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A Critical Assessment of Employees' Awareness of Labor laws on Strike Actions in Trade Union Involvements: A case of Non-academic staff in University of Peradeniya, Sri Lanka

Dilini Rathnayake

Lecturer, Department of Management Studies, University of Peradeniya

Thushara Kamalrathne

Lecturer, Department of Sociology, University of Peradeniya

Introduction

In current labor relations scenario, trade unions play an influential role in bureaucratic organizations around the world. Therefore trade union movements have become a common and significant feature in employment relations in every society. However, recently trade union members assent to take trade union actions regarding their employment relations, rights and demand than earlier. Thus, it is essential to examine employees' awareness of labor laws at different organizational and societal levels. Further studying labor relationships and trade union movements have become an identical pedagogy among social scientists and the other social researchers.

No 14 of 1935 Trade Union Ordinance defines trade union as an association or combination of workmen or employees whether temporary or permanent. In early history unionization of labor was prohibited by law. In that period governments were not considered about conditions of labor and employers were against to employees. According to Weerasooriya (2010) in 1820's employees suppression gave rise to unionization in England context and then expanded. After formation of British Labor Party in 1889 by the British Trade Union Congress labor became a politically effective and significant tool and force in England. There after labor gained political importance in the country and diffused that ideology to the other regions. It has been generally viewed that the first person to bring out the concept of trade unions in Sri-Lanka was A.E.Bultigens. When he was studying abroad, he has been influenced by work of Fabian Society

and Social Democratic Federation. After he returned to Sri-Lanka, he wrote an article to a monthly journal called “Independent Catholic” in 1893. Through this article he affirmed the significance of establishing trade unions. Here he necessarily emphasize the printing industry workers who’s wages were very low. After 3 months period H.V.Cave company, large printing firm stopped their work due to delay payment of wages to the employees (Gamage and Hewagamage, 2012). Sri-Lanka’s first trade union was established in September 1893. It was formed by printers in Colombo and was called as Ceylon Printers Society-crucially this is due to the fact that, printers have been among the originators in the field of trade union in other countries as well (Sarvaloganayagam, year not mentioned) Ceylon Printers Society was the first trade union in South Asian region also. After this trade unionism, strikes were considered as a general feature of working class and some middle class labor movements (Gamage and Hewagamage, 2012).

Research Problem and Objective of the Research

There are several measures and criteria to understand the intensity of trade union activism. Participating in strike actions is one of them and this research has been narrowed to understand that particular action specifically among other trade union activities. Hence the research problem formulated to guide the research empirically is ‘Do trade union members have a substantial level of awareness on labor laws-with respected to strike actions in the trade union activism’. Main objective of this study is to assess the employees’ awareness of labor laws -with respected to strike actions in their current and past trade union activities launched by their trade unions.

Research Methodology

Mix method approach used as the research design including survey questionnaire and variety of qualitative methods. A well equipped survey questionnaire was administrated to collect quantitative data from the study sample. Focus group discussions and in-depth interviews were used to gather qualitative data with the relevance.

This study was conducted in the University of Peradeniya which was founded in 1942 and Peradeniya is the biggest residential state university among 16 other state universities in Sri Lanka. There are about 2,973 non-academic staff members in this university and they are the study population of this research. Research sample consists of 65 non academic employees owing to different departments, units with different professional scales. Simple random sampling method was used to pick the respondents for the study and each respondent was selected upon an employee list which is maintained by the officials of the institution. Field data collection was taken three weeks duration in the university and survey questionnaires were distributed individually.

Trade Union Activism and Labor Laws on Strike Actions in the Sri Lankan Context

Different scholars define trade unions in different ways. “Trade Unions are a combination of people working together to achieve common objectives. It can be a combination of employees or

employers” (Adikaram, 2012, P214) Opatha (2012) defines trade union as systematic organization of employees which established to protect and enhance the wellbeing of its members. Weerasooriya(2010) defines trade union as associations of employees which focuses on collective bargaining to enhance their working conditions and wellbeing. Noe, Hollenbeck and Gerhart(2006) states that trade unions try to gain formal and independent voice in establishing terms and conditions of employment through collective actions. According to Wickramasinghe(2001) defines trade unions as an association or collection of workmen or employers. It may be permanent or temporary. Not only that, those trade unions are institutions that stand for employees at work (Gamage and Wijewantha, 2012)

According to Gamage and Hewagamage(2012) history of Sri-Lanka’s trade union dates back to 1800’s. As mentioned in the above the first person to introduce trade unions into Sri-Lanka was A.E.Bultigens. After his higher education in Cambridge University, and wrote an article to a monthly journal called “Independent Catholic” in 1893. Through this article he states the significance of trade unions. This was very much applicable to printing industry who earned very low wages. After that British owned H.W.Cave Company, large printing and book seller in Colombo stuck their work due to delay of their wage payment. Then they established Ceylon Printers Society. Sri-Lanka’s fist trade union was formed by the printers in Colombo and was called as Ceylon printer’s society. This had happened because of in other countries printers have been pioneers in the trade union field (Sarvaloganayagam,y.n.m)

According to Adikaram(2012) employees join trade unions to make collective efforts, for social factors, political affiliations , to exercise leadership, pressure of peers, lack of healthy employee and employer relationship and to reduce favourism and discrimination. Gamage and Hewagamage (2012) union participation means mutual group participation of members in union related activities which are strictly related to effective performance of the union. They have identified that union participation is directly affected by attitudes namely, Union loyalty, Union Instrumentality, “Them” and “Us” Attitude and Work place collectivism. Furthermore they identified that union loyalty and union participation have strong relationship compared with others.

Gamage and Wijewantha (2011) state that, majority of both private and public sector organizations in Sri-Lanka have trade unions in their organizations and majority of employees have some forms of trade union membership. They have identified following reasons for joining trade unions by state owned organizations’ employees.

Table 1: Reasons for Joining Trade Union by State Owned Organization’s Employees

Reasons Mentioned by the Respondent	Number
1. To safeguard against victimization	28
2. To protect and promote workers interests	19

3. To get increase in wages	20
4. Fight for establishing the legitimate rights as member of working class	13
5. Feeling that trade union is essential	18
6. View that trade unions can bring some good to them	7
7. To resolve industrial grievances	9

(Source:Gamage and Wijewantha,2011)

According to this Majority of employees join trade unions to safeguard them against victimization.

The Legislations of Trade Unions in Sri-Lanka

In Sri-Lanka main laws governing the trade unions are the Trade Union Ordinance No 14 of 1935 and its amendments and Industrial Dispute Act No 43 of 1950 and its amendments.

No 14 of 1953 Trade Union Ordinance define Trade union as any association or combination of workmen or employer, whether temporary or permanent having among its objectives one or more of the following.

- The regulations between workmen and employers or between workmen and workmen or between employers and employees.
- The imposing of restrictive conditions on the conduct of any trade or business
- The representation of either workmen or employers in trade disputes
- The promotion or organization of strikes or lockouts in any trade or industry or the provision of pay or other benefits for its members during a strike or lockout

Registration of Trade Union

The Trade union ordinance No 14 of 1935 demands unions to be registered within 3 months from its establishment. Application to be registered must be in prescribed form, signed by at least seven members and must include following details.

- The names, occupation and addresses of the members making the application
- The name of the union and the address of its head office
- The date of the trade union formation and no of members on that date
- The titles, names, ages and occupations of the officers of the union

With this application trade union constitution also should be sent to the registrar. If the registrar is satisfied with the trade union applying for registration and it is followed provisions of

ordinance, registrar will register the union. If application is not comply with the provisions of the ordinance, or its regulations, objects and rules or constitution is not comply with the provisions of the ordinance registrar can refuse the application for the registration. In such case aggrieved party may appeal against the refusal by filling a petition of appeal to The District Court within 30 days of refusal.

When considering about consequences of being unregistered, if there is unregistered trade union, it is considered as an illegal association and discontinues enjoying any of rights, immunities or privileges of trade union. The Trade union, its officers and agents cannot take part in any trade dispute. They cannot promote, organize or finance any strike or lockout. Also trade union will disband and its fund will be disposed. Not only that any person takes part in the management /organization or act on behalf of the union.

The registrar has the authority to cancel or withdraw a certificate of registration. Within two months he has to give written notice to do so.

Unions of public officers

In 1935 private sector employees were identified by trade union ordinance No 14 of 1935. After that in 1948 through an amendment to this ordinance, public sector employees were recognized. In 1970 through an amendment this right was further extended. So there are some kind of differences in the provisions of the ordinance with respect to government sector employees and private sector employees.

Special provisions regarding government sector trade unions

Trade unions ordinance defines public officer as any person in the employment of the government of Sri-Lanka without considering term or duration of the employment.

Private sector employees have no restrictions with respect to various categories of workers and different working places to get membership of the trade union. Government sector unions' membership eligibility is restricted to only different grade officers of one specific department or same grade officers from various government departments. Government sector trade union can have only two outsiders as officers. But private sector trade unions can have up to 50% outsiders as officers. Government sector trade unions of staff officers are not allowed federate, affiliate or amalgamate with any other private or government trade union. Government sector trade unions are not allowed to maintain political funds.

Industrial Dispute Act No 56 of 1999

Industrial Dispute Act (Amendment) No 56 of 1999 has given more rights to trade unions. An employer shall not ask a workman to join or renounce joining any trade union as a condition of his employment, employer shall not require employees to drawback or renounce from withdrawing employees membership of a trade union as a condition of employee's employment. Also employer should not dismiss a workman due to employees' membership in trade union or engaging in trade union activities. Employer is not capable of give any word to an employee for

the purpose of forbidding employee from becoming a member of trade union. Employers are not allowed to prevent employees from configuring a trade union or supporting trade union by financial or other mean. They are not permit to intervene into conduct of the activities of the trade union. Not only that employers should go to bargaining table with trade union which has in its memberships not less than 40% of workmen. Breach of these provisions by an employer is an offence.

According to the ILO Convention No 87(1948) sets the right for workers and employers to establish and join organizations of their own choosing without previous authorization. Workers and employers organization shall organize freely and not be liable to be dissolved or suspended by administrative authority, and they shall have the right to establish and join federations and confederations which may in turn affiliate with international organizations of workers and employers.

The ILO Convention 98(1949) of Right to Organize and Collective Bargaining provides that workers shall enjoy adequate protection against acts of anti-union discrimination, including requirements that a worker not join a union or relinquish trade union membership for employment or dismissal of a worker because of union membership or participation in union activities.

Workers Representative's Convention No 135(1971) emphasizes that workers representatives in an undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal based on their status or activities as a workers representative or on union membership or participation in union activities.

Findings of the Research

Fifty five (55) respondents were participated in this study and 15 questionnaires were not returned. When consider about received questionnaires, respect to respondent's gender, data from the field, point out that, 33(82.5%) of the respondents are male while 7(17.5%) of the respondents were female.

When consider about education level of employees majority of respondents has passed their Advance Level examinations. It is 57.5% (23) from the whole sample. It means, majority of trade union members have passed their tertiary education. It is noted that 20% (8) of employees had successfully reached to the secondary education level, while 15% completed their basic degrees and 7.5% (3) of respondents completed their postgraduate degrees.

Economical status of the respondents highly evaluated in the analysis, because labor motivations and intensity of participation in strike actions are much more depending on the economical gain of employees. Following table shows the salary status of respondents.

Table 2: Salary Level of Trade Union Members

Variable		N	Percentage
Salary Scale	Between Rs:18,000-Rs:24,000	5	12.50%
	Between Rs:25,000-Rs:30,000	4	10%
	Between Rs:31,000-Rs:36,000	5	12.50%
	Between Rs:37,000-Rs:42,000	9	22.50%
	Above Rs:42,000	17	42.50%

Large part of the sample's respondents was getting salary above Rs: 42000. It is 42.5 %(17) and 9(22.5%) respondents were getting salary between Rs: 37,000-Rs: 42,000. 5(12.5%) respondents were getting salary of between Rs: 18,000-24,000 and Rs: 31,000-Rs: 36,000.

Trade union member's attitude on their awareness level of labor legislations with respected to strike actions

Table 3: Respondents Awareness of TUO and IDA

	Frequency	Percentage (%)
Totally Agree	6	15%
Agree	15	37.5%
Neither Agree or Disagree	10	25%
Disagree	7	17.5%
Totally Disagree	2	5%
Total	40	100%

Table 3 describes that 37.5% (15) respondents have sound knowledge on No 14 of 1935, Trade Union Ordinance and No 43 of 1950, Industrial Dispute Act. Not only that, 15 %(6) of trade union members believe that they have excellent knowledge on Trade Union Ordinance and Industrial Dispute Act. However 10(25%) respondents don't have any idea that whether they have knowledge or they don't have knowledge on No 14 of 1935, Trade Union Ordinance and No 43 of 1950, Industrial Dispute Act. However 17.5% (7) respondents have a view that they don't have knowledge on No 14 of 1935, Trade Union Ordinance and No 43 of 1950, Industrial Dispute Act while 5%(2) of trade union members believe that they haven't any knowledge on No 14 of 1935, Trade Union Ordinance and No 43 of 1950, Industrial Dispute Act. When considering this data, only 6 respondents have agreed that they have full knowledge on labor

laws. Here we can identify that trade union has a role to play on enhancing their trade union members labor law awareness respected to strike actions.

Trade union member's attitude on their awareness level of the term "Strike"

Table 4: Respondent Awareness Level of the term "Strike"

	Frequency	Percent (%)
Totally Agree	9	22.5%
Agree	27	67.5%
Neither Agree or Disagree	2	5%
Disagree	2	5%
Total	40	100%

Researchers questioned that whether employees are aware or not aware of the term "strike" providing ordinal questions. Following table shows the responses of respondents where 67% (27) of employees believe that they have sound knowledge on the term "strike". 22.5% (9) of respondents are in a view that they are totally aware of the term "strike". However 5% (2) of employees believe that they are not aware of the term "strike". According to the respondent's response, majority of trade union members have knowledge on what is the meaning of the term "Strike". This data indicate that, majority of respondents are aware of the term "Strike" under Sri-Lankan legislations.

Following table analyses the respondents' awareness of circumstances under which the employees can engage in strike actions. According to the data, provided by the respondents, 23 (57.5%) of respondents from the sample of 40 believe that they have sound knowledge on circumstances under which the employees can engage in strike actions, while 9 (22.5%) respondents completely believe that they have excellent knowledge on circumstances under which the employees can engage in strike actions. However, 5 (12.5%) respondents didn't have any opinion whether they have knowledge or they don't have knowledge of circumstances under which the employees can engage in strike actions. This data reveals that, majority of employees believe that they have sound knowledge on circumstances under which the employees can engage in strike actions.

Trade union member's attitude on their awareness level of circumstances under which the employees can engage in strike actions

Table 5: Awareness of Circumstances under which the Employees Can Engage in Strike Actions

	Frequency	Percentage (%)
Totally Agree	9	22.5%
Agree	23	57.5%
Neither Agree or Disagree	5	12.5%
Disagree	2	5%
Totally disagree	1	2.5%
Total	40	100%

Table 6 describes that 70 % (28) employees have an opinion that they are aware of whom can engage in strike actions while 20 % (8) employees believe that they are fully knowledgeable on who can engage in strike actions. However 3(7.5%) respondents from the sample selected, believe that they haven't knowledge that who can engage in strike actions.

Trade union member's attitude on their awareness level of whom can engage in strike actions

Table 6: Awareness of whom can engage in Strike action

	Frequency	Percentage (%)
Totally Agree	8	20.0%
Agree	28	70.0%
Neither Agree or Disagree	1	2.5%
Totally Disagree	3	7.5%
Total	40	100.0%

According to the respondent's data, 55% (22) of trade union members have a view that they are aware of how to hold a meeting while conducting a strike. It means more than 50% of employees have an opinion that they are aware of how to hold meetings while conducting a strike. 17.5% (7) of employees believe that they are fully knowledgeable on holding meetings while conducting a strike action. 12.5% (5) employees have persuasion that they don't have knowledge on holding meetings while conducting a strike action while 6 (15%) respondents understand themselves as they are not aware or aware of holding meetings while handling a strike action.

Trade union member’s attitude on their awareness level of holding meetings

Table 7: Awareness of Holding Meetings

	Frequency	Percentage
Totally Agree	7	17.5%
Agree	22	55%
Neither Agree or Disagree	6	15%
Totally Disagree	5	12.5%
Total	40	100%

Trade union members’ attitude on their awareness level of holding meetings while conducting a strike

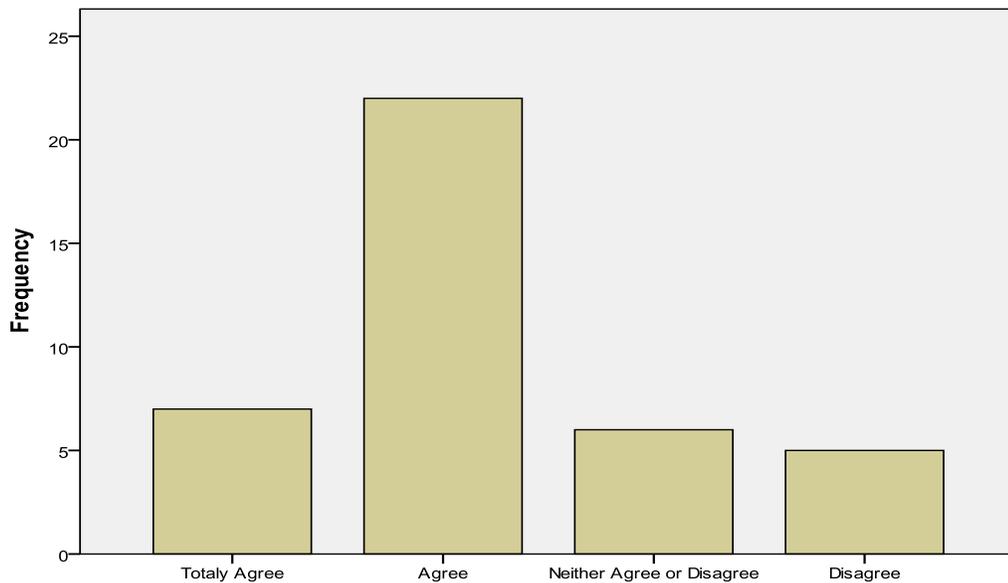


Figure 1: Awareness of Holding Meetings

Trade union member's attitude on their awareness level of employee salary level while doing a strike

Table 8: Awareness of Salary Level of employees while doing a strike

	Frequency	Percentage
Totally Agree	7	17.5%
Agree	25	62.5%
Neither Agree or Disagree	3	7.5%
Disagree	4	10%
Totally disagree	1	2.5%
Total	40	100

More than 62% (25) of trade union members have sentiment that they are aware of salary level of employees while doing a strike. 17.5% (7) of trade union members believe that they are totally aware of salary level of themselves while taking a strike action. However 10 % (4) employees have a view that they are not aware of salary levels of themselves while 2.5 % (1) of employees have an opinion that they are totally unaware of salary level of employees while doing a strike. According to this data, it reveals that majority of employees believe that they have sound knowledge on salary level of employees while doing a strike. More than half of the employees have this perception.

Trade union member's attitude on their awareness level of strike process

Table 9: Awareness of Strike Process

	Frequency	Percentage (%)
Totally Agree	6	15%
Agree	23	57.5%
Neither Agree or Disagree	6	15%
Disagree	5	12.5%
Totally Disagree	0	0%
Total	40	100.0

When considering trade union members awareness of the process of doing a strike 23(57.5%) respondents out of 40 respondents believe that they are aware of the process of doing a strike. 15% (6) of respondents believe that they are fully aware of the process of strike. But another 15% (6) of respondents believe that they are not aware of how to do a strike action while 12.5% (5) of respondents have view that they are totally unaware of the process of conducting a strike action. According to the data, more than 50% trade union members believe that, they are aware of the process of strike action. Not only that data reveals that employees who agree on that they have awareness of strike process is nearly three times greater than employees who totally disagree that they have awareness on strike process. These data can be present as following.

Trade union member’s attitude on their awareness level of strike process

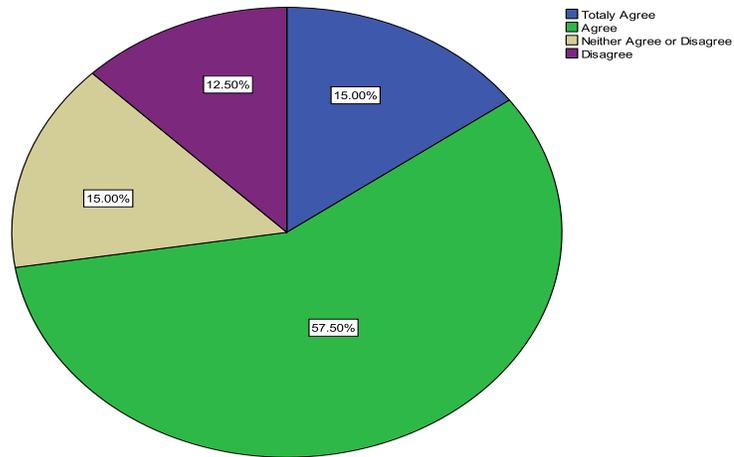


Figure 5: Awareness of Strike Process

Conclusion and Discussion

Sound and healthy employment relationship depends on strong employer and employee affiliations. To maintain this affiliation strong, both employer and employee have to play a significant role in any organization. Knowledge and practice of trade union activities among employee is a strong predictor of smoothness of institutional operations and efficacy in an organization. Perhaps unawareness and negligence of legislatives on trade union activism by both employers and employees badly harms to every functions and operations. Therefore having a sound knowledge on legislations of trade union activities among employees is vital.

Opatha (2012) argues that generally workers are not highly educated people and there are many rules, regulations, laws, theories and practices which related to industrial actions which majority or almost workers are not aware. Similarly Lakmini (y.n.m) also denoted that, in Sri-Lanka there is a low level of education about trade union laws and activities significantly at the foundation

level among the informal sector employees. However this research unveils that, according to employees perception, employees has sound knowledge on labor laws respected to strike actions and other legislations of trade union activism. Further, qualitative research found that even though employees are well educated in terms of labor laws and legislations of trade union activities, negligence of particular laws during trade union activities has taken pace in many occasions.

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