

AN EVALUATION OF SRI LANKAN LABOUR LAW STANDARDS IN LIGHT OF THE CONVENTIONS OF INTERNATIONAL LABOUR ORGANIZATION.

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Introduction

International Labour Organization (ILO) is the UN specialized agency dealing with work and workplace issues, labour related rights and standards. Its goal is to achieve decent work for everyone benefits from working conditions that offer freedom, equity, security and human dignity. In working towards this goal ILO has certain principal objectives; to promote and realize standards, fundamental principles and rights at work, to create greater opportunities for women and men, to secure decent employment, to enhance the coverage and effectiveness of social protection for all and to strengthen the relationship between workers, employers and governments and encourage social dialogue. ILO was established in 1919 after 1st World War; during a period the class struggle was very much in the minds of working class especially in Europe. Subsequently globalization created a serious impact on social pattern of almost every country in the world. In 1948 the **Havana Charter** pointed out a common understanding on fair labour standards related to productivity and in the improvement of wages and working conditions of employees.¹

As having a universal application; ILO continued to enjoy its primacy as the engine

for implementing labour standards. It was stated that; ILO should safeguard and promote basic worker's rights. Those rights were identified as prohibition of forced labour, freedom of association, right to organize and bargain collectively, equal remuneration for men and women for work of equal value and non-discrimination in employment and opportunity.

In 1998 the Annual Conference of ILO adopted a **Declaration of Fundamental Principles and Rights at Work**. This Declaration contains a set of principles and rights derived from the Constitution of ILO. All members are obliged to respect and promote these principles irrespective of whether they have ratified the relevant conventions or not. These principles are as follows.²

- Freedom of Association and effective recognition of right of collective bargaining.
- Elimination of discrimination in respect of employment and occupation.
- Elimination of all forms of forced or compulsory labour.
- Effective elimination of child labour.

The relevant ILO conventions that cover these issues are;³

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- Freedom of Association and protection of the Right to Organize Convention, No.87
- Collective Bargaining Convention, No.98
- Forced Labour Convention, No.29
- Abolition of Forced Labour Convention, No.105
- Minimum Age Convention, No.138
- Worst Forms of Child Labour Convention, No.182
- Equal Remuneration Convention, No.100
- Discrimination in Employment Convention, No.111

These 8 conventions are categorized as core conventions of ILO. The mandate of ILO, as stated before is to establish equitable conditions of employment by a social partnership.⁴

Sri Lanka became a member of ILO in 1948.⁵ Among whole 188 ILO Conventions; Sri Lanka has ratified about 40 ILO Conventions including these entire 8 core Conventions while many other countries in our region have not ratified them.⁶ Therefore Sri Lanka has an obligation to give effect to the principles adopted in these core Conventions. Hence, the ambit of this paper is to evaluate in what extent Sri Lankan labour legislations and other legislations expressly or implicitly embody the principles of core Conventions and to discuss some important ILO Conventions that have not been ratified by Sri Lanka yet.

In what extent Sri Lankan labour law legislations and other legislations follow the principles of core Conventions?

Freedom of peaceful assembly⁷, Freedom of association⁸, Right to form and join a Trade Union⁹, Freedom to engage in association with others in any lawful occupation, profession, trade¹⁰ are guaranteed fundamental rights under 1978 Constitution in Sri Lanka. However in same manner the Constitution provides certain restrictions for these fundamental rights as may be prescribed by law in the interest of racial and religious harmony or national economy.¹¹ As well as the 1978 Constitution guaranteed the right to equality of people.¹² Under that all the persons are equal before law and are entitled to equal protection of law. Further no citizen shall be discriminated against on the ground of race, religion, caste, sex, political opinion etc.

Conflicts are an inevitable part of the employer-employee relationship. Industrial revolution gave birth to large and minor scale entrepreneurships and consequently it created conflicts between employer and employee and subsequently it made a threat to the industrial peace.¹³ Therefore there was an urgent need of availability of set of rules to resolve, manage and to prevent conflicts which occur between them in order to maintain the peace in working places. The significance of an industrial dispute is that those disputes between employer and employee would adversely affect to the industries, socio-economic values of entire country. The objective of public policy is to manage conflict and promote sound labour relations by creating a system for effective prevention and settlement of labour disputes. On this background the **Industrial Dispute Act No. 43 of 1950** was enacted and it has

number of amendments also. The preamble to the Act describes objectives of enactment as to prevent industrial disputes, investigate industrial disputes, to settle industrial disputes and to provide for other matters connected to or that arises due to industrial disputes. Hence this Act helps to protect the relationship between employer and employee and to protect the rights of employees as well.

Freedom of Association and protection of the Right to Organize Convention provides; the workers and employers without any distinction shall have the right to establish and to join organizations of their own choosing,¹⁴ right to draw up their constitutions and rules, elect their members¹⁵ etc., right to establish and join federations and confederations¹⁶. And Collective Bargaining Convention, No.98 provides; workers shall enjoy adequate protection against acts of anti-union discrimination in their employment.¹⁷

In Sri Lanka while 1978 Constitution guaranteed the fundamental right to form and join a trade union in government sectors; **No. 56 of 1999 Amendment to the Industrial Dispute Act** provides the right to form trade unions and engage in trade union activities in semi-government and private sectors also¹⁸. Further the **Trade Unions Ordinance, No.14 of 1935** as amended provide for the registration and control of trade unions. According to this Ordinance every trade union shall apply to be registered under this Ordinance within a period of three months from the date of establishment¹⁹. Otherwise such trade unions are considered as unlawful according to this Ordinance²⁰. And this Ordinance provides the controls over trade unions also²¹. As well as it provides right to

strike²² and Industrial Dispute Act promotes and secures collective bargaining and collective agreements of employees²³. Any way there are certain statutory limitations to the right to strike and there are certain conditions for collective bargaining such as; encouragement by the state, freedom of association, strong and stable union movement, sufficient representation of workers and recognition by employers and good faith²⁴. Freedom of association enhances bargaining power of members of the association and enables them to win their collective rights. Further No. 56 of 1999 Amendment of Industrial Dispute Act provides protection against anti-union discriminations also²⁵. Trade union rights are basic rights of workmen and abuse of these rights by workmen may violate the rights of others. Hence, protection and promotion of rights of workmen and all others is an obligation of the state. Therefore the legal framework provides certain wide powers to the State to maintain a balance in the interests of all.²⁶

According to the Forced Labour Convention and Article 1 of the Abolition of Forced Labour Convention; each member undertakes to suppress and not make any use of any form of forced or compulsory labour.

In Sri Lankan context the 1978 Constitution guaranteed the fundamental right of freedom from torture²⁷. Under that no person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment. And according to the **Penal Code (Amendment) Act No.16 Of 2006**; any person who subjects or causes any person to be subjected to debt bondage or serfdom, forced or compulsory labour, slavery and recruitment of children for use

in armed conflict shall be guilty of an offence²⁸. Further the **Prevention of Social Disabilities Act No.21 of 1957** as amended stipulates that any person who imposes any social disability on any other person by reason of such other person's caste shall be guilty of an offence. Under that imposing any social disability at the place of such other person's employment, or in the course of such other person's trade, business or employment is considered as guilty of an offence²⁹.

As Equal Remuneration Convention provides each member shall appropriate to the methods in operation for determining rates of remuneration, promote and to equal remuneration for men and women workers for work of equal value. And each member undertakes to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation without any discrimination as Discrimination in Employment Convention, No.111 provides.

According to the 1978 Constitution of Sri Lanka all the persons are equal before law and are entitled to equal protection of law. Further no citizen shall be discriminated against on the ground of race, religion, caste, sex, political opinion etc. And also the **Wages Board Ordinance No.27 of 1941** provides regulation of wages and other emoluments of persons employed in trades, for the establishment and constitution of wages boards, and for other purposes connected with or incidental to the matters aforesaid.³⁰ According to that wages board has to decide minimum rates of wages, different rates of wages to suit special circumstances, annual holidays, wages of worker who works for less than normal working day or does not work at all

on any day and etc. The decisions of Wages Board have effect notwithstanding any-written law other than this Ordinance. Special thing is that it imposes a liability on employer to pay minimum wages to employees.

Another special thing is that the Industrial Dispute Act focuses on the just and equitable principles when an industrial dispute has been referred to an arbitrator, an Industrial Court or to any Labour Tribunal³¹.

Another plus point of Sri Lankan context is providing special care and attention towards women and children. Eventhough 1978 Constitution guaranteed the right to equality; in same Provision it says that "nothing in this Article shall prevent special provision being made, by law, subordinate legislation or execute action for the advancement of women, children or disabled persons"³². On this basis there are certain legislations on labour matters which provide job security of women in special situations. For an example **Shop and Office Employees' (Regulation of Employment and Remuneration) Act No.19 of 1954**³³ and **Maternity Benefits Ordinance No.32 of 1939**³⁴ provide job security against termination for maternity reasons.

According to the **Section 345 of Penal Code** of Sri Lanka unwelcome sexual advance by words or action used by a person in authority, in a working place or any other place shall constitute the offence of sexual harassment and punished with imprisonment. Other than that there are some other national legislations; which promote equality of opportunity and treatment in respect of employment and occupation without any discrimination.³⁵

The purpose of the Minimum Age Convention is ensuring effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with fullest physical and mental development of young persons.

In Sri Lanka also **Shop and Office Employees' (Regulation of Employment and Remuneration) Act** provides a person who has not attained the age of fourteen years shall not be employed in or about the business of a shop or office³⁶. **Employment of Women, Young Persons and Children Act (Amendment) No.8 of 2003** provides restrictions on employment of children. Under the interpretation section of this Act "child" means a person who is under age of fourteen years³⁷.

Worst Forms of Child Labour Convention provides the duty of each member state to take immediate and effective measures to secure the prohibition and elimination of worst forms of child labour as a matter of urgency³⁸. And for the purpose of this Convention the term "child" shall apply to all persons under age of 18 years³⁹.

In same manner in Sri Lanka also through the **Employment of Women, Young Persons and Children Act (Amendment) No.24 of 2006** brings the prohibition against persons under eighteen years of age being employed in hazardous occupations.⁴⁰

Penal Code Amendment Of 2006 provides; any person who subjects or causes any person to be subjected to debt bondage or serfdom, forced or compulsory labour, slavery and recruitment of children for use in armed conflict and also child trafficking considered as guilty of an offence. The term

"child" under Penal Code also shall apply to all persons under age of 18 years.⁴¹

The **National Child Protection Authority Act No.50 of 1998** also considers all the persons under age of 18 years as children.⁴² This Act is formulated to advise the Government in formulation of a national policy on prevention of child abuse and protection and treatment of children who are victims of such abuse. And as a part to the **Convention of the Rights of the Child (CRC)** Sri Lanka has an obligation to protect and upheld the rights of children.

According to all these things it can be ultimately concluded that Sri Lankan standards in labour law legislations and other relevant legislations are mostly compatible with the standards of core Conventions of ILO. And another thing is that Sri Lankan standards in labour law legislations are having a nature of balancing the interests of employees, employers, society and State.

Furthermore in this paper the author intends to discuss some important ILO Conventions that have not been ratified by Sri Lanka yet. They are; Migration for Employment Convention (Revised) 1949, (No.97), Occupational Safety and Health Convention, 1981 (No.155) and the Decent Work for Domestic Workers Convention 2011 (No.189). Under each of these Conventions the author will focus on special features of these Conventions, what is the importance of these Conventions into Sri Lankan context and how Sri Lankan legal system is dealing with the matters relating to these conventions and justifications for suggestions given by author that Sri Lanka should ratify these conventions. However recently the

Government of Sri Lanka has ratified the Maritime Labour Convention, 2006 and expressed its willingness to ratify the Occupational Safety and Health Convention and Seafarers' Identity Documents Convention, 1958 (No. 108).⁴³

Migration for Employment Convention (Revised) 1949, (No.97)

The migration of Sri Lankans for overseas employment is having a significant feature of socio-economic position of the country and in foreign exchange remittances. There are three international instruments for the protection of rights of migrant workers currently. But Sri Lanka has ratified only the International Convention on the Protection of All Migrant workers and Members of Their Families of 1990. That means Sri Lanka has not still ratified the International Convention on Migrant workers (Supplementary Provisions) 1975 (No.143) and the Migration for Employment Convention (Revised) 1949, (No.97)⁴⁴.

When considering about Migration for Employment Convention; it ensures the equality for nationals and regular migrants in relation to the employment and provides the access to redress for employment related disputes. It contains provisions to assist migrant workers in their employment and this Convention applies to the labour migration process and covers the conditions governing orderly recruitments of migrant workers.⁴⁵

Article 1 of this Convention provides that a state ratifying the Convention has to maintain or satisfy itself that there is an adequate and free service to assist migrants

for employment and to provide them with accurate information. Sri Lanka has fulfilled this requirement in some extent. Because information regarding emigration is available in Sri Lanka at the Bureau for Foreign Employment, the Department of Immigration and Emigration and the Ministry of External Affairs. However this Article provides certain difficulties for Sri Lanka in ratifying this Convention. Because **Sri Lankan Bureau of Foreign Employment Act** (SLBFE Act) is one of the major legislations that deals with foreign employment and Section 51 of the amended Act No.4 of 1994 requires; Sri Lankans who leaving for employment outside from Sri Lanka have to pay a registration fee to the Sri Lankan Bureau for Foreign Employment (SLBFE) prior to their departure. Article 2 of the Migration for Employment Convention also requires States to maintain adequate free services to assist the migrants. Therefore SLBFE cannot be considered as a free public employment service and it is not within the scope of the Convention.

Article 3 of the Convention requires State to take necessary steps against misleading propaganda relating to emigration and immigration. In Sri Lanka SLBFE Act requires all private requirement agencies to be licensed in order to operate. Section 24(1) of this Act provides that all advertisements for requirements must be submitted to SLBFE for approval prior to the publication. And breach of this requirement may result in the cancelation or the refusal of license to operate according to this Act. The amendment to the SLBFE Act in 2009 imposes an obligation to verify this section. But however the inability to hold unlicensed sub-agents accountable has led to the continuation of abusive and

exploitative practices in this area. That means the lack of proper monitoring mechanism for licensed agencies is a major challenge in reducing those malpractices.

Article 4 of the Convention requires State to facilitate departure journey and reception of migrants for employment. According to SLBFE Act also one of the objectives of SLBFE is to assist Sri Lankan workers going abroad for employment. However, the reception of migrants in host countries is largely a matter for employment agency. Nonetheless, SLBFE does not appoint a welfare officer to operate through Sri Lankan embassies in major destination countries.

Article 5 of the Convention requires State to undertake appropriate medical tests within its jurisdiction. But the current requirement and practice is that migrant workers seeking employments in Saudi Arabia, Kuwait, Oman and United Arab Emirates should obtain a medical certificate from a medical clinic in Sri Lanka appointed by Gulf medical centers.⁴⁶ Sometimes this may lead to a discriminatory medical screening without the knowledge or consent of prospective migrant workers. Through the Constitution also Sri Lanka guarantees right to equality and equal protection of law. And in *Coeme v BlankaDiamonds*⁴⁷ Sri Lankan judiciary held that migrant workers employed in Sri Lanka are entitled to all benefits from employment such as social contribution. Therefore it can be argued that Sri Lankan government has to comply with principle of equality recognized in the Convention.

According to above facts it is clear that the ratification of this Convention will require

the States to strictly regulate the private agencies which will reduce some negative experiences we have had in the past. Generally Sri Lanka is the primary state of origin of an estimated 200,000 registered migrant workers in Middle Eastern and South East Asian countries.⁴⁸ This Convention can also provide practical and stringent guidelines in negotiating and concluding bilateral and multilateral agreements. Hence ratification of this Convention will also strengthen international support for Sri Lanka where its nationals suffer violations, abuse of discriminations while in employment in abroad.

Occupational Safety and Health Convention, 1981 (No.155)

The theme of this Convention and Recommendation No.164 is the implementation of a policy focused on prevention rather than a reaction to the consequences of occupational accidents and diseases. Because when occupational hazards arise at the workplace; it is the responsibility of employers to ensure that the working environment is safe and healthy. That means employers must prevent and protect the workers from occupational hazards and ensure that the management processes promote the safety and health at work.

According to the Part 1 of the Convention the government is required to hold consultations at the earliest possible stage prior to the action taken, hold consultations with the representative organizations of employers and workers concerned and report on exclusions made to the ILO. In Article 3(a) of this Convention the term "branches of economic activity" covers all

the branches in which workers are employed including public service. However regarding the self-employed persons this Convention is silent. But it follows Paragraph 1(2) of Recommendation No.164 and it says that it is up to the each country to determine what protective measures may be necessary and practicable to apply to this category of persons.⁴⁹

As Article 4(1) of this Convention provides the national policy shall be formulated, implemented and periodically reviewed in consultation with the most representative organizations of employers and workers. According to the Article 5(c) the national policy should be take into account the training, qualifications and motivation of persons involved in one capacity or another in the achievement of adequate levels of safety and health.

According to this Convention governments are responsible for drawing up occupational safety and health policies and ensure that they are implemented. And also under this Convention the employer's responsibility goes further; entailing knowledge of occupational hazards and ensuring that the management processes promote the safety and health at work. In Sri Lanka the Factories Division and the Occupational Hygiene Division of the Department of Labour are statutorily responsible for the implementation of the occupational safety and health programs in Sri Lanka.

The **Factories Ordinance No.45 of 1942** and subsequent amendments⁵⁰ are the principle occupational safety and health legislation in Sri Lanka. They provide minimum safety standards to be maintained by the employer in factories and

manufacturing processes. Further addresses the matters of health welfare and hygiene, welfare of the workers and addresses the special provisions in the employment of women and young persons in factories. But this Ordinance does not cover the health and safety of field workers like farmers in the agricultural field.

Furthermore **Shop and Office Employees' Act** prescribed the provisions for the health of workers employed in the shop and offices and sets out the requirement of adequate light, ventilation, sanitary facilities and washing facilities in work places. And the **Maternity Benefits Ordinance** is directly applicable to the female workers and imposes certain restrictions regarding the employment of pregnant females for certain types of works that could be considered harm to her and her child.

The **Workmen's Compensation Ordinance No.19 of 1934** provides for the payment of compensation to workers who are injured in the course of their employment. And also it contains a list of occupational diseases.

When considering all these things it seems that the laws and practices in Sri Lanka are generally in compliance with this Convention. However Sri Lanka is feeling effect of globalization and the impact of economic development and industrialization. Therefore it is increasingly recognized that the protection of life and health at work is a basic worker's right. In *Consumer Education and Research Centre v Union of India*⁵¹ the court held that; the right of health to a worker is an integral facet of meaningful right to life to have not only a meaningful existence but also to robust health and vigor

without which worker would lead a life of misery.

Therefore the ratification of this Convention will lead to an amendment to the Factories Ordinance in accordance with the changes in the technology and substance used in the factories to ensure the health, safety and welfare of the workers. This is important, because in present high number of physical, chemical and biological agents as well as adverse ergonomic, physiological factors are found in working environment. And the workers in highest risk industries such as mining, forestry, construction, agriculture and plantation are often known to be at an unreasonably high risk. The work related matters are untenable and not only because of the occupational issues itself, but also because of the simultaneous exposure to heat, dust, noise, chemicals and environmental pollution. That means workers face physical, biological, chemical and psychosocial workplace hazards in everywhere. Sometimes non-occupational health hazards increase the risk of workers as in the case of lung cancers, where smoking can exacerbate the effects of occupational exposure to asbestos. Therefore ratification of this Convention will guide the State to ratify other related Conventions to the protection of occupational safety and health of workers.⁵²

Decent Work for Domestic Workers Convention 2011 (No.189)

Eventhough Sri Lanka has paid its attention to protect the rights of migrant domestic workers; a less attention has been paid towards the domestic worker population. The Decent Work for Domestic Workers

Convention and Recommendation No.201 widen the standards of domestic workers. This Convention mainly addresses the issues of facilitating organization of domestic workers and their employers, awareness-raising advocacy and development of knowledge base and policy tools. And also this Convention recognizes that real change of lives of domestic workers requires building national capacities and institutions and facilitating social and institutional change. And this Convention provides standards that would ensure that domestic workers are treated with same respect, dignity and protection given to the other workers. This Convention promotes a basis for the introduction of legislative and government reforms that are rooted in a rights-based approach.

Article 2 of this Convention requires States to respect promote and realize fundamental principles and rights at work.⁵³ In Sri Lanka the Maternity Benefits Ordinance is not applicable to domestic workers. And the domestic workers are expressly excluded from the application of **Payment of Gratuity Act No.12 of 1983**.

Article 3 of this Convention lists out basic hours of work, a limit on rights for domestic workers including reasonable working hours, weekly rest of at least 24 consecutive hours, a limit on in-kind payment and clear information on terms and conditions of employment. Article 6 recognizes a decent living condition. In practically Sri Lankan domestic workers face long hours of work, a heavy work load, a lack of privacy, low salaries, inadequate accommodation and food, lack of job security, absences of benefits generally granted to other categories of workers and exposure to violence and abuses. Article 10 of this

Convention mainly addresses the issues of protection of rights of domestic workers, promotion of equality of opportunity and treatment and improving working and living conditions.⁵⁴

According to the interpretation for the term "workman" in Industrial Disputes Act in Sri Lanka; this Act would include the domestic workers also. That means in Sri Lanka domestic workers are governed by certain provisions of Industrial Disputes Act. According to this Act verbal agreements can be considered as binding and the domestic workers who often do not have written contracts can seek legal remedies under Industrial Disputes Act and can complain to the Department of Labour or the Commissioner of Labour. Under this Act the reliefs for unjustified terminations of services of domestic workers are not reinstatement but entitled to compensation.

The Employment of Women, Young Persons and Children Act provides that the minimum age for employment is 14 years and the minimum age for hazardous employment is 18 years. This Act is applicable to domestic workers as well without any distinction.⁵⁵ Article 11 of this Convention recognizes minimum wages for domestic workers. But in Sri Lanka the wages of domestic workers are depending on the location of employment. The Wages Board Ordinance determines terms and conditions of employment in trades covered by the Ordinance. As the word 'trade' has a commercial connotation, it cannot be interpreted to include domestic workers.⁵⁶

Furthermore the existing laws of Sri Lanka have ratified certain ILO Conventions as mentioned earlier.⁵⁷ In addition to that this Decent Work for Domestic Workers Convention recognizes that a real change in

the lives of domestic workers require building national capacities and institutions and facilitating social and institutional change which are complex and longer processes. Domestic workers will become legally binding on the countries only upon the ratification of the Conventions and their recommendations. Therefore the ratification of this Act shows a commitment of policy makers regarding the protection of labour rights of domestic workers. And ratification of this Convention will encourage the legislative bodies to amend prevailing labour laws to include domestic workers or to introduce separate specific legislation for domestic workers. However the law enforcement is singularly difficult in the field of domestic work. But to be effective legislation on domestic work should include clear, appropriate deterrents for breaches of law and national laws should contain effective supervisory mechanisms.

As a dualistic country while ratifying the International Conventions Sri Lanka has a duty to enact national legislations to give effect to these Conventions. These Conventions can be considered as a best tool in order to encourage the States to establish and improve the national legislations in harmony with the international standards.⁵⁸ And ratification of these Conventions may provide an opportunity to review and reconsider the laws relating to migrant workers, domestic workers and occupational safety and health of workplaces in Sri Lanka.

Conclusion

Sri Lankan standards in labour law legislations and other relevant legislations are mostly compatible with the standards of

core Conventions of ILO. That means Sri Lankan legal system provides a considerable attention regarding the protection of labour rights. Hence if Sri Lanka consider about the ratification of some other important and suitable ILO Conventions to the Sri Lankan context as discussed previously it will help to protect and ensure labour rights in Sri Lanka further. And it gives an opportunity to consider current international norms and developments and to bring them for the national legislations in line with the international standards.

End Notes

¹Franklyn Amerasinghe, The W.T.O., Labour Standards and National Legislation,;<https://www.lawnet.gov.lk/1960/12/31/the-w-t-o-labour-standards-and-nationallegislation/> (accessed on 03rd May 2020).

²Franklyn Amerasinghe, The W.T.O., Labour Standards and National Legislation,;<https://www.lawnet.gov.lk/1960/12/31/the-w-t-o-labour-standards-and-nationallegislation/> (accessed on 03rd May 2020).

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⁵International Labour Organization, Sri Lanka, <http://www.ilo.org/Colombo/lang-en/index.htm...> (Accessed on 03rd May 2020).

⁶Sarveswaran, A., An Evaluation of Sri Lankan Labour Standards in the light of the Core Conventions of ILO,<http://archive.cmb.ac.lk.8080/research/handle/70130/178>. / (accessed on 03rd May 2020).

⁷Article 14(1) (b) of The Constitution of the Democratic Socialist Republic of Sri Lanka 1978.

⁸Article 14(1) (c) of The Constitution of the Democratic Socialist Republic of Sri Lanka 1978.

⁹Article 14(1) (d) of The Constitution of the Democratic Socialist Republic of Sri Lanka 1978.

¹⁰Article 14(1) (g) of The Constitution of the Democratic Socialist Republic of Sri Lanka 1978.

¹¹Article 15 of The Constitution of the Democratic Socialist Republic of Sri Lanka 1978.

¹²Article 12 of The Constitution of the Democratic Socialist Republic of Sri Lanka 1978.

¹³https://www.academia.edu/33877568/Primary_objectives_of_the_Industrial_dispute_Act_No_43_of_1950_in_Sri_Lanka_overview_and_analysis(accessed on 05th May 2020)

¹⁴Article 2 of the Freedom of Association and protection of the Right to Organize Convention, No.87.

- ¹⁵ Article 3(1) of the Freedom of Association and protection of the Right to Organize Convention, No.87.
- ¹⁶ Article 5 of the Freedom of Association and protection of the Right to Organize Convention, No.87.
- ¹⁷ Article 1.1 of the Collective Bargaining Convention, No.98
- ¹⁸ Section 32 A of the No. 56 of 1999 Amendment to the Industrial Dispute Act
- ¹⁹ Section 8 (2) of Trade Unions Ordinance, No.14 of 1935
- ²⁰ Section 18 of the Trade Unions Ordinance, No.14 of 1935
- ²¹ Section 20(2) and 21 Of the Trade Unions Ordinance, No.14 of 1935
- ²² Section 2, 18(b) of the Trade Unions Ordinance, No.14 of 1935
- ²³ Section 32 A (g) of the Industrial Disputes Act (amendment) Act, No56 of 1999
- ²⁴ S.R. De Silva, 'The Legal Framework of Industrial Relations in Ceylon', Pp66-67.
- ²⁵ Section 32 A (a)-(f) of the No. 56 of 1999 Amendment to the Industrial Dispute Act
- ²⁶ Sarveswaran. A, Trade Union Rights in Sri Lanka: A critical Assessment in light of balancing the interest of Workmen, Employers and the State.
- ²⁷ Article 11 of The Constitution of the Democratic Socialist Republic of Sri Lanka 1978.
- ²⁸ Section 358 A of Penal Code (Amendment) Act No.16 Of 2006
- ²⁹ Prevention of Social Disabilities Act No.21 of 1957
- ³⁰ Section 20-32 of the Wages Board Ordinance No.27 of 1941
- ³¹ Section 17(1), 24(1) and 31c of the Industrial Dispute Act No. 43 of 1950
- ³² Article 12(4) of The Constitution of the Democratic Socialist Republic of Sri Lanka 1978.
- ³³ Section 18E (1) Of the Shop and Office Employees' (Regulation of Employment and Remuneration) Act No.19 of 1954(regulations of employment, hours of work and remuneration of persons in shops and offices, for matters connected therewith of incidental thereto and it ensures the job security against termination for maternity reasons.)
- ³⁴ Section 10A (1) of the Maternity Benefits Ordinance No.32 of 1939(the employment of a woman worker shall not be terminated by reason only of her pregnancy or confinement or of any illness consequent on her pregnancy or confinement)
- ³⁵ These legislations are Protection of the Rights of Persons with Disabilities Act No.28 of 1996, Prevention of Social Disabilities Act No.21 of 1957 as amended and Equal Opportunities Bill of 07th October 1999.
- ³⁶ Section 10(1) of the Shop and Office Employees' (Regulation of Employment and Remuneration) Act No.19 of 1954
- ³⁷ Section 13 and 34 of the Employment of Women, Young Persons and Children Act (Amendment) No.8 of 2003

- ³⁸ Article 1 of the Worst Forms of Child Labour Convention, No.182
- ³⁹ Article 2 of the Worst Forms of Child Labour Convention, No.182
- ⁴⁰ Section 20A of the Employment of Women, Young Persons and Children Act (Amendment) No.24 of 2006
- ⁴¹ Section 286A, 360A and 360B of the Penal Code (Amendment) Act No.16 of 2006
- ⁴² Section 39 of the National Child Protection Authority Act No.50 of 1998
- ⁴³ <https://www.ilo.org/colombo/areasofwork/international-labour-standards/lang-en/index.htm>(accessed on 05th May 2020)
- ⁴⁴ International Labour Organization, Sri Lanka, <http://www.ilo.org/Colombo/lang-en/index.htm>... (Accessed on 03rd May 2020).
- ⁴⁵ International Labour Organization, Sri Lanka, Review of Impediments and Opportunities for Sri Lanka to ratify the ILO Migration for Employment Convention,1949 (No.97) and the Migrant Workers (Supplementary Provisions) Convention,1975 (No.143), (Sri Lanka, August 2012)3
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- ⁴⁷ (1996) 1 SLR 154
- ⁴⁸ E.R.A.H. Menaka, 2017, 'An Evaluation of Sri Lankan Labour Standards in light of the ILO Conventions', Neetham Law Journal of University of Jaffna, Pp.72-79
- ⁴⁹ International Labour Office, "ILO standards on occupational safety and health promoting a safe and healthy working environment," (Geneva, First Edition 2009)13
- ⁵⁰ Amendments to the Factories Ordinance No.54 of 1961, No.12 of 1976, 1998 and 2000
- ⁵¹ A.L.R.1995 S/C 922
- ⁵² Such as Occupational Health Services Convention 1985 (No.161), Safety and Health in Agriculture Convention 2001 (No.184) etc.
- ⁵³ Decent Work for Domestic Workers Convention,http://www.ilo.org.dyn.normlex/en.f?p==1000:12100:0::p12100_instrument_id:25_51460S,accessed on 05th May 2020.
- ⁵⁴ Decent Work for Domestic Workers Convention,http://www.ilo.org.dyn.normlex/en.f?p==1000:12100:0::p12100_instrument_id:25_51460S,accessed on 05th May 2020.
- ⁵⁵ A Sarveswaran, 'Domestic Workers Rights in Sri Lanka-Work like any other, Work like no other: Need for a legislative intervention', (2012) Annual Research Symposium Converging Technologies & Sustainable Communities Proceedings, 141-142.

⁵⁶ A Sarveswaran, 'Domestic Workers Rights in Sri Lanka-Work like any other, Work like no other: Need for a legislative intervention', (2012) Annual Research Symposium Converging Technologies & Sustainable Communities Proceedings, 141-142.

⁵⁷ Such as; Forced Labour Convention, No.29, Abolition of Forced Labour Convention, No.105, Minimum Age Convention, No.138, Worst Forms of Child Labour Convention, No.182, Equal Remuneration Convention, No.100 and Elimination of Discrimination in Employment Convention, No.111.

⁵⁸ E.R.A.H. Menaka, 2017, 'An Evaluation of Sri Lankan Labour Standards in light of the ILO Conventions', Neetham Law Journal of University of Jaffna, Pp.72-79

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