

Overworked and Underpaid, Sri Lanka's Garment Workers Left Hanging by a Thread

Workplace Issues in the Sri Lanka Garment Sector



In partnership with:



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Cover page image: Union members protest against anti-labor rights practices in front of Sri Lanka Board of Investment (BOI).

Photo credits: Mohamed Fizer, Program Officer

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Introduction

Established in the 1960s,¹ the garment sector has become one of the most important economic drivers in Sri Lanka. In 2019, it brought in \$5.4 billion in export earnings, accounting for 6 percent percent of the nation's gross domestic product (GDP) and a staggering 40 percent percent of all exports. According to the Central Bank's 2018 annual report,² the manufacturing of textiles and worn apparel have generated a gross national income of 654,482 million Sri Lankan rupees (\$3 million), and industry leaders project that number to reach \$8 billion by 2025.³ The major destinations for Sri Lankan-made garment exports were the United States of America (43.1 percent percent), United Kingdom (14.2 percent percent) and Italy (8.7 percent percent).⁴ More than 700 garment factories/suppliers are registered in Sri Lanka.⁵

In 2020, garment export revenues fell by more than a billion dollars, to \$4.2 billion,⁶ The garment sector employed around 300,000 direct workers and 600,000 indirect workers.^{7,8} In August 2020, the Sri Lankan Joint Apparel Association Forum (JAAF) estimated that 80,000 to 100,000 workers in the industry would lose their jobs due to COVID-19.⁹ According to the Clean Clothes Campaign (CCC), employers had discouraged migrant workers from rural provinces from returning after the lockdown, for example by not providing transport and meals, and cutting incentive

¹ <https://blog.bizvibe.com/blog/textiles-and-garments/apparel-industry-in-sri-lanka>

² [Statistical Appendix Table](#)

³ [Sri Lanka apparel sector aims to reach US\\$8 bn by 2025](#)

⁴ <https://www.srilankaapparel.com/data-center/market-wise-performance/>

⁵ <https://openapparel.org/facilities?countries=LK>

⁶ <https://www.srilankaapparel.com/data-center/yearly-performance/>

⁷ [4IR AND WOMEN IN THE WORKFORCE: SRI LANKA'S APPAREL INDUSTRY](#)

⁸ Debated: JAAF estimates 400,000 while Clean Clothes Campaign (CCC) estimates over 500,000

⁹ [Apparel industry fears 100,000 job losses post-COVID-19](#)

and overtime payments, without which workers cannot earn enough to warrant returning from their homes to the factory.¹⁰

Even prior to the pandemic, garment workers had yet to benefit from this fast-growing industry despite its considerable contribution to the economy. Rather, they have endured physical abuse in addition to inadequate wages and poor working conditions.¹¹ Garment-sector workers, especially women, also face negative social perceptions:

“Female factory workers in the apparel sector are stigmatized as promiscuous and are referred to as ‘Juki girls,’ a derogatory term for machine operators. Thus, due to the low social recognition and the bad reputation [ascribed to] ... female garment factory workers, young women are reluctant to join the industry. This stems from safety concerns for females and exposure to sexual harassment and abuse resulting from poor infrastructure facilities (inadequate transport and housing near factories).”¹²

To make a poor situation even worse, the COVID-19 pandemic heavily affected garment sector workers on many fronts. The second wave of the pandemic began in the garment industry,¹³ which led to worker rights violations including non-payment of wages, termination and retrenchment, and worsened employment conditions.

Understanding issues faced by garment workers in both pre- and post-pandemic contexts in order identify known and hidden issues, determine their scale and help target solutions. This research (and the capacity-building activities designed with the help of this research) aims to support achievement of Sustainable Development Goal (SDG) 8, decent work and economic growth, and the targets outlined in Goal 8: to achieve full and productive employment and decent work for all women and men, and protect labor rights and promote safe and secure working environments for all workers.

¹⁰ [STILL UN\(DER\)PAID- How the garment industry failed to pay its workers during the pandemic](#)

¹¹ [H&M workers protest in Sri Lanka demanding fair employment conditions](#)

¹² [Talking Economics - The Dwindling Stitching Hands: Labour Shortages in the Apparel Industry in Sri Lanka](#)

¹³ [The COVID-19 second wave and the apparel industry | Daily FT](#)

Provisional hypothesis

The research aimed to find evidence or counter-evidence for the following provisional hypotheses:

- Garment workers in Sri Lanka face many rights violations, from different forms of discrimination to gender-based violence and harassment. including sexual harassment, which has been amplified due to the COVID-19 pandemic.
- Garment workers are not able to attain decent or dignified working conditions.

Research statement

Garment workers in Sri Lanka face many labor law violations, different forms of discrimination and gender-based violence and harassment in their workplace, which prevents them from attaining decent and dignified work opportunities. These issues have been amplified by the COVID-19 pandemic. Therefore, it is important to gather evidence and information on the issues and stigma that garment workers face in and outside of work to provide solutions to these issues.

Research question

The research will aim to provide answers to the question: What are the labor violations, different forms of discrimination and gender-based violence and harassment faced by garment factory workers?

Research objectives

This survey aims to identify the main issues that garment workers face in and outside of the workplace in pre- and post-pandemic contexts.

Methodology

The survey was conducted during the second wave of the pandemic in 47 factories in the Katunayake Free Trade Zone (FTZ, in the Western Province), Kandy (Central

Province), Southern Province and Northern Province (see Figure 1). The questionnaire featured 37 questions categorized under three sections: labor law violations and decent work conditions; workplace health and safety; and discrimination and harassment. In addition, factory worker opinions on working and living conditions were sought.¹⁴ The survey included both objective and subjective questions¹⁵ to identify garment workers' views on various aspects of their work life. These subjective questions gathered important qualitative data that enriched the survey and provided insight into garment workers' lives.

A sample survey was conducted in October 2020, after which the Solidarity Center edited the questionnaire based on input provided in the sample survey by the workers. Six field researchers, all trained by the Solidarity Center and based in the Katunayake Free Trade Zone, conducted the revised survey during January and February 2021. Of the field researchers, four were factory workers and two were representatives from a local nongovernmental organization (NGO). The research was conducted in Sinhala and Tamil languages.

Surveys were not conducted in Uva province, as initially planned, due to the pandemic. The survey was transcribed and translated into English.

Due to the pandemic, the Solidarity Center was unable to observe the researchers in the field as originally planned. The field researchers also experienced logistical difficulties in conducting face-to-face interviews due to pandemic restrictions, so some surveys were completed directly by the respondents.

Demographics and Respondent Profile

Of 152 surveys, eight were unusable as they were completed by non-garment-sector workers in the Katunayake FTZ, leaving 144 valid surveys for the purpose of this research. Of those, 93 were conducted in Sinhala and 51 in Tamil. Ninety-six of the

¹⁴ [Appendix](#)

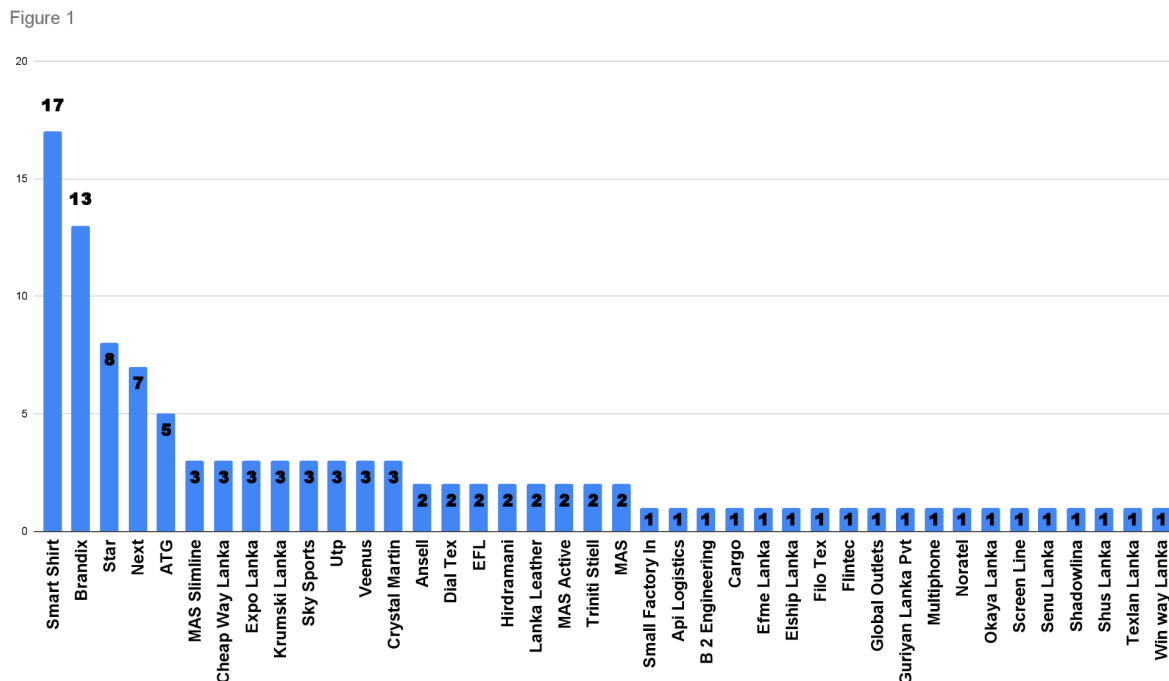
¹⁵ [Appendix](#) (Questions 9, 11, 12, 13, 19, 26, 27, 28, 30, 31,32, 33, 34)

respondents identified as female, 47 as male and one respondent did not reveal their gender. Respondents ranged in age 18 to 54, with the average age at 28 years.

Of the respondents, 56.9 percent were Sinhalese, 36.3 percent were Tamilians, 1.9 percent were Muslim and 4.9 percent belonged to other ethnicities.

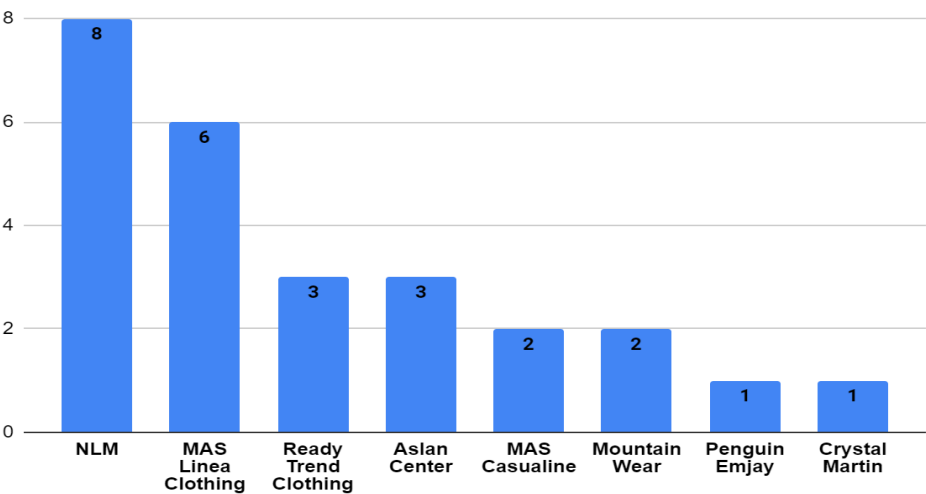
Workers who participated in the survey held a variety of positions: 43.9 percent (61 respondents) worked in sewing sewers, 30.9 percent (43 respondents) machine operators, 4.3 percent (6 respondents) supervisors, 0.7 percent (one respondent) a cutter, while 20.1 percent (28 respondents) were did other jobs, including helpers, machine cleaners, loaders and packers. The majority, 93.7 percent (134 respondents), were permanent workers; the remaining respondents were either manpower workers (5) or did not respond (5).

Figure 1: Distribution of Workers by Factory, Katunayake FTZ



Out of 52 factories, nine factories were in the Central Province (with one worker not providing the factory name), two in Northern Province (Hirdaramani), and one in Southern province (Crystal Martin).

Figure 2: Distribution of Workers by Factory, Central Province



Analysis

Worker profile

The average worker-respondent of the survey was 28 years of age. They earn an aggregate median monthly salary of LKR 23,676 (\$119) as their monthly salary. Most of the respondents who were permanent workers had written contracts, and received salary and EPF/ETF slips. However, the majority of the manpower workers did not have a contract with the hiring agency. The factory workers are of the opinion that they are living in overcrowded conditions and a minority of respondents thought that their dwellings did not have adequate privacy.

Labor rights awareness

The respondents' awareness of and access to labor rights information was weak. Respondents did not have a clear understanding of the legal terms of employment conditions such as work hours, overtime conditions, leave entitlements and the

ability to resign from employment; and it appears that employers are capitalizing from this lack of understanding.

Unionism

Most of the worker-respondents surveyed were not unionized. This can be attributed to union-busting practices undertaken by the factories and, as a result, the difficulty for unions to continue their organizing efforts in the garment sector. Therefore, the right to freedom of association of the workers is being violated by employers. This has been a key contributing factor preventing garment workers from realizing their labor rights.¹⁶

COVID-19 and occupational health and safety

COVID-19 has affected all aspects of garment workers' lives. Workers have lost income, benefits and allowances, and have experienced delays in payment or, at times, the wholesale non-payment of their wages. Workers have also experienced increased workload and work hours, and constant switching between different production lines. Garment workers have also lost jobs due to closure, retrenchment and temporary termination. Most of the worker-respondents thought their workplace had adequate occupational health and safety measures, including the ability to adhere to COVID-19 prevention measures. However, based on the COVID-19 spread in the garment factories, it should be noted that factories are far from compliance with pandemic guidelines to ensure the health of workers.

Harassment

In terms of harassment and discrimination based on ethnicity, religion, gender and disability, workers reported that harassment and discrimination is minimal in the factories. More in-depth research is required to understand whether these reports are accurate, especially since workers mentioned a high incidence of gender-based violence and harassment (GBVH) at other factories. In other contexts, workers can be reluctant to discuss such matters due to fears of reprisal or normalization of such practices into everyday work life. Additionally, even though GBVH issues are

¹⁶ 61.7 percent said they do not have any knowledge on local labor laws

prevalent in broader Sri Lankan society,¹⁷ women rarely share their experiences and stories. This can be due to many reasons such as victim blaming, fear, guilt and modesty, which are instilled through societal conformity.

Based on the survey data, it can be concluded that factory worker rights are being violated, including but not limited to the right to organize. Thus, the need to increase workers' awareness of their rights and provide them a platform to discuss these issues is evident.

Recommendations

Organizing and unionizing

- The survey revealed that most garment workers are not union members. Therefore, there is ample scope for organizing and unionizing in the sector. Trade unions may train and employ union organizers to initiate organizing efforts and approach potential members. Unions should also develop funds specifically allocated for organizing. An initial review of the dues and collection system can be conducted to assess the process existing within the union. Trade unions can also approach civil society organizations (CSOs) and donors for funding opportunities.
- Unions operating within the garment sector should organize and develop communication strategies, including building a public presence via forums to raise workers' awareness, and approaches for organizing. The survey revealed how little information workers have about their basic rights. To address this, a central recommendation is the display of information via a website on how to access basic worker rights. The information can include but not be limited to employment and retrenchment; worksite closure; social protection; government mechanisms available for workers; trade unions in the FTZ as well as procedures to join the union and contact information; contact numbers of

¹⁷ [SEXUAL HARASSMENT ON PUBLIC BUSES AND TRAINS IN SRI LANKA](#)

important government departments, and information on GBHV and how to prevent it. This information can be shared via QR codes that link to the website and made available in all three languages. The QR codes can be populated within the Katunayake Free Trade Zone.

- The unions operating within the garment sector should also implement and/or utilize union websites and social media pages to educate workers about union initiatives, wins achieved from union struggles and information about worker rights campaigns. In order to facilitate this effort, unions may capacitate their members on digital literacy and social media advocacy.
- Factory floor and rank-and-file female members should be identified and trained on GBVH issues so they are equipped to form factory floor forums and act as intermediaries between the workers and management on issues related to GBVH. These forums can also create awareness of GBVH among members while providing a platform for the workers to raise their GBVH concerns.

Education on worker rights and safety

- The survey found that women workers were reluctant to discuss issues relating to GBVH. Therefore, it is important to create safe spaces for them to open up and discuss GBVH issues without fear. Creating a GBVH forum on the work floor led by women activist groups and/or female union members will increase awareness of these issues and will encourage female workers to disclose abuse. This forum will help identify and discuss violence and harassment issues and address them via collective action.
- The above forum can be used as an approach to unionize garment workers. As the significance of collective power is apparent due to the COVID-19 pandemic and reduction of earning by the workers, and stark violation of labor rights in the garment sector, the garment workers will be more receptive to organizing efforts.

Regulatory or legislative suggestions

- The survey identified that workers' knowledge of their rights and how to access those rights was low. Awareness-raising training sessions should be conducted on basic worker rights and for garment workers. First, these should be conducted to the identified workers who show an interest in unionizing and organizing. These workers can then disseminate the information to the wider network of workers. Information education communication (IEC) materials on these subjects can also be distributed in addition to the awareness training and the suggested website.
- Trade unions should directly approach brands to urge compliance on local labor laws by their suppliers in Sri Lanka and payment of overdue worker salaries, bonuses, allowances and incentives. Trade unions should also improve their own understanding of overall supply chains in the garment and textile industry to achieve this target. The Solidarity Center can provide relevant technical inputs.
- Trade unions should also approach relevant ministries, including the Ministry of Labor, and other regulatory bodies, such as BOI, to advocate for enforcement of labor rights and seek accountability.

The survey aimed to identify the main issues at the workplace faced by garment workers in pre- and post-pandemic contexts. The survey encountered logistical difficulties due to the pandemic and related restrictions, including the inability to monitor surveying processes, which resulted in the collected data being of a diluted form. However, the research was able to identify key issues faced by the factory workers and the amplification of these issues due to the pandemic. With the violation of local laws and international labor standards, the necessity of workers organizing themselves for the protection of their rights was observed. Therefore, it is imperative to support the organizing and awareness-raising of garment factory workers in coalition with trade union partners to address the identified issues based on the research findings and recommendations.

Solidarity Center mission

Empowering workers to raise their voice, for dignity on the job, justice in their communities and greater equality in the global economy.

Solidarity Center vision

At the Solidarity Center, we believe that all people who work should receive the rewards of their work—decent paychecks and benefits, safe jobs, respect and fair treatment.

We believe that economic and social injustice around the world are neither intractable problems nor acceptable byproducts of a global economy where some can win at the expense of many.

Rather, we believe working women and men can collectively improve their wages and workplaces, call on their governments to uphold laws and protect human rights, and be a force for democracy, shared propensity and inclusive economic development.

Solidarity Center background

The Solidarity Center is a non-profit organization aligned with the AFL-CIO (American Federation of Labor and Congress of Industrial Organizations, the largest federation

of unions in the United States). The Solidarity Center stands with workers as they defend their right to freedom of association, supporting them as they organize, advocate and build worker voice. Our nearly 300 professional staff work in about 60 countries with 400-plus labor unions, pro-worker nongovernmental organizations, legal-aid groups, human rights defenders, women's associations, advocacy coalitions and others to support workers—in garment factories, home service, seafood processing, mining, agriculture, informal marketplaces, manufacturing, the public sector and beyond—as they exercise their rights, including organizing for safer work sites, demanding living wages and improving laws (and the enforcement of existing laws) that protect working people, and fighting exploitation and abuse.

Specifically, we:

1. Provide training and technical expertise that can help workers take on societal ills such as child labor, human trafficking, unfair labor laws, infringement of women's rights, dangerous workplaces and the exploitation of the vulnerable.
2. Assist unions trying to strengthen internal structures, including achievement of gender parity.
3. Work with women as they challenge the systems and organizations that deny them voice.
4. Conduct health and safety training for factory and other workers, and support networks of workers injured on the job.
5. Implement legal assistance programs, including training paralegals, to help workers recover stolen wages or benefits illegally denied them.
6. Connect migrant workers to protective networks, decreasing their vulnerability.
7. Link workers and their unions with others sharing similar struggles and experiences.
8. Boost advocacy efforts so that campaigns resonate beyond borders.
9. Stand in solidarity with social-change activists around the world as we strive to build a global network of worker rights defenders.

Contact Solidarity Center

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Twitter	https://twitter.com/SolidarityCntr

Annex 1

Key Findings

Labor law violations and decent work conditions

The survey identified the gamut of working conditions of different types of workers and key areas of labor right violations that had occurred in the factories. These violations have led to a decline in the decent work conditions within the garment factories. The below section provides a comprehensive view of the working conditions of the garment sector workers in Sri Lanka.

Permanent workers

More than two-thirds (69.93 percent) of permanent workers reported having an employment contract; five worked without a contract.¹⁸ Two of these workers were from Central Province; one from Katunayake FTZ; another from a “small factory in the region,” and the last did not name the factory.

¹⁸ 26.57 percent did not respond.

The majority of respondents (76.2 percent) reported receiving salary slips. Of the four workers who said they do not receive salary slips,¹⁹ two were from Central Province; one from Katunayake FTZ; and the last from a “small factory in the region.”

Nearly two-thirds (61.54 percent) of workers said they receive Employees Provident Fund/Employees’ Trust Fund (EPF/ETF) benefits and slips, although a worker from N.L.M Factory (Central Province) reported receiving the EPF/ETF benefits and slips only twice. Less than one-tenth of workers (7.69 percent) did not receive EPF/ETF benefits and slips. They worked at Katunayake FTZ, (six workers); Katunayake FTZ, (two workers), one worker, Katunayake FTZ (one worker) and Northern Province, (one worker). Among their comments, one worker had “no idea” the forms existed. Another said the benefits appear on a salary sheet, but employees have not received the forms for two years.

Manpower workers

Of the respondents, five were manpower workers. They were asked whether they have a contract with the manpower agency and the benefits they receive to determine the employment conditions. Only one worker had a contract with the agency.

Unionization of workers

Most (142 out of 144 respondents) answered questions about unionization. The majority (93.75 percent) were non-unionized; only 3.47 percent were unionized, while 2.78 percent of responses were “non-applicable.” When asked about reasons for not being unionized, respondents mentioned several factors: lack of knowledge about unions (31 responses, including one person who said she was new to the company); no sense of need to join a union (27 responses); lack of unions in the factory (42 responses); fear of reprisals (nine responses including, “If we open a union, it might cause problems in our workplace.”); the existence of limited participation worker forums (five responses including, “The factory has a team called Joint Apparel Association Forum Sri Lanka -JAAFSL. They will take care of everyone's

¹⁹ 21 percent did not respond.

problem so there is no possibility of the unions coming together.”); and one response citing family pressure.

Work hours and overtime

26 workers prior to the COVID-19 lockdown and 42 after the lockdown reported working more than the regular eight hours per workday without overtime pay, sometimes tallying up to 12 hours. This situation has worsened after the pandemic (See Figure 4). According to the Shop and Office Employees (Regulation and Employment and Remuneration) Act No.19 of 1954 (SOEA) of Sri Lanka, the common time period for employment (without rest and meal breaks) is eight hours per day and 45 hours per week. Overtime hours are confined to 12 hours per week.

Figure 3: Working Hours Without Overtime Pay Prior to COVID-19 Lockdown

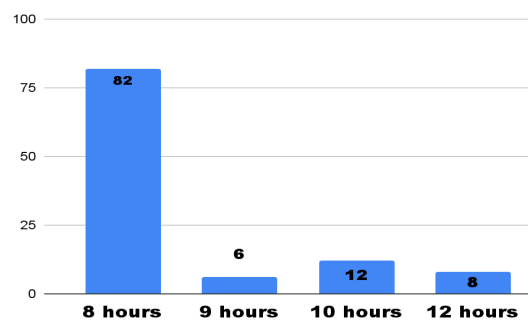
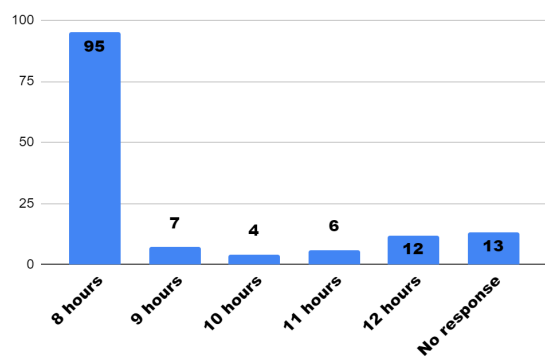


Figure 4: Working Hours Without Overtime Pay After COVID-19 Lockdown



Regarding monthly income without overtime pay, out of 141 responses, 88 respondents reported earning LKR 2,862,500 (\$24.25) while 44 received a basic salary of LKR 546,900 (\$4,634). The total lower aggregate average (3,409,400/ 144) of monthly basic salary of a worker is LKR 23,676 (40 hours +12 hours OT - {Attendance bonus + COVID19 effect reduction and other allowances}. After the COVID-19 lockdown, 42.3 percent of respondents said their income increased, 40.8 percent

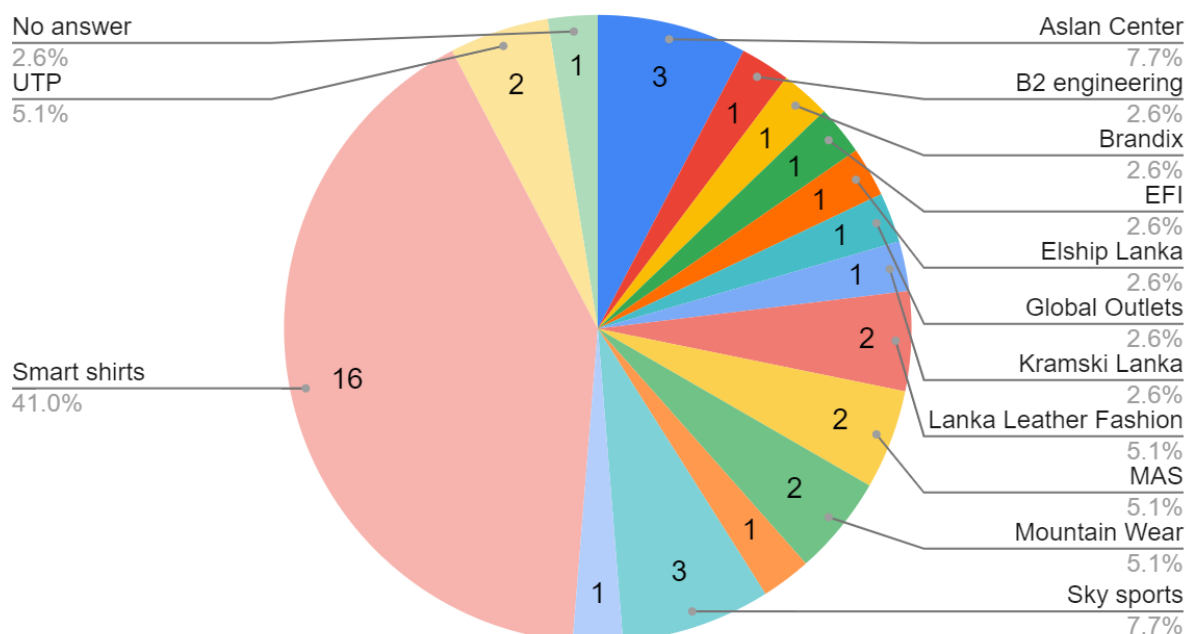
said their income decreased, and 16.9 percent said there were no changes to their income. As reasons for decreased income, 14 respondents specifically mentioned COVID-19 as the reason while other responses consisted of reduction of orders/production due to the pandemic, which brought reductions in allowances (attendance benefits, incentives), overtime earnings and bonuses. Nearly half (42.7 percent) of respondents said that overtime was compulsory before COVID-19 while 37.8 percent said it was not. About one-fifth of workers (18.2 percent) said it was sometimes required. In comparison, 50.3 percent of respondents said that overtime was compulsory after COVID-19, while 35.7 percent answered that it was not. Another 12.6 percent of workers said it was sometimes required.

These questions were included to understand the effect of COVID-19 on overtime hours and workers' knowledge of labor law and the conditions under which they are employed. Based on the responses, it can be concluded that working conditions after the pandemic had worsened as there was a 7.6 percent (comparison between Figures 3 and 4) of workers who believed overtime was compulsory. The majority of respondents were unaware that working overtime is an optional condition of employment.

Timely payment of wages

Six respondents said they did not receive timely wages before COVID-19. During the pandemic and lockdown period, 27.5 percent (39 respondents) reported late wages (Figure 5, below).

Figure 5: Workers Who Did Not Receive Basic Wages During the Lockdown



For the follow-up question on the reason given by the employer for non-payment of wages, 13 responded that they were told it was due to the COVID-19 pandemic; 18 said that it was due to the company having no income, including responses such as: “As the company is running on loss, only half of the salary is being paid as if now,” and “Since it is a small-scale factory, there is no salary due to lack of products.” According to the tripartite agreement reached in May 2020 with the Employers’ Federation of Ceylon (EFC), the trade unions, including IndustriALL Sri Lankan affiliates, and the Ministry of Skills Development, Employment and Labour Relations, workers would be paid 50 percent of their basic wages or LKR 14,500 (\$77), whichever is highest.²⁰ The employers, however, have continued this arrangement well into the second quarter of 2021.

Some respondents (8.3 percent) reported that their wages had been withheld or deducted unreasonably. 4.2 percent reported that their wages had sometimes been withheld or deducted unreasonably.

Regarding 24/7 on-call requirements, more than a third of respondents (36.4 percent) said they were required to be on call to attend work 24/7, and 15.7 percent

²⁰ [Scheme to compensate affected workers extended | Times Online - Daily Online Edition of The Sunday Times Sri Lanka](#)

were sometimes required. As to the reasons for this, 25 responses cited a higher number of orders and lack of workers; eight respondents said it was mandatory to work on Monday to Saturday; and one said, “If we don't work for seven days, we don't get paid” (ATG factory). One worker said, “We have to do overtime work because the salary is low.” Another explained it was the “nature of work.”

Workload

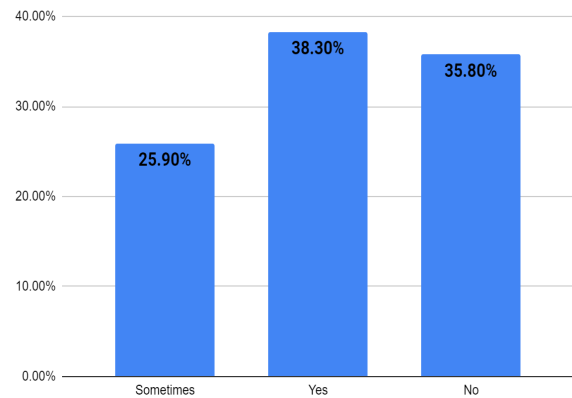
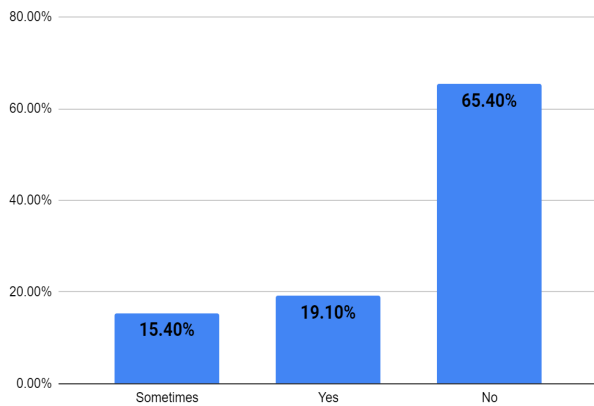
When responding about their workload *prior* to COVID-19, about one-fifth (19.1 percent) of workers said their workload was excessive, and 15.4 percent of workers said that sometimes their workload was excessive. Respondents who reported an excessive workload cited high orders (14 respondents), improvement in the global economy (one respondent), labor shortages (two respondents), upcoming holidays (one respondent); one respondent said an excessive workload was the usual. Respondents who reported sometimes having an excessive workload cited increased orders (two respondents).

When responding about their workload *after* COVID-19, more than a third (38.3 percent) of respondents said their workload was excessive and 25.9 percent of workers said that sometimes their workload was too much to handle. Compared with before the pandemic, excessive workloads increased by 24.5 percent. Respondents who reported excessive workload cited the increase in production orders after the pandemic²¹ (nine respondents), labor shortages due to retrenchment (14 respondents), and workers having to quarantine or take sick leave, which led to shortage of workers (four respondents).

Figure 6: Workload Prior to COVID-19
Lockdown

Figure 7: Workload After COVID-19
Lockdown

²¹ Contrarily, many news stories reported a reduction in orders.



Nearly two-thirds (62.4 percent) of respondents said they had to take over shifts or working hours of colleagues due to: lack of staff (23 respondents), nature of work (two respondents), assisting others when the workload was excessive (three respondents), when leave/change of shift was required (one respondent), and, *“When the line leader tells you to work elsewhere you have to do the work of others”* (one respondent). Respondents who answered as sometimes having to take over others’ shifts (12.8 percent) gave reasons such as an occasional lack of workers (8 respondents), incomplete work quota, the respondents have to assist other employees to complete the order even when their workload was complete (4 respondents), and the *“nature of work”* (one respondent).

Breaks and intervals

The respondents were asked about whether they had adequate breaks and intervals (for meals, restroom use, etc.) during working hours. The majority (93.8 percent) reported getting adequate breaks. According to the respondents, they had a total one-hour break every day, which included two 15-minute tea breaks and a half-hour lunch break. According to the Sri Lankan Shop and Office Employment Act, one hour is the maximum a worker may have for a break per eight-hour workday (calculated as a half-hour break for every four hours of work.)²²

Leave entitlement

²² Worker-respondents may not have a clear idea about working hours and compensation for working overtime hours.

The respondents were asked whether they had the option to request and obtain leave as and when they require it. Two-thirds of respondents (67.6 percent) said they are able to take leave, 10.6 percent were unable to take leave as they wanted, 21.2 percent said sometimes they are allowed to take leave as they need. The responses to the question, “Can you take leave if you want to?” aimed to discover whether the workers were aware they were entitled to leave. The 10.6 percent of workers who said they were unable to take leave emphasizes a lack of awareness about the right to take leave, based on the country’s labor law.²³ When asked whether they had the option to request and obtain paid sick leave if they became unwell prior to the pandemic, 14 percent of workers said they did not have the option while 9.8 percent said they only sometimes had the option.

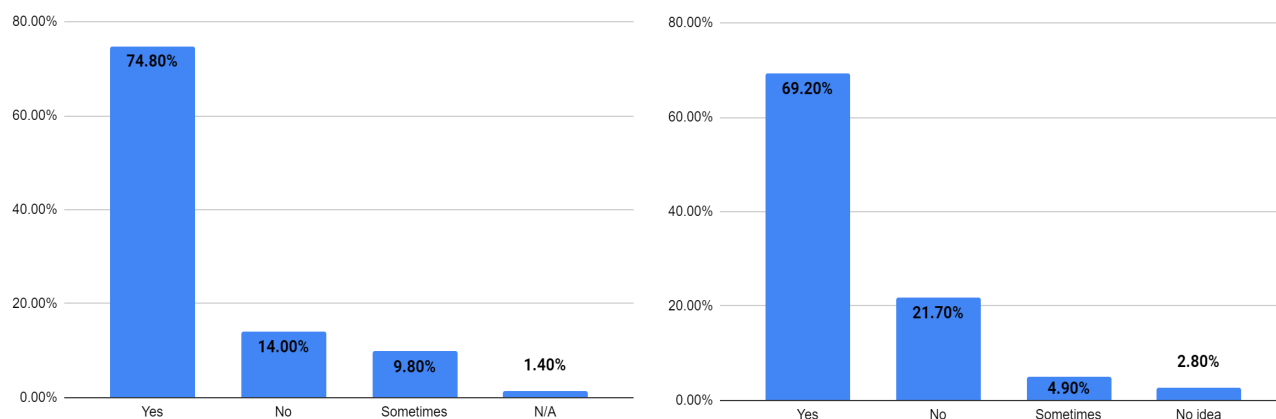
When asked about their option to request and obtain paid sick leave *after* the pandemic, 21.7 percent said they cannot take leave even if they are unwell and 4.9 percent said only sometimes are they given that option. Meanwhile, 4.2 percent did not know whether they have the option to take leave if they were unwell.²⁴

Figure 8: Sick Leave Before COVID-19

Figure 9: Sick Leave After COVID-19

²³ An employee is entitled to take annual leave when the next calendar year starts. The duration of that first annual leave period is determined according to the date/month in which the employment commenced. From the second year onward, an employee is entitled to 14 days of paid annual leave, after completion of 12 months of continuous service.

²⁴ According to the Lankan labor law, a person who has completed a year of continuous service in the public or private sector is entitled to avail sick leave of no more than seven days with full remuneration. Similarly, a trainee worker in the private sector is entitled to sick leave on the grounds of ill-health for a period not exceeding seven days with full payment of allowances available to him/her. In all cases, sick leave applications must be supported by a medical certificate issued by a registered medical practitioner.



Resignation

A little more than a third (36 percent) of respondents said they did not have the option to resign from work at any time with due wages and benefits, while 14.7 percent said they only sometimes have that option.²⁵

Workplace health and safety

Regarding occupational health and safety at the workplace, 3.5 percent of respondents said their company did not provide a safe working environment, and 10.6 percent reported that their company only sometimes provided a safe working environment. Similarly, 3.5 percent of the respondents reported not receiving proper safety equipment while 7 percent reported only sometimes getting this equipment. As for safety training, 6.4 percent and 7.1 percent of respondents said they had received either no training or training sometimes, respectively.

One-tenth (4.3 percent and 6.5 percent, respectively) said their factories either did not or only occasionally maintained safe work processes and routines, including schedules, production demands and reporting.

²⁵ According to the existing labor law of the country, termination of an employment contract is allowed only under three circumstances: with written approval of the Commissioner of Labor, with employee's consent, and where there is an acceptable cause for termination. However, in contract employment, it is common for either party to terminate with one month's notice.

Regarding working in dangerous conditions (physically dangerous, dirty and demeaning, or 3D), 3.5 percent of respondents reported having to work in 3D conditions and 3.5 percent said they sometimes had to work in 3D conditions. One respondent who responded in the affirmative said the factory had *“no structure for the security procedures.”* Another respondent who responded “sometimes” said work areas and the factory floor were not cleaned adequately, nor were washrooms.

Nearly one-third of workers said they had to use or sometimes used equipment or substances that could cause injuries or harm when working; (23.6 percent and 13.2 percent, respectively).

Workplace health and safety in a COVID-19 context

When asked about maintaining health and safety practices related to preventing the spread of COVID-19 in their regular workspace and routine, 90.3 percent of workers said they were able to maintain such practices, while 9.7 percent reported being unable to practice health guidelines, for reasons that included: close proximity of machines (six respondents) and the sharing of tools by workers (one respondent).

The majority of workers (87.4 percent) said they received safety equipment (gloves and equipment guards) to do their job and protective equipment against COVID-19 (masks and hand sanitizer). The remainder of respondents either were provided no equipment (7.7 percent) or received it only sometimes (4.9 percent).

When asked about the processes or workplace rules that factories implemented or changed in response to COVID-19, workers reported social distancing, hand washing and sanitizing, temperature checks, not eating together as groups, prior information regarding illness and sick leave requests, and restrictions on mingling. The comments included: *“We can go to the factory only after registering all the places we visited each week, through the link provided by the factory.”*

Two employees in the Smart Shirt factory said that sanitizer fluid was not filled regularly and precautionary methods were broadcasted twice a day.

Harassment and discrimination

The survey also aimed to identify harassment and discrimination based on ethnicity, gender and disability in the free trade zones.

A minority—5 percent—of respondents said they had experienced harassment due to their ethnicity. One respondent said, *"We should also have the freedom to celebrate Sinhalese New Year."*

The respondents were asked whether they had faced gender-based violence and harassment (GBVH) at work. Only 1.4 percent responded in the affirmative. The respondents who said yes shared context: *"If we don't achieve our targets, they scold us using unwanted words," and, "In my previous factory, they make fun of girls."* The respondents also made comments such as, *"We don't have such problems in our factories but other places have these issues,"* and, *"Our factories don't have problems like this"*. They said perpetrators included sewing machine mechanics, a security guard and a supervisor.

Two workers said they had been harassed due to a disability. One who had breathing difficulties and purchased a special mask was pressured not to use the mask. Another worker without an eye was called a derogatory term because of it.

Based on the responses, none of the respondents had been harassed due to their religious beliefs.

Factory worker opinions

The factory workers were asked about their family situation and living conditions to identify the workers' perceptions on their quality of life.

The majority (70.7 percent) of respondents had dependents in their family, with an average of 2.2 dependents per worker. Based on the aggregate of total monthly income of LKR 26,676,²⁶ the workers were earning LKR 12,166 (\$61.33) per capita.

According to 63.6 percent of workers, their hostel/boarding houses were overcrowded. While most (76.6 percent) of respondents thought their housing was suitable for living, 11.7 percent found it unsuitable.

Workers were also asked about their perceptions of privacy in their living arrangements. One-quarter (24.4 percent) reported feeling that their housing lacked privacy.

Most workers (82.3 percent) said they had not considered resigning. Of the 17 percent who had, they cited the following reasons: work pressure (31.8 percent), low salary (27.3 percent), family issues (13.6 percent), night shift work (9.1 percent), lack of privileges and/or appreciation (9.1 percent), harassment (4.5 percent), and difficulty to take leave (4.5 percent). The person who cited harassment as the reason for requesting to resign related the experience as, *"The team leader will scold when the target goes unfinished. I was thinking of quitting my job at that time."*

The survey also aimed to identify the respondent's knowledge of labor rights and common local labor laws such as the Factories Ordinance 1942, Shop and Office Act, EPF Act 1958, ETF Act 1980. Only 29.1 percent of workers were aware of their labor rights.

Finally, survey respondents were given the opportunity to highlight any issues they had with their jobs. Among the problems they identified were: long-distance travel to work/travelling to work (four respondents), lack of worker rights knowledge (four respondents), requirements for shift procedure (three respondents), reduction of incentives/perks (two respondents), lack of cleanliness of work premises (two respondents), food provided without safety (two respondents), work pressure (two respondents), desire to have a higher salary (two respondents), unfair reduction of

²⁶ The total lower aggregate average (3,409,400/ 144) of monthly basic salary of a worker is LKR 23,676 (40 hours +12 hours overtime - {Attendance bonus + COVID19 effect reduction and other allowances})

wages (one respondent), requirement to organise (one respondent), desire for proper training (one respondent), desire for fewer work hours (one respondent), desire for better COVID-19 protection (one respondent), desire for day care center for children (one respondent), arrears in wages during lockdown (one respondent), termination of workers without consent (one respondent), verbal harassment (one respondent), lack of company-supplied face masks (one respondent) and non-permanent work status (one respondent). Further comments included the following:

“Reducing working hours would be nice. It will be past 8 o'clock when the work is completed and we go home. A lot of people come from faraway places.”

“Many workers at our factory were identified as having COVID-19 but no precautions have been taken. They are asking all the workers to come as usual to work.”

“Due to love affairs or marriage, employees have to leave the company.”

“There is only a 20-minute break to take lunch.”

“In Katunayake FTZ we are facing many problems, but we are afraid to speak about it openly.”

When asked about possible solutions to the issues the respondents commented as follows:

“The authorities should visit the company inside to take necessary decisions.”

“We have informed our human resource manager but still no response.”

“Equal treatment for everyone.”

“Work together with understanding.”

“Provide a grace time period for the month without cutting full hours.”

“Everyone should be treated equally.”

“Management should have an understanding about the people who work in the company.”

“Do not cut leaves when there is a time delay to work.”

“Repairing the canteen so that animals won't come in.”

“Informing the management.”

Annex II

Survey questionnaire

Study to discover workplace issues in the garment sector of Sri Lanka

Questionnaire

The results of this study will be used to identify main workplace issues faced by garment factory workers in Sri Lanka. The findings of the results will be used to identify training needs and provide relevant technical inputs and support to workers and trade unions to address workplace issues.

✓ *Your responses will be confidential.*

✓ *Your participation in this research study is voluntary.*

Interview number:

Interviewer name:

Interview date and time:

- i. Name (optional):
- ii. Gender: M F
- iii. Age
- iv. Factory name:
- v. Factory location:
- vi. Work Status

-
- ☐ Man power worker
 - Do they have a contract with the manpower agency?
 - What are the benefits they receive?

- ☐ Permanent worker
- Do you have a contract?
- Type of contract: verbal written?
- Do you get salary slips?
- EPF/ETF benefits and slips

vii. Type of work

- o Machine operator
- o Cutter
- o Sewing
- o Supervisor
- o Manager
- o Other (specify)

viii. What are the brands supplied by the factory?

ix. Are you a member of a union?

Yes No

If yes,

- a. How long have you been a union member?
- b. What do you think your union can do to support you?

If no,

- a. What are the reasons for not being a member of a union?

Labor law violations & decent work conditions

1. Before the COVID19 lockdown, how many hours did you work in a day without Over Time (OT)?

2. After COVID19 lockdown, how many hours do you work without OT?

3. How much do you earn per month (with OT)?

4. After COVID19 lockdown, has your income increased or decreased?

Increased

Decreased

If decreased, reason?

5. Was doing overtime compulsory before COVID19?

Yes

No

Sometimes

N/A

6. Do you have to do overtime after COVID19?

Yes

No

Sometimes

N/A

7. Did you receive timely wages before COVID19?

Yes

No

Sometimes

N/A

8. Were you paid your monthly basic salary during the COVID19 lockdown period?

Yes

No

N/A

If no, what was the reason given by the employer for not paying your wages?

9. Are your wages withheld/ deducted unreasonably?

Yes

No

Sometimes

If yes, under what circumstances are they withheld/ deducted unreasonably?

10. Do you have to be ready to go to work if needed every day of the week (24/7)?

Yes No Sometimes

If yes, why do you have to be on call for 24/7?

11. Was your target too much to handle before COVID19 lockdown?

Yes No Sometimes N/A

12. Has your target too much to handle after COVID19 lockdown?

Yes No N/A

If yes, what is the reason?

13. Do you get adequate breaks and intervals (for meals, use the restroom etc) during the working hours?

Yes No

14. Can you take leave if you want to?

Yes No Sometimes

15. Were you allowed to take paid sick leave before COVID19 if you are sick (fever, cold, operations)?

Yes No Sometimes N/A

16. Are you allowed to take paid sick leave after COVID19 if you are sick?

Yes No Sometimes N/A

17. Do you have to take over shifts/working hours of colleagues?

Yes No Sometimes

If yes/sometimes, what is the reason?

18. Are you able to resign from work at any time with due wages and benefits?

Yes No No idea

Workplace health and safety

19. Does the factory provide

1) A safe working environment?

Yes No Sometimes

2) Adequately provides proper equipment (in the factory and personal protective equipment)?

Yes No Sometimes

3) Training?

Yes No Sometimes

4) Maintains safe work processes and routines (including schedules, production demands, and reporting)?

Yes No Sometimes

20. Do you have to work in dangerous conditions (physically dangerous, dirty, and demeaning)?

Yes No Sometimes

If yes/ Sometimes, explain.

21. Do you have to use equipment or substances which may cause injuries or harm when you work?

Yes No Sometimes

22. Are you able to maintain social distancing and other safety measures to prevent the spread of COVID19 at your current regular work space/routine?

Yes

No

If no, please explain why you are not able to do so?

23. Are you provided proper health safety equipment to do the job (gloves and equipment guards) and protective equipment against COVID19 (for example masks and hand sanitizer)?

Yes

No

Sometimes

24. What processes or workplace rules the factories specifically increased or changed in response to COVID?

25. Do you have dependents in your family?

Yes

No

If yes, how many dependents?

26. Is your hostel/boarding house overcrowded?

Yes

No

Sometimes

N/A

27. Do you think your hostel/boarding house is suitable for living?

For instance, is there adequate water, washrooms, and space in our hostel/boarding house?

Yes

No

N/A

28. Does your hostel/boarding house have adequate privacy?

Yes

No

Harassment and discrimination

Harassment - involves visual, verbal, or physical actions such as epithets; slurs; negative stereotyping; or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, or disability (including jokes or pranks that are hostile or demeaning with regard to race, color, religion, gender, national origin, age, or disability) done to an individual or his/her surroundings.

Discrimination - based around the concept of unequal treatment and surrounds issues of opportunity such as hiring, firing, advancement and training opportunities, and the level of wages and benefits.

29. How would you describe your ethnicity?

30. Have you been harassed due to your ethnicity? (for instance, were you scolded because you can't speak Sinhala? / not given a holiday to celebrate Ramadan/Deepawali/ Christmas?)

Yes

No

If yes, provide an example of a situation.

31. Has anyone at work harassed (i.e. expressed or implied demands or threats for sexual favors in exchange for some benefit (e.g., a promotion, pay increase) or to avoid some detriment (e.g., termination, demotion, punishment) in the workplace) you due to your gender, making you feel uncomfortable or unsafe?

For instance :

- 1) the sewing machine mechanic refused to repair your sewing machine unless you gave him your personal contact number/address
- 2) you were told they you would get a pay raise or a better work assignment if you started an affair with the line supervisor
- 3) verbal comments made about appearance or body shape,
- 4) any inappropriate touching of the body (breasts, arms, shoulders, face).

Yes

No

If yes, please describe what happened (optional):

Annex III

Further comments from respondents who indicated that they had wages withheld or deducted unreasonably include (question 9 - Appendix I):

"The factory was going to close down so until that they didn't give any salary, lastly gave a small amount as our salary", (Smart Shirt)

"Under COVID 19" and "Because of the pandemic" (Smart Shirt)

"As a permanent worker, they promised to increase the salary within 6 months" (Smart Shirt)

"Since I am not a permanent worker, the arrears remaining for the COVID period will be paid after COVID" (Smart Shirt)

"

"Company makes losses, no income" (Win Way Lanka)

"Shush Lanka cut incentives as company has no income" (Win Way Lanka)

"For the ETF" (Win Way Lanka)

"As a permanent worker, they promised to increase the salary within 6 months" (Win Way Lanka)

"The government mandated LKR 14000 have not been paid. Only 10000 - 12000 has been paid" (Win Way Lanka)