the pretext of maintaining the best interest of their children. Many studies showed that the FBR was supported by gender-based assumptions (Abeyasekera & Jayasundere, 2014; Jayatissa & Wickramage, 2015; UN Sri Lanka, 2015; Weeraratne, 2021). Firstly, the association of low skills and poverty implies that poverty is a result of underdeveloped skills and not, for instance, subordination. The idea that women may be poor because they do not possess much freedom and cannot exercise control over their lives is left out of the discourse. This is especially relevant in the case of traditional, patriarchal societies in the South Asian context (Sen, 2001).

Next, the policy implied that low-skilled workers are particularly vulnerable and that they are inadequately prepared, mentally and psychologically, to face the challenges of their job. This is all the more striking when considering that poor migrants are also perceived as being unable to make rational decisions. Promoting skilled labor is therefore a key objective. However, considering the fact, discussed in Section 1, that there is an obvious demand for low-skilled labor as well as an enormous pool of low-skilled workers, the government strategy is ineffective and ill-defined.<sup>15</sup> Until low-skilled workers can acquire skills, they need protection from exploitative working conditions in both home and host countries.

Low-skilled labor being associated with poverty, it is interesting to note that the FBR specifically targeted poor women who migrate for domestic labor. The discourse suggests that poor women are incapable of making the right choices for their children and families.

The circular suggests that *poor women* often do not understand the importance of protecting their children and do not prioritise the welfare of their families, whereas women from a middle or upper-class background who migrate overseas for professional work or higher education are capable of protecting their children and the well-being of their families. (Abeyasekera & Jayasundere, 2014, p. 9)

The FBR seemed to imply that most of the social ills attributed to female migration (breakdown of families, children's suffering, disintegration of kinship networks, etc.) are almost exclusively borne by poor families.

Furthermore, it is understood that the State's role is to empower women by protecting them, suggesting that, without such protection, women would not be empowered. While it is evident that the state can help by protecting women through legislation and governance – especially by resisting the unequal, exploitative market forces in the global domain, it undermines the capabilities of women who have the power to overcome difficult circumstances. Gamburd (2020) has compared the effects of the FBR in restricting mobility to the threat of deportation, whereby they are two forms of oppression exerted on migrants.

Finally, the discourse underlying the FBR disregards the principle of gender equality included in the National Policy. The FBR breached women's inalienable right to employment, emphasizing instead their stereotyped role as primarily responsible for family welfare. This is especially evident with regard to the perception the state seems to have of the well-being of migrant families.

By regulating women, and not men, the policy places the responsibility of childcare in particular and the well-being of the family squarely on the woman's shoulders, and disregards the role of the father and the consequences the absence of the father has on the well-being of children and families. (UN, 2015, p. 24)

The FBR contradicts constitutional provisions on equality in terms of employment.

Social and economic reality is such that despite the existence of two main governance tools – national policy and the FBR – it is the latter that appeared more powerful in terms of influencing outbound migration. In a working paper studying the impact of the FBR ban, Weeraratne (2021, p. 13) shows that the introduction of the FBR policy reduced the numbers of low-skilled workers' departures, while facilitating migration of higher-skilled workers. Her conclusions confirm that "the FBR policy has inadvertently created an impetus for informal and illegal activities among lower-skilled female migrant workers through their attempts to circumvent the policy" (Weeraratne, 2021, p. 14). The lack of employment and livelihood alternatives pushes women to forge documents in order to qualify to migrate. In summary, the government rhetoric focusing on the stereotypical role of women, which has the effect of restricting women's choices, passes greater muster than the discourse of gender equality and women's rights.

### 2.3 Gender Roles in Their Cultural and Moral Context

This brings us to the issue of gender roles in influencing social perceptions, as well as actual policies.

Women bore the responsibility of disciplining the family and regulating household finances; village discourse held the wife largely responsible for any misadventures that might befall her husband during her stay abroad. (Gamburd, 1995, p. 57)

Ironically, from the migrants' perspective, as many anthropological and sociological studies reveal, many complaints fall on husbands who fail to fulfill their responsibilities in the absence of the mother.

There is also disappointment when family and community members fail to show gratitude and respect for the migrants and their contributions to family well-being. Gamburd (1995, p. 49) summarizes one of the most influential factors:

Several case studies reveal the extent to which men have not taken over tasks such as childcare and household chores. In all-male drinking groups, unemployed husbands reassert their masculinity in the face of their wives' new role as breadwinner. The values of the drinking community stand in implicit opposition to values channelling family resources towards "getting developed" (*diyumu venawaa*), the dominant village idiom of successful migration.

Therefore, many cultural and moral obstacles prevent low-skilled female migrants receiving widespread approbation and encouragement.

In such a context, where complex social, cultural, moral and economic norms interact in shaping migrant behaviour, decisions based on a narrow economic framework become irrelevant (Bonfanti, 2014). Indeed using that framework alone leads to erroneous conclusions. For one, economic value has been the main indicator driving evaluations and considerations relating to low-skilled domestic work, leading to low wages being equated with low-value. Consequently, the various vulnerabilities discussed in this paper support the actual social value of low-skilled work. Adopting a more pluralistic perspective that includes empowerment, agency, capabilities, and gender, reveals even higher social value. I have further argued that considering only the low economic value, that is, the commodification of low-skilled labor, has resulted in ineffective protection. Instead, if low-skilled labor is accorded greater social value, as it is rightly due, wages would not be the main indicator. Home countries could demand better working conditions from host countries that might prohibit enslavement, exploitation, and harassment. In addition, acknowledging migrants' agency would remove the mistaken assumption that migrants are unable to manage their finances. Another mistaken idea is that migrants are unable to decide what is good for their children and their family. Without an inter-disciplinary perspective, prescriptions are offered – sometimes restrictions imposed – which do not protect women migrants, let alone improve their well-being.

Women's empowerment, understood as the combination of agency, resources and outcomes (Kabeer, 2008) needs to make its way into social perceptions, just as they need to be incorporated into policy and governance measures. Migration offers a window of opportunity for women to improve their lives and break the glass ceiling imposed by the gendered nature of society. While empowering women economically, migration can also increase their independence, improve their self-esteem and general well-being (Bachan, 2018). Even specific forms of forced migration of women, for example, migration resulting from conflict, can benefit women by modifying existing gender roles. Conversely, migration can also embed traditional roles and disparities, and expose women to new vulnerabilities that result from their precarious legal status, exclusion, and segregation (Ncube & Mkwanzani, 2020). I have dealt with two specific instances in which traditional forms of discrimination are aggravated by restrictive migration policies. Their ineffectiveness can be explained by the fact that they do not take women's agency into account. On the contrary, these measures ignore their agency and resilience, which, ironically, force them to be yet more resilient as a result. One of the messages of this paper is that policies can be created which ensure that women migrants do not have to be so resilient.

## CONCLUDING REMARKS

Combining a money-centred, that is, remittance-centred, economic analysis with narratives from gender studies and the other social sciences is a step toward improved understanding of the complexities of migrant labor, and the specificities of female temporary migrant labor. Understanding female labor migration on a

theoretical level and implementing effective measures on a policy level require analyses that go beyond economics to include comprehensive people-centred and gendered perspectives. One of the biggest obstacles to recognising the true social value of low-skilled labor is an excessive focus on narrow financial measures. The mixed feelings stirred by current social perceptions, with heavy gender biases, can also be positively influenced by changing the tendency to commodify low-skilled labor.

On a governance level, migration policies are currently embedded in the neo-liberal paradigm that views migrants as agents in need of protection, leading to restrictive measures. By taking into account women's agency, I have pointed out the ineffectiveness of restrictive measures in actually protecting women. Instead, by regulating market forces and reducing the vulnerabilities they create, women migrants can be better empowered to go around the world and make more money. Incorporating integrative theoretical and governance approaches can set the ball rolling: market forces can be tamed; women migrants, whether skilled or low-skilled, can enjoy decent working conditions and have their work given its due value on economic, social, and cultural levels.

## NOTES

1. The term "rata viru" has a strong connotation in the Sri Lankan context, given the 30-year long ethnic conflict, which ended in 2009, with bloody wars between the separatist militant Tamils, the LTTE, and the government, where government soldiers were the given the title of "viru," heroes in the patriotic, nationalist discourse.

2. It does, however, point to the very important role played by institutions, as compared to openness to trade or geographic disparities (e.g., Osang, 2007, in Hollifield, 2007).

3. The Gulf Cooperation Council countries dominate the destination countries of Sri Lankan women migrant workers (86%) and according to Wickramasekera, this is consistent with the situation in South Asia, where most countries "rely on the Gulf as the major destination for their migrant workers" (2010, p. 11). He also comments on this "high dependence" on the Gulf countries as another issue of Sri Lankan migration.

4. "There are many different potential systems for categorizing international migrants; one system organizes migrants into categories of distinct groups. These are temporary labor, irregular, illegal or undocumented, highly skilled and business associates, refugees, return migrants, family members and long-term, low-skilled migrants. Migrants can typically also be divided into two large groups which are permanent and temporary. Permanent migrants intend to establish their permanent residence in a new country and possibly obtain that country's citizenship. Temporary migrants intend only to stay for a limited period of time; perhaps until the end of a particular program of study or for the duration of their work contract or a certain work season. Whether temporary or permanent, international migration has a profound effect on the society and economy of both the host country and the home country of migrants" (OECD International Migration Outlook, 2007, p. 40).

5. "Sri Lanka finds that children of remittance-recipient households have a lower school dropout rate and that these households spend more on private tuition for their children. In Sri Lanka, the children in remittance-receiving households have higher birth weight, reflecting that remittances enable households to afford better health care. Several studies also show that remittances provide capital to small entrepreneurs, reduce credit constraints, and increase entrepreneurship" (Ratha et al., 2007, p. 178, Hollifield, 2007).

6. "Under the *hundi*, *hawala*, *padala*, *fei-chien*, and other informal remittance systems, no money need cross national borders immediately to have remittances paid to beneficiaries" (Martin, 2007, p. 18, in Hollifield, 2007).

7. According to Amartya Sen, capabilities can be explained as the opportunities and freedoms open to a person to achieve functionings, which are the “various things a person may value doing or being” (Sen, 1999, p. 75). Capabilities are thus the various combinations of functionings that a person can achieve and that make up a person’s well-being.

8. Newspaper reports, petitions, and cases filed by NGOs and women’s rights groups recount the physical, mental, and sexual abuse inflicted upon women migrant workers, some of which have resulted in their death at the hands of their employers. “After several years of official and popular protests in Sri Lanka, 24-year-old Rizana Nafeek was beheaded by sword in public near Riyadh in 2013 for the murder eight years earlier of a baby in her care” (Ireland, 2014, p. 26).

9. “The State recognizes the importance of ensuring the safety and protection of low-skilled workers while setting in place a process of promoting skilled migrant workers. The State aims to promote the migration of skilled workers by securing employment opportunities for skilled workers in safe and regulated work environments, and by providing accessible and widespread opportunities for prospective migrant workers to become skilled workers” (National Policy for Migration of Labour, p. 21).

10. “The prohibition of outside employment for women can sometimes be brutally executed in an explicit and fierce way (as, for example, in contemporary Afghanistan). In other cases, the prohibition may work more implicitly through the power of convention and conformity. Sometimes there may not even be, in any clear sense, a ban on women’s seeking employment, and yet women reared with traditional values may be quite afraid to break with the tradition and to shock others. The prevailing perceptions of ‘normality’ and ‘appropriateness’ are quite central to this question” (Sen, 2001, p. 115).

11. “After several years of official and popular protests in Sri Lanka, 24-year-old Rizana Nafeek was beheaded by sword in public near Riyadh in 2013 for the murder eight years earlier of a baby in her care. The woman had protested her innocence, and the Sri Lankan president had made repeated appeals for clemency. The Asian Human Rights Commission nonetheless blamed him for Ms. Nafeek’s execution, declaring that his government ‘did nothing, except issuing valueless statements’ (Ghosh, 2013). An opposition member of parliament, Ranjan Ramanayake, complained that the state had a financial incentive not to complain too forcefully to the Saudis (Jayasekera, 2013)” (Ireland, 2014, p. 26).

12. For a long time, Sri Lankan officials more readily referred to WMDWs as victims. “While Philippine mobile phone companies were treating ‘heroic’ overseas Filipino workers to yuletide celebrations in receiving countries across Asia (Globe treats, 2011), their Sri Lankan counterparts were partnering with the government to deliver special SIM cards as an emergency service to ‘vulnerable’ FMDWs” (Ireland, 2014, p. 26). In the past few years, however, Sri Lankan authorities have started extolling male and female migrants as “Rata Viruwu” (“foreign employee heroes”) and “heroic earners of foreign exchange” (Attygalle 2012 in Ireland, 2014, p. 26).

13. The Convention on the Elimination of All Forms of Discrimination Against Women (1979), the CEDAW, the Convention on the Rights of the Child (1989), CRC, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), the ICRMW.

14. Do arguments in favour of restrictions confuse a problem of exploitation with a problem about movement? A protectionist approach derives from social norms, which inhibit women’s mobility and treat marriage as the appropriate means of protecting women. The gender norm as an expression of power relations is elaborated through marital control over women’s sexuality, which is weakened by mobility. This would explain why support for restrictions gets more vocal when the vulnerability of women to sexual abuse and trafficking is highlighted (Kodoth & Varghese, 2012).

15. “The State recognizes the importance of ensuring the safety and protection of low-skilled workers while setting in place a process of promoting skilled migrant workers. The State aims to promote the migration of skilled workers by securing employment opportunities for skilled workers in safe and regulated work environments, and by providing accessible and widespread opportunities for prospective migrant workers to become skilled workers” (National Policy for Migration of Labour, p. 21).

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