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Open Letter to the Government and Parliament of Sri Lanka on the Imminent Labour Law Reform

To the President of Sri Lanka Hon. Ranil Wickremesinghe, the Minister of Labour and Foreign Employment Hon. Manusha Nanayakkara, and the Speaker of Parliament Hon. Mahinda Yapa Abeywardena,

We, the undersigned human rights and labour rights organizations, are writing this open letter to express our serious concerns about imminent and sweeping changes to Sri Lankan labour laws. We fear for the future of Sri Lanka's garment industry—not just for workers but also how the proposed reforms would negatively impact brands' human rights risk assessments and responsible sourcing— if these changes are pushed through. We urge you to immediately halt the current reform process and to ensure that additional new steps towards any necessary reforms to the labour laws are only taken in due consultation with workers and their representatives. The concerns expressed in this letter reflect and follow those repeatedly expressed through protests and raised by a broad coalition of unions and civil society organisations in Sri Lanka.

In the first half of 2023, the Labour Ministry introduced a draft Employment Act¹ (hereafter the draft Act) without first following national regulations on tripartite consultation and without publishing the full draft in both Sinhala and Tamil. The details of the reform process that emerged over the course of May and June 2023 made clear that they sought to “consolidate” Sri Lankan labour laws into a “unified” code, watering down existing protections, and paving the way for greater use of casual labour. This approach to reforms is problematic for the following reasons:

- The process ignored established tripartite consultation mechanisms that have been followed to enact labour reforms. In May 2023, the government abruptly removed four unions² that had been longstanding members of the National Labour Advisory Council, the tripartite body comprised of representatives of the government, employers, and workers unions. The four unions that were removed were not affiliated with any political party and had a track record of representing workers' rights and interests in previous tripartite negotiations. After a court-ordered return of at least one of the suspended unions—Free Trade Zones and General Services Employees Union—several months later in August 2023, the council was no longer convened or consulted³.
- This approach bypassed existing democratic processes, including the obligation to make draft legislation available in all the country's official languages as well as basic practices of transparency and openness, thereby further hampering bona fide consultation. At the time of writing, an official draft has only been shared in Sinhala—not in English or Tamil as the

¹ <https://labourmin.gov.lk/wp-content/uploads/2023/06/ENGLISH-2.pdf>

² <https://www.pressreader.com/sri-lanka/sunday-times-sri-lanka/20230521/282389813842815>

³ <https://www.pressreader.com/sri-lanka/sunday-times-sri-lanka/20231112/281900187930452>

law prescribes, and even this version has not yet been made available on official government websites.

- The proposed draft Act contains many articles weakening the rights and protection of workers by removing international minimum standards and rights. It increases factory management's power over workers by taking away protections against excessive overtime and arbitrary dismissal and weakening workers' right to freedom of association. Among the proposals are reforms that seek to remove overtime pay for a workday that exceeds eight hours (chapter 3.31 and 33.1); remove the twelve-hour-per-week overtime limit (chapter 3.31); allow employers to engage workers on shifts for up to sixteen hours with just an hour's break and without any overtime payment (chapter 3.33.2 and 3); remove protections against unfair dismissal of workers who are seeking to form unions at work (chapter 11); introduce unilateral powers to employers to dismiss permanent workers and fixed-term contract workers without reasonable and sufficient notice and adequate severance (chapter 1); and remove safeguards around night work for women workers (chapter 10). While the draft Act is claimed to be encouraging female representation in the workforce, the suggested clauses do not allow for adequate protections and support for women workers, who make up the majority of the Readymade Garments workforce, and opens the way for a range of risks in night work.

In conclusion, the draft Act contains clauses which threaten Sri Lanka's compliance with international law, including ILO Conventions No. 87, 98, 144, and 190.

While there has been no clarity around the proposed timetable for discussion and passage of the draft Act, we understand that the proposed unified labour code could be placed for voting in the parliament soon.

The Sri Lankan garment industry has tried to set itself apart from other garment producing countries with the slogan "Garments Without Guilt". The imminent reforms threaten to make Sri Lankan's garment factories synonymous with the worst forms of sweatshop labour instead.

We therefore urge you to immediately halt the existing labour reform process and start an alternative process, which is transparent, consensus-based, includes all tripartite stakeholders, and meets the established Sri Lankan democratic processes on consultation, translation, and publication so all workers and their representatives to enable their effective participation, to work towards a unified labour code that respects international labour rights standards.

Yours faithfully,

Amnesty International

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