Introduction

The Asian Forum for Human Rights and Development (FORUM-ASIA) and the Law and Society Trust (LST) undertook research between October and December 2022 to shed light on the enduring systemic, structural, and legal challenges encountered by manpower workers, commonly known as casual workers. This research also delved into the repercussions of the pandemic on garment factories situated in three Export Processing Zones (EPZs) located in the Western Province of Sri Lanka: specifically, Katunayake, Biyagama, and Wathupitiwala.

Sri Lanka’s apparel industry has seen rapid growth in exports in recent years, growing from USD 452 million in January 2019 to USD 487.6 million in January 2022. Despite constituting 44 per cent of the country’s total exports and generating a substantial revenue of USD 5.6 billion in 2020, this prosperity has not trickled down to the workers themselves. 15 per cent of Sri Lanka’s workforce is in the apparel industry–comprising a majority 78 per cent women–and find themselves among the country’s most underpaid and overworked labourers.

Between October and December 2022, a series of interviews and focus group discussions (FGDs) were conducted with 57 individuals, comprising 42 females, 14 males, and one transgender person. This sample comprised 29 permanent factory workers, 25 manpower workers, and three experts specialising in labour laws. Each interview, conducted in person, followed a semi-structured format and was facilitated in local languages, Sinhala and Tamil. FGDs, on the other hand, were conducted separately for permanent and manpower workers from each of the three EPZs.

The research report–titled ‘Threads of Injustice: Investigating the precarious working conditions of garment workers in selected Export Processing Zones in Sri Lanka’– was launched in Colombo in March 2023. It highlights the rampant labour law violations and hazardous working conditions that trap workers in a vicious cycle of poverty.

Research Findings

Research findings underscore the gendered vulnerabilities at play: fears of sexual harassment, abuse, and stigmatisation. For women and gender minorities, the workplace becomes a battleground where they face the double burden of striving for dignity and equality in the workplace while navigating systemic injustices.

Derogatory terms, such as juki girls, assigned to young women workers not only stigmatise their jobs but also deter other women from entering the workforce. This perpetuates a cycle of exclusion, denying women economic opportunities and further deepening the gender divide. The gendered power imbalance within the workplace has exacerbated these risks. Male mechanics and line managers often exploit their positions, coercing women workers into giving sexual favours or personal information in exchange for basic technical or professional support. The absence of functional...
grievance mechanisms as well as the lack of support and mere acknowledgement from the human resources department fostered a culture of silence and fear, where female workers fear repercussions for voicing their concerns or reporting their abuses.

The report also highlights the unequal and unfair treatment between permanent and manpower workers. The latter lacked adequate safety measures and training. Manpower workers were excluded from accessing support systems, leaving them highly susceptible to accidents without any accountability from the employers. Staff cost-cutting measures, which were common in the industry, also contributed to a distressing situation: more than six million people are struggling with food insecurity. According to a report in May 2022, Sri Lanka was experiencing the worst food insecurity since 2004.

Sri Lanka’s ongoing political and economic crisis has severely impacted food security, a stark increase from the 91 per cent recorded in 2021. Food and fuel shortages persist as the government continues to rely on international loans, with more than 50 per cent resorting to purchasing food on credit. Adequate dietary intake remains a huge challenge, with 30 per cent living on insufficient food consumption and 40 per cent managing with only limited portions. Female workers continue to face greater hardships compared to male-headed ones. Moreover, rural households face significantly higher levels of acute food insecurity, being more than 1.5 times higher compared to urban counterparts, a disparity mirrored in income sources as well.

This unprecedented crisis and the subsequent measures have affected jobs and earnings in a labor market already burdened by high inflation, youth unemployment, skill deficits, and lower female labour force participation. Initiating, raising, and increasing the entry, small, and medium-sized enterprises (MSMEs) hard. The economic crisis of 2022 further impacted 89 per cent of the MSMEs. In terms of the Act, there were 10,000 MSMEs and one-fourth of those (one-sixth) contraction in employment within the surviving firms amid the multiple crises between 2020 and 2023. Taking a day off—even if the worker is sick—means no pay. This situation not only puts a worker’s health at risk but also their financial stability.

Like-wise, permanent workers face rigid hours. They also struggle to get a day off. This inflexibility becomes a major obstacle for women in the workforce as they also grapple with caregiving and domestic responsibilities. Often, women and girls with temporary work contracts are the last hired and first fired. Lower income sources create a cycle of insecurity for manpower workers, especially women. In addition, factories deploy multiple tactics to obstruct unionising efforts such as the surveillance, dismissal, and threatening of workers. All these create an environment of fear that hinders collective action. While some factories do have Women’s Desks, they are mere tokenistic bodies that do not safeguard the welfare of workers. Those who dare speak out often lose their jobs.

The research report serves as an important advocacy tool to uphold social justice. It juxtaposes on-ground realities with the country’s labour laws, highlighting shortcomings in terms of implementation. In addition, it offers a glimpse into the transformational changes that need to be made to address the needs of the citizenry grappling with making ends meet amid soaring inflation. The report also makes it clear that care work is solely a woman’s burden puts women at a disadvantageous position in terms of accessing education and livelihood opportunities.

As a result, there was a 20 per
These meetings have also been used as an evidence-based advocacy tool by labour rights organisations and trade unions conducted an awareness programme in Biyagama EPZ on the proposed amendments to labour laws, effectively informing workers about the proposed changes on holidays, wages, overtime regulations, and maternity benefits in both Sinhala and Tamil. These efforts not only sparked interest among participants but also inspired them to pursue leadership roles and actively engage with unions.

FORUM-ASIA has also been actively engaging with various UN fora. In March 2023, during the UN South Asia Forum on Business and Human Rights held in Kathmandu, FORUM-ASIA hosted a session discussing the challenges faced by women workers in informal sectors in Sri Lanka, Pakistan, and Nepal. During the session, an EPZ worker provided a powerful first-hand account of the systemic injustices prevalent in the apparel industry. The panel discussion shed light on the need to address these intersectional challenges as well as the need to protect and promote women’s rights in informal economies.

At the 54th session of the UN Human Rights Council in September 2023, FORUM-ASIA facilitated the participation of a prominent lawyer and trade union activist who delivered a compelling oral statement on Sri Lanka’s culture of impunity, systematic suppression of dissent, ongoing human rights violations, and widening economic disparity. In parallel, various meetings were organised with UN mandate holders and special rapporteurs. All these efforts aimed to raise the alarm on Sri Lanka’s human rights concerns and create networking opportunities for grassroots defenders.

Conclusion

The research report helped shed light on the systemic challenges faced by Sri Lanka’s apparel factory workers. Our continued advocacy and capacity-building efforts to increase awareness about the plight of apparel workers and their representation of workers included worker-centric campaigns calling for fair wages, improved working conditions, and workplace safety.

Civil society groups and trade unions have strategically leveraged the report’s recommendations to strengthen their collective bargaining and push for policy reforms. Amid Sri Lanka’s ongoing economic restructuring, urgent attention needs to be paid to the plight of workers. While anticipated labour reforms might hold promise for positive change, they also pose risks to the rights of workers as well as their collective bargaining power. We envision a future where the well-being of workers mirrors the country’s economic growth, where the dividends of progress are equitably shared across socio-religious, gender and ethnic lines, and where equal and fair opportunities are afforded to all.

 Capacity Building Initiatives and Other Interventions

Following the field research, a series of targeted interventions were done to drive meaningful change. Locally, the research findings served as a catalyst, inspiring the creation of many worker-centric initiatives and campaigns. These initiatives tackled the need for fair wage, improved working conditions, and workplace safety.

The country’s economic and political crises have mobilised the masses, reawakened political activism, and solidified existing spaces, and created new spaces for discussion and dissent on the restructuring of Sri Lanka. In addition, factory workers have expressed a heightened awareness about their rights and assertiveness as evidenced through the increased frequency of protests within factory premises.

On a national scale, the research report is being used as an evidence-based advocacy tool by labour rights activists and groups. Its recommendations were widely disseminated among parliamentarians and relevant government bodies, to influence forthcoming policy changes.

The report has been strategically used to empower the collective bargaining efforts at both local and national levels through engagements with Stand-up Movement Sri Lanka, Dabindu Collective, Shrama Abhimani Center, Revolutionary Existence for Human Development (RED), and the Commercial and Industrial Workers Union (CIWU). These meetings have also been used as an opportunity to inform discussions around policy changes which are crucial to Sri Lanka’s evolving economic and socio-political landscape, including the implications of IMF recommendations and the government’s response to labour rights issues.

Workers have also recognised the significance of advocacy, particularly in response to new policies and directives from entities like the IMF. More broadly, the report adds to the discourse pushing for improving industry-wide standards for the rights of workers, especially in developing countries where cheap labour is often sought without due consideration for workers’ well-being.

LST and FORUM-ASIA organised a series of interventions aimed at enhancing the understanding of workers of economic reforms, legal intricacies, workers’ rights, and the pivotal role of unions in safeguarding worker interests. One such capacity-building workshop-organised on 27 and 28 May 2023 at Katunayake-gathered 46 participants, including workers, union leaders and members, civil society organisations (CSOs), and activists. The workshop delved into a diverse array of subjects, encompassing labour rights infringements, the structural outline of labour laws, advocacy strategies, and avenues for reform. It highlighted pioneering methods for lodging complaints about labour rights violations, such as the Wave App and Hotlines utilised by the Shrama Abhimani Center, RED organization, Dabindu Collective and CIWU. These innovative tools were showcased to empower workers, enabling them to readily report violations and seek prompt resolutions. Furthermore, leveraging the support of the Collaboration of Young Lawyers Association and Lawyers Collective Sri Lanka, a network of lawyers was established as part of a referral network to facilitate access to legal services in case of labour rights violations.

Similarly, several meetings with key CSOs and labour unions focused on coming up with ways to integrate the research findings into their respective work plans. In June 2023, LST co-organised an event to discuss Sri Lanka’s proposed labour laws and their potential implications on the working class, particularly workers in informal sectors.

The labour rights advocacy group #UNITE campaigned for government transparency, urging the disclosure of hidden labour law reforms. In July 2023, various labour rights groups organised a protest at the Ministry of Labour to voice their concerns over unjust labour laws and misappropriation of the Employees’ Provident Fund. In August 2023, LST in partnership with worker’s organisations and trade unions conducted an awareness programme in Biyagama EPZ on the proposed amendments to labour laws, effectively informing workers about the proposed changes on holidays, wages, overtime regulations, and maternity benefits in both Sinhala and Tamil. These efforts not only sparked interest among participants but also inspired them to pursue leadership roles and actively engage with unions.

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