

**THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE
JAAF AND TRADE UNION COLLECTIVE
&
RECOVERING FROM THE COVID-19 PANDEMIC:
STATEMENT OF INTEREST**

23 December 2021

**THE MEMORANDUM OF UNDERSTANDING BETWEEN THE
JAAF AND TRADE UNION COLLECTIVE**

1. This Memorandum of Understanding is entered between the Joint Apparel Association Forum, hereinafter referred to as JAAF, the apex body of the Trade Associations connected to the textile and apparel sector in Sri Lanka as one party and three (03) registered Trade Unions namely Free Trade Zones and General Services Employees Union, Sri Lanka Nidahas Sewaka Sangamaya, and National Union of Seafarers hereinafter referred to as Union Collective as the other party on this 23rd day of December in 2021.

2. Bipartite Health Committees for the Covid-19 Pandemic:

To effectively meet the challenge of the Covid-19 pandemic in the textile and apparel industry, it is proposed that in each factory of the Employers, a Bipartite Health Committee is established, constituted along the guidelines issued by the BOI for Employees Councils. Where there is an established Trade Union at a particular plant, the trade unions will designate employee members of the Bipartite Health Committee in the proportion of their membership in that factory. The election of representatives of the workers shall be conducted following the guidelines issued by the BOI for the establishing of Employee Councils. The establishment of the Bipartite Health Committee in each factory shall be reported to the BOI, the Ministry of Health, and the Department of Labour. The remit of the Bipartite Health Committee shall be to ensure that the guidelines issued by the Ministry of Health are followed at each plant.

3. Freedom of Association and the Right to Collective Bargaining:

The JAAF and Unions agree that Freedom of Association and the Right to Collective Bargaining which are enshrined in the constitution of Sri Lanka are fundamental Human Rights that must be respected by all parties. JAAF and the Unions will make an effective commitment to evaluate and monitor the implementation of those rights. Any alleged

violations of these rights shall be directed to the dispute resolution mechanism outlined in point 4 below.

4. Bipartite Dispute Resolution Mechanism.

JAAF and the Unions will establish a Bipartite Dispute Resolution Mechanism to address any alleged violations of worker rights in plants. In the event of one of the Unions raising an issue at a plant this will be forwarded to the Executive Committee of the JAAF and the Trade Union Collective for review. Where there is deemed to be a valid complaint, JAAF and the respective Union will discuss to resolve the complaint within an agreed timeline of one month, unless extended by the mutual agreement of both parties. Both Parties agree that these complaints will not be discussed with any other third party (either in Sri Lanka or outside) whilst the dispute resolution mechanism is in progress.

The Bipartite Committee may choose to appoint, by mutual consent, an investigator to determine the facts of the dispute and report to the Bipartite Committee, which will evaluate the facts as reported, discuss the dispute and its possible resolution, and issue a report within a timeline of one month, unless extended by the mutual agreement of both parties, which includes findings of fact and recommendations for resolution.

It is agreed hereby that any of the members in the Union Collective may refer any matters related to a violation in respect of Labour rights by a member company, for resolution through the Bipartite Dispute Resolution Mechanism, and that both parties agree that every endeavor will be undertaken to resolve the issue amicably between the parties concerned, without it becoming necessary for either party to resort to legal measures. However, in the event the solution that is offered by the Bipartite Dispute Resolution Mechanism is not accepted by the concerned member company, then the respective Union is given the freedom to resort to seeking a solution through the prevalent legal mechanism and allow the concerned trade union to quote the decision of the Bipartite Dispute Resolution Mechanism in their submissions and other avenues including public campaigns or both.

23 December 2021

This memorandum is operational from 23 December 2021 and both parties witness this agreement by placing their signatures as below.

Signed by,

On behalf of JAAF

A. Sukumaran
Chairman

Joint Apparel Association Forum

On behalf of Trade Union Collective

Anton Marcus
Joint Secretary

Free Trade Zones & General Services
Employees Union

M. P. T. Cooray
Secretary General

Joint Apparel Association Forum

Leslie Devendra
General Secretary

Sri Lanka Nidahas Sewaka Sangamaya

Palitha Athukorale
President

National Union of Seafarers Sri Lanka