

Abstract

An Assessment of Trade Union Rights in Sri Lanka in light of International Labour Standards', traces the close interaction between Sri Lanka and international labour standards set by United Nations (UN) and International Labour Organization (ILO) by which the principles of 'Rights of Association' have been interpreted and shaped. 'Rights of Association' in terms of this context was considered as 'Trade Union Rights' and it was linked with balancing the interests of the employer, employee and the State. Research problem of the study was whether the law governing trade unions in Sri Lanka is satisfactory when corresponding with international labour standards in order to protect trade union rights in balancing the interests of the Employer, Employee and the State? The Sri Lankan approach of trade union rights is compared with India and United Kingdom providing a deeper insight in the assessment. It was based on qualitative data collection and analysis methods and it was assessed the trade union rights under four selected sub heads; namely right to form trade unions, right to engage in trade union activities, protection from anti union discrimination and right to collective bargaining. It was found out that at the outset, Sri Lankan legal framework corresponds with international labour standards on trade union rights. However, legal and practical limitations towards the enjoyment of trade union rights are evident. Discriminatory legal approaches can be found in the private sector and public sector in terms of right to form trade unions, right to engage in trade union activities, protection from anti union discrimination and right to collective bargaining. Moreover unnecessary State intervention promoted by legislation towards the enjoyment of trade union rights which is inconsistent with international labour standards was also evident. Practical dilemmas of recognition and implementation of rights and limitations as well as lack of attention towards the duties of stakeholders in the tripartite relationship were also examined. A legislation to govern trade unions is recommended including the provisions asserting not only the rights of trade unions but also the duties of such organization. Moreover a proper legal standing on right to engage in trade union activities must be recognized through the new legislation. Broadening the protection towards unfair labour practices, limited State intervention by amending Public Security Ordinance and Essential Public Services Act and effective Constitutional protection are also recommended. It is required a deeper understanding of the nuances of labour law at global, regional and national level and such knowledge should inform and alert the academic and professional agenda within the country. In this context the dissertation ensures such knowledge to those policy makers, legal professionals, trade unions, management, students of law and to others interested in the strengthening of modern institutions and enterprise in Sri Lanka and the world with regard to trade union rights.