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Sri Lanka. Women Workers and the Struggle For Labour Rights

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The economic liberalisation policy of J.R. Jayewardene's United National Party regime, starting in 1977, was accompanied by brutal attacks on the trade union movement and workers' rights in Sri Lanka. By the end of the 1980s, Sri Lanka's once-strong labour movement had been decimated. The fight to revive it has had its victories and defeats, and continues to this day. And women workers in particular have played, and continue to play, a major part in this struggle.

Economic liberalisation and attacks on workers' rights

In 1981, the Civil Rights Movement compiled a list of dozens of incidents since 1977 in which trade unionists and workers had been physically assaulted, leading to injury, hospitalisation, and at least one death. The Jathika Sevaka Sangamaya - supposedly a trade union affiliated to the ruling UNP, but behaving more like storm troopers - carried out these assaults with the open connivance of the police. Victimisation of workers and trade unionists who failed to fall in line with the new regime was the order of the day.

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Participants of a half-day strike and picketing called by the Joint Trade Union Action Committee for 5 June 1980 were attacked with stones, clubs and a bomb. A protest general strike called by the JTUAC for 18 July was preceded by the declaration of Emergency Rule and the designation of practically all enterprises as "essential services", crushing any possibility of a strike. It was followed by the dismissal of tens of thousands of workers. Many others lost their jobs as the "open economy" made it impossible for the enterprises in which they were employed to compete with imports.

Similar violent tactics were used to prevent workers from unionising in the new export-oriented production sector dominated by the garment industry, in which the overwhelming majority of workers were women. Polytex Garments, established in the Ekala Industrial Estate in Ja-Ela under the Greater Colombo Economic Commission in 1978 (changed to the Board of Investment in 1992), provides an interesting example of the growth of militancy in this sector, where most of the workers came from rural areas and were new to industrial employment. In March 1980, the workers walked out in protest against low wages, long working hours, a half-hour lunch break, no leave, compulsory overtime, and restrictions on using the toilets of which there were only four for a workforce of 800. Management responded with a lockout. The women turned to more experienced workers in other factories in the vicinity, who helped them form a branch of the Ceylon Mercantile Union. With the CMU's help, they got victimised workers reinstated, a one-hour lunch break, more holiday pay, a higher annual bonus, and more toilets.

However, in 1982, conditions deteriorated. There was another round of victimisations of trade unionists and workers, and the women came out on strike again. This time strikers and picketers, including those who were pregnant, were brutally beaten by the police and JSS thugs, and activists were hunted down and put in jail. The Women's Centre, which had been set up a few months previously by socialist feminist activists, including Kumudini Rosa and Kumudini Samuel, became the operational centre where the Polytex workers planned their struggle. With its help, women worker activists got legal help to get detained organisers released, helped the families of detainees and women workers to survive, and obtained solidarity from the locality, other trade unions, and other women's organisations. In the course of the struggle, the women left the CMU and joined the Industrial, Transport and General Workers' Union. Eventually the strike was won in January 1983, with reinstatement of the victimised activists, recognition of the union, a wage hike, and other gains. But it was not long before harassment, assaults, and suspensions and layoffs based on trumped-up charges resumed.

If trade union organising was difficult outside the free trade zones, it was impossible inside. The first to be established was the Katunayake Free Trade Zone, inaugurated in January 1978; subsequently, two more were established at Biyagama and Koggala. The government saw these sites as "trade-union-free" zones, in which the labour laws of the country would not apply; investors were promised a docile and hard-working labour force. Electrified fences and security guards at the gates kept out union organisers, while workers who showed any propensity to organise or

protest against intolerable working conditions were dismissed. Here, too, the vast majority were women workers from rural areas, who lived in boarding houses where four to eight women were crammed into one small room, often without a fan, in which they had to cook, eat and sleep. They complained that the machines were treated better than the workers, because when machines broke down, they were repaired, whereas when workers fell ill, they just had to go on working or lose their wages. Long hours, compulsory overtime, and restrictions on going to the toilet made them feel like slaves. At the end of the 1980s, after Ranasinghe Premadasa became President, things became much worse. Workers who made the slightest protest against injustice could expect to lose not just their jobs, but also their lives; dozens of workers were abducted and killed, or disappeared.

In a situation where union organising in the free trade zones was impossible, women's organisations like the Women's Centre and Da Bindu played a critical role, contacting workers in their boarding houses and providing multiple services: supplying legal advice and representation as well as personal counselling; fostering solidarity for struggles; organising discussions and educational sessions; and starting street drama, song and dance troupes that allowed women workers to express their problems and sufferings. It is also noteworthy that the Women's Centre provided shelter to Tamils during the 1983 anti-Tamil pogroms, and helped local Tamil families rebuild their destroyed homes in the aftermath of the violence. Following this, it organised exchange programmes between Tamil tea plantation workers and free trade zone workers, and later also with Tamil and Muslim women workers in the North and the East.

The struggle for democracy

At the end of 1994, a new government and President Chandrika Kumaratunga from the People's Alliance came to power, and a slow and painful process of restoration of democracy began. But any move to establish trade unions in the free trade zones was resisted fiercely by employers. In the face of threats that they would pull out their investments, the government backed down, allowing only "employees' councils" and not trade unions in the free trade zones. The expectation was that these "employees' councils" would be dominated by management, and would give the illusion of collective bargaining without the substance of it. In many cases, this is what happened. In other cases, however, workers struggled to gain control over the employees' councils and sometimes succeeded, turning them into de facto plant-based unions. The Joint Association of Workers and Employees' Councils of the Free Trade Zones of Sri Lanka was set up to support them. In cases where the employees' council acted as a union, it was treated like one by the employers. For example, in 1999, in Fine Lanka Luggage (Pvt.) Ltd., two members of the employees' council were dismissed on trumped-up charges, and when workers went on a one-day token strike in protest, they were locked out.

Employees' councils also started getting affiliated to the Free Trade Zones and General Services Employees' Union in order to obtain the advice and support they needed to win their struggles. But workers were still being made to believe that they would be dismissed if they joined a union.

(Consequently, even by the end of 2010, there were only eight recognised unions in the Katunayake Free Trade Zone with some four more in the process of being formed, and no unions in about 60 other enterprises.) However, one sign of progress was the decline in sexual harassment, abductions and rape of women workers, which were at one time rampant.

On 31 December 2004 the Multi-Fibre Arrangement, under which individual developing countries were allotted quotas for textile and garment exports to developed countries, was terminated. Shortly after, a large number of small and medium factories were closed; the total number of garment factories in Sri Lanka fell from 832 in 2004 to 403 in 2006. Most were shut down without notice and without making statutory payments to workers. When the Labour Department took legal action to recover the statutory entitlements of workers who had lost their jobs, it was impossible to do so in many cases because the owners had left the country, or had mortgaged their moveable and immovable property to banks. The FTZGSEU and Women's Centre made a series of proposals to prevent such problems arising in the future, including introducing legal provisions that require companies to give three months

notice before closure, amending the Companies Act so that amounts payable to workers become the top priority among the obligations of a company being closed, establishing trust funds maintained by investors and using those funds to fulfill obligations to workers if the companies fail to do so, and providing a social security allowance to dismissed workers until they find new jobs.

Recent problems

The global economic crisis of 2008 was used as a pretext for a new assault on jobs and employment conditions, and on this occasion too, workers who lost their jobs were in many cases deprived of their Employees Provident Fund and Employees Trust Fund payments, and sometimes even of outstanding wages. The President of the Garment Factory Owners' Association told local newspapers in March 2009 that 40 factories had been closed down and 50,000 workers had lost their jobs. Yet the government reported that export income had grown by 7.9 percent between February 2008 and February 2009, and that there was record-breaking growth in the apparel sector! How was this result achieved? Most of the fringe benefits, including attendance allowance, transport facilities, food allowance and incentive payments, were cut; workers were made to start work at 6.00 a.m. but allowed to punch their cards only at 7.00 a.m., so that they were doing one hour of unpaid and unrecorded labour. And verbal abuse and coercive measures were used to make the remaining workers work harder. An ominous development, as in the case of APM Private Ltd. in Katunayake, was that production was subcontracted to informal workplaces outside the zones - where piece-rated workers, who were not covered by any labour laws, carried it out.

The other major problem, that continues today, is a drastic reduction in real wages as a result of rapid inflation. One index of this is that the monthly rent for boarding-house accommodation, around Rs 300 in the 1980s, has gone up to around Rs 3,000. At the end of 2010, workers were getting a basic salary of only Rs 6,700 per month, despite the fact that the government's own estimate was that a family of four needed an income of Rs 32,270 per month to survive. Workers were not only unable to send sufficient money home to their families, but could not feed themselves adequately. Labour Department figures showed that 60 percent were anaemic, and undernourished women were producing low-birth-weight infants with an abnormally high rate of disabilities. A vicious circle had developed, whereby women who went to their villages for marriage were coming back to work because they were unable to make ends meet in the village, while other women were leaving their jobs because the pay was so low and conditions so harsh. President Mahinda Rajapaksa had promised an increase of Rs 2,500 in wages when he was campaigning for re-election in January 2010, but workers in the free trade zones had received only Rs 500. A massive campaign by trade unions and other organisations for a 30 percent increase in wages for all workers, inside and outside the free trade zones, was underway in late 2010 and early 2011 - using petitions, pickets, demonstrations and human chains to press for the demand.

Meanwhile, an increase in the number of married women with small children has created a childcare problem. Although women get three months maternity leave, there are no day-care facilities at the factories. The Women's Centre started a day-care centre to meet the need, and at the end of 2010 it was looking after 17 children, but could not meet the demand.

Recently, after the end of the war in 2009, Tamil workers from the North and the hill-country were being brought in to fill vacancies in factories. There were around 150 in Katunayake. Nittambuwa Crystal Martin Pvt. Ltd. had brought Tamil workers from Vavuniya, giving them different uniforms from Sinhalese workers and accommodating them separately. Wattala Timex was reported to have brought workers, including children as young as 13 years, from the camps. These workers were given lower salaries, made to work longer hours, and taken straight from their boarding houses to work and back by the company, making it difficult for Sinhalese workers to contact them. In fact, Sinhalese workers were threatened with disciplinary action if they spoke to Tamil workers, creating fresh problems for union organising.

The European Union Generalised System of Preferences + Facility

From the early 1990s onwards, consumer campaigners and labour rights activists in Europe and North America put pressure on their brand-name companies and retail stores to ensure that the garments and other products they sold were produced by workers whose rights were respected. After some resistance, these companies adopted codes of conduct, which stated that the production units in Third World countries from which they sourced their products were abiding by ethical standards. However, the company codes were weak and tended to focus only on emotive issues like forced labour and child labour, without referring to the right to unionise and bargain collectively.

In response, activists formulated model codes - based on the International Labour Organisation's Core Conventions - dealing with freedom of association and the right to organise and bargain collectively, the elimination of forced labour, the abolition of child labour, and freedom from discrimination in employment and occupation. Many of these codes also brought in gender issues left out by company codes. But who would monitor the implementation of these codes? Unless governments support these rights and workers are empowered to monitor codes, implementation will be elusive.

The EU's GSP+ facility can be seen as an extension of the idea of codes of conduct. It was extended by the EU to economically vulnerable developing countries, which had ratified and effectively implemented 27 international conventions in the field of human and labour rights, sustainable development and good governance. It allowed for duty-free access to the EU market for a wide range of products, and was thus an incentive to comply with these conventions rather than a penalty for failing to do so. The fact that this status was granted to Sri Lanka in July 2005 is testimony both to the success of the efforts of labour rights activists and human rights defenders in the country, and to the government's efforts to democratise the country after the mid-1990s despite the war. The GSP+ facility allowed Sri Lanka to export more than 7,200 products duty-free to the EU. This was seen as a form of development assistance, with a built-in mechanism to ensure that it would not simply go into the pockets of corrupt politicians and bureaucrats and unscrupulous employers, but would benefit the majority of the population. The implementation of the conventions, like good governance, would prevent corruption and empower ordinary citizens to control and monitor development programmes.

However, as the account above suggests, standards began to slip again during the regime of President Rajapaksa, who first came to power in 2005. An exhaustive investigation by the European Commission launched in October 2008 and completed in October 2009 found that Sri Lanka was not in compliance with the Convention Against Torture, the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights, which includes the right to life, freedom from cruel, inhuman or degrading treatment or punishment, freedom from slavery, servitude or forced or compulsory labour, freedom from arbitrary arrest or detention, equality before the law, equal protection of the law, freedom from discrimination, freedom of thought, conscience and religion, freedom of expression, freedom of association including the right to join trade unions, right of peaceful assembly, right to take part in the conduct of public affairs either directly or through freely chosen representatives, and the right to enjoy one's own culture and use one's own language.

The government spurned repeated invitations to discuss these problems, denouncing them as interference with Sri Lanka's sovereignty, and the GSP+ facility was withdrawn on 15 August 2010. It is notable that the regime in power was interpreting "sovereignty" in the now obsolete manner used by absolute monarchies. By contrast, Sri Lanka's Constitution, despite its failings, states that sovereignty resides in the people; and if the people were to exercise their sovereignty, they would need all the rights upheld by the three conventions mentioned above. If it is assumed that the Sri Lankan government represents the people, one would have to conclude that the people are demanding the "right" to be tortured, the "right" to have their children exploited and abused, and the "right" to be stripped of all their rights, including the right to life. A far more plausible explanation is that the government does not represent the people, at least on this issue. Indeed, the workers blame the government for the loss of the GSP+ facility, citing its failure to respond to numerous letters from the EU, and are demanding that the government get it back.

A campaign to put pressure on the government to comply with the conditions for reviving the GSP+ facility could, if successful, result in far more durable gains than a 30 percent wage increase, which might easily be eroded by inflation in a short period of time. Strengthening rights would help to ensure a pattern of development in which the benefits are shared by all, instead of being monopolised by a small elite, as they are at present. And by projecting a goal that is shared by people of all communities, it would build solidarity between them and combat the divide-and-rule strategy that has allowed an authoritarian state to substitute its own sovereignty for the sovereignty of the people.

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Post-scriptum :

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