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## Sri Lanka

# NATIONAL WORKERS' CHARTER

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### **Preamble**

CONSEQUENT upon the mandate given by the people of Sri Lanka at the Parliamentary General Election and the Presidential Election 1994 and the commitment of the People's Alliance Government to formulate and implement a Workers Charter.

WHEREAS Sri Lanka is committed to the ideals enshrined in the Declaration of Philadelphia in 1944 and to the Conventions & Recommendations adopted by the ILO.

WHEREAS the Universal Declaration of Human Rights states and affirms that-

- (1) Everyone has a right to work, to the free choice of employment, to just and favourable conditions of work and protection against under-employment.
- (2) Everyone without any discrimination has a right, to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other forms of social protection.

- (4) Everyone has the right to form and to join Trade Unions for the protection of his interests.

WHEREAS the Government of Sri Lanka is committed to ratify the Conventions of the International Labour Organization wherever feasible, and also to (protect workers' rights to organize and to assure equal rights for women, the protection of children and prevention of child labour and child abuse.

THEREFORE, the Government of Sri Lanka do hereby declare as follows:

### **Part 1**

#### **Basic Human Rights - Freedom of Association and the Right to Organize and Bargain Collectively**

The State shall-

- (a) Guarantee and protect the right of workmen to form and join Trade Unions, and to organize and bargain collectively
- (b) ensure that employers recognize Trade Unions and deal with them on matters pertaining to their members. Anti Union discrimination by employers will be made ; an unfair labour practice.
- (c) ensure that the Articles of the Convention on Forced Labour of the International Labour Organization are .fullyimplemented
- (d) take appropriate measures for equality of opportunity and treatment of workers.

### **Part 2**

#### **Employment Services**

The State shall-

- (a) ensure increased access for vocational training and for human resources development.
- (b) do its utmost to promote, and guarantee the protection 'of the interests of Sri Lankan migrant workers.
- (c) ensure the implementation of the national policy on rehabilitation of disabled persons.

### **Part 3**

#### **Wages, Terms and Conditions of Employment**

The State shall-

- (a) ensure that minimum wages stipulated by various wages boards will be reviewed from time to time having regard to the increases in the cost of living and other relevant factors.

- (b) ensure that employees in un-organized sectors are guaranteed minimum terms and conditions of employment to prevent exploitation. Empower the Commissioner of Labour to fix wages and minimum terms and conditions in respect of such workers. Strictly enforce the statutory provisions regarding hours of work and paid holidays.
- (c) ensure that a National Wages Commission shall be established. This body will be responsible to review wages fixed by the minimum wage fixing machinery.
- (d) ensure that workers employed by contractors are granted full protection under existing Labour Laws. The employment of workers In the guise of "Apprentices" or "Trainees" for regular employment will be prohibited.
- (e) ensure that employers in prescribed employments shall issue letters of appointment to their employees specifying terms and conditions of employment. The recruitment of casual workers for regular employment . will be prohibited and permanent status .will be conferred on workers after a specific period of probation. The period of probation shall not exceed one year in the case of employees in supervisory or technical capacity and six months in the case of any other employee, which may be extended by a further period not exceeding 3 months and at the end of the probation period the employee shall be deemed to be confirmed in his post; The definition of a "casual employee" "temporary employee" will be introduced into the law to prevent exploitation of labour. A "casual employee" will be defined to mean any employee who is employed to perform work of a casual nature. A "temporary employee" will be defined to mean any employee who is employed to perform a work of a temporary nature. Such definitions in the statute will ensure that workers are not recruited as casual or temporary employees and kept on for a regular employment. Fixed term employment contracts for regular and continuing employment shall be prohibited than, in respect of employees in a managerial capacity.
- (f) Show Cause and suspension procedures will be formulated by law.
- (g) ensure that Collective agreements are extended, wherever feasible, under the provisions of the Industrial Disputes Act.
- (h) ensure that an employer who closes down his establishment should fulfil his obligations under the law, in relation to unpaid wages, EPF, ETF, gratuity and other entitlements
- (i) take positive steps in regard to occupational safety and Health and introduce effective controls to prevent and avoid accidents.
- (j) promote measures for protection of workers against specific risks, like toxic substances and harmful chemicals. Access to information regarding the risks of toxic substances and industrial hazards will be granted to workers and their organizations.
- (k) ensure that sufficient statutory protection is provided regarding all machinery in industrial establishments to prevent air pollution, noise and vibration etc., which could be harmful and injurious to the health of the workers.

#### **Part 4**

## **Labour Administration**

The State shall-

- (a) ensure an adequate labour inspection service which will assist the workers and employers in the enforcement of labour laws.
- (b) formulate and implement a process of tripartite consultation through the National Labour Advisory Council.

### **Part 5**

## **Industrial Relations**

The State shall-

- (a) promote and strengthen the conciliation and mediation machinery, provided under the Industrial Disputes Act, to assist the workers and employers to settle their disputes. Labour Tribunal and arbitration proceedings will be expedited, delays will be minimized and appeals regarding labour matters shall be expedited. Review of the Industrial Disputes Act will be undertaken keeping in mind the present day requirements and the needs of economic development, yet guaranteeing Security of Employment to Workers.
- (b) ensure and take appropriate steps to provide national level Trade Unions special facilities.
- (c) prepare and bring into force a Code for Industrial Harmony.

### **Part 6**

## **Social Security**

The State, shall-

- (a) ensure that the provisions of the Employees Provident Fund Act, the Employees Trust Fund Act and the Payment of Gratuity Act are effectively enforced and shall ensure that all defaulters will be identified, so that all monies are collected expeditiously. A review of the relevant legislation will be made to guarantee greater benefits to workers and their dependents.
- (b) establish a social security scheme for workers after retirement. Employers will be encouraged to initiate Medical Insurance Schemes and to grant Special Insurance cover to workers exposed to risks at the work place.
- (c) ensure that the Workmens Compensation Scheme will be fully implemented and the employment injury benefits shall be secured.
- (d) guarantee the welfare of disabled persons and make suitable arrangements by, legislation or otherwise to provide welfare facilities to them. A certain percentage of jobs will be reserved for these workers.

### **Part 7**

## **Employment of Women, Children and Young Persons**

The State shall-

- (a) ensure equality of opportunity and treatment to all women in relation to employment.
- (b) take meaningful steps to guarantee the welfare and protection of women workers.
- (c) take steps to prevent the employment of children in industry and in domestic service.
- (d) take all appropriate steps to ensure to all women-
  - (i) equal rights to engage in economic activities for financial benefits.
  - (ii) equal rights in respect of employment in the public, private and informal sectors.
- (e) ensure that the Maternity Benefits Ordinance and the Employment of Women, Young Persons and Children Act will be rigidly enforced to guarantee protection to the workers covered by these acts.
- (f) ensure that regulations under the Maternity Benefits Ordinance in the implementation of Alternative Maternity benefits granted shall be repealed to ensure that maximum benefits are conferred on the workers.
- (g) review the question of the employment of women at night and ensure that employment of Women at night without their consent and without the approval of Commissioner of Labour and without affording them, adequate protection and sufficient welfare facilities shall be strictly enforced.
- (h) ensure that nursing mothers will be granted nursing . intervals and this provision will be enforced. Employers will be encouraged to provide suitable creche facilities for the children of their workers.

## **Part 8**

### **Welfare of Workers**

The State shall-

- (a) Recognizing the need for adequate housing facilities the State shall take steps to provide adequate accommodation close to their work places to solve the problem of .workers housing. Housing loans at concessionary rates will be arranged through the lending institutions to employers volunteering to establish Housing Schemes for their employees.
- (b) provide adequate transport facilities to workers.
- (c) provide or secure the provision of adequate medical facilities to workers at the work places.

## **Part 9**

### **Legislation**

The State shall-

ensure that; the foregoing proposals will be implemented effectively either by enacting new legislation or by effecting necessary amendments to existing labour or other legislation in consultation with the workers' and employers' representatives in the National Labour Advisory Council.



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