



Governing Body

348th Session, Geneva, 17 June 2023

Institutional Section

INS

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Sixth item on the agenda

Reports of the Officers of the Governing Body

Fourth report: Representation alleging non-observance by Sri Lanka of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

1. By communications dated 3 November 2022 and 15 March 2023, the Free Trade Zones & General Services Employees' Union (FTZ & GSEU), the Ceylon Estates Staffs' Union (CESU), the United Federation of Labour, the Sri Lanka National Union of Seafarers, the Lanka Jathika Estate Workers' Union, the Ceylon Bank Employees' Union (CBEU), the Ceylon Federation of Trade Unions, the Sri Lanka Nidahas Sewaka Sangamaya, the Inter-Company Employees Union (ICEU) and the Ceylon Mercantile Industrial & General Workers Union (CMU) made a representation under article 24 of the ILO Constitution alleging non-observance by the Government of Sri Lanka of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). A summary of the representation is contained in the appendix.
2. On 30 May 2023, the Government submitted its observations on the representation, where it expressed its willingness to engage in a national-level consultation and resolve matters through dialogue. On 31 May 2023, the complainant organizations sent additional information, where they agreed to engage in a national conciliation process with the assistance of the ILO.
3. In accordance with article 1 of the Standing Orders concerning the procedure for the examination of representations, as revised by the Governing Body at its 291st Session (November 2004), the Director-General acknowledged receipt of the representation and informed the Government of Sri Lanka accordingly.
4. Pursuant to article 2(1) of the Standing Orders, the Director-General brought the representation before the Officers of the Governing Body, who, according to paragraph 3 of

the same article, shall report to the Governing Body on the receivability of the representation. Article 2(2) lays down the conditions for the receivability of a representation. In the light of these conditions, the following observations can be made in the present case:

- (a) the representation was communicated to the International Labour Office in writing;
- (b) it emanates from an industrial association of workers;
- (c) it makes specific reference to article 24 of the ILO Constitution;
- (d) it concerns a Member of the Organization;
- (e) it refers to a Convention to which the Member against which the representation is made is a party;¹
- (f) it indicates in what respect it is alleged that the Member against which it is made has failed to secure the effective observance within its jurisdiction of the said Convention.

5. Taking into account the above conditions, the Officers of the Governing Body consider that the representation is receivable in terms of article 2(2) of the Standing Orders. According to article 2(4) of the Standing Orders, the Governing Body, in reaching a decision on the receivability of the representation, on the basis of the report of its Officers, shall not enter into discussion of the substance of the representation. In accordance with article 3(1) of the Standing Orders, if the Governing Body decides that the representation is admissible, it shall set up a tripartite committee to examine it, composed of members of the Governing Body chosen in equal numbers from the Government, Employers' and Workers' groups.

► Draft decision

6. **In the light of the information contained in document GB.348/INS/6/4, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.**

¹ Sri Lanka ratified Convention No. 144 in 1994.

► Appendix

Summary of the representation

In its communications dated 3 November 2022 and 15 March 2023, the Free Trade Zones & General Services Employees' Union (FTZ & GSEU), the Ceylon Estates Staffs' Union (CESU), the United Federation of Labour, the Sri Lanka National Union of Seafarers, the Lanka Jathika Estate Workers' Union, the Ceylon Bank Employees' Union (CBEU), the Ceylon Federation of Trade Unions, the Sri Lanka Nidahas Sewaka Sangamaya, the Inter-Company Employees Union (ICEU) and the Ceylon Mercantile Industrial & General Workers Union (CMU) submitted a representation under article 24 of the ILO Constitution alleging non-observance by Sri Lanka of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The workers' organizations are members of the National Labour Advisory Council (NLAC). They allege that the NLAC Constitution was unilaterally amended by the Government, modifying the eligibility criteria for trade unions which had been established by tripartite agreement. They further argue that the new criteria appears to apply only to trade unions, but not to employers' organizations. Accordingly, the workers' organizations argue that the purpose of the new criteria is to eliminate certain unions. They also allege that the Government is arbitrarily refusing to accept the registration documents submitted by the FTZ & GSEU, thereby holding up the renewal of its registration. The workers' organizations stress that meetings of the NLAC are sporadic, despite the fact that the NLAC Constitution provides for monthly meetings.