

JOINT TRADE UNION STATEMENT

Ensuring job security & Equal Treatment In Work - Responsibility of the Government

The government has allowed two different categories of workers in both State and private sector workplaces.

The private sector claims this is necessary, as they have at times to employ temporary workers to expedite urgent orders within deadlines, for export.

The Investment Promotion Minister of this government says, they have to accept such disparity in order to encourage foreign investors to invest here in Sri Lanka. We challenge this government to explain what foreign investments are expected for the banking and State corporation sectors.

The global trade union movement declared October 07 as the World Decent Work Day to campaign against such indecency. The ILO has endorsed October 07 as the World Decent Work Day to stress the need to honour workers' rights and decent working conditions for workers. It is in such context this government is scheming to enact new laws to enslave our workers in the name of foreign investments.

This seems the strength with which manpower companies keep amassing huge profits by supplying innocent and poor men and women as temporary, exploitable labour to private companies and State institutes. The plight of these men and women who are heavily exploited is better told by this quote from the concept note presented by the Senior Legal Consultant of the Ministry of Labour & Labour Relations on 02 August 2013, to the National Labour Advisory Committee (NLAC) chaired by the Minister for Labour & Labour Relations.

[quote] The Secretary to the Ministry of Labour and Labour Relations, informed me that the Hon. Minister intends to formulate a legislation to control the supply of labour to various private organizations by manpower agencies and such other organizations. The labour so provided do undergo various harassments by so called employers changing their hands frequently. Among other things the workers so employed through the provider agency when recruited to an enterprise through employment agencies very often their wages; daily, weekly or monthly are not regularly paid. Their due wages as per market rates are not given despite denial of minimum wages at certain occasions. Neither their social protection by way of social security measures such as contributions to Employees' Provident Fund, Employees' Trust Fund Board, payments under the Gratuities Act are observed. The privilege of leave or different types of public holidays in terms of the Wages Boards Ordinance and the Shop and Office Act are alien to them. Vulnerable sectors, the categories such as women, young persons, disabled, sick persons (being sick while in employment) are not the adequately protected or covered under heap of concessions accorded under other Laws. The rights of labour such as the Freedom of Association, unionization, combinations, affiliation or federations, etc. are beyond their reach. In other words bulk of the labour provided by manpower agencies have become a commodity rather than a human being who should be protected under the recognized labour standards and their recognition as social partner in development is ignored.[unquote]

This has led to two categories of workers do the same work, with the same responsibility, but

with very differential treatment. As explained by the Senior Legal Consultant at the ministry, this supply of labour by manpower companies even violating labour laws, is now being schemed by the government to regularise through a new law, having shelved amendments agreed upon by trade unions at the NLAC. The government can not shirk its responsibility of providing legal safety for workers to be treated equally and paid the same for same work.

We therefore demand,

- (i) the government drop all plans to enact laws in legalising manpower agencies
- (ii) stop employing temporary workers in all State Corporations and State institutes and instead provide permanent employment in filling all vacancies
- (iii) the amendment to Section 45 of the Wages Board Ordinance as agreed at the NLAC that is still kept in cold storage, be immediately effected and enforced.
- (iv) the two BOI circulars dated 16th March 2005 and 04th October 2005 under the caption “Policy Guidelines on Employment of casual / Temporary workers and contract labour for BOI factories” issued for all BOI enterprises by the chairman / Director General be immediately brought into effect and all factory owners advised accordingly.

[Released in recognising the World Day for Decent Work – 07 October]

06 October, 2013

Trade Unions Co-ordinating Centre